

## EZRACHUT – HaETGAR, Chapter 8

### The Knesset: Israel's Legislature

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#### The Structure of the Knesset and Its Institutions

- \* The Knesset, the elective body of the State of Israel, meets in Jerusalem and is Composed of 120 elected representatives. All serve identical four-year terms, after which the Knesset dissolves itself in advance of new elections.
- \* Each Knesset session is known by its election number. The current session is the eighteenth, meaning it has convened in the wake of the eighteenth time that the entire country has participated in Knesset elections.
- \* Each Knesset session has its first meeting the second week after the election results are publicized. The first meeting of every session is formally opened by the President, or in his absence, the eldest member of Knesset, and during that first meeting the MK's affirm their allegiance to the State of Israel and accept upon themselves to execute their roles faithfully.
- \* In extenuating circumstances, the Knesset can decide to dissolve itself and call for early elections, as has happened to the 10th Knesset (1984), the 12th Knesset (1992), the 13th Knesset (1996), and the 14th Knesset (1999).
- \* The Knesset works in plenum and committees. The **plenum** has two annual **sittings**, winter and summer, of at least eight months' duration. The two sittings and the intervening intersession (break) together form a session.
- \* The Knesset may be convened during intersessions if 30 members demand this in writing or if the Government so requests.
- \* Knesset meetings are usually held on Mondays, Tuesdays, and Wednesdays, are open to the public and the press, and are recorded by video and transcribed for the public media.
- \* The Knesset's formal operating procedures and protocols are set by the Knesset charter, which has been developed by previous Knesset sessions.
- \* Resolutions of the plenum are taken by a majority of participating MKs, except for cases in which a special majority is required.
- \* The plenum elects the **Speaker of the Knesset** and one or more deputy speakers (the law does not specify the number) by simple majority vote.
- \* The Speaker conducts the affairs of the Knesset, represents it externally, and preserves its dignity and the decorum of its sittings and the observance of its Rules of

- \* Procedure. The Speaker, or one of his deputies, presides over the sittings of the plenum, conducts them, and puts resolutions to the vote and determines the results of these votes, as well as those in the elections for various state positions for which the plenum is responsible.
- \* In the absence of the President of the State from the country, the Speaker acts in his place.
- \* **The Arrangements Committee:** The Arrangements Committee proposes the Parliamentary Group make-up of the permanent committees, makes recommendations as to who should chair the committees, and lays down the sitting arrangements of the Groups in the plenum and the distribution of rooms in the Knesset building to the Groups and Knesset members.
- \* The permanent committees and their chairmen are elected at the beginning of the term of each Knesset, on the basis of a recommendation by the Arrangements Committee.

#### Knesset Groups (AKA Factions)

- \* The Members of Knesset function within the framework of **factions** or as individual Knesset Members. At the opening of the first session of every Knesset the number of factions corresponds to the number of lists that participated in the elections and were elected (see the Electoral System).
- \* Factions may either be part of the governing coalition, that is, they participate in the government and support it, or they may be part of the opposition, which is the group of factions that do not participate in the government.
- \* A coalition is formed through discussions between the various factions that are represented in the Knesset and are able to unite to obtain a majority of votes for confidence in formation of a new government.
- \* Every Knesset until today has had at least ten factions; often there are more. The current Knesset, the eighteenth, originally had twelve factions that represented 18 parties, as many parties ran on joint lists.

Party	Seats
Kadima	28
Likud	27
Yisrael Beiteinu	15
Labor	13
Shas	11
United Torah Judaism	5
National Union	4
Hadash	4
United Arab List- Ta'al	4
The Jewish Home	3
New Movement- Meretz	3
Balad	3
Total	120

(This chart has been updated, as the one in the edition of *Ezrahut HaEtgar* before us reflects data concerning the 15th Knesset.)

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#### Most Knesset Activity is Factional in Nature

\* Knesset deliberations and debates are run by factions: each faction receives an amount of time to speak in accordance with its size, and the faction decides among its members who will get to speak and how much time to give to each of its speakers.

\* (This is in contrast to individual debates, where MK's are directly allotted time to speak.)

