



Parliamentary Committees of Inquiry
Briefing
The Association for Civil Rights in Israel (ACRI)
July 2011

On 5 January 2011, the Knesset plenum approved two proposals to establish parliamentary committees of inquiry to investigate Israeli human rights organizations. These two separate proposals were submitted to the Knesset plenum by Member of Knesset (MK) Fania Kirschenbaum (Yisrael Beiteinu) and MK Danny Danon (Likud).

On 31 January 2011, The Knesset House Committee voted in favor of establishing the committees of inquiry, and their letters of appointment were scheduled to be brought before the plenum for a final vote on February 28. However, following lobbying efforts by ACRI and others, a growing number of Knesset factions decided to ban the committees and their future activities; after majority support was put at stake, the promoters of the committees decided to postpone the vote, but stated their intention to bring the proposal back to the plenum in May, with the opening of the Knesset summer seat.

In July 2011 it was announced that this initiative will be brought for a final vote in the plenum in mid-July.

The following is a summary of ACRI's position regarding these committees, as well as a brief explanation about the legislative procedure such an initiative must go through, and the authorities such committees have once they are appointed.

Summary of ACRI's Position

- A parliamentary committee of inquiry, whose purpose is investigating civil society organizations, is essentially a show trial run by politicians and targeting NGOs that do not match their political views.
- If certain MKs feel that various actions taken by Israeli NGOs, right-wing or left-wing, constitute illegal activities, then they should turn to law enforcement authorities and demand an investigation and indictment. Israeli law includes extensive legislation, both for supervising the work of NGOs and for dealing with security offences or intent to cause harm to the State and its interests.
- Existing legislation already regulates the transparency of donations and their reporting, and even specifically relates to donations from foreign state entities.

- The State of Israel prides itself on being a free and democratic state. In various reports submitted by the Ministry of Foreign Affairs to the UN, the OECD, and other international bodies, Israel explains that it includes a free and diverse civil society and specifically takes pride in the human rights organizations that are active in Israel – since democracies around the world are measured, among other factors, by the extent of freedom they give to their civil society. Among the organizations mentioned in this context, are the organizations that are currently targeted by the committees of inquiry.
- The committees of inquiry are another step in the slew of anti-democratic legislation being promoted by the current Knesset, and specifically bills that target Israeli human rights organizations. The goal of this assault is to eventually weaken human rights groups and make them less effective in exposing human rights violations and criticizing government policies that weaken democracy, enhance inequality, and infringe on human rights.

Appointment of Parliamentary Committees of Inquiry

The power to appoint a parliamentary committee of inquiry was established in article 22 of the “Basic Law: The Knesset” as follows:

"The Knesset may appoint committees of inquiry – either by designating one of its permanent committees for this authority, or by electing a committee from among its members – to investigate matters determined by the Knesset; the powers and functions of a committee of inquiry shall be determined by the Knesset; every committee of inquiry shall also include representatives of factions that do not participate in the government, in accordance with the balance of power between Knesset factions."

Approximately 20 parliamentary committees of inquiry were established by the Knesset plenum throughout its history. The matters investigated by these committees included: road accidents, dropout in the education system, murders of women by their spouses, location and restitution of the assets of Holocaust victims, and the traffic in women.

Legislative Procedure for Parliamentary Committees of Inquiry

The Knesset Rules of Procedure detail the legislative procedure for parliamentary committees of inquiry. In brief, any Member of Knesset is entitled to propose the establishment of such a committee. There are no specifications or restrictions regarding which matters may be investigated these committees.

Once the Knesset plenum approves an MK's proposal to establish a committee of inquiry, the proposal is passed to the Knesset House Committee. The House Committee either determines the composition of an appointed committee of inquiry, which may include no more than nine MKs, or delegates the authority of investigation to one of the regular Knesset Committees. The House Committee further determines “the powers and tasks” of the chosen committee of inquiry.

If reservations are made, including with regard to the very establishment of the parliamentary committee of inquiry, they are included in the House Committee's

resolution or letter of appointment. The resolution or letter of appointment, with any included reservations, is then submitted to the Knesset plenum for a vote.

The Authorities of Parliamentary Committees of Inquiry

The authorities of a parliamentary committee of inquiry are detailed in its letter of appointment. The committee may be assigned with the authority to summon people to testify before it or to receive relevant materials, similar to the authority given to regular Knesset Committees. However, this authority can only be applied to civil servants and public officials, who are supervised by the Knesset. Parliamentary committees of inquiry do not have the authority to summon private individuals or representatives of civil society organizations, or to require submitted materials from them.

Furthermore, a parliamentary committee of inquiry does not have the authority to impose sanctions or to legislate laws. It may suggest legislative amendments, leading to possible subsequent private bills submitted by committee members or other Members of Knesset.

A parliamentary committee of inquiry may summon any person it chooses, even though – as stated above – private persons are not required to oblige. Whether or not individuals are summoned under clear and egalitarian criteria, could only be apparent once the committee's letter of appointment is published. The wording of the letter of appointment might be clearly discriminatory and one-sided, but it could also be worded vaguely to avoid accusations of partiality.