

Detained Palestinian Legislative Council Members

April 2014

According to international law and Israeli courts no one can be detained for their political opinions, however, 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 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.

As recently as 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.

PLC members currently detained by Israel:

No.	Name	Date of arrest	Origin	Affiliation	Sentence	Prison
1.	Marwan Barghouti	15/04/02	Ramallah	Fatah	5 life sentences and 40 years	Hadarim
2.	Ahmed Sa'dat	14/03/06	Ramallah	PFLP	30 years	Gilboa
3.	Mahmoud Al-Ramahi	23/11/12	Ramallah	Change and Reform	Administrative Detention	Ketziot
4.	Yasser Mansour	24/11/12	Nablus	Change and Reform	Administrative Detention	Ketziot
5.	Mohammed al-Natsheh	27/03/13	Hebron	Change and Reform	Administrative Detention	Ofer
6.	Hatem Qofeish	02/04/13	Hebron	Change and Reform	Administrative Detention	Ketziot
7.	Ahmad Atoun	02/04/13	Jerusalem – exiled to Ramallah	Change and Reform	Administrative Detention	Ofer
8.	Abdel Jabar Al-Fuqaha	06/06/13	Ramallah	Change and Reform	Administrative Detention	Ofer
9.	Mohammed Abu Teer	02/07/13	Jerusalem – exiled to the West Bank	Change and Reform	Administrative Detention	Ofer
10.	Nizar Ramadan	28/10/13	Hebron	Change and Reform	Administrative Detention	Ofer
11.	Mohammad Maher Yousef Badr	28/10/13	Hebron	Change and Reform	Administrative Detention	Ofer

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 190th 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 Fqaha. 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.
 - **Council Conclusions on the Middle East Peace Process, 2817th External Relations Council meeting on 23 July 2007:** “Calls for the immediate release of Palestinian legislators detained by Israel.”
 - **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.”