

With God's Help

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Public Institutions and Nonprofit Organizations Department
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26 Shvat 5774
27 January 2014

Attention: Adv. Yehoshua David
Physicians for Human Rights – Israel; Registered Association 580142214

By fax: +97225345385 and email: davidyadv@barak.net.il

Re: Your request to renew the recognition as a public institution
under Section 46 of the Income Tax Ordinance

I have examined your request as referenced above, and found some apparent faults, which prevent me from being able to grant your request. The faults relate to the misalignment between the goals of the association and its activity and the public goals enumerated in Section 9(2) of the Income Tax Ordinance (hereinafter: "the Ordinance") and/or the goals set by the Minister of Finance thereunder (hereinafter: "Public Goals") as well as to a misalignment between the association's activity and its goals.

It should be noted that based on the material you have filed with me before, I found that you have corrected the association's bylaws, but I did not find reference that you have filed the corrected bylaws for inspection by the Public Institutions and Nonprofit Organizations Department of the Tax Authority, as required.

In light of the above, and within the framework of handling your request and examining it, we ask that you provide the following information:

1. An Excel file containing the full information of those receiving aid from the association (form 1217B), including the following specifics about each of the aid recipients: full name, ID number, address, amount of support/aid, nature of support/aid, location where the support is received.
2. Alignment of the content of paragraph 1 with the financial reports.
3. The original bylaws of the association and a detailed account of all the amendments made to them from the association's date of establishment until today, authorized by the Registrar of Associations, specifying the date of each amendment, and presenting references that testify that the changes were presented to the Public Institutions and Nonprofit Organizations Department of the Tax Authority.
4. The amended goals of the association state, among others things: "Our goal is to struggle against the violation of human rights and specifically the right to health, **and against the policy that underpins these violations. We see the occupation itself as a violation of human rights, including the right to health**, for which the State of Israel is responsible, and are of the opinion that **only the end of the occupation will make possible the upholding of human rights.**" The above could be understood to imply that one of the goals of the association is a struggle against government policy that underpins the violation of human rights and the right to health (as you put it), and a struggle to "end the occupation".
 - A. Please specify which "public goal" aligns with this goal.
 - B. A goal of the kind mentioned above appears to violate the content of Section 2.2, subsections vi and vii, in the guidelines for establishing a public goal and a public institution (hereinafter: "the Guidelines") as published in Income Tax Circular 2/2001, as the goal in

question is a matter of deep public dispute, has a political nature, and requires a political struggle to realize, as stated in the circular. Please respond to the above.

- C. If this goal is indeed not a public goal, the institution itself is not “a public institution” as defined in Section 9(2) of the Ordinance, as it does not act solely to promote “the goals of the public affairs.” Please explain this.
5. The goals of the association state that the State of Israel is responsible for the health of the residents of the region and of the Gaza Strip. How, in your opinion does this statement stand in light of the 1994 Paris Agreements between Israel and the PLO, within the framework of which the responsibility for the health of the residents of the region was conveyed to the Palestinian Authority?
6. The association notes in its goals: activity in the regions controlled by Israel.
- A. Which “public goal” aligns with this goal?
- B. Does this goal include activity in the Gaza Strip and/or for the benefit of its residents?
7. The association’s goals state: “*Our struggle includes the objection to the use of health and healthcare as a means for personal and collective oppression, control, and penalization.*”
- A. Please specify which use of health and healthcare as a means of oppression you refer to.
- B. Please specify the manner of struggle against this said phenomenon.
8. According to your publications, the association took part in the struggle against the separation fence in Bil’in. According to media publications, activity at that site included the harming of IDF soldiers and security forces and violations of the laws of the state, including by its very presence on that location (see Section 2.2 subsections iii, iv, v, and vi of the Guidelines. Please respond to this.
9. In an official publication by the association, its president said: “*To our activity here in Israel I would add as much as possible pressure from the outside. That is what the system hates the most: the airing of its dirty laundry. But this seems to me like a great airing. Take the Goldstone Report for example; that was very powerful.*” Please specify the association’s activity in this vein, and with which Public Goal this aligns.
10. Further to the content of paragraph 5-A above, a review of the association’s financial reports indicates significant activity in the Gaza Strip and/or for the benefit of its residents. Please explain which of the associations goal and which “Public Goal” is served by this activity.
11. Specify the public activity in which the association participated (not including medical assistance and care for individuals), specifying the financial scope of this activity, the involvement of the association’s employees and property in the activity, and the use of the association’s names and symbols within the framework of the activity.

We can only handle and examine your request after we receive all the requested items.

Respectfully,

[signature]

Asaf Lerner – Commissioner

Public Institutions and Nonprofit Organizations Department

CC: ErezOr’Ad, CPA – Director, Public Institutions and Nonprofit Organizations Department
Adv. Hila Peretz – Legal Department