- \* The agenda of Knesset meetings is set by the Speaker in accordance with Government proposals. One meeting each week is set aside for consideration of individual members' bills.
- \* The Factional debates are held on the following issues: the formation of a new government or its resignation; the budget bill; an issue over which one of the factions (or several factions) proposes to table a motion of no-confidence in the Prime Minister.
- \* **Proposals for debate** to appear on the daily agenda or individually sponsored proposals for legislation as usually set by factions, that is, proposals of these natures need to have the prior approval of the proposer's faction. Question time is also run on a factional basis. (Every day that the Knesset is in session, time is reserved for ministers to reply to questions.)
- \* **Knesset committees** are set by factional discussions.
- \* Before **formation of a government**, each faction meets with the President to give its recommendations.
- \* The **order of seating** in the Knesset's chamber is arranged by factions, i.e., members sit among the members of their own faction.
- \* According to the Political Parties Financing Law, 1973, each faction receives a **budget** for paying for its running expenses. The amount of money received depends on the size of the faction.
- \* Knesset factions are able to submit proposals for **factional resolutions** and **factional notifications** before the Knesset.
- \* The majority of votes taken in the Knesset are conducted on a factional basis, i.e. all the members of an individual faction agree to vote according to a previous decision made by the faction. This is referred to as **factional discipline**.

#### Factional Discipline

- \* **The obligation of members of a faction to vote in accordance with the decision adopted by the faction**, even though they may personally disagree.
- \* Factional discipline is an important component of government stability, as it is expected that all members of the governing coalition vote in support of the government's agenda, and failure to do so could lead to the government's collapse.
- \* Sometimes members of factions may vote independently and follow their own consciences. These are usually on votes that are not on key issues.
- \* Sometimes two or more parties join in one faction but also allow for independent voting under certain circumstances, making for cases where members follow party

discipline but break factional discipline. In such cases, the parties composing the faction do not share funding.

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- \* Factional discipline is not mandated by law, and therefore, a member of Knesset does not have to follow factional discipline and accept the decisions of his party. Members of Knesset swear loyalty to the state and vow to execute their office faithfully, and the law does not obligate them to obey a political group.
- \* A member of Knesset may secede from his faction to form a new faction with other members of Knesset, to act entirely independently of any faction, or to form a faction of one.
- \* In the course of the Knesset's term, groups are liable to split or merge. Most of the work of the Knesset is conducted on a Group basis, but there have been cases where members split from their factions for ideological reasons.
- \* However, there have also been cases where members left their factions in exchange for offers of office or other benefit. In order to prevent this, the Knesset passed a law in 1991 that established that if a Knesset member left his faction and did not resign from the Knesset, he may not be included on his party's list at the next election.

#### Regular Sessions and Committee Meetings

- \* Regular sessions are held in the main chamber of the Knesset, feature all the members of Knesset, and deal with general issues.
- \* Committee meetings are reserved for specific issues that require deeper discussion. The Knesset has tens of committees; some set, others on special per-need basis, like parliamentary inquiry committees.

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#### The Twelve Permanent Knesset Committees

- \* On the days of the Knesset sittings, the committees meet in the Knesset building. On other days they may meet in the Knesset building or elsewhere. The committees occasionally go out on tours in order to study matters that are on their agendas.
- \* The committees deal with bills after they have passed preliminary and first reading in the case of private Members' bills, or first reading in the case of government bills, and prepare them for the next stages of legislation. Occasionally a bill may return to

the committee after a second reading if reservations have been accepted in its course. The committees may also themselves initiate legislation.

\* In addition, the committees deal with motions for the agenda that have been passed on to them; with regulations that require their approval; with requests by

\* citizens addressed to the Knesset or the government; and with any matter which the Knesset may decide to pass on to them for their treatment. The committees frequently initiate discussions on a particular matter.

\* The committees have a permanent administrative team at their disposal, as well as legal and economic advisors supplied by the Knesset. The committees may summon to their meetings ministers, civil servants, external experts, and persons or bodies connected to the issue being discussed, but they may not obligate anyone to testify. This is considered to be one of the Knesset's checks on the government.

\* The committees may set up sub-committees for particular matters, and the Knesset plenum or House Committee may decide to set up joint committees made up of an equal number of members from two committees and having the status of a committee for a particular matter. In the past, there were several joint committees consisting of members from more than two permanent committees.

\* Committee meetings are not public, unless the committee decides otherwise.

