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## Palestine/Israel

PAL/02 - Marwan Barghouti

***Decision adopted unanimously by the IPU Governing Council at its 197<sup>th</sup> session (Geneva, 21 October 2015)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council (PLC), and to the decision it adopted at its 195<sup>th</sup> session (October 2014),

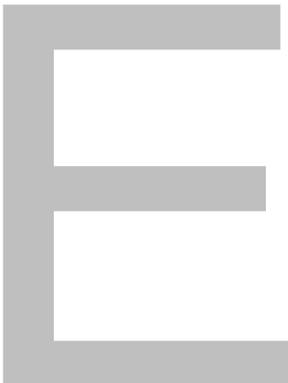
*Also referring* to Mr. Simon Foreman's expert report on Mr. Barghouti's trial (CL/177/11(a)-R.2) and to the study published in September 2006 by B'Tselem (the Israeli Information Center for Human Rights in the Occupied Territories), entitled "*Barred from Contact: Violation of the Right to Visit Palestinians Held in Israeli Prisons*",

*Recalling* the following information on file regarding Mr. Barghouti's situation:

- He was arrested on 15 April 2002 in Ramallah by the Israeli Defence Forces and transferred to a detention centre in Israel; on 20 May 2004, Tel Aviv District Court convicted him on one count of murder relating to attacks that killed five Israelis, on one count of attempted murder relating to a planned car bomb attack, and on one count of membership of a terrorist organization, and sentenced him to five life sentences and two 20-year prison terms; Mr. Barghouti did not lodge an appeal because he does not recognize Israeli jurisdiction; in his comprehensive report on Mr. Barghouti's trial, Mr. Foreman stated that "the numerous breaches of international law make it impossible to conclude that Mr. Barghouti was given a fair trial"; those breaches included the use of torture;
- According to his letter of 6 January 2013, the Diplomatic Advisor to the Knesset stated that: "Mr. Barghouti was detained in Hadarim prison. He was held in a regular cell with other inmates, without any separation or isolation. Mr. Barghouti is entitled to and, in fact, receives regular visits from his family, the most recent of which took place on 4 December 2012",

*Recalling* that, under the terms of the Israel/Hamas-brokered prisoner exchange, Israel released 477 Palestinian prisoners on 18 October 2011 and another 550 Palestinian prisoners during December 2011, and that those released included prisoners convicted of plotting suicide bombings inside buses and restaurants such as Ms. Ahlam Tamimi, who had been sentenced to 16 life sentences, but not Mr. Barghouti; *recalling also* that several members of the Knesset have in the past called for Mr. Barghouti's release, including Mr. Amir Peretz in March 2008 and later Mr. Guideon Ezra, a member of Kadima; and that, following Mr. Barghouti's election in August 2009 to Fatah's Central Committee, the then Israeli Minister for Minority Affairs, Mr. Avishaï Braverman, expressed support for his release,

*Recalling* that Israel released 26 long-serving Palestinian prisoners each day on 13 August, 30 October and 30 December 2013, as part of a United States-brokered deal allowing the resumption of Israeli-Palestinian peace talks; the individuals form the first three of four groups of Palestinian prisoners detained before 1993, totalling 104



individuals; the release of the fourth and last batch of prisoners, scheduled for late March 2014, did not take place following disagreements between Israeli and Palestinian authorities about the peace talks,

*Considering* that, according to the latest information provided by the complainants, Mr. Barghouti was threatened before a disciplinary committee with solitary confinement should he publish another article like the one he published on 11 October 2015 in the Guardian newspaper, entitled: "There will be no peace until Israel's occupation of Palestine ends"; Mr. Barghouti ends his article with: "I joined the struggle for Palestinian independence 40 years ago, and was first imprisoned at the age of 15. This did not prevent me from pleading for peace in accordance with international law and United Nations resolutions. But Israel, the occupying power, has methodically destroyed this perspective year after year. I have spent 20 years of my life in Israeli jails, including the past 13 years, and these years have made me even more certain of this unalterable truth: the last day of occupation will be the first day of peace",

1. *Deplores* the silence on the part of the Israeli Knesset in recent years in responding to the concerns and requests for information in this case;
2. *Remains* deeply concerned that 13 years after his arrest Mr. Barghouti remains in detention as the result of a trial which, in the light of the compelling legal arguments put forward in Mr. Foreman's report (on which the Israeli authorities have never provided their observations), did not meet the fair-trial standards which Israel, as a party to the International Covenant on Civil and Political Rights, is bound to respect, and therefore did not establish Mr. Barghouti's guilt;
3. *Calls on* the Israeli authorities to release him without delay and to provide, until that occurs, new official information on his current conditions of detention, in particular his family visiting rights, along with information on the extent to which he has access to medical care; *remains concerned* in this regard about the reported prison conditions in which Palestinian prisoners are held in Israel;
4. *Urges* the authorities to accede to its own long-standing request, for as long as Mr. Barghouti remains imprisoned, to be granted permission to visit him; *sincerely hopes* that the authorities will respond favourably and facilitate such a visit;
5. *Is concerned* about the reported threat of reprisals against Mr. Barghouti in connection with his exercise of the right to freedom of expression; *wishes* to receive the official views on this matter;
6. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.