

PALESTINE / ISRAEL

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



Inter-Parliamentary Union

For democracy. For everyone.

Palestine/Israel

**Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)**



Men walk past a section of Israel's separation barrier painted with a portrait of Palestinian Marwan Barghouti held in an Israeli jail ©HAZEM BADER / AFP

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, an elected member of the Palestinian Legislative Council (PLC) in the constituency of Ramallah on the West Bank since January 1996 and widely known, according to several sources, for advocating a just and lasting peace in the Middle East, 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. Despite being in prison, Mr. Barghouti was re-elected as a member of parliament for his constituency in the 2006 Palestinian legislative elections.

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 2003 report, on which the Israeli authorities have not

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

Submission of complaint: April 2002

Recent IPU decision: November 2020

IPU mission(s): ---

Recent Committee hearings:

- Hearing with the Palestinian complainants at the 162nd session of the CHRP (October 2020) and hearing with head of the parliamentary group of Fatah at the 139th IPU Assembly (October 2018)

Recent follow-up:

- Communications from the authorities: Letter from the head of the Knesset delegation to the IPU (March 2024); letter from the Speaker of the Palestinian National Council (October 2020)
- Communication from the complainants: March 2024
- Communications to the authorities: Letter to the Knesset Speaker (December 2023); letter to the Speaker of the Palestinian National Council (December 2023)
- Communication to the complainants: March 2024

provided their observations, stated that, “the numerous breaches of international law … make it impossible to conclude that Mr. Barghouti was given a fair trial” and that guilt had therefore not been established.

Mr. Foreman stated in his report that those breaches started with the illegal arrest and transfer of Mr. Barghouti to Israel in violation of the Oslo Agreements and the Fourth Geneva Convention. According to the report, Mr. Barghouti’s claims that he was subjected to cruel, inhuman and degrading treatment during the interrogations have never been investigated. Regarding the conduct of the trial proceedings, the trial observer indicated that none of the prosecution witnesses, all Palestinians, had testified against Mr. Barghouti and provided any evidence of his involvement in the acts of which he is accused. On the contrary, some of them contested their “confessions” as having been obtained under duress, while others stated that they were forced to sign documents in Hebrew that they did not understand, and others took the opportunity to denounce Israeli politics in the occupied territories. Moreover, according to one of the sources, on 6 April 2003 the court reportedly accepted as Mr. Barghouti’s testimony a report written by the Israeli intelligence services that Mr. Barghouti had refused to sign. Mr. Foreman also noted that, at the first hearings, the public present in the court room displayed a hostile attitude, calling Mr. Barghouti a “murderer, terrorist”.

According to Mr. Barghouti’s defence counsel, the charges brought against Mr. Barghouti were entirely based on secret reports that he had not seen, and the questions put to him by his interrogators were only about documents taken from Palestinian National Authority (PNA) offices, namely requests for financial or social support addressed to Mr. Barghouti. As a parliamentarian and former Secretary General of Fatah-West Bank, Mr. Barghouti used to receive such requests, which he forwarded to Mr. Arafat’s office.

In the early years of his detention, several members of the Knesset called for the release of Mr. Barghouti, such as Knesset member Mr. Amir Peretz in March 2008, when he stated that Mr. Barghouti could be a key element in attaining stability and assuming responsibility of the PNA, and Mr. Gideon Ezra, a member of Kadima. Following Mr. Barghouti’s election in August 2009 to Fatah’s Central Committee, the Israeli Minister for Minority Affairs, Mr. Avishaï Braverman, also expressed his support for his release.

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. While the Israeli prison service (IPS) had agreed to grant some of the detainees’ requests, including increasing the number of monthly visits, the complainants stated that such requests had not been met.

During the hearing held with the Palestinian complainants in October 2020, the Committee on the Human Rights of Parliamentarians gathered information on the situation of Mr. Barghouti and other Palestinian inmates in Israeli prisons, including on visitation rights, which were severely restricted due to the COVID-19 pandemic. The Committee also learned about the difficult conditions that family members of those detained have to meet before they are granted access to visit their loved ones, which include International Committee of the Red Cross (ICRC) confirmation, Israeli permission to enter the country and making the lengthy trip to the prison facility. During the October 2020 hearing, the complainants also described the dire detention conditions in Israeli prisons, particularly their overcrowding. In their letter of 18 October 2020, the Israeli parliamentary authorities did not provide any information on Mr. Barghouti’s conditions of detention, including his visiting rights.