\* **The House Committee** deals with the following issues: the Knesset Rules of Procedure and all matters stemming from it; the immunity of Knesset members and requests for lifting it; the rules of the House; recommendations regarding the Parliamentary Groups and personal make-up of the committees on a particular matter, as well as the appointment of their chairmen; the distribution of functions amongst the committees and coordination between them; decisions regarding the transfer of bills to the appropriate committee; the passing on of requests presented to the Knesset by the public for the Knesset Speaker or one of the Knesset committees; payments to Knesset members; discussions on requests and matters that are not connected to any committee or are not included among the functions of another committee.

\* These functions include dealing with Knesset members' complaints against the chairman or plenum of the Knesset, and, in rare instances, recommending for the impeachment of the President.

\* **The Finance Committee** deals with the following issues: the state budget, all types of taxes, customs duties and excise, loans, matters related to foreign currency, banking and bank notes, state revenue and expenditure.

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- \* **The Economic Affairs Committee** deals with the following issues: Trade and industry, supply and rationing, agriculture and fisheries, all sectors of transportation, cooperative association, economic planning and coordination, development, state concessions and trusteeship over property, the property of absentee Arabs, the property of Jews from enemy states and of Jews who are no longer alive, public works, housing, communications, Israel Land Administration, energy, infrastructure, and water.
- \* **The Foreign Affairs and Defense Committee** deals with the following issues: the foreign affairs of the state, its armed forces and its security. This committee usually has members from the opposition, giving the minority the chance to express its opinion on the the government's military policies, and allowing the government to ensure that its policies enjoy wide public support.
- \* **The Constitution, Law, and Justice Committee** deals with the following issues: the constitution, the basic laws, legislation, and judicial procedures.
- \* **The Education, Culture, and Sports Committee** deals with the following issues: education, culture, science, the arts, broadcasting, cinema, and sports. (At the beginning of the 16th Knesset, the subject of sport was added to the jurisdiction of the Education and Culture Committee.)
- \* **The State Control Committee** deals with the following issues: contacts with the State Comptroller and ombudsman; powers based on the State Comptroller Law and other laws; the status and powers of internal comptrollers.
- \* **The Committee on the Status of Women** deals with the following issues: advancing the status of women towards equality in representation, in education and with regards to personal status; preventing discrimination as a result of gender or sexual preference in all spheres; reducing the economic gaps; violence against women.
- \* **The Science and Technology Committee** deals with the following issues: Policy on civilian research and development, advanced technologies, environmental R&D, academic scientific research, non-academic scientific research, research institutes, chief scientists in government offices, National Council of R&D, research foundations, and information/computer technology.
- \* **The Committee for Immigration, Absorption, and Diaspora Affairs** deals with the following issues: immigration, absorption, dealing with emigrants, and Jewish and Zionist education in the diaspora.

- \* **The Labor, Welfare, and Health Committee** deals with the following issues: labor; social security including the system for guaranteeing a minimum income; the National Insurance Institute; health; welfare; rehabilitation; the disabled and their rehabilitation, including disabled soldiers and the families of the victims of warfare and other victims; juvenile delinquents; pensions and benefits; payments to soldiers and their families.
- \* **The Internal Affairs and Environment Committee** deals with the following issues: local government, town planning, entry into the country and population registration, citizenship, press and intelligence, ethnic communities, the religious organization of Jews and non-Jews, police, and prisons.

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#### Other Committees

- \* The Knesset also has a number of joint committees, such as the **Joint Committee for the Defense Budget**, which is a collaborative effort of the the Foreign Affairs and Defense Committee and the Finance Committee.
- \* Many committees have their own subcommittees, such as the **Public Petitions Committee** of the House Committee.
- \* **The Ethics Committee** is composed of four members of the Knesset who are chosen by the chairman of the Knesset based on factional considerations. The committee is responsible for the jurisdiction over Knesset members who may have violated rules of ethics of the Knesset or have been involved in illegal business outside the Knesset. the committee's deliberations are not open to the public.
- \* **The Interpretations Committee** deals with appeals against the interpretation given by the Speaker during a sitting of the plenum to the Knesset Rules of Procedure or precedents.

