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## **Palestinian Legislative Council Members**

### **ARREST OF LEGISLATIVE COUNCIL MEMBERS**

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Although according to international law and Israeli courts no one can be detained for their political opinions, in practice Palestinian political leaders are routinely arrested and detained as part of an ongoing Israeli effort to suppress Palestinian political processes – and, as a result, Palestinian political sovereignty and self-determination. In the lead-up to the Palestinian legislative elections of January 2006, this process focused particularly on members of the Palestinian Legislative Council (PLC). After the election, Israel further escalated its campaign of arrest of PLC members, particularly those from the winning Change and Reform bloc, largely seen to be pro-Hamas but which includes non-affiliated (and non-Muslim) members. This targeting of PLC members comes despite the fact that Israel did not oppose the participation of the Change and Reform bloc or any other list in the 2006 elections and only declared the bloc illegal in February 2007, one year after the elections were held and most of the arrests carried out.

During the second half of 2017, the number of Legislative Council members in detention increased to 10. However, this number decreased to 5 by the end of 2018. The occupation forces continued to prosecute members of the Palestinian Legislative Council since 2006, and arbitrarily incarcerate them after putting them on trial before military courts that lack guarantees to a fair trial. It also prevented a number of Legislative Council members from traveling outside of the occupied Palestinian territory. The occupation state also revoked the residencies of Jerusalemite Legislative Council members, and forcibly deported them to the remainder of the West Bank, depriving them of reaching Jerusalem.



Israeli forces arrested the deputy in the Palestinian Legislative Council and Fatah leader Marwan Barghouti on the 15 April 2002. Barghouti insisted during his trial that the Israeli court is illegitimate and illegal, and therefore refused to hire a lawyer to defend him. As a result, he was sentenced to five life sentences and 40 years. Israeli occupation also arrested the Secretary-General of the Popular Front for the Liberation of Palestine and the deputy in the Palestinian Legislative Council, Ahmed Saadat, on the 14 March 2006, after Israeli occupation forces broke into Jericho prison, which belongs to the Palestinian Authority and sentenced him to 30 years imprisonment two years after his arrest. In March 2008, Saadat was issued an isolation order for six months, which was subsequently extended repeatedly resulting in him being kept in isolation for three years. Saadat was moved out of solitary confinement after an open hunger strike launched by Palestinian prisoners and detainees in April 2012.

## **The lead-up to the elections**

On 26 September 2005, the Israeli Occupation Forces (IOF) launched their campaign of arrest against PLC members, detaining 450 members of the Hamas party mostly involved in the 2006 PLC 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. Some of them were elected while in prison, such as Wael Hussein - a Jerusalemite from the 'Change and Reform Party', who was eventually released after his party's victory and was able to work until the 29th of June 2007.

During the elections, the Israeli authorities banned the candidates from holding election campaigns inside Jerusalem. Rallies and public meetings were prohibited and those who violated the order were arrested. On 3 January 2006 for example, Dr. Mustafa Barghouti, head of the Independent Palestine coalition list, was arrested in East Jerusalem while on a tour of the Old City as part of the legislative election campaign.

On the day of the election, the ballot boxes were held in Israeli Post Offices inside Jerusalem. Israeli police officers were present to monitor the proceedings of the election. At the end of the day, the Israeli authorities transferred the ballot boxes to the Palestinian Authority.

## **After the elections**

At the beginning of June 2006, Palestinian militant groups captured Israeli soldier Corporal Gilad Shalit

as a hostage at the Kerem Shalom crossing in the Gaza Strip. After Shalit's capture, on 12 June, Israel launched a series of military operations which left almost 200 Gaza residents dead and the territory besieged. Reprisals and collective punishment against civilians after the Kerem Shalom operation included the West Bank as well. The Israeli government announced after the operation that Palestinian members of parliament and cabinet ministers have no immunity. Israel threatened to detain them as a bargaining chip to win the release of the Israeli soldier imprisoned in the Gaza Strip.

