

## PALESTINE / ISRAEL

- **PSE-02:** Marwan Barghouti
- **PSE-05:** Ahmad Sa'adat
- **PSE-83:** Aziz Dweik
- **PSE-COLL-01:** 23 parliamentarians



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## Palestine/Israel

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



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. Barghouti, a member of the Palestinian Legislative Council, 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 came to a close 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".

On 17 April 2017, Mr. Barghouti initiated a mass hunger strike, joined by more than 1,000 Palestinian inmates, in protest against the abusive and inhumane conditions in which Palestinian inmates were allegedly being held by the Israeli authorities. The strike reportedly ended on 30 May 2017, as the Israeli Prison Service had agreed to grant some of the detainees' requests.

#### 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 1)

**Submission of complaint:** April 2002

**Recent IPU decision:** [October 2017](#)

**IPU mission:** - - -

**Recent Committee hearing:** Hearing with the head of the Fatah parliamentary group at the 139<sup>th</sup> IPU Assembly (October 2018)

#### Recent follow-up

- Communication from the authorities: Letters from the head of the Knesset delegation to the Inter-Parliamentary Union (January 2018 and September 2017)
- Communication from the complainant: October 2018
- Communication from the IPU to the authorities: September 2018
- Communication from the IPU to the complainant: October 2018

## B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Is extremely concerned* that Mr. Barghouti remains imprisoned, more than 16 years after he was arrested, with no prospect of early release;
2. *Reaffirms its long-standing position* that Mr. Barghouti's arrest and transfer to Israeli territory was in violation of international law and, in the light of the compelling legal arguments put forward in Mr. Foreman's report, his trial failed to meet the fair-trial standards which Israel, as a party to the International Covenant on Civil and Political Rights, is bound to respect, and that his guilt was never established;
3. *Consequently renews its call* on the Israeli authorities to release Mr. Barghouti forthwith;
4. *Is eager to receive*, in light of previous concerns in this regard and concerns expressed by the UN Human Rights Council in March 2018 about the conditions of Palestinian prisoners in Israeli jails, updated information on Mr. Barghouti's current conditions of detention, in particular with respect to the frequency and type of visits he receives and his access to medical care;
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. *Regrets* that the Israeli delegation was unable to meet with the Committee on the Human Rights of Parliamentarians at the 139<sup>th</sup> IPU Assembly; *requests* the Secretary General to continue his dialogue with the parliamentary authorities and to contact the competent government and administrative authorities, inviting them to provide the requested information, including their views on the proposed visit;
7. *Requests* the Committee to continue examining this case and report to it in due course.



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## Palestine/Israel

*Decision adopted unanimously by the IPU Governing Council at its 203<sup>d</sup> session (Geneva, 18 October 2018)*



Ahmad Sa'adat, the leader of the Popular Front for the Liberation of Palestine, is escorted by Israeli border police to the Ofer military court in the West Bank, north of Jerusalem, 27 March 2006. AFP Photo / Menahem Kahana

### 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. 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 attention he required or visits from his family. In March and June 2009, he was placed in solitary 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.

#### Case PSE-05

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

**Victim:** Majority member of the Palestinian Legislative Council

**Qualified complainant(s):** Section I (1)(b) of the [Committee Procedure](#) (Annex 1)

**Submission of complaint:** July 2006

**Recent IPU decision:** [October 2017](#)

**IPU mission:** - - -

#### Recent Committee hearing:

- Hearing with the head of the Fatah parliamentary group at the 139<sup>th</sup> IPU Assembly (October 2018)

#### Recent follow-up

- Communication from the authorities: Letters from the head of the Knesset delegation to the Inter-Parliamentary Union (January 2018 and September 2017)
- Communication from the complainant: October 2018
- Communication from the IPU to the authorities: September 2018
- Communication from the IPU to the complainant: October 2018

## **B. Decision**

The Governing Council of the Inter-Parliamentary Union

1. *Is extremely concerned* that, more than 12 years after his arrest, Mr. Sa'adat remains in detention as a result of a politically motivated trial; *reaffirms* in this regard 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;
2. *Calls again on* the Israeli authorities to release him without delay;
3. *Is eager to receive*, in light of previous concerns in this regard and concerns expressed by the UN Human Rights Council in March 2018 about the conditions of Palestinian prisoners in Israeli jails, updated information on Mr. Sa'adat's current conditions of detention, in particular with respect to the frequency and type of visits he receives, and his access to medical care;
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. *Regrets* that the Israeli delegation was unable to meet with the Committee on the Human Rights of Parliamentarians at the 139<sup>th</sup> IPU Assembly; *requests* the Secretary General to continue his dialogue with the parliamentary authorities and to contact the competent government and administrative authorities, inviting them to provide the requested information, including their views on the proposed visit;
6. *Requests* the Committee to continue examining this case and report to it in due course.