#### Ad Hoc Committees

- \* Committees established to deal with specific issues for a specified amount of time.
- \* During the 13th Knesset: the Committee for the War Against Drugs and The Committee on the Status of Women. The latter became a permanent committee in 1996.
- \* During the 14th Knesset: The Committee on Foreign Workers and the Science and Technology Committee. The latter became a permanent committee in 1999.

\* During the 15th Knesset: the Committee on the Rights of the Child. The Committee deals with the following issues: The protection of children and youth; the advancement of their status - with the goal of exercising their rights according to the International Agreement on Children's Rights; ensuring that children are provided with nourishing environments; helping youth express their needs and concerns.

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#### The Roles of the Knesset as Mandated by Law

\* The Knesset is the **house of representatives** (the parliament) of the State of Israel, in which the full range of current opinions are represented.

\* The Knesset decides the composition of the Government. (See chapter 6, pgs. 72-73.)

\* The Knesset is the **legislature**, with the exclusive authority to enact laws. The Knesset may pass laws on any subject and in any matter, as long as a proposed law does not contradict an existing basic law, and the legislative process is carried out as required by the law. It is implied that Knesset legislation may annul other previous laws.

\* The Knesset has a constituent-constitutional role, as set down by the Harari Proposal (pg. 32).

\* The Knesset supervises the work of the Government through its committees and the work of the plenum. The Knesset has various means of receiving information from the government in order to supervise and audit its activities.

\* As the representative of the people, the Knesset serves as the selector of the President and the state Comptroller. Knesset members are also represented on the committees that select judges and qadis (sharia judges) and the members of the Chief Rabbinate Council. The Knesset also has the power to impeach the President or the Comptroller.

#### Extra Legal Roles of the Knesset

\* The Knesset is the main forum for public discourse on issues that involve the people, and reports to the people about the policies of the government and the positions of the opposition.

\* The Knesset serves to recruit and train future leaders by providing members with valuable experiences in the parliamentary system.

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#### Differing Views of The Knesset as a Representative Body

The Knesset is meant to represent the main groups, interests, and outlooks of Israeli society. It is assumed that groups, etc. in the extreme minority go unrepresented. It is always possible that certain groups, etc. receive disproportionately greater representation than is expected for their populations, and that elected parties do not exactly represent the views of their constituents.

An individual member of Knesset represents what he feels are the interests of the state, and not the interests of a particular segment of society or political party. This could lead to circumstances whereby an MK may vote against the position of his political party. This view does not value the concept of factional discipline.

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An individual MK is elected to represent a particular political party. This view assumes that the party accurately represents the views of its supporters and their expectations, and that factional discipline is an important principle.

#### The Knesset as the Legislature

The main function of the Knesset as the legislative authority is to pass laws. Knesset legislation is binding upon all, and is the basis for the legal system and the justice system.

So many proposals for new legislation are submitted to the Knesset by MK's and the government, such that the scope of Knesset legislation has increased every year,

which reflects a a general trend in modern democracies toward increased government involvement in and regulation of society and the economy. Modern societies keep changing ever more rapidly, and legislation takes professional knowledge, which in turn slow down and complicate the legislative process. Legislation can be initiated by the Government (Government bills), by a single Member of Knesset, or a group of Knesset members (private members' bills), and all undergo a similar process before becoming law, although there are differences in the stages leading up to the first reading. "Readings" refer to discussions and votes concerning the formulation of a particular law.

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The Legislative Process (from the official website of the Knesset)

#### Government Bills

A Government bill is presented to the Speaker of the Knesset by the Minister concerned, and the Speaker places it on the Knesset table. During the deliberation, the Minister, or a Deputy Minister in his Ministry, presents an explanation of the law. At the end of the debate on first reading, the plenum can decide to reject the bill, or to refer it to a committee, for preparation for second reading. The Committee that was assigned the task of dealing with the bill is entitled to propose amendments, as it may see fit, as long as these amendments do not diverge from the subject of the bill. With the approval of the House Committee, the Committee can combine bills, or split a bill into two or more bills. Once the Committee has completed its work, it returns the bill to the plenum for second and third reading. The debate on second reading is opened by the Chairman of the Committee that dealt with the bill. The voting on second reading is performed article by article. At this stage the bill may be returned to the Committee, if it

is necessary to draft the reservations that were adopted in second reading, or be put immediately to the vote in third reading. Until the bill is adopted in third reading, the Government is entitled to withdraw it.

