

**Adalah** The Legal Center for Arab Minority Rights in Israel

عدالة المركز القانوني لحقوق الاقلية العربية في اسرائيل  
עדאלה המרכז המשפטי לזכויות המיעוט הערבי בישראל



20 June 2018

Martin Chungong, Secretary General  
Inter-Parliamentary Union (IPU)  
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Case Postale 438  
1211 Geneva 19 Switzerland  
Via Email: [postbox@mail.ipu.org](mailto:postbox@mail.ipu.org), [is@mail.ipu.org](mailto:is@mail.ipu.org)

Cc: Rogier Huizenga, Secretariat, Human Rights Programmes, [rh@ipu.org](mailto:rh@ipu.org)

**Re: Request to IPU to address Israeli Knesset Ethics Committee decision barring MK Dr. Yousef Jabareen from participating in lectures in the US due to the political views of the sponsor organization**

Dear Mr. Chungong,

We are writing to bring to your immediate attention the decision by the Israeli Knesset Ethics Committee to prohibit MK Dr. Yousef Jabareen (Joint List) from participating in a series of lectures in the United States sponsored by Jewish Voice for Peace (JVP) due to the organization's support for the Boycott, Divestment, and Sanctions (BDS) movement.

On 22 January 2018, the Knesset House Committee approved a new amendment to the Code of Ethics empowering the Ethics Committee to forbid a Knesset member from traveling overseas where funding for the trip is provided by a body that knowingly publishes a call to boycott the State of Israel or participates in such a boycott. On 13 March 2018, the Knesset Ethics Committee implemented this amendment for the first time and prevented MK Dr. Jabareen from participating in a lecture series about the rights of the Arab minority and the discriminatory laws, just because it is sponsored by JVP.

**This amendment to the Code of Ethics constitutes an exceptional precedent that is being used to overtly and improperly restrict the political freedom of expression and movement of a member of Knesset, especially those from the opposition.**

Rather than citing ethical or criminal offenses, the Committee's justification for the restriction is based entirely on JVP's publicly maintained political position. The Knesset's representative has openly indicated that the restriction is meant to serve as part of a government system specifically designed to confront the BDS movement, confirming that going forward the law will restrict those who espouse a particular political position. The result of such an explicitly targeted national policy will serve to silence and restrict one side of the domestic political spectrum while leaving the other entirely unhindered.

**The purposeful targeting of certain political views by the state is a clear violation of the right to freedom of expression and threatens the integrity of the democratic process by unjustly burdening Arab MKs.**

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On 22 April, 2018, Adalah filed a petition to the Israeli Supreme Court on behalf of MK Dr. Jabareen arguing that the amendment directly harms political freedom of expression and the right to free movement for Knesset members. (See HCJ 18/3201, MK Dr. Yousef Jabareen, et. al. v. The Knesset Ethics Committee; *Press Release (English)*: <https://www.adalah.org/en/content/view/9483>). In response to Adalah's petition, on 4 June, 2018, the Israeli Supreme Court held a hearing and ordered the Ethics Committee to submit a study within 45 days attempting to compare the different models from parliaments around the world regarding the funding of travels of MPs by private bodies.

In Adalah's view, restrictions on the acceptance of private funding by MKs should be regulated by the criminal laws already enshrined in the Ethical Code, which protect against organizations involved in corruption and bribery.

**We urge the IPU to issue a statement condemning this amendment to the Knesset's Code of Ethics.**

We thank you in advance for your action in this matter. Please do not hesitate to contact us should you require any additional information. We will continue to keep the IPU updated with any new developments.

Yours sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and lines, positioned below the text 'Yours sincerely,'.

Hassan Jabareen, Advocate  
General Director, Adalah

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**Re: Request to IPU to address the Israeli Supreme Court's decision to uphold the discriminatory Expulsion of MKs Law**

Dear Mr. Chungong,

We are writing to bring to your immediate attention the Israeli Supreme Court's recent rejection of a petition filed by Adalah – The Legal Center for Arab Minority Rights in Israel on behalf of Member of Knesset (MK Yousef Jabareen) against the Expulsion of Members of Knesset Law. This law, enacted on 20 July 2016, permits a majority of 90 Knesset members to forcibly expel a fellow MK from office. The Expulsion of MKs Law is as an amendment to the Basic Law: The Knesset, and allows a Knesset majority to remove an MK on two grounds: 1) incitement to racism, and 2) support for armed struggle against Israel. The broad nature of these criteria allows for the purposeful targeting of Arab MKs, who oppose the political views of the Knesset majority, endangering both the democratic process and the right of citizens to elect representatives of their choosing.