## Palestine/Israel

**Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161<sup>st</sup> session (Geneva, 20–30 January 2020)**



Aziz Dweik, speaker of the Palestinian Legislative Council, after his release from Israeli prison outside the compound of the Israeli Ofer Military Prison, near the West Bank town of Betunia, on 9 June 2015 AFP PHOTO/AHMAD GHARABLI

### PSE-83 - Abdel Aziz Dweik

#### Alleged human rights violations:

- ✓ Arbitrary arrest and detention

#### A. Summary of the case

Mr. Abdel Aziz Dweik, the former Speaker of the Palestinian Legislative Council (PLC), was arrested during the night of 15–16 June 2014, along with and followed by scores of other Palestinian leaders, after the abduction of three Israeli teenagers, which Israel blamed on Hamas, who were subsequently found killed. According to the complainant, Mr. Dweik was first placed in administrative detention and then subjected to criminal proceedings apparently related, according to the complainant, to a speech he made at a public gathering and other activities linked to his political work. On 25 May 2014, the Israeli military court in Ofer Prison sentenced him to a one-year prison term and a fine. He was released on 9 June 2015 after serving his sentence.

Mr. Dweik was previously arrested in 2006 and sentenced in 2008 to 36 months in prison for membership of a terrorist organization (Hamas), having been elected in 2006 to the PLC on the ticket of the Electoral Platform for Change and Reform and taking on the role of Speaker of the PLC. Mr. Dweik was subsequently re-arrested in 2012 and spent six months in administrative detention in Israel until his release on 19 July 2012.

#### CASE PSE-83

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

**Victim(s):** Majority member of the Palestinian Legislative Council

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

**Submission of complaint(s):** April 2014

**Recent IPU decision(s):** [February 2016](#)

**IPU Mission(s):** - - -

#### Recent Committee hearing(s):

- Hearing with the head of the parliamentary group of Fatah at the 137<sup>th</sup> IPU Assembly (October 2017);
- Hearing with the Deputy Speaker of the Knesset at the 134<sup>th</sup> IPU Assembly (March 2016)

#### Recent follow-up:

- Communication from the authorities: Letter from the head of the Knesset delegation to the Inter-Parliamentary Union (December 2019); letter from the Speaker of the Palestinian National Council (January 2020)
- Communication from the complainant: January 2020
- Communication addressed to the authorities: Letter addressed to the head of the Knesset delegation to the IPU (December 2019); letter addressed to the Speaker of the Palestinian National Council (December 2019)
- Communication addressed to the complainant: January 2020

On 22 December 2018, the Palestinian Constitutional Court adopted a decree dissolving the PLC and calling for parliamentary elections to be held in six months' time.

## **B. Decision**

The Committee on the Human Rights of Parliamentarians:

1. *Takes note* that Mr. Dweik was released on 9 June 2015 after having served his one-year prison sentence;
2. *Deeply regrets* that it has not received a copy of the verdict adopted in Mr. Dweik's case, despite repeated requests addressed to the Israeli authorities and the complainant in order to understand the precise legal grounds and facts underpinning Mr. Dweik's conviction in 2014 and to ensure that it was not based on his political activity;
3. *Recalls* in this regard its long-standing fear, in light of the broader campaign of political harassment against members of the Palestinian Legislative Council, who have been frequently detained by the Israeli authorities in the absence of criminal charges or on account of their political work, that Mr. Dweik's arrest, prosecution and conviction in 2014 may not have been based on formal charges of any specific criminal activity, but rather on his political affiliation, and that they were therefore carried out for non-judicial purposes; *recalls* also in this respect its long-held view that, with regard to Mr. Dweik's previous arrest, detention and prosecution in 2006, they were unrelated to any criminal activity on his part, but were linked to his election on the Electoral Platform for Change and Reform list in a free and fair election recognized as such by the international community;
4. *Decides* nevertheless to close the case in accordance with section 25(a), (b) and (c) of Annex I of its Procedure for the examination and treatment of complaints, in the absence of the aforesaid requested information and in light of the conclusion of the judicial proceedings and Mr. Dweik's release in 2015;
5. *Requests* the Secretary General to convey the decision to the parliamentary authorities and to the complainant.



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



Hamas parliamentarians Mr. Ahmed Attoun (R), Mr. Mohammed Totah (second from right) and Mr. Khaled Abu Arafa (L) in front of the International Red Cross offices, where they have been living for the past 162 days fearing expulsion by the Israeli authorities, 9 December 2010 © AFP Photo/Marco Longari

### **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 - Riyadh 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 139<sup>th</sup> 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

#### Case PSE-COLL-01

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

**Victims:** 25 majority members of the Palestinian Legislative Council (24 men and one woman)

**Qualified complainant(s):** Section I (1) (d) of the [Committee Procedure](#) (Annex 1)

**Submission of complaint:** June 2014

**Recent IPU decision:** [October 2017](#)

**IPU mission:** - - -

#### Recent Committee hearing:

- Hearing with the head of the Fatah parliamentary group at the 139<sup>th</sup> IPU Assembly (October 2018)

#### Recent follow-up

- Communication from the authorities: Letters from the head of the Knesset delegation to the Inter-Parliamentary Union (October and January 2018; September 2017)
- Communication from the complainant: October 2018
- Communication from the IPU to the authorities: September 2018
- Communication from the IPU to the complainant: October 2018

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.