#### Committee Bills

A bill presented by a Committee is dealt with in the same manner as a Government Bill. Unlike Government bills and private members' bills, Committee bills can only deal with the following subjects: basic laws and laws dealing with the Knesset, elections to the Knesset, Members of Knesset, or the State Comptroller.

#### Private Members' Bills

Bills presented by a Member of the Knesset or a group of Knesset members, is presented to the Speaker of the Knesset by the proposer(s). The Speaker and his deputies decide whether to approve placing the bill on the Knesset's agenda. A bill that is racist in its essence, or rejects the existence of the State of Israel as the state of the Jewish People, shall not be approved.

A bill that has been approved to be placed on the Knesset agenda, is usually placed on the Knesset table at least 45 days before it is brought to the plenum for preliminary reading. The plenum can remove it from its agenda, or refer it to a committee, for preparation for first reading. As of the stage of first reading, the legislative process is similar to that of a Government bill. A private members' bill can be withdrawn until the end of the deliberation in the Committee, after the first reading.

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#### Knesset Oversight and Auditing of the Government

Votes of confidence or no confidence: According to Basic Law: The Government, the Knesset certifies the new government with a vote of confidence, and may topple the government with a vote of no confidence. Only one government, that of Yitzhak Shamir, was forced to resign as a result of a vote on a motion of no-confidence in the course of the 12th Knesset, on March 15, 1990.

Legislation: the government requires Knesset authorization for any of its proposed legislation.

Budget; the government's budget is set by the Knesset, and without its authorization the government cannot function. Included in the Knesset's authorization are the means of the government obtaining funding and imposing taxes.

Obtaining information: the Knesset has varied means at its disposal for obtaining information from the government.

The State Comptroller: the State Comptroller publishes an annual report, which deals with a selection of issues relating to the spheres of responsibility of the controlled bodies. This report is discussed in committee before receiving the Knesset's approval.

### The Opposition

The parliamentary opposition serves as an important check on the government through two main tasks: proposals for votes of no confidence and proposals for the agenda and parliamentary questions. The foremost goals are to bring about public discourse concerning the performance of the government, point out its flaws, and bring public attention to issues that the opposition feels matter.

Until 2000, the role of the Opposition Leader was not an official position, but rather an honorary role. The Leader of the Opposition used to be the leader of the largest party not within the government, and it was customary to conduct update meetings between him and the Prime Minister.

Since then, an amendment to the law has stipulated that the Leader of the Opposition must be a member of the largest faction within the opposition specifically chosen by the other members of his faction, or someone chosen by the majority of all the members of the opposition.

By law, the Prime Minister must deliver updates to the Leader of the Opposition on a per need basis, but no less than once a month, the leader of the opposition may speak before the entire Knesset plenum immediately after the Prime Minister, the Leader of the Opposition attends all state ceremonies with the Prime Minister, and his salary is set by the House Committee, and it is not less than that of a government minister.

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The opposition plays a diverse role in a democratic regime: it presents an alternative approach to public policy from that of the government, and even tries to replace the government, both through official parliamentary pressure and extra-parliamentary means, like bringing public pressure against the government.

The opposition also represents the interests of the people that are not espoused by the government, but because Israel has such a polarized political system and many parties, the opposition is seldom united behind a single cause or point of view.

### Parliamentary Commissions of Inquiry

According to article 22 of Basic Law: the Knesset, "The Knesset may appoint commissions of inquiry - either by empowering one of the permanent committees in that behalf or by electing a commission from among its members - to investigate

matters designated by the Knesset; the powers and functions of a commission of inquiry shall be prescribed by the Knesset; every commission of inquiry shall include

also representatives of party groups which do not participate in the Government (i.e., the opposition), in accordance with the relative strength of the party groups in the Knesset.

Commissions of Inquiry may be composed of either permanent or special Knesset Committees. Some believe that the law grants commissions of inquiry the right to subpoena witnesses.

Often, the findings of these commissions have been disputed or disparaged, with the claim that they are unprofessional, in the sense that the participants are lawmakers and not investigators, and that they are tinged with political agendas.

#### Parliamentary Questions

A Knesset member may approach a minister with a question on a matter of fact in the sphere of his responsibility. The answer to the approved question will usually be given within three weeks, and no later than six months.