The Committee on the Human Rights of Parliamentarians invited the Israeli authorities to a hearing during its session held during the 144th IPU Assembly in March 2022 to discuss Mr. Barghouti’s case and resume dialogue. In their letter of 10 March 2022, the Israeli authorities declined the Committee’s hearing invitation, considering that Mr. Barghouti had been duly convicted in a fair trial conducted in an Israeli court for murder, attempted murder and membership of a terrorist organization. The Israeli authorities added that, in light of these elements, they see “no reason to alter their position *vis-à-vis* the Committee on this case or any others pertaining to terrorists convicted in Israeli courts”.

On 7 October 2023, Hamas-led gunmen from the Gaza Strip launched an attack in southern Israel, deliberately killing civilians and taking hostages back to Gaza. In response to the attack, Israel launched an offensive against Gaza, which has caused large-scale loss of human lives and widespread destruction.

According to recent information shared by the complainants, Mr. Barghouti's detention conditions, as well as those of all the Palestinian inmates detained in Israeli prisons, have deteriorated since the Hamas attack of 7 October.

Since the beginning of the recent conflict, Mr. Barghouti has been transferred three to five times to unknown detention facilities in Israel. His lawyer reported that he was placed in solitary confinement for being suspected of planning the subsequent uprising (Intifada) in the West Bank and Gaza. According to the lawyer of another inmate, who saw Mr. Barghouti in his cell while visiting his client, the former member of parliament's face was covered in blood and displayed clear signs of beating. Mr. Barghouti's family stated that the Israeli prison service's officers are torturing him with regular beatings and sleep deprivation through playing the Israeli national anthem and the Israeli Declaration of Independence at full volume in his cell. Mr. Barghouti has no access to medical care and has lost significant weight due to the severe limitations imposed by the IPS on the food supply in all prison cells. According to his family, Mr. Barghouti and other Palestinians detained in Israel are fed two spoons of rice and a tomato per day.

Mr. Barghouti is also denied access to showers, hygiene essentials and water, which the IPS has reportedly restricted to less than an hour a day. The toilets are not functional, thereby denying Mr. Barghouti minimum sanitary standards. Additionally, Mr. Barghouti's belongings, including his clothes and books, have been confiscated and he has no contact with the outside world.

Mr. Barghouti's family fear that the continued physical torture and the lack of medical care will have life-threatening consequences.

Mr. Barghouti's family stated that they have not been able to visit him for the past two years, as the Israeli authorities have been systematically denying their visit requests. Since the 7 October attack, the ICRC, the only organization allowed by the Israeli authorities to visit Palestinian inmates held in Israel, has been denied access to Israeli prisons, while family visits facilitated by the ICRC have been prohibited. Only lawyers have been granted the right to visit their clients. In this regard, Mr. Barghouti received two visits from his lawyer, who reported on his state and his dire detention conditions.

According to a public report¹ issued by Israeli human rights organizations, including the Public Committee Against Torture in Israel and Physicians for Human Rights Israel on 16 February 2024, "since Hamas' attack on October 7, 2023, and the subsequent Israeli offensive on Gaza, there has been a marked and severe escalation in the abuse of Palestinian detainees and prisoners incarcerated in Israeli prisons and detention facilities. Over the last four months, at least seven Palestinians have died while in custody in Israeli prisons and ad-hoc detention facilities, with initial evidence and testimonies suggesting that at least some of these deaths were connected to instances of severe violence by IPS officers". The report aims to address the widespread abuse inflicted by IPS officers on Palestinian prisoners.

In their letter of 18 March 2024, the Israeli parliamentary authorities reiterated their long-standing view that Mr. Barghouti is a terrorist mastermind who was held for questioning and sentenced to five consecutive life terms and another 40 years in prison, adding that he has only served 20 years so far. The parliamentary authorities stated that "under no circumstances should the IPU make light of a terrorist unaffiliated with Hamas, adding that Mr. Barghouti is a Fatah terrorist leader. From Israel's point of view, there is no difference between him, and a terrorist associated with Hamas, Islamic Jihad, Al-Qaeda, or ISIS". With regard to the detention conditions of Mr. Barghouti, the parliamentary authorities stated that the Red Cross was responsible for carrying out these inspections and that the prison authorities carefully review and consider the recommendations of every Red Cross report and implement changes when necessary.