In fulfillment of these threats, the IOF conducted wide-scale detention operations against scores of Hamas supporters, including cabinet ministers and members of the PLC elected on the platform of the pro-Hamas "Change and Reform List." On 29 June 2006, the IOF conducted a series of incursions throughout the West Bank, with the exception of Jericho, surrounding the places of residence of a number of Palestinian government ministers and PLC members. The IOF detained 8 ministers and 26 PLC members, in addition to many other political leaders of Hamas. A few days later, the IOF detained the second deputy speaker of the PLC, Dr. Hasan Khreisha, as he was returning to the West Bank from Jordan, along with other PLC members

All of the detained were brought to Ofer and interrogated. They were kept in prison for 1-2 months in different interrogation centers across the West Bank. After interrogation, charge sheets were submitted against most of the detained PLC members. The majority of them were accused of being a member of the 'Change and Reform Party' (which the Israeli authorities argued was affiliated to Hamas and was illegal according to the military orders). The rationale behind the second accusation was that since the candidates were working as PLC members in the name of the party they were thus supporting and giving aid to the party.

Change and Reform's association with 'an illegal party'

The offenses regarding an unauthorized association are specified in the Emergency Defense Regulations that Israel has applied since the founding the state and which date from Mandatory times. Israeli law recognizes the extraterritorial application of these offenses given their definition as external offenses against the security of the state and its citizens. According to the interpretation of the relevant provision, anyone holding a position in an association that Israel classifies as illegal, and anyone who is active in such an association, even a person who is only registered as a member and lives anywhere in the world, is an offender against whom criminal proceedings may be initiated in Israel. This provision applies even if the defendant has not committed any other act that endangered the state or its citizens. Such an interpretation is unjustly broad, and unacceptably obstructs the freedom of association and freedom of conscience. (1)

In the pre-trial, the first instance court decided to release the candidates on bail. The Military Prosecutor appealed and the appeal court upheld the decision of the prosecutor to hold the candidates in prison until the end of the trial. When the trial commenced – the first argument for the defense was that the Israeli authorities were unable to provide evidence to prove that every PLC member who belongs to the 'Change and Reform Party' should automatically be considered a Hamas member. On the contrary, Adv. Sahar Francis argued that many members of this party were not members of Hamas; some members were even Christian.

PLC member, Wael Husseini, for example, stated that he was a member of the 'Change and Reform Party'; however, he was in no way affiliated to Hamas. He even argued that if he had known it was affiliated to Hamas he would not have run for election at all. The Military Court in the first instance decided to accept Wael's argument and he was found innocent. However, the military prosecutor accused Wael that because he was aware that some of the members in the Change and Reform Party belonged to Hamas and he accepted to run with them, it meant that in the end, he did in fact, support

an illegal party. In the end, the military court sentenced Wael to 23 months imprisonment and a fine of 8,000 NIS (\$1,500). Since Wael had already spent 23 months in prison, the defense lawyer argued for his release. The military prosecutor, however, appealed and requested the court to keep Wael until the end of the appeal. The appeal court upheld the decision and found that anyone who was a member of the change and reform party was automatically a member of Hamas. Wael's sentence was thus sentenced to an additional to 3-5 years in prison with 1 and a half years suspended sentence to 5 years from his release.

Indictments were filed against the other senior officials. Approximately 40 of the PLC members were charged. Most of the indictments were for "membership," "activity," and "holding a position" in an "unauthorized association." Most members were sentenced to between 32 and 54 months, but since their release, at least, 10 have been re-arrested and detained.

There are a number of discrepancies regarding the actions taken by the Israeli authorities. Firstly, it must be stressed that the PLC members were chosen in elections that Israel allowed the Palestinians to hold and served in their positions for months during which the Israeli authorities did not even suggest that they constituted a danger. Secondly, the Israeli authorities only declared the Change and Reform bloc to be an illegal party in February 2007, one year after the elections had taken place.

