PALESTINE / ISRAEL

- **PSE-02**: Marwan Barghouti
- **PSE-05**: Ahmad Sa'adat
- **PSE-COLL-01**: 23 parliamentarians
Palestine/Israel

Decision adopted by consensus by the IPU Governing Council at its 206th session (Extraordinary virtual session, 3 November 2020)

Ramallah, 15 April 2015 – Palestinian protesters wave flags bearing portraits of Fatah leader, Marwan Barghouti, during a march to mark the anniversary of his arrest. AFP Photo/Abbas Momani

PSE-02 – Marwan Barghouti

Alleged human rights violations

- Torture, ill-treatment and other acts of violence
- Arbitrary arrest and detention
- Lack of fair trial proceedings

A. Summary of the case

Mr. Marwan Barghouti, a member of the Palestinian Legislative Council (PLC), was arrested on 15 April 2002 in Ramallah by the Israeli Defence Forces and transferred to a detention facility in Israel. He was charged with murder, attempted murder and involvement in terrorist organizations. His trial before the Tel Aviv District Court started on 14 August 2002 and ended on 6 June 2004, when the court sentenced him to five life sentences and two 20-year prison terms. The complainants have raised a series of legal objections to Mr. Barghouti’s arrest and prosecution, alleging that he was ill-treated, especially at the start of his detention, and was denied access to legal counsel. The Committee appointed a legal expert and lawyer, Mr. Simon Foreman, to report on the trial. His report states that, “the numerous breaches of international law … make it impossible to conclude that Mr. Barghouti was given a fair trial”.

Case PSE-02

Palestine/Israel: The Palestinian Legislative Council and the Parliament of Israel are affiliated to the IPU

Victim: Member of the Palestinian Legislative Council (member of the majority)

Qualified complainant(s): Section I.(1).(b) of the Committee Procedure (Annex I)

Submission of complaint: April 2002

Recent IPU decision(s): October 2018

Recent IPU mission(s): - - -

Recent Committee hearing(s): Hearing with the head of the parliamentary group of Fatah at the 137th IPU Assembly (October 2017); hearing with the Palestinian complainants (October 2020)

Recent follow-up:
- Communication from the authorities: Letter from the head of the Knesset delegation to the Inter-Parliamentary Union (October 2020);
- Communication from the complainant: October 2020
- Communication addressed to the authorities: Letter addressed to the Speaker of the Knesset (September 2020)
- Communication addressed to the complainant: October 2020

1 The delegation of Israel expressed its reservations regarding the decision.
On 17 April 2017, Mr. Barghouti initiated a mass hunger strike, joined by more than 1,000 Palestinian inmates, to protest against the abusive and inhumane conditions in which Palestinian inmates were allegedly being held by the Israeli authorities. The “Freedom and dignity hunger strike” reportedly ended on 30 May 2017, as the Israeli Prison Service had agreed to grant some of the detainees’ requests. According to the information gathered during a hearing with the Palestinian complainants held in October 2020, the strike had also been triggered by the 2017 decision of the Israeli authorities to reduce the number of monthly visits to one instead of two visits per month. The complainants stated that the Israeli authorities had promised to increase the number of monthly visits; however, this has yet to be done.

In their letter of 18 October 2020, the Israeli parliamentary authorities did not provide any information on Mr. Barghouti’s current conditions of detention, including his visiting rights.

During the hearing held with the Palestinian complainants in October 2020, the Committee on the Human Rights of Parliamentarians gathered the information summarized below on the situation of Mr. Marwan Barghouti and other Palestinian inmates in Israeli prisons:

- Due to the COVID-19 pandemic, Mr. Barghouti has allegedly received only two visits from his spouse in 2020. According to the complainants, Mr. Barghouti is due to receive a third family visit in November 2020, which is facilitated by the International Committee of the Red Cross (ICRC) – the main focal point between the Israeli authorities and the inmates’ families and the only international organization allowed to conduct visits to Israeli prisons. Family visits are also restricted to one relative instead of five, due to the COVID-19 pandemic, and phone calls are allegedly prohibited. Prison guards may, however, allow an inmate to have a phone call in the event of emergencies. Nevertheless, there appears to be no consistency with respect to phone calls, which, according to the complainants, are arbitrarily granted or refused by prison guards;

- According to the complainants, visits are restricted to spouses and first-degree relatives (children, parents and siblings). During one visit, the Israeli authorities had promised Mr. Barghouti’s family that he would be able to meet his eight-month-old granddaughter. The complainants alleged that, after passing three prison gates and being only one gate away from Mr. Barghouti, the authorities arbitrarily denied her access and refused to let her to be brought in;

