

# **Detained Palestinian Legislative Council Members**

**July 2017**

According to international law and Israeli courts no one can be detained for their political opinions. This is affirmed in the International Covenant on Civil and Political Rights, article 2, which states that states parties are to ensure “to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status” (United Nations General Assembly Resolution 2200A (XXI) of 16 December 1966). However, Palestinian political leaders are routinely arrested and detained as part of an ongoing Israeli effort to suppress Palestinian political processes – and, as a necessary result, political sovereignty and self-determination.

In recent years, this process has focused particularly on members of the Palestinian Legislative Council (PLC). In the lead-up to the 2006 PLC elections, Israeli forces launched their campaign of arrest against PLC members, detaining 450 members of the “Change and Reform” party mostly involved in the elections, either through active campaigning or who were taking part in the municipal elections in various West Bank cities. The majority of those detained were kept in administrative detention for different periods. Some were released on the day of the election or a couple of days before or after it.

Following the capture of Israeli soldier Gilad Shalit on 25 June 2006 by Hamas at the Kerem Shalom Crossing on the Gaza Strip border, Israeli forces seized dozens of leaders and activists associated with Hamas in coordinated raids across the West Bank, including PLC members. The latter were either placed in administrative detention or charged with offenses based on their membership of the “Change and Reform List”, which the Israeli authorities allege is affiliated with Hamas, an illegal party according to Israeli military legislation. These detentions occurred despite the fact that Israel itself allowed the elections to be held and did not oppose the Change and Reform List’s participation in these elections. In fact, it was only in February 2007 that the Israeli authorities declared the Change and Reform List to be illegal, almost a year after most of the initial arrests.

In 2009, nearly a third of all Palestinian legislators were held in Israeli detention, preventing the PLC from reconvening since mid-2007. As of 1 April 2014, 11 PLC members continue to be held by Israel, the majority of them (9) under administrative detention.

Two of the most well-known Palestinian political prisoners are PLC members Marwan Barghouti and Ahmad Sa’adat. While initial reports hinted that the two would be released as part of the prisoner exchange deal in October 2011, they were not included.

Barghouti, a prominent Fatah leader, was arrested by Israeli forces on 15 April 2002. Throughout his trial process, Barghouti maintained that the Israeli court was illegitimate

and illegal, and therefore refused to present a defense. He was sentenced to five life sentences with an additional 40 years.

Popular Front for the Liberation of Palestine (PFLP) Secretary General Ahmad Sa'adat was arrested by Israel on 14 March 2006 when he was taken from the Palestinian Authority's Jericho prison in a raid. Two years later, he was sentenced to 30 years. In March 2008, Sa'adat received an order to be placed in isolation for six months, which was subsequently renewed every six months for over three years. He was removed from isolation upon the conclusion of Palestinian prisoners' mass hunger strike in May 2012.

Recently, on 2 July 2017, Khalida Jarrar, who has been a PLC member since 2006, was arrested by Israeli occupation forces and is currently detained in HaSharon prison. She was issued a 6-month administrative order on 12 July 2017.

The continued targeting of Palestinian legislative council members must be viewed in a broader context of systematic attempts by the Israeli occupation to suppress Palestinian political processes, which attempts to hold Israel accountable for the crimes committed against Palestinians. Evidence of this repression can be seen in the increasing number of Palestinian legislative council members currently imprisoned by the Israeli occupation.

**Currently, there are 12 PLC members in Israeli prisons, nine of whom are held under administrative detention.**

PLC members currently detained by Israel:

No.	Name	Area	Date of arrest	Prison	Sentence
1	Marwan Al-Bargouthi	Ramallah	15/4/2002	Hadarim	5 life-sentences
2	Ahmad Sadaat	Ramallah	13/6/2006	Jalbou'	30 years
3	Hasan Yusuf	Ramallah	20/10/2015	Ofer	Administrative detention
4	Mohammad Al-Natsheh	Hebron	28/09/2016	Rimon	Administrative detention
5	Khalida Jarrar	Ramallah	2/7/2017	HaSharon	Administrative detention
6	Ahmad Attoun	Jerusalem	17/04/2017	-	Administrative detention
7	Azzam Salhab	Hebron	28/11/2016	Ofer	Administrative detention