With regard to the situation in Gaza, on 25 March 2024, the United Nations Security Council passed a resolution expressing deep concern about the catastrophic humanitarian situation in the Gaza Strip and demanding an immediate ceasefire for the month of Ramadan, the immediate and unconditional release of hostages, as well as "the urgent need to expand the flow of humanitarian assistance to and reinforce the protection of civilians in the entire Gaza Strip."

¹ *Systemic torture and inhumane treatment of Palestinian detainees in Israeli prison facilities since October 7, 2023 - Urgent Appeal to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, authored by the Public Committee Against Torture in Israel; Adalah - the Legal Center for Arab Minority Rights in Israel; HaMoked - Center for the Defence of the Individual; and Physicians for Human Rights Israel, 14 February 2024.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Takes note* of the Israeli parliamentary authorities' letter of 18 March 2024; and *regrets*, however, the Israeli authorities' lack of willingness to engage constructively with the Committee about the case of Mr. Barghouti and the lack of concrete information on his detention conditions;
2. *Expresses deep concern* about the deteriorating detention conditions of Mr. Barghouti, including his apparent unjustified transfer to various detention centres and placement in solitary confinement in the absence of any valid reason; the reported torture and ill-treatment inflicted upon him; the reported denial of medical care and family visits; the lack of food, water, electricity and the deprivation of his basic human rights as a detainee, which could have life-threatening consequences; *urges* the Israeli authorities to treat Mr. Barghouti with respect for his inherent dignity and value as a human being, to prevent torture and other forms of ill-treatment, to investigate thoroughly the very serious allegations about his current treatment and to take the necessary action that may be warranted as a result of the outcome of the investigation;
3. *Deplores* the reported continued arbitrary decisions of the Israeli authorities with regard to Mr. Barghouti's visiting rights, which have not been respected, given that his family has been denied access to visit him for the past two years; *firmly recalls* the United Nations Standard Minimum Rules for the Treatment of Prisoners, according to which Mr. Barghouti's visitation rights should not be subject to arbitrary decisions authorizing or denying visits; *calls on* the relevant Israeli authorities to ensure that Mr. Barghouti is entitled to family visiting rights in accordance with the law and relevant international standards; and *wishes* to ascertain his current conditions of detention, with respect in particular to the frequency of visits and access to medical care;
4. *Reaffirms*, once more, its views that members of parliament are not above the law and that when they commit crimes they should be held accountable in a court of law following due process; *recalls* that Mr. Barghouti was a serving member of the Palestinian Legislative Council when charges of terrorism were brought against him; *recalls* in this regard the stringent legal arguments put forward in Mr. Foreman's report of 2003, on which the Israeli authorities have never provided their observations, that Mr. Barghouti's trial did not correspond to the fair trial standards that Israel, as a party to the International Covenant on Civil and Political Rights, was bound to respect; and *recalls*, in light of the report, that Mr. Barghouti's transfer to Israel had breached the Oslo Agreements and the Fourth Geneva Convention and had led the IPU to urge the Israeli authorities to transfer Mr. Barghouti to the custody of the Palestinian authorities with a view to his being prosecuted and judged by them, in accordance with international law and international fair trial standards;
5. *Affirms* that while it condemns the Hamas attack on 7 October 2023, deplores the lives it claimed and is deeply concerned about the fate of the remaining hostages, it considers that the State of Israel must uphold the rule of law and must stop any collective punitive measures against Palestinian detainees, including Mr. Barghouti, for unjustified reasons; and *calls on* the Israeli authorities to grant unrestricted access to Mr. Barghouti by his family and lawyer as well as the ICRC and ensure that his detention conditions are in line with Israel's obligations under international law;
6. *Sincerely hopes* that the Israeli authorities will consider the Committee's long-standing request to be granted permission to visit Mr. Barghouti;
7. *Stresses*, once more, that the many national and international reports denouncing the conditions of detention of Palestinian prisoners in Israeli prisons 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; and *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 complainants 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.



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Palestine/Israel

**Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)**



Palestinian supporters of the PFLP take part in a protest calling for the release of Ahmad Sa'adat imprisoned in Israel © Majdi Fathi/Nur Photo

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 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.

