

January 18, 2021 / 5th of Sh'vat, 5781

TO:

Rabbi Aryeh Deri, Minister of the Interior

Dr. Avichai Mandelblit, Esq., Attorney General

Ron Dermer, Israel's Ambassador to the United State of America

Avi Himi, Esq., Head of the Israel Bar Association

Meir Linzen, Esq., President of the International Association of Jewish Lawyers and Jurists

Dear Sirs,

Re: **Suspension of Registration of Civil Marriages of Israeli Citizens Married Under the Laws of the State of Utah**

1. As the leaders of J-PLAN (the Jewish Pluralism Legal Action Network), a group of Jewish lawyers in North America, and AAJLJ (American Association of Jewish Lawyers & Jurists), we read with great concern the news that The Ministry of the Interior has suspended the registration of civil marriages of Israeli couples who were married under the laws of the State of Utah in the United States. This suspension must be immediately reversed. Under long-recognized principles of international law and comity, Israel may not refuse to register a marriage that has been lawfully entered into in accordance with the laws of a State of the United States of America. Lawful marriages entered into in any country of the world in which there is rule of law and respect for human rights must be recognized by the State of Israel.
2. Civil marriages held in other countries, according to their laws, must be registered in Israel, as a basic norm and as an integral part of the principles of comity and international law. Since the 1960s, Israel's Supreme Court has consistently required the Ministry of the Interior and the Population Authority to register such marriages, on the basis of so-called "public certificates" from the countries in which such marriages took place.

3. Civil marriages may be conducted under the laws of any state in the United States, including Utah [See <http://www.utahcounty.gov/Dept/ClerkAud/Marriage.html>]. The fact that the State of Utah allows marriage online, once the requirements of local law have been met, does not detract from the legal validity of such marriages. We are not aware of any concern expressed by the Ministry of the Interior about the validity of such marriages under Utah law. Accordingly, there is no basis to deny registration of such marriages in Israel.
4. We cherish the State of Israel and attach utmost importance to strengthening it as a Jewish and democratic state. A healthy partnership with Jewish communities throughout the diaspora is critical to the vitality of the State of Israel. That healthy partnership is jeopardized when the State of Israel is the only Western democratic state in the world that does not respect the right of its citizens to marry and rejects the laws of personal status codified in the International Covenant on Civil and Political Rights. Hundreds of thousands of Israeli citizens cannot marry in their country because state religious authorities, with exclusive authority over marriage, interpret religious law to prohibit its own citizens from marrying. Many immigrants to Israel from North America and other countries (especially from the countries of the former Soviet Union) are Israeli citizens under the Law of Return, yet are unable to legally marry and establish families in their country. Many of them, as well as many other Israelis who are unwilling to submit to the authority of the Orthodox Chief Rabbinate, are forced to marry in civil marriages abroad. The fact that many Israelis are denied the right to marry in their own country is highly objectionable, and the fact that Israel is the only western democracy that denies its citizens marriage freedom damages and prejudices Israel's good reputation and standing in the international community. We hope this will change soon, in a manner consistent with international law and with the will of the great majority of Israel's Jewish public and world Jewry.
5. In the meantime, Israel must respect the legal validity of personal status acquired in other countries. The State of Israel must register civil marriages of Israelis married outside its borders, according to the consistent rulings of the Israeli Supreme Court. Failure to do so, as the Interior Minister has ordered, undermines the rule of law in Israel. The Ministry's refusal to abide by its basic legal obligations is unacceptable, especially during this period when many Israelis have been prevented from marrying abroad due to the COVID-19 pandemic.

6. We respectfully request that you immediately correct the instructions given by the Interior Minister to flout Supreme Court rulings and refrain from registering civil marriages lawfully entered into under the laws of the State of Utah. If necessary, we will take public and legal action to reverse this unlawful directive, but we hope your prompt attention and action, within your authority or your constructive influence, will prevent the need for such an undesirable dispute.

Sincerely,

JPLAN, the Jewish Pluralism Legal action Network, by:

Hon. Peter Buchsbaum, United States, Judge of Superior Court of New Jersey [ret.], Co-Chair

David Leit, Esq., United States, Partner, Lowenstein Sandler, LLP, Co-Chair

Rabbi Uri Regev, Israel, CEO, Hiddush-Renewal, Co-Chair

Mark S. Anshan, Canada, Co-Chair

American Association of Jewish Lawyers and Jurists, by:

Stephen Greenwald, Esq., President