8	Mohammad Bader	Hebron	28/06/2017	-	Administrative detention
9	Mohammad Al Tal	Hebron	21/03/2017	Ofer	Administrative detention
10	Ibrahim Dahbour	Jenin	23/03/2017	Megiddo	Administrative detention
11	Ahmad Mubarak	Ramallah	06/01/2017	Megiddo	Administrative detention
12	Omar Abdul Razeq	Salfit	23/07/2017	-	tbd

***Recent resolutions taken by international bodies in regards to detained PLC members:***

**European Parliament resolution of 5 July 2012 on EU policy on the West Bank and East Jerusalem:** “Calls for an end to the administrative detention without formal charge or trial of Palestinians by Israeli authorities, for access to a fair trial for all Palestinian detainees, and for the release of Palestinian political prisoners, with special regard for members of the Palestinian Legislative Council, including Marwan Barghouti, and administrative detainees; calls also for the immediate release of Nabil Al-Raei, the artistic director of the Freedom Theatre in Jenin Refugee Camp, arrested on and detained since 6 June 2012; welcomes the agreement reached on 14 May 2012 that allowed for the end of the hunger strike of the Palestinian prisoners and calls for its full and immediate implementation.”

**International Parliamentary Union (IPU) resolution adopted unanimously by the IPU Governing Council at its 190<sup>th</sup> session on 5 April 2012:**

“*Reaffirms* its position in this regard that Mr. Barghouti’s arrest and transfer to Israeli territory were in violation of international law; *also reaffirms*, 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 as a result Mr. Barghouti’s guilt has not been established; *Reiterates*, therefore, its call for his immediate release.”;

“*Reaffirms* its position that Mr. Sa’adat’s abduction and transfer to Israel were related not to the murder charge but rather to his political activities as PFLP General Secretary, and that the proceedings brought against him were, therefore, based on political considerations; *reiterates*, therefore, its call for his immediate release.”;

“*Considers* in this regard that the continued practice of administrative detention is bound to impede the proper functioning of the Palestinian Legislative Council, as its members can be

arrested at any time and placed in administrative detention for as long as the Israeli military authorities wish”;

*“Expresses serious misgivings in this respect about the ability of those held in administrative detention to benefit from due process, despite the rules pertaining thereto, Supreme Court case-law and any safeguards they contain to prevent the abusive use of administrative detention”;*

*“Notes that any decision regarding administrative detention must be based on a "specific and concrete threat", documented through "current and reliable information", preceded by a process to "exhaust the possibility of utilizing alternative criminal procedures before resorting to administrative detention", and include "the right to appeal"; invites the Israeli authorities to provide further information on these aspects, in particular why it is no longer possible to have recourse to normal criminal procedures and what steps they have taken to ensure an effective and meaningful appeal process”.*

**Local EU statement on recent arrests of Palestinian lawmakers on 28 January 2012:** “The EU Missions in Jerusalem and Ramallah are concerned about the arrest at the ICRC office in East-Jerusalem of Palestinian Legislative Council member Mohammed Totah and former Minister for Jerusalem Affairs Khaled Abu Arafah. The EU missions in Jerusalem and Ramallah are also concerned about the recent arrests of PLC Speaker Aziz Dweik and PLC members Khaled Tafesh and Abduljabbar Foqaha. The EU has followed the case of Palestinians who have found shelter against deportation orders since July 2010 in the office of the International Committee of the Red Cross in East Jerusalem. The EU raised this matter publicly at the Human Rights Council in March 2011.

**European Parliament resolution of 14 March 2013 on the case of Arafat Jaradat and the situation of Palestinian prisoners in Israeli jails:** “Calls once again for the immediate release of all imprisoned members of the PLC, including Marwan Barghouti.”

On 25 March 2015, during its twenty-eighth session, the Human Rights Council expressed “deep concern that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also about the ill-treatment and harassment of any Palestinian prisoner and all reports of torture” (A/HRC/28/L.34).