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 complainants: Section I.(1)(b) of the Committee Procedure (Annex I)

Submission of complaint: July 2006

Recent IPU decision: November 2020

IPU mission(s): ---

Recent Committee hearing:

- Hearing with the Palestinian complainants at the 162nd session of the CHRP (October 2020), and hearing with the head of the parliamentary group of Fatah at the 139th IPU Assembly (October 2018)

Recent follow-up:

- Communications from the authorities: Letter from the head of the Knesset delegation to the IPU (March 2024); letter from the Speaker of the Palestinian National Council (October 2020)
- Communication from the complainant: March 2024
- Communications to the authorities: Letters to the Knesset Speaker and the head of the Knesset delegation to the IPU (March 2022); letter to the Speaker of the Palestinian National Council (December 2021)
- Communication to the complainant: March 2024

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.

During the hearing held with the Palestinian complainants in October 2020, the Committee on the Human Rights of Parliamentarians gathered information on the situation of Palestinian inmates in Israeli prisons, including on visitation rights, which were severely restricted due to the COVID-19 pandemic. The Committee also learned about the difficult conditions that family members of those detained have to meet before they are granted access to visit their loved ones, which include International Committee of the Red Cross (ICRC) confirmation, Israeli permission to enter the country and making the lengthy trip to the prison facility. During the October 2020 hearing, the complainants also described the dire detention conditions in Israeli prisons, particularly their overcrowding. In their letter of 18 October 2020, the Israeli parliamentary authorities did not provide any information on Mr. Sa'adat's 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.

The Committee on the Human Rights of Parliamentarians invited the Israeli authorities to a hearing during its session held during the 144th IPU Assembly in March 2022 to discuss Mr. Sa'adat's case and resume dialogue. In their letter of 10 March 2022, the Israeli authorities declined the Committee's hearing invitation, considering that Mr. Sa'adat had been convicted for heading a terrorist group that, among other things, assassinated a member of the Israeli parliament and was sentenced to 30 years in prison. According to the authorities, Mr. Sa'adat was duly convicted in a fair trial conducted in an Israeli court for murder, attempted murder and membership of a terrorist organization. The Israeli authorities added that, in light of these elements, they see "no reason to alter their position vis-à-vis the Committee on this case or any others pertaining to terrorists convicted in Israeli courts".

On 7 October 2023, Hamas-led gunmen from the Gaza Strip launched an attack in southern Israel, deliberately killing civilians and taking hostages back to Gaza. In response to the attack, Israel launched an offensive against Gaza, which has caused large-scale loss of human lives and widespread destruction.

According to recent information shared by the complainant, Mr. Sa'adat's detention conditions, as well as those of all the Palestinian inmates detained in Israeli prisons, have deteriorated since the Hamas attack on 7 October. The ICRC, the only organization allowed by the Israeli authorities to visit Palestinian inmates held in Israel, has been denied access to Israeli prisons, while family visits facilitated by the ICRC have been prohibited. Only lawyers have been granted the right to visit their clients.

According to the complainant, Mr. Sa'adat was transferred from Rimon prison to an unknown detention facility in Israel. The former member of parliament was reportedly placed in solitary confinement. Mr. Sa'adat has allegedly no access to medical care, water or electricity due to the severe limitations imposed by the Israeli Prison Service (IPS) in all prison cells, which also extends to restrictions on food supply. Mr. Sa'adat is also denied access to showers, hygiene essentials and water, which the IPS has reportedly restricted to less than an hour a day. The toilets are not functional, thereby denying Mr. Sa'adat minimum sanitary standards.

According to a public report¹ issued by Israeli human rights organizations, including the Public Committee Against Torture in Israel and Physicians for Human Rights Israel on 16 February 2024, "since Hamas' attack on October 7, 2023, and the subsequent Israeli offensive on Gaza, there has been a marked and severe escalation in the abuse of Palestinian detainees and prisoners incarcerated in Israeli prisons and detention facilities. Over the last four months, at least seven Palestinians have died while in custody in Israeli prisons and ad-hoc detention facilities, with initial

¹ [Systemic torture and inhumane treatment of Palestinian detainees in Israeli prison facilities since October 7, 2023 - Urgent Appeal to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#), authored by the Public Committee Against Torture in Israel; Adalah - the Legal Center for Arab Minority Rights in Israel; HaMoked - Center for the Defence of the Individual; and Physicians for Human Rights Israel, 14 February 2024.

evidence and testimonies suggesting that at least some of these deaths were connected to instances of severe violence by IPS officers." The report aims to address the widespread abuse inflicted by IPS officers on Palestinian prisoners.

