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Israel

IL/05 - Haneen Zoabi

***Decision adopted by the Committee on the Human Rights of Parliamentarians
at its 146th session (Geneva, 24-27 January 2015)***

The Committee,

Recalling the decision adopted by the IPU Governing Council at its 195th session (October 2014) on the case of Ms. Haneen Zoabi, a member of the Knesset of Israel,

Bearing in mind the following information provided by the complainant:

- On 29 July 2014, the Knesset Ethics Committee decided to suspend, for six months, Ms. Zoabi's right to make statements in the Knesset and to submit parliamentary questions or initiate debates in committees or the Knesset plenary, reportedly because it considered that Ms. Zoabi had made statements that "deviated from the realm of legitimate expression" for a member of the Knesset; according to the complainant, the suspension is the longest in the Knesset's history and the maximum the Committee can impose under Israeli law;
- The issue at the centre of the Ethics Committee's decision is an interview Ms. Zoabi gave on Radio Tel Aviv on 17 June 2014, five days after three Israeli teenagers were abducted in the West Bank, at which time it was not known that they had been killed; Ms. Zoabi upset the interviewer and many listeners by refusing to describe the abductors simplistically as "terrorists", instead asking: "Is it strange that people living under occupation and living impossible lives, in a situation where Israel kidnaps new prisoners every day, is it strange that they act this way? They are not terrorists. Even if I do not agree with them, they are people who do not see any way open to change their reality, and they are compelled to use means like these until Israel wakes up and sees the suffering, feels the suffering of the other"; the complainant affirms that almost all media coverage and even a reference to this statement by the Knesset Ethics Committee left out the part in which Ms. Zoabi said that she did "not agree" with the kidnapping;
- The Attorney-General's Office reportedly announced on 24 July 2014 that it would not order a police investigation for incitement regarding the interview; the Deputy Attorney-General, Mr. Raz Nizri, admitted that it was difficult to see the statements as incitement to kidnapping;
- On 7 October 2014, Ms. Zoabi filed a petition with the High Court of Justice to strike down the six-month suspension,

Considering that, on 10 December 2014, the High Court of Justice dismissed the petition and concluded that, "The penalty imposed is indeed unusually severe compared to penalties imposed in the past (...) However, given the circumstances of the matter, the petitioner's harsh statements and their timing, and since a significant portion of the punishment falls on recess time, we did not see fit to intervene in the broad discretion of the Ethics Committee",

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Recalling that the complainant affirms that the Ethics Committee decision is part of a campaign of persecution against Ms. Zoabi, who represents Israel's large Palestinian minority – a fifth of its overall population – and is a critical voice in the Knesset; according to the complainant, Ms. Zoabi's punishment is discriminatory, as illustrated by the fact that when former Knesset member Aryeh Eldad called in 2008 for Mr. Ehud Olmert, the Prime Minister at the time, to be sentenced to death for suggesting that parts of the occupied territories become a Palestinian state, the Ethics Committee suspended him for just one day; the complainant affirms that this was clear incitement to violence in a country where a former Prime Minister, Mr. Yitzhak Rabin, had been murdered by an extremist who justified his actions on those very grounds,

Recalling also that the Attorney-General announced on 25 July 2014 that he had instructed the police to open a formal investigation of Ms. Zoabi on suspicion of inciting others to violence and insulting a public servant, namely a police officer, outside Nazareth's district court on 6 July 2014; according to the complainant, Ms. Zoabi's lawyers have not yet been provided with the documents relevant to the investigation, even though Ms. Zoabi addressed the allegations at a police interrogation in Lod on 11 August 2014,

Recalling further that, according to the complainant, Ms. Zoabi has personally experienced police violence on several recent occasions, most notably at an anti-war demonstration in Haifa on 18 July 2014 where she was verbally and physically abused by police officers and handcuffed for half an hour; Ms. Zoabi filed a formal complaint against the police for their behaviour at the demonstration, but no investigation has been opened to date,

Recalling lastly that, during the previous legislature, on 13 July 2010, the Knesset adopted a resolution revoking three of Ms. Zoabi's parliamentary privileges for the duration of the legislative period owing to her participation in the Gaza-bound humanitarian flotilla in May 2010, a matter also examined by the Committee on the Human Rights of Parliamentarians,

Considering that the heads of the Knesset parliamentary factions decided at a meeting on 3 December 2014 to schedule parliamentary elections for 17 March 2015 (the meeting was held after Prime Minister Benjamin Netanyahu dismissed two centrist cabinet members, Finance Minister Yair Lapid and Justice Minister Tzipi Livni, for their opposition to the draft nationality law entitled "Israel, the nation-state of the Jewish People"),

Considering also that the complainant fears that Ms. Zoabi, who intends to stand in the elections, will be disqualified by the Central Elections Committee (CEC), which is scheduled to take a decision on requests for disqualifications on 22 February 2015, and that, should the CEC disqualify her, the Supreme Court will rule on the disqualification on 27 February 2015,

Recalling in this regard that the CEC disqualified Ms. Zoabi at the previous general election in 2013 on the grounds that she had undermined the State of Israel, a decision that was overturned at the last minute by the Supreme Court,

Recalling also that, in 2014, legislation submitted to the Knesset and referred to in some quarters as the "Zoabi bill" stipulated that, in the case of "a [member of the Knesset] who in a time of war or military action against an enemy state or terror organization offers public support for the military struggle against the State of Israel, their term in the Knesset shall be terminated on the day the Knesset decides by a majority of its members and at the recommendation of the Knesset House Committee that the published comments constitute the aforementioned expressions of support"; *considering* that this bill may be revived once a new Knesset has been elected and installed,

Bearing in mind that Israel is party to the International Covenant on Civil and Political Rights and thus bound to guarantee the right to freedom of expression, which is also guaranteed under Israel's Basic Laws,

1. *Regrets* that the High Court of Justice did not deem fit to quash Ms. Zoabi's suspension; *considers* in this regard that Ms. Zoabi was suspended on account of having exercised her right to freedom of speech by expressing a political position, as the Committee on the Human Rights of Parliamentarians believed was the case when the Knesset sanctioned her for her participation in the Gaza-bound flotilla in 2010;

2. *Trusts* that Ms. Zoabi will be allowed to stand in the forthcoming parliamentary elections; *decides* to closely follow developments in this regard;
3. *Reiterates its wish* to receive official information with regard to the criminal investigation of Ms. Zoabi, including with regard to the precise facts in support of the accusations against her;
4. *Remains keen* to receive official information regarding the steps taken to investigate the alleged verbal and physical abuse by police which Ms. Zoabi suffered during a demonstration on 18 July 2014;
5. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining this case.