- The complainants described the last visit granted to Mr. Barghouti, which was in August 2020. According to the complainants, before any visit could take place, the family had to receive confirmation from the ICRC and be granted a permit to enter Israel. In August 2020, those conditions were met and Ms. Fadwa Barghouti, his spouse, was able to visit him for 45 minutes. The visit took place in the visiting room, where they communicated by phone in front of a glass window separating them. The complainants added that preparing a visit was a time-consuming process; the round trip took almost eight hours, owing to the family’s place of residence, the location of the prison, and the number of checkpoints to cross. The complainants stated that those conditions also applied to other inmates, and were more complicated for inmates from Gaza. According to the complainants, the Israeli authorities purposely detained inmates in prisons located far away from their place of residence, making it difficult for their families to visit;

- According to the complainants, detention conditions in Israeli prisons were dire. They said that prison buildings were obsolete, with poor sanitary conditions, and that they were infested with fleas and mosquitoes, while prison overcrowding was prevalent. The complainants alleged that inmates were not allowed to have a fan in times of high temperatures. The same applies during colder times, as prisons did not have central heating. Reportedly, prisoners were constantly being moved from one prison to another, or from prison to an investigation centre or to court, which meant that they spent several hours handcuffed inside a vehicle with aggressive and strict guards. The complainants also alleged that there were clothes shortages in prison and that inmates were allowed to have a new shirt only every three months. Inmates were required to first signal their needs to the prison guard, and wait for the guard to grant the request. Once the request was approved, inmates had to wait for a family visit before informing their relatives of their needs. The shirt could then be provided during the following family visit. The complainants also stated that detainees of all ages were held together, including children and young adults. Inmates suffering from serious diseases, including cancer or diabetes were allegedly denied appropriate medical care. The complainants also denounced Israel’s overuse of administrative detention.
**B Decision**

The Governing Council of the Inter-Parliamentary Union

1. *Takes note* of the Israeli parliamentary authorities’ letter of 18 October 2020; *deeply regrets*, however, the lack of information about Mr. Barghouti’s detention conditions;

2. *Takes notes with grave concern* that Mr. Barghouti was allegedly denied his visiting rights for three years for allegedly taking part in the 2017 mass hunger strike; *is also shocked* that, after three years without a single visit, Mr. Barghouti was only able to receive two visits from his spouse in 2020 due to the COVID-19 pandemic; *firmly recalls* that Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed … to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits"; *requests* the relevant Israeli authorities to give assurances that the upcoming visit scheduled for November 2020 will take place without hindrance;

3. *Strongly reaffirms* its long-standing position that Mr. Barghouti’s arrest and transfer to Israeli territory was in violation of international law; *deplores* his continued detention for over 18 years following a trial that failed to meet the fair-trial standards that Israel is bound to respect as a party to the International Covenant on Civil and Political Rights; *recalls* in this regard the compelling legal arguments put forward in Mr. Foreman’s report; and consequently *renews its call* on the Israeli authorities to release Mr. Barghouti forthwith;

4. *Is deeply concerned* about the complainants’ account of the detention conditions in Israeli prisons, including the prevailing crowded conditions and the alleged obsolete state of prison buildings; *is also worried* about the prohibition of phone calls and the arbitrary practice of prison guards in this regard; *urges* the Israeli authorities, in light of the COVID-19 pandemic and subsequent visiting restrictions, to enable detainees to call their relatives;

5. *Reiterates its long-standing wish* to be granted permission to visit Mr. Barghouti; and *urges* the Israeli authorities to give serious consideration to this request;

6. *Questions* why the Israeli authorities decided to reduce the number of visits to one visit per month instead of the two monthly visits that were allowed until 2017; *wishes* to receive more information on the reasons pertaining to this decision; *also notes* that, due to the COVID-19 pandemic, family visits would be limited to one person instead of five; *deplores* the fact that Palestinian prisoners feel compelled to resort to hunger strikes to have their demands heard and acted upon; and *is eager* to receive updated information on Mr. Barghouti’s current conditions of detention;

7. *Considers* that the many national and international reports denouncing the conditions of detention of Palestinian prisoners in Israeli jails should be of concern to the Knesset; *reaffirms* that the Knesset can, and should, exercise its oversight function of the Israeli prison service with regard to the treatment of Palestinian prisoners and thereby help ensure that all persons under the jurisdiction and effective control of Israel are afforded the full enjoyment of the rights enshrined in the International Covenant on Civil and Political Rights; *wishes* to know if the Knesset and individual members are allowed to carry out impromptu prison visits and, if so, to receive information on the applicable legal framework;

