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**Israel/Palestine**

# **An end to immunity**

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**The Israeli Knesset has voted to strip Palestinian member Azmi Bishara of his parliamentary immunity. The following article by our Jerusalem correspondent was written for the July issue of News From Within, before the Knesset took its decision.**

THE decision of the Israeli police to recommend the indictment of MK Azmi Bishara is doubly outrageous: it is a severe attack against freedom of opinion, and the beginning of the end for parliamentary immunity. This offensive must be stopped.

The police decision followed an investigation and an interrogation of MK Bishara about a speech delivered in June in Syria, at the commemoration of the death of President Hafez el-Asad. According to the police interrogators, Azmi Bishara is suspected of treason (sic) and assistance to the enemy (sic), contact with foreign agent (sic) and sedition. Some of these alleged crimes are based on the infamous Prevention of Terrorism Act.

Originally, the accusations against the leader of the National Democratic Assembly (NDA, known among the Jewish public by the name of Balad) were limited to sedition. The incriminating statement made in the framework of a public speech says: "The Israeli government is trying to narrow the space (of resistance): it is offering (the Arabs) the choice between accepting the Israeli dictates and an overall war. This is why it is impossible to continue in a third way - the way of resistance - without expanding it in a way which will allow the people to struggle and to resist. As well, it is impossible to expand it without a united Arab political position, and without an action on the international level. Now is the time..."

These words do not reflect only a perfectly legitimate analytical framework. They are clear common sense: in order to avoid either capitulation or war, the Arabs need a new strategy of resistance to break the Israeli choice: such a strategy cannot be confined to the Palestinian-Israeli conflict. It has a regional dimension and needs international involvement. Thousands of Israelis - Arab or Jews - have been developing the same analysis, without being suspected of sedition. Few hundreds of Israeli citizens signed a petition to the General Attorney in which they expressed their agreement with Bishara's statement.

## Incitement

Thereafter, under the incitement of several right wing Knesset members, the very fact of travelling to Syria and participating in a public meeting, together with Arab heads of states and Arab liberation movement leaders, became the core of the accusations. Azmi Bishara's many trips to Damascus and his public appearances there, which were widely publicised in the Israeli media and are well known to the Israeli authorities, became irrelevant in current war atmosphere. The Israeli law, in particular the 1945 Emergency Regulations and the Prevention of Terrorism Act, allows to charge a person with treason or contact with a foreign agent, independent of any intention (*mens rea*) of committing such crimes. One can be charged even if no harm was resulted and even if the persons contacted were not agents (but could have been). No intention of treason, no foreign agent, no assistance to the enemy - simply expressing a political opinion. This is what it is all about.

This should be absolutely unacceptable concerning any citizen. It is a hundred times more unacceptable concerning a parliamentarian whom is presumably protected by parliamentary immunity. But here too Israeli democracy has its specificity: if a Knesset member is suspected of corruption or stealing money, he may have a good chance to be

protected by his parliamentary immunity. If he is suspected of a political offence, like MK Bishara, the majority of the Knesset may well suspend his immunity! In all other countries with democratic pretensions, immunity is for criminal offence and not for offences directly linked to the very role of the parliamentarian.

The issue at stake, however, is not parliamentary immunity, or even MK Bishara's indictment for expressing his political opinion. What is at stake is the beginning of an overall offensive against civil liberties in Israel, and more specifically against the Palestinian citizens.

Following the October 2000 uprising, and the murder by the police of 13 Palestinians in the Galilee and in the Arab Triangle in Israel, public opinion has dramatically changed. The right wing today is convinced that the modest liberalisation of the eighties and nineties was counterproductive, and gave the Palestinian minority in Israel too much power and too much self-confidence. The more liberal feel the need to justify the massacre of October by delegitimising the Palestinian protests and expressions of solidarity with the residents of the Occupied Territories while presenting them as deliberately attempting to destroy the State of Israel from within. Otherwise, they are led to draw the conclusion that the Jewish State is not a democratic state.

Knowing they will not be confronted by a liberal opposition, right wing Knesset members, assisted by most of the media, raised a series of suggestions aimed to limit the rights of the Palestinian citizens and their representatives in the parliament. Among many other suggestions by MK Michael Kleiner, and ministers in the National Unity government Tsahi Hanegbi and Avigdor Liberman: to demand a special oath from Arab Knesset members, to take back citizenship from certain categories of residents and to limit the right to vote on certain issues.

These legislative initiatives are but one aspect of the offensive: a new wave of expropriation is underway. Hundreds of demolition orders have been delivered for 'illegal construction.' The General Attorney has decided to put to trial elder Palestinians who have 'travelled to an enemy country' to visit, often for the first time in their life, their close relatives who have been refugees in Syria since 1948. Azmi Bishara, who initiated these visits to Syria - with the full knowledge of the Israeli authorities - may also be indicted for this humanitarian initiative.

## State of war

The decision of the Israeli government and of a majority of the Israeli public, to place itself in a state of war with the Arabs is contrary to the process of liberalisation Israel has been in since the beginning of the eighties. The Palestinian minority will be, as usual, the first victim but the Jewish dissidents will follow. An overall 'moral and national revolution' will prevail and demolish more civil liberties won during the last two decades: women will be subjected to old-new religious laws, artists, writers and journalists will be confronted again with censorship, homosexuals will lose the few achievements they got through their struggle and so on. The Israeli liberals, who are participating today in the witch-hunt against MK Bishara, are paving the way to measures of which, later, they will be the victims. By then it will be too late.

Azmi Bishara, the NDA, the Palestinian population of Israel and the few Israeli Jews who are not ready to surrender to the anti-Arab war atmosphere are fighting back. In their isolation, they need the support of the international democratic movement. With its new course, Israel cannot anymore be treated as a democratic state, and it should be confronted by a simple decision: to stop immediately the new offensive against civil liberties and to respect the international convention on the protection of the rights of minorities, or to be ejected from the community of civilised nations, together with all the other dictatorships.