



INTER-PARLIAMENTARY UNION

CHEMIN DU POMMIER 5
1218 LE GRAND-SACONNEX / GENEVA (SWITZERLAND)

TELEPHONE + 41 22 - 919 41 50 - FAX + 41 22 - 919 41 60 - E-MAIL postbox@mail.ipu.org

CASE No. PAL/02 - MARWAN BARGHOUTI - PALESTINE / ISRAEL

Resolution adopted by consensus by the IPU Governing Council at its 188th session* (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Referring also 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), and entitled "Barred from Contact: Violation of the Right to Visit Palestinians Held in Israeli Prisons",

Recalling the following: Mr. Barghouti was arrested on 15 April 2002 in Ramallah by the Israeli Defence Forces and transferred to a detention facility in Israel; he was sentenced in June 2004 to five life sentences and two 20-year prison terms; in his report on Mr. Barghouti's trial, Mr. Foreman concluded that "the numerous breaches of international law make it impossible to conclude that Mr. Barghouti was given a fair trial"; those breaches include the use of torture; according to information supplied in March 2009 by Palestinian sources, not only was Mr. Barghouti kept in solitary confinement from 2002 to 2004 but he has since been in an isolated department in Hadarim prison; visiting rights are irregular and only granted occasionally; Mr. Barghouti's children - three sons aged 23, 20 and 19 and one 22-year-old daughter - are not allowed to visit their father; even Mr. Barghouti's mother was not allowed to visit him and died in 2007 without seeing her son again,

Noting that, in its concluding observations on the third periodic report of Israel under the International Covenant on Civil and Political Rights (ICCPR),¹ the Human Rights Committee recommended that Israel should incorporate in its legislation the crime of torture, that it should ensure that all alleged cases of torture and cruel, inhuman or degrading treatment by law enforcement officials are thoroughly and promptly investigated by an independent authority, that those found guilty are punished with sentences commensurate with the gravity of the offence, and that compensation is provided to the victims or their families; that, moreover, it recommended that all persons under its jurisdiction and effective control be afforded the full enjoyment of the rights enshrined in the Covenant,

1. *Reaffirms* its position that Mr. Barghouti's arrest and transfer to Israeli territory was in violation of international law; *reaffirms further*, in the light of the compelling legal arguments put forward in Mr. Foreman's report, on which the Israeli authorities have not provided observations, that Mr. Barghouti's 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 has therefore not been established;
2. *Consequently calls on* the Israeli authorities to release Mr. Barghouti forthwith;

* The delegation of Israel expressed its reservation regarding the resolution.

¹ CCPR/C/ISR/CO/3.

3. *Remains deeply concerned* at the extremely limited family visiting rights enjoyed by Mr. Barghouti and, more particularly, the arbitrariness of the decisions authorizing or denying visits; *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"; *wishes to ascertain* Mr. Barghouti's current conditions of detention, in particular with respect to the frequency of visits he receives and the access to medical care afforded him;
4. *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; *affirms* that the Knesset is not only fully entitled but should exercise its oversight function of the Israeli prison service with regard not only to Israeli but also to Palestinian prisoners in Israeli jails and so ensure that all persons under Israel's jurisdiction and effective control are afforded the full enjoyment of the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR);
5. *Reiterates* its long-standing wish to be granted permission to visit Mr. Barghouti;
6. *Requests* the Secretary General to forward this resolution to the Speaker of the Knesset and to the competent governmental and administrative authorities, and to seek the requested information from them;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).