8. *Requests* the Secretary General to convey this decision to the competent authorities, the complainant and any third party likely to be in a position to supply relevant information;

9. *Requests* the Committee to continue examining this case and to report to it in due course.
Palestine/Israel

Decision adopted by consensus by the IPU Governing Council at its 206th session (Extraordinary virtual session, 3 November 2020)

Palestinian supporters of the Popular Front for the Liberation of Palestine (PFLP) take part in a protest outside the UNDP office calling for the release of Ahmad Sa’adat, leader PFLP, in Gaza city on 29 July 2015. MAJDI FATHI/NurPhoto/NurPhoto via AFP

PSE-05 – Ahmad Sa’adat

Alleged human rights violations

✓ Arbitrary arrest and detention
✓ Inhumane conditions of detention
✓ Lack of fair trial proceedings

A. Summary of the case

On 14 March 2006, Mr. Ahmad Sa’adat was abducted by the Israeli Defence Forces from Jericho Jail and transferred to Hadarim Prison in Israel, together with four other prisoners, after being accused by the Israeli authorities of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism. The Israeli authorities concluded one month later that Mr. Sa’adat had not been involved in the killing, but went on to charge the other four suspects. Subsequently, 19 other charges were brought against Mr. Sa’adat, all arising from his leadership of the Popular Front for the Liberation of Palestine (PFLP), which Israel considers a terrorist organization. None of the charges allege direct involvement in crimes of violence. On 25 December 2008, Mr. Sa’adat was sentenced to 30 years in prison. While detained, Mr. Sa’adat reportedly did not receive the medical care he required, nor visits from his family. In March and June 2009, he was placed in solitary

Case PSE-05

Palestine/Israel: The Palestinian Legislative Council and the Parliament of Israel are affiliated to the IPU

Victim: Member of the Palestinian Legislative Council (member of the majority)

Qualified Complainant(s): Section 1,(1),(b) of the Committee Procedure (Annex I)

Submission of complaint: July 2006

Recent IPU decision(s): October 2018

Recent IPU mission(s): - - -

Recent Committee hearing(s): Hearing with the Palestinian complainants (October 2020)

Recent follow-up:
- Communication from the authorities: Letters from the head of the Knesset delegation to the Inter-Parliamentary Union (October 2020)
- Communication from the complainant: October 2019
- Communication addressed to the authorities: Letter to the Speaker of the Knesset (September 2020)
- Communication addressed to the complainant: October 2020

1 The delegation of Israel expressed its reservations regarding the decision.
confinement, prompting him in June 2009 to go on a nine-day hunger strike. He remained in solitary confinement for three years, until May 2012.

In April 2017, Mr. Sa’adat took part in a mass hunger strike by Palestinian detainees to protest against their detention conditions in Israeli prisons. He was reportedly moved at that time to solitary confinement in Ohlikdar Prison. According to the information gathered during a hearing with the Palestinian complainants in October 2020, the strike had also been triggered by the 2017 decision of the Israeli authorities to reduce the number of monthly visits to one instead of two visits per month. The complainants stated that the Israeli authorities had promised to increase the number of monthly visits; however, this has yet to be done.

In their letter of 18 October 2020, the parliamentary authorities did not provide any information on Mr. Sa’adat’s current conditions of detention, including his visiting rights. The authorities suggested that the IPU should consider whether future correspondence relating to the case of Mr. Sa’adat was appropriate, given his involvement in terrorism-related crimes.

During the hearing held with the Palestinian complainants in October 2020, the Committee on the Human Rights of Parliamentarians gathered the following information on the situation of Palestinian inmates in Israeli prisons:

- The International Committee of the Red Cross (ICRC) is allegedly the main focal point between the Israeli authorities and the inmates’ families, and the only international organization allowed to conduct visits to Israeli prisons. Due to the COVID-19 pandemic, family visits are allegedly restricted to one relative instead of five, and phone calls are allegedly prohibited. Prison guards may, however, allow an inmate to have a phone call in the event of emergencies. Nevertheless, there appears to be no consistency with respect to phone calls, which, according to the complainants, are arbitrarily granted or refused by prison guards;