## **Total number of PLC members in detention at the end of the month from January 2010 to July 2017**

(Statistics are based on Addameer's documentation)

Year	January	February	March	April	May	June	July	August	September	October	November	December
2018	11	11	7	6	6	6	5	5	5	4		
2017	4	-	-	13	12	12	12	13	12	12	11	10
2016	7	6	6	6	7	6	6	6		6	6	6
2015	20	17	16	13	12	12	7	4	4	5	5	5
2014	12	11	11	11	11	23	38	36	29	28	25	22
2013	12	15	12	14	13	13	14	13	13	13	14	14
2012	27	27	27	27	27	26	20	20	13	10	8	13
2011	12	12	13	13	14	19	19	19	22	22	23	23
2010		11	15	14	12	12	12	12	9	9	9	9

**Currently, (12) deputies of the Legislative Council are inside the Israeli occupation prisons, (9) of them are in administrative detention, their names are:**

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	Nasser Abd al-Jawad	Salfit	01/01/2018	Magiddo	Waiting for a Trial
4	Khalida Jarrar	Ramallah	2/7/2017	HaSharon	Administrative Detention

### **Arrest of Palestinian Legislative Council Member Khalida Jarrar**



On 2/7/2017, at approximately 4:00 am, Israeli occupation forces surrounded the house of Palestinian Legislative Council (PLC) member Khalida Jarrar in Al-Ersal neighborhood in Ramallah. The soldiers raided Jarrar's home, where she lives with her husband Ghassan and her daughter Suha, after destroying the main door. They searched the house and confiscated an iPad, a hard-disk, and her mobile phone.

Later, Jarrar was taken to a detention center in Ofer prison for interrogation. She was only interrogated for 30 minutes before being placed in a small prison cell with no windows for four hours. By 4:00 pm on the same day, Jarrar was transferred to HaSharon prison, one of the two prisons where dozens of Palestinian women are held.

Jarrar's first hearing was held on 5 July 2017 at Ofer Military Court in Ramallah. During the hearing, the judge decided to extend the detention period of Jarrar to six additional days. On 10 July 2017, Jarrar had her second court hearing, where the judge extended her detention for 48 hours in order for the prosecution to look into the possibility of issuing an administrative detention order.

On 12 July 2017, a six-month administrative detention order, signed by the occupation's military commander of the West Bank, was issued against Jarrar. A confirmation hearing was held at Ofer military court on 17 July 2017, without the presence of Ms. Jarrar, who refused to attend the court hearing. The military prosecution claimed that Jarrar's administrative detention is based on secret information related to her alleged affiliation with the Popular Front for the Liberation of Palestine (PFLP). This claim was made without taking into consideration the fact that Ms. Jarrar is an elected Palestinian parliamentarian and a prominent human rights defender, who advocates for the rights of Palestinian political prisoners within Israeli prisons.

PLC member Khalida Jarrar was subjected to many obstacles imposed by the occupation forces, she was released from prison in June 2016 after serving over a year, including one-month under administrative detention. Jarrar has been banned from traveling outside of the occupied Palestinian territory since 1998, except for one occasion in 2010 when she traveled to Jordan for medical treatment after long procedures and diplomatic pressure.

Jarrar was to be released on 1 January 2018 after receiving six months administrative detention order, her order was renewed on 27 December 2017 for an additional six month period. Her order was renewed twice after, the last renewal was on 25 October 2018, she is meant to be released on 28 February 2018.

### **Relevant Prisoner Profiles:**

- [Mohammad Al-Natsheh](#)
- [Hatem Qafisha](#)
- [Khalida Jarrar](#)

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(1) B'tselem, 1 August 2007: '[Detention of Senior Palestinian officials - wrongful infringement of fundamental rights](#)'.

(2) Ibid 1.

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