**The Expulsion of MKs Law will allow the Knesset to silence the voices of many Arab citizens based upon the disapproval of the majority, regardless of the legality of the statements or actions themselves.**

On 27 May 2018, the Israeli Supreme Court unanimously rejected a petition filed jointly by MK Yousef Jabareen, Adalah, and other human rights groups (See HCJ10214/16, *MK Yousef Jabareen, et al. v. The Knesset; Press Release (English)*: <https://www.adalah.org/en/content/view/9526>).

The Supreme Court ruled that the Expulsion Law applies equally to all and thus is not discriminatory or predatory in nature.

In practice, however, it is Adalah's position that minority parties will be disparately impacted by the implementation of such a law, in particular Arab MKs who vocally oppose Israeli policies. The Expulsion Law represents the latest iteration in a pattern of discrimination against Arab MKs meant to discredit them or otherwise interfere with their ability to represent constituents and participate effectively in the parliament. Without adequate representation in the Knesset, constituents are systematically deprived of their democratic rights. In rejecting the petitions against the legislation, the Supreme Court has left Arab MKs grievously exposed to persecution according to the opposing interests of their colleagues and has failed in its role as the defender of the minority.

**We urge the IPU to issue a statement condemning this new law and expressing support for those MKs who may be targeted as a result of the Expulsion of MKs Law.**

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We thank you in advance for your action in this matter. Please do not hesitate to contact us should you require any additional information. We will continue to keep the IPU updated with any new developments.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Hassan Jabareen', written in a cursive style.

Hassan Jabareen, Advocate  
General Director, Adalah

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**Re: Request to IPU to address the Israeli Knesset Presidium's decision to ban proposed legislation *Basic Law: Country of all its Citizens* from being brought to a vote**

Dear Mr. Chungong,

We are writing to bring to your immediate attention the Israeli Knesset Presidium's recent ban on the submission of the *Basic Law: Country of all its Citizens*, a bill authored with the intention of permanently enshrining the principle of equal citizenship for every Israeli citizen within the law.

On 4 June 2018, Knesset Speaker Yuli Edelstein announced the Presidium's decision to reject the possibility of legislating the proposed bill, citing article 75(e) of the Knesset's regulations and alleging that the bill, "denies the existence of the state as the state of the Jewish People".

**As a result of the Presidium's ruling, Joint List MKs Jamal Zahalka, Haneen Zoabi, and Joumah Azbarga are barred from bringing the bill to the table for any form of parliamentary discussion or debate.**

The *Basic Law: Country of all its Citizens* proposal is based solely upon the principle of equal civil rights. Rather than denying the existence of the state as alleged by the Presidium, the bill seeks to prohibit the existence of disparate levels of citizenship on any basis. The purpose of the bill is to anchor the principles of equality, democracy, and equal citizenship for all citizens of the state, without discrimination or distinction on the basis of group affiliation.

On 11 June 2018, Adalah submitted a petition to the Israeli Supreme Court challenging the Presidium's decision to reject the legislation. (See H CJ 4552/18, *MK Jamal Zahalka v. Knesset Speaker*; Press release (English): <https://www.adalah.org/en/content/view/9541>) Adalah seeks to have the Presidium's decision in this case declared void. Further, Adalah seeks a ruling that the Knesset Presidium's authority, which is granted by internal Knesset bylaws but not by law, is unconstitutional.

**We urge the IPU to intervene in this matter in order to allow the proposed *Basic Law: Country of all its Citizens* to proceed through the appropriate legislative process.**

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We thank you in advance for your action. Please do not hesitate to contact us should you require any additional information. We will continue to keep the IPU updated with any new developments.

Yours sincerely,

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Hassan Jabareen, Advocate  
General Director, Adalah