- According to the complainants, visits are restricted to spouses and first-degree relatives (children, parents and siblings). They said that, before any visit could take place, the family had to receive confirmation from the ICRC and be granted a permit to enter Israel. Visits lasted for 45 minutes and took place in the visiting room, where prisoners and their relatives communicated by phone in front of a glass window separating them. The complainants added that preparing for a visit was a time-consuming process; the round trip could take almost eight hours, owing to the family’s place of residence, the location of the prison and the number of checkpoints to cross. The complainants stated that those conditions also applied to other inmates, and were more complicated for inmates from Gaza. According to the complainants, the Israeli authorities purposely detained inmates in prisons located far away from their place of residence, making it difficult for their families to visit;

- According to the complainants, detention conditions in Israeli prisons were dire. They said that prison buildings were obsolete, with poor sanitary conditions, and that they were infested with fleas and mosquitoes, while prison overcrowding was prevalent. The complainants alleged that inmates were not allowed to have a fan in times of high temperatures. The same applied during colder times, as prisons do not have central heating. Reportedly, prisoners were constantly being moved from one prison to another, or from prison to an investigation centre or to court, which meant that they spent several hours handcuffed inside a vehicle with aggressive and strict guards. The complainants also alleged that there were clothes shortages in prison and that inmates were allowed to have a new shirt only every three months. Inmates were required to first signal their needs to the prison guard, and wait for the guard to grant the request. Once the request was approved, inmates had to wait for a family visit before informing their relatives of their needs. The shirt could then be provided during the following family visit. The complainants also stated that detainees of all ages were held together, including children and young adults. Inmates suffering from serious diseases, including cancer or diabetes, were allegedly denied appropriate medical care. The complainants also denounced Israel’s overuse of administrative detention.
B. **Decision**

The Governing Council of the Inter-Parliamentary Union

1. *Takes note* of the Israeli parliamentary authorities’ letter of 18 October 2020; *deeply regrets*, however, the lack of information about Mr. Sa’adat’s detention conditions;

2. *Strongly reaffirms* its long-standing position that Mr. Sa’adat’s abduction and transfer to Israel were related not to the original murder charge but rather to his political activities as PFLP General Secretary; *deplores* his continued detention for over 14 years as a result of a politically motivated trial; and consequently *calls again on* the Israeli authorities to release him without delay;

3. *Is deeply concerned* about the complainants’ account of the detention conditions in Israeli prisons, including the prevailing overcrowding and the alleged obsolete state of prison buildings; *is also worried* about the prohibition of phone calls and the arbitrary practice of prison guards in this regard; and *urges* the Israeli authorities, in light of the COVID-19 pandemic and subsequent visiting restrictions, to enable detainees to call their relatives;

4. *Reiterates its long-standing wish* to be granted permission to visit Mr. Sa’adat; and *urges* the Israeli authorities to give serious consideration to this request;

5. *Questions* why the Israeli authorities decided to reduce the number of visits to one visit per month, instead of the two monthly visits that were allowed until 2017; *wishes* to receive more information on the reasons pertaining to this decision; *also notes* that, due to the COVID-19 pandemic, family visits would be limited to one person instead of five; *deplores* the fact that Palestinian prisoners feel compelled to resort to hunger strikes to have their demands heard and acted upon; and *is eager* to receive updated information on Mr. Sa’adat’s current conditions of detention;

6. *Stresses* that the many national and international reports denouncing the conditions of detention of Palestinian prisoners in Israeli jails should be of concern to the Knesset; *reaffirms* that the Knesset can, and should, exercise its oversight function of the Israeli prison service with regard to the treatment of Palestinian prisoners and thereby help ensure that all persons under the jurisdiction and effective control of Israel are afforded the full enjoyment of the rights enshrined in the International Covenant on Civil and Political Rights; *wishes* to know if the Knesset and individual members are allowed to carry out impromptu prison visits and, if so, to receive information on the applicable legal framework;

7. *Requests* the Secretary General to convey this decision to the competent authorities, the complainant and any third party likely to be in a position to supply relevant information;

8. *Requests* the Committee to continue examining this case and to report to it in due course.
Palestine/Israel

Decision adopted unanimously by the IPU Governing Council at its 203rd session (Geneva, 18 October 2018)

Parliamentarians in administrative detention:
PSE-57 - Hasan Yousef
PSE-82 - Khalida Jarrar (Ms.)