Questions can be posed for a variety of reasons, for example, to obtain information from the government, as a form of rhetorical criticism, or to elicit public debate on an issue.

The Knesset receives hundreds of questions every year. A large portion concern the government's policies, while many deal with the day to day lives of the public. Sometimes private citizens may have their questions submitted on their on their behalf by MK's.

Questions are submitted to the speaker of the Knesset, who determines if a questions is "proper": a question may not be argumentative or judgmental; include an insulting name or term, or a slight to the Knesset's dignity or common morality; constitute a request for an opinion, or an answer to an abstract legal question or hypothetical proposition.

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Ordinary oral questions may be posed to ministers once a week, on Wednesdays, after being approved by the speaker on Monday. The minister responds orally and briefly, and the questioner may respond immediately thereafter, and two other Knesset members may pose questions on the same topic to the the minister.

A direct question is worded briefly and is passed on to the proper minister by the Knesset secretariat. The minister's answer is given in writing only and is not read out loud in the Knesset.

### Knesset Immunity

Knesset Members have the right of parliamentary immunity, which is intended to enable them to perform their tasks without fear of legal action. The essential immunity

ensures that a Knesset Member will not bear criminal or civil responsibility for any act which he performed while fulfilling his duty or in order to fulfill his duty.

In addition, a Knesset Member has immunities relating to searches, detention, criminal hearings, and legal proceedings which are not connected with his work as a Member of Knesset, and only the Knesset itself has the right to lift his immunity in these spheres.

Immunity is especially important for the opposition, as it affords them the necessary security to act and speak in their own interests.

In Israel, the parliamentary immunity is extremely broad, and on occasion there have been proposals to limit it, as the Knesset itself decides on the rules that govern immunity and the situations where it can be removed.

### Professional Immunity (AKA Inviolability)

Usually referred to as the protection accorded to MK's for any vote, any written or spoken expression of an opinion, or any act performed within the framework of his function. This immunity can not be removed, and protects the MK for the rest of his life, even after he has finished his term in Knesset.

In practice, this immunity is meant to protect the institution of the Knesset. This broad immunity protects the MK wherever he may be from any legal action: lawsuits, investigation, arrest, or trial.

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Further, according to article 2 of the Knesset Members' Rights and Duties Law, 1951, an MK "shall be immune from a search of his dwelling; from a search of his person or his belongings."

### Procedural Immunity

Essentially different from professional immunity in that it can be removed from an MK through procedures undertaken in the Knesset Plenum or expires once the MK has served his term, and it does not protect an MK's actions outside of the orbit of his function.

By law, an MK can only be brought to criminal trial after his immunity has been officially removed. This is not intended to protect MK's from justice; rather the



intention is to clarify if allegations of impropriety against an MK are legitimate, and not politically motivated.

This immunity also protects an MK from the consequences of actions that he may have committed before becoming an MK.

The Attorney General must first approve of Knesset proceedings to remove an MK's immunity if the allegations relate to crime; for other improprieties, the procedure is initiated by the government or the House Committee. (ed.'s note: the law has been updated such that a Knesset member only enjoys immunity if he specifically claims immunity. If he does not claim immunity, it is assumed that he is not immune.)

After that, the House Committee discusses and votes for removal of the immunity, after which the Knesset Plenum debates and votes on the matter. as of 2001, in the majority of cases the Knesset has followed the Attorney General's recommendations for removal of immunity.

What is truly considered within the realm of an individual's performance as a member of Knesset is not clearly defined, and therefore has been subject to controversy. In practice, it is the Knesset that has defined the limits on a case by case basis. in 1980, Attorney General Yitzhak Zamir published guidelines concerning the limits of professional immunity, and wrote that any matter whose goal was the destruction of the state or its democratic regime could not be considered as part of an MK fulfilling his duties, as it is the duty of every MK to remain loyal to the state and democracy. At other times, the High Court of Justice has overruled the Knesset's removal of an MK's immunity, and even then decisions of the high court have been far from unanimous.

Article 3 of the Knesset Members' Rights and Duties Law establishes that an MK may not be arrested unless caught in the midst of committing a crime involving the use of force, disturbing the peace, or treason, and only then may he be detained for up to ten days, unless the Knesset succeeds in removing his immunity.