

*Translated from the original Hebrew to English by Adalah*

The State of Israel  
Ministry of Justice

13 May 2015

To: Attorney Nadeem Shehadeh  
Adalah – The Legal Center for Arab Minority Rights in Israel  
Haifa, Israel

**Re: Request to Open a Criminal Investigation against Foreign Minister Avigdor Lieberman  
on the Grounds of Incitement to Violence**

Reference: Your letter of 9 March 2015 to the Attorney General

1. In your letter, you complain against statements made by Foreign Minister Avigdor Lieberman at an elections rally that was held on 8 March 2015 alleging that they raise a suspicion that a crime of incitement to violence and terror against Arab citizens of Israel was committed according to Article 144D2 of the Penal Law 5737-1977 (hereinafter: “the law”).
2. Lieberman was quoted in the media as stating, “Those who support us should get everything – up to half the kingdom. As to those who are against us, there is no other option before us – we must raise the axe and cut off their heads; otherwise we will not survive here.” He added that, “as far as I’m concerned, citizens of the State of Israel who raise a black flag on Nakba Day can get out of here, and I am ready to bequeath them to Abu Mazen with great pleasure.”
3. We must emphasize that Minister Lieberman was quoted as stating, in reply to a complaint raised by an Arab student during the rally, that he makes her feel as if she does not belong: “You are a citizen, and there is no problem with this. I expect each Arab, Christian or Jewish citizen to be loyal to our state regardless of religion, and to join the National Service.”
4. **After examining the matter, we did not find cause to order the opening of a criminal investigation concerning these statements.**
5. The remarks attributed to Minister Lieberman must be considered in the overall context of the statements that he made. His remarks, as specified above, referred to all of the citizens of the state, and not only to Arab citizens. Furthermore, it is highly difficult to view these statements as an actual, concrete call to commit violent deeds. It seems that

Minister Lieberman sought to send a message that it is imperative that the authorities struggle - not a private individual - and not in a violent manner necessarily – against anyone who is disloyal to the state.

6. The difficulty regarding the significance of the content of his statement also reflects on the stipulation set in the law that the existence of a “tangible possibility” that remarks will lead to the commission of an act of violence or terror must be proven.
7. Beyond what is required in light of the above, we will also note that, in actual fact, Minister Lieberman has immunity under Article 1 of the Knesset Members Immunity, Rights and Duties Law, 5711- 1951.
8. As is known, freedom of expression is granted broad protection in Israeli law. It cannot be easily determined that an expression or statement of this type, even if it is brusque, constitutes a breach of the law. We believed, and still believe, that even during a period of elections, the discourse, even an exacting one, must be conducted with tolerance and mutual dignity. Nevertheless, criminal legal action, is not the remedy for this.
9. In light of the above, we believe, that there is no cause to open a criminal investigation against Minister Lieberman.

Respectfully,

[Handwritten signature]

Shlomi Abramson, Adv.

The State Attorney’s Office – Special Tasks

Cc:

The Deputy State Attorney (Criminal Affairs)

The Attorney General’s Office

The State Attorney’s Office