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CASE No. PAL/40 - ABDEL AZIZ DWEIK - PALESTINE / ISRAEL

***Resolution adopted unanimously by the IPU Governing Council at its 184th session
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Dr. Abdel Aziz Dweik, Speaker of the Palestinian Legislative Council (PLC), as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Referring also to the study produced by the Israeli non-governmental organization *Yesh Din* (Volunteers for Human Rights) on the implementation of due process rights in Israeli military courts in the West Bank, entitled "Backyard Proceedings", and to the study of B'Tselem - the Israeli Information Center for Human Rights in the Occupied Territories - entitled "Barred from Contact", on violations of the right to visit Palestinians held in Israeli prisons, published in September 2006,

Taking into account the information provided by one of the sources in January 2009,

Considering the following information on file:

- Dr. Dweik, the PLC Speaker elected in January 2006, was arrested during the night of 5 to 6 August 2006 by the Israeli Defence Forces and has remained in detention; since he was charged with membership of Change and Reform, an unauthorized organization namely Hamas, with assuming leadership of that organization, namely by being a member of the PLC Speaker on behalf of Hamas and assuming the role of PLC Speaker on behalf of Hamas;
- Along with the other detained Change and Reform PLC members, he chose not to recognize the competence of the court and therefore did not enter a plea to the charges; after the court, had entered a non-guilty plea on his behalf, the prosecution presented witnesses, mostly other imprisoned PLC members and other detainees, and an "expert witness", a member of the Shabac Secret Service who testified to the link between Change and Reform and Hamas; the prosecution also presented quotations from the media and confessions from PLC members that Change and Reform was Hamas;
- At the close of the trial on 16 December 2008, the judge handed down her verdict, finding him guilty of membership of an unauthorized organization and leadership by way of membership of the PLC on behalf of that organization and, on account of his poor health, sentenced him to 36 months' imprisonment; the prosecution appealed against the sentence on the ground that the sentence was too light and that Dr. Dweik had not been convicted for leadership in an unauthorized organization on the ground that he assumed the role of PLC Speaker,

Noting that Dr. Dweik, who was transferred a few months ago from Meggido to Hadarim prison, is in poor health; he was operated on 25 December 2008 to remove kidney stones but, as the operation was unsuccessful, he had to be operated again; Dr. Dweik is suffering from high blood pressure, diabetes and vitamin B12 deficiency for which he had to spend two weeks in the prison hospital wing; Dr. Dweik, who is 75 years old, finds it particularly arduous being taken to trial hearings, which sometimes means a five-day journey because prisoners from several prisons are collected; as in the case of all Palestinian prisoners, family members need a permit to enter Israel, which complicates visiting; he is usually allowed a visit by his family members once every two weeks for 45 minutes; they have to leave home at around 5 a.m. to take the Red Cross buses to the prisons and return late as they have to wait for all families to finish their visits, which take place at different times; a number of visits have been missed as Dr. Dweik has been moved several times and court dates clashed with visiting times,

1. *Notes* that the judgment handed down on Dr. Dweik confirms that his arrest, detention and prosecution are totally unrelated to any criminal activity on his part but are linked to his election on the Change and Reform list in a free and fair election recognized as such by the international community;
2. *Affirms* that Israel was undoubtedly aware of and had accepted the participation of Hamas in the elections, and therefore *considers* Dr. Dweik's prosecution and conviction to have been politically motivated and hence arbitrary; *calls on* the Israeli authorities to release him forthwith;
3. *Remains deeply concerned* at Dr. Dweik's poor health, which the judge found to be reason enough for imposing a lesser sentence, and *considers* this alone to be sufficient reason for his immediate release;
4. *Requests* the Secretary General to take steps with a view to ensuring international observation of the appeal hearings in this case;
5. *Reiterates* its wish to visit Dr. Dweik;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).