Parliamentarians previously in administrative detention:
PSE-29 - Ahmad Attoun
PSE-32 - Basim Al-Zarrer
PSE-47 - Hatem Qfeisheh
PSE-61 - Mohammad Jamal Natsheh
PSE-62 - Abdul Jaber Fuqaha
PSE-63 - Nizar Ramadan
PSE-64 - Mohammad Maher Bader
PSE-65 - Azam Salhab
PSE-75 - Nayef Rjoub
PSE-84 - Ibrahim Dahbour
PSE-85 - Ahmad Mubarak
PSE-86 - Omar Abdul Razeq Matar
PSE-87 - Mohammad Ismail Al-Tal
PSE-89 - Khaled Tafesh
PSE-90 - Anwar Al Zaboun

Parliamentarians reportedly currently subject to criminal proceedings:
PSE-103 - Naser Abd Al Jawad

Parliamentarians reportedly subject to criminal proceedings in recent years:
PSE-28 - Muhammad Abu-Tair
PSE-78 - Husni Al Borini
PSE-79 - Riyadgh Radad
PSE-80 - Abdul Rahman Zaidan
Parliamentarians subject to the withdrawal of their Jerusalem residence permit:
PSE-28 - Muhammad Abu-Tair
PSE-29 - Ahmad Attoun
PSE-30 - Muhammad Totah

Alleged human rights violations:
✓ Arbitrary arrest and detention
✓ Inhumane conditions of detention
✓ Lack of due process at the investigation stage
✓ Lack of fair trial proceedings
✓ Violation of freedom of movement

A. Summary of the case

The original case concerned parliamentarians who, in mid-2006, were seized by Israeli Defence Forces in the occupied West Bank and Jerusalem and transferred to Israeli prisons. All of the parliamentarians had been elected in January 2006 on the Electoral Platform for Change and Reform (Hamas). On 25 September 2006, an Israeli military appeal court in the West Bank overturned a court decision to release them and ordered that they remain in prison pending trial. All were charged with being members of a terrorist organization, namely Hamas, carrying out activities on its behalf and providing it with services. Most received prison sentences of about 40 months and were released after serving them. Over the years, several have been rearrested, with most of them subject to administrative detention and some to criminal prosecution. Currently, two members of the Palestinian Legislative Council (PLC), namely Mr. Hasan Yousef and Ms. Khalida Jarrar, are in administrative detention and one, Mr. Naser Abd Al Jawad, is reportedly facing criminal proceedings.

Mr. Ahmad Attoun, who was released in February 2009, as well as Mr. Muhammad Abu-Tair and Mr. Muhammad Totah, both released in 2010, had their Jerusalem residence permits withdrawn and were ordered to be deported.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. Thanks the head of the Knesset delegation for his most recent letter; regrets nevertheless that the letter does not address the concerns raised in these cases directly; regrets therefore all the more that he was unable to meet the Committee on the Human Rights of Parliamentarians at the 139th IPU Assembly;

2. Notes that only two PLC members are currently in administrative detention in Israel, down from 10 members when it last commented on this case in October 2017; considers, however, that, as the case history shows, even when PLC members are released, they remain subject to renewed arrest and can be placed in administrative detention again at any time and indefinitely, as the repeatedly extended detention of the two PLC members shows;

3. Remains deeply concerned in this regard that the practice of administrative detention often relies on classified evidence, as the Israeli authorities acknowledge; understands that, at the normative level, and at that of the relevant jurisprudence of the Supreme Court, safeguards are provided for with a view to preventing the abusive use of administrative detention; underscores nevertheless that the reality of administrative detention is quite different, mainly owing to the
lack of any effective possibility for the detainees to defend themselves, with the result that they are open to arbitrary treatment;

4. Points out that UN human rights mechanisms and bodies have long voiced their strong concern about the extensive use of administrative detention by the Israeli authorities, such as most recently the UN Human Rights Council in its resolution adopted in March 2018, and that the UN Human Rights Committee called on the Israeli authorities, in its concluding observations adopted in 2014 on the human rights situation in Israel, “to end the practice of administrative detention and the use of secret evidence in administrative proceedings, and ensure that individuals subject to administrative orders are either promptly charged with a criminal offence, or released”;

5. Calls once again, therefore, on the Israeli authorities to abandon the practice of administrative detention and to make use only of the regular criminal procedure to justify detention;

6. Notes the total absence of information on the reasons for Mr. Naser Abd Al Jawad’s detention under – as it appears – the regular criminal procedure; wishes to receive information from the Israeli authorities on the facts and legal basis that led to his arrest, on whether he has been charged, and if so, whether trial proceedings are taking place, as well as information on his conditions of detention;

7. Requests the Secretary General to convey this decision to the competent authorities, the complainant and any third party likely to be in a position to supply relevant information;

8. Requests the Committee to continue examining this case and to report back to it in due course.