



Inter-Parliamentary Union

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Israel

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 158th session (Geneva, 8 February 2019)



Arab member of Israel's Knesset Haneen Zoaby (C) and Jamal Zahalka (R) speaking to the press on February 14, 2015 © Fazlioglu / Anadolu Agency

ISR06 - Jamal Zahalka

ISR07 - Haneen Zoabi (Ms.)

ISR08 - Basel Ghattas

Alleged human rights violations:

- ✓ Violation of freedom of opinion and expression
- ✓ Abusive application of parliamentary sanctions

A. Summary of the case

On 8 February 2016, the Knesset Ethics Committee suspended Knesset members Mr. Jamal Zahalka, for three months, and Ms. Haneen Zoabi and Mr. Basel Ghattas, for four months, preventing them from attending parliamentary meetings and committee hearings (while retaining their right to vote) for standing up during a moment of silence at a meeting they had with Palestinian families whose sons had been killed by Israeli security forces after allegedly attacking Israelis. That meeting was brought about at the request of the families to help expedite the return of the bodies of the deceased to their families for burial, which the Israeli authorities had until then reportedly refused.

The complainants consider that the three members of the Knesset took part in the meeting in the exercise of their legitimate duties as parliamentarians, and that the moment of silence is a customary practice performed out of respect for the deceased, regardless of the circumstances. The Speaker of the Knesset explained, however, that the Ethics Committee had found that the members had made improper use of the freedoms granted to them. In standing for a moment of silence, the Committee found, they had crossed the line between protected

Case ISR COLL-01

Israel: Parliament affiliated to the IPU

Victim: Three opposition members of parliament (two male, one female)

Complainant(s): Section I.1(c) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: March 2016

Recent IPU decision: - - -

IPU Mission: - - -

Recent Committee hearings: Hearing with the delegation of the Knesset at the 134th IPU Assembly (March 2016)

Recent follow up:

- Communication from the authorities: Letter from the Head of the Knesset Delegation to the IPU (January 2018);
- Communication from the complainant: January 2017;
- Communication addressed to the authorities: Letter to the Speaker of the Knesset (November 2018);
- Communication addressed to the complainant: January 2017.

speech and expressing blatant solidarity with terrorists in a way that supported the mechanisms of incitement.

The complainants stress that members of the Balad party, to which the three Knesset members belong, have been subject to similar disciplinary actions and that this latest suspension of Balad members of the Knesset has to be seen as part of a wider campaign against the civil and political rights of Palestinian Arab citizens of Israel and the promotion of the exclusively Jewish character of Israel.

In 2017, Mr. Zahalka, Ms. Zoabi and Mr. Ghattas had their parliamentary privileges fully restored upon expiration of their suspension. According to the Speaker of the Knesset, Mr. Ghattas was caught on video in December 2016 at Ketziot Prison smuggling documents and cellular phone equipment to prisoners serving terrorism-related sentences. Mr. Ghattas was found guilty of moral turpitude and fined. He reportedly resigned from his Knesset seat as part of a plea deal, thus avoiding impeachment.

On 26 December 2018, the Knesset was dissolved in view of new elections scheduled for 9 April 2019.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Notes* that the complaint concerning the case of Ms. Haneen Zoabi, Mr. Jamal Zahalka and Mr. Basel Ghattas, members of the Israeli Knesset at the time of the alleged violations, is admissible under Section I.1(a) of its Procedure for the Examination and Treatment of Complaints and declares itself competent to examine the case (Annex 1 of the revised rules and practices of the Committee on the Human Rights of Parliamentarians);
2. *Thanks* the parliamentary authorities for the information they have provided in this case;
3. *Affirms* its long-held view that freedom of expression is essential to members of parliament and protects not only information or ideas that are favourably received but also those which offend, shock or disturb the State or any other sector of the population; *recalls* that, under international law, any valid restriction to freedom of expression needs to comply with a three-part test according to which such a restriction needs to be provided for by law, may only be imposed on the grounds set out in Article 19 of the International Covenant on Civil and Political Rights, and must conform to the strict tests of necessity and proportionality;
4. *Emphasizes* that the three members of the Knesset met with the Palestinian families as part of the legitimate exercise of their parliamentary functions, in order to assist them in reclaiming the bodies of their deceased sons; *notes* that the three parliamentarians observed a minute of silence in accordance with their cultural and religious heritage as a customary practice performed out of respect for the deceased in general, regardless of the circumstances of their death, and that this can in no way be construed as expressing support for the actions of the deceased, let alone as direct incitement to violence;
5. *Concludes* therefore that the suspension of Ms. Zoabi, Mr. Zahalka and Mr. Ghattas was unjustified in light of the alleged facts;
6. *Considers* that any further action in the case is moot as the suspension of the three members has expired; *therefore decides* to close the case in accordance with Article 25 (a) of Annex I of its Procedure for the Examination and Treatment of Complaints;
7. *Requests* the Secretary General to convey this decision to the relevant authorities and the complainant.