In their letter of 18 March 2024, the Israeli parliamentary authorities reiterated their long-standing view that Mr. Ahmad Sa'adat is a PFLP terrorist, who was responsible for planning the murder of Israeli MK Rehavam Zeevi. The authorities stated that "for this despicable act, he was arrested and sentenced to 30 years in prison". However, according to information on file, in 2006 the Israeli authorities dropped the charge of Mr. Sa'adat's involvement in Mr. Zeevi's murder after the Attorney General decided that there was insufficient evidence to try Mr. Sa'adat for the murder. Mr. Sa'adat was later found guilty of leading the PFLP and 19 charges were brought against him, but none allege direct involvement in offences of violence, although seven (dating from 1998 or earlier) alleged preparatory or secondary involvement in such acts.

With regard to the detention conditions of Mr. Sa'adat, the parliamentary authorities stated in their letter of 18 March 2024 that the Red Cross was responsible for carrying out these inspections and that the prison authorities carefully review and consider the recommendations of every Red Cross report and implement changes when necessary.

Concerning to the situation in Gaza, the United Nations Security Council passed a resolution on 25 March 2024 expressing deep concern about the catastrophic humanitarian situation in the Gaza Strip and demanding an immediate ceasefire for the month of Ramadan, the immediate and unconditional release of hostages as well as "the urgent need to expand the flow of humanitarian assistance to and reinforce the protection of civilians in the entire Gaza Strip."

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Takes note* of the Israeli parliamentary authorities' letter of 18 March 2024; and *regrets*, however, the Israeli authorities' lack of willingness to engage constructively with the Committee about the case of Mr. Sa'adat and the lack of concrete information on his detention conditions;
2. *Expresses deep concern* about the deteriorating detention conditions of Mr. Sa'adat, including his apparent unjustified transfer to an unknown detention facility and placement in solitary confinement in the absence of any valid reason; the reported denial of medical care and family visits; the lack of food, water, electricity and the deprivation of his basic human rights as a detainee; *urges* the Israeli authorities to treat Mr. Sa'adat with respect for his inherent dignity and value as a human being, to prevent torture and other forms of ill-treatment, to investigate thoroughly the very serious allegations about his current treatment and to take the necessary action that may be warranted as a result of the outcome of the investigation;
3. *Deplores* the continued arbitrary decisions of the Israeli authorities with regard to Mr. Sa'adat's visiting rights, which have been denied; *firmly recalls* the United Nations Standard Minimum Rules for the Treatment of Prisoners, according to which Mr. Sa'adat's visitation rights should not be subject to arbitrary decisions authorizing or denying visits; *calls on* the relevant Israeli authorities to ensure that Mr. Sa'adat is entitled to family visiting rights in accordance with the law and relevant international standards; and *wishes* to ascertain his current conditions of detention, with respect in particular to the frequency of visits and access to medical care;
4. *Reaffirms*, once more, its views that members of parliament are not above the law and that when they commit crimes they should be held accountable in a court of law following due process; *recalls* in this regard that Mr. Sa'adat's abduction and transfer to Israel had breached the Oslo Agreements and the Fourth Geneva Convention and were related not to the original murder charge but rather to his political activities as PFLP General Secretary;
5. *Affirms* that while it condemns the Hamas attack on 7 October 2023, deplores the lives it claimed and is deeply concerned about the fate of the remaining hostages, it considers that the State of Israel must uphold the rule of law and must stop any collective punitive measures against Palestinian detainees, including Mr. Sa'adat, for unjustified reasons; *calls on* the Israeli authorities to grant unrestricted access to Mr. Sa'adat by his family and lawyer as well as the

ICRC and ensure that his detention conditions are in line with Israel's obligations under international law;

6. *Reiterates* its long-standing request that the Committee be granted permission to visit Mr. Sa'adat; *sincerely hopes* the Israeli authorities will grant that request;
7. *Stresses*, once more, that the many national and international reports denouncing the conditions of detention of Palestinian prisoners in Israeli prisons 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; and *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.



Inter-Parliamentary Union

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Palestine/Israel

*Decision adopted unanimously by the IPU Governing Council at its 203rd 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 - 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

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 139th 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.