



Inter-Parliamentary Union

For democracy. For everyone.

Palestine/Israel

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| PAL18 - Yaser Mansour* | PAL67 - Ibrahim Abu Salem * |
| PAL21 - Emad Nofal * | PAL68 - Mohammed Musleh * |
| PAL28 - Muhammad Abu-Teir | PAL69 - Omar Abd Al Razaq * |
| PAL29 - Ahmad 'Attoun | PAL70 - Daoud Abo Seer * |
| PAL30 - Muhammad Totah | PAL71 - Khaled Saeed * |
| PAL32 - Basim Al-Zarrer | PAL72 - Ibrahim Dahbour * |
| PAL35 - Mohamed Ismail Al-Tal * | PAL73 - Fadhel Hamdan * |
| PAL47 - Hatem Qfeisheh | PAL74 - Mohd. Mutalaq Abu Jihaisheh * |
| PAL48 - Mahmoud Al-Ramahi * | PAL75 - Nayef Rjoub |
| PAL57 - Hasan Yousef | PAL76 - Sameer Al Qadi * |
| PAL60 - Ahmad Mubarak * | PAL77 - Khalil Al Rabee * |
| PAL61 - Mohd. Jamal Natsheh | PAL78 - Husni Al Borini |
| PAL62 - Abdul Jaber Fuqaha | PAL79 - Riyadhgh Radad |
| PAL63 - Nizar Ramadan | PAL80 - Abdul Rahman Zaidan |
| PAL64 - Mohd. Maher Bader | PAL81 - Fathi Qaraa'wi * |
| PAL65 - Azzam Salhab | PAL82 - Khalida Jarrar (Ms.) |
| PAL66 - Ayman Daraghmech * | |

Decision adopted unanimously by the IPU Governing Council at its 196th session (Hanoi, 1st April 2015)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians, all of whom were elected to the Palestinian Legislative Council (PLC) in January 2006, and to the decision it adopted at its 195th session (October 2014),

Recalling that the parliamentarians concerned were elected to the PLC on the Electoral Platform for Change and Reform and arrested following the kidnapping of an Israeli soldier on 25 June 2006, that they were prosecuted and found guilty of membership of a terrorist organization (Hamas), holding a seat in Parliament on behalf of that organization, providing services to it by sitting on parliamentary committees, and supporting an illegal organization, and that they were sentenced to prison terms of up to 40 months,

Noting that, while most of the parliamentarians concerned were released upon having served their sentences, many were subsequently re-arrested, sometimes several times, and placed in administrative detention,

Considering that, although by September 2014 the number had reached 25 to 26 PLC members in administrative detention, according to information provided in March 2015 by one of the complainants, the number now stands at 10,

* According to information provided by one of the sources of information in March 2015, these parliamentarians are no longer in detention.

Recalling that, in the first half of 2014, one of the complainants referred to the hunger strike which started in April 2014 of 125 Palestinians in administrative detention in Israel. According to the complainant, PLC members Mr. Mahmoud Al-Ramahi, Mr. Hatem Qfeisheh, Mr. Mohammad Jamal Natsheh, Mr. Abdul Jaber Fuqaha, Mr. Nizar Ramadan and Mr. Mohammed Maher Bader were part of this group. The hunger strike ended on 25 June 2014, reportedly after minor concessions, but no major change of policy from Israel,

Recalling that, with regard to the use of administrative detention:

- The Supreme Court of Israel has ruled that the exceptional measure of administrative detention, which is usually ordered for six months, but may, in fact, be prolonged indefinitely, can only be applied if there is current and reliable information to show that the person poses a specific and concrete threat, or if the confidential nature of the intelligence and security of the sources prohibit the presentation of evidence in an ordinary criminal procedure. According to the Israeli authorities, there are two avenues of judicial review, namely the independent and impartial military courts, which have the authority to assess the material relevant to the detainee in question in order to determine whether the decision to detain him/her was reasonable given his/her general rights to a fair trial and freedom of movement, and military prosecution, which implements a “cautious and level-headed” policy in the use of administrative detention. This approach is said to have reduced the number of administrative detention orders;
- Human rights organizations in and outside Israel have repeatedly stressed that administrative detention is usually justified by reference to a “security threat”, without, however, specifying the scope and nature of the threat or disclosing the evidence. Accordingly, although administrative detainees are entitled to appeal, this right is ineffective, given that the detainees and their lawyers do not have access to the information on which the orders are based and are therefore unable to present a meaningful defence,

Recalling that, during the mission in March 2013 by the delegation of the Committee on Middle East Questions to Israel and Palestine, an invitation was extended to the Committee on the Human Rights of Parliamentarians to observe the legal proceedings in one or more cases of administrative detention of PLC members directly,

Considering that, according to one of the complainants, PLC member Mr. Husni Al Borini had been sentenced to a 12-month prison term and that Mr. Riyadh Radad and Mr. Abdul Rahman Zaidan, who had first been held in administrative detention, were now in detention subject to criminal charges,

Recalling that, on 20 August 2014, PLC member Ms. Khalida Jarrar was ordered, according to the complainant, based on secret information that she is a threat to the security of the area, to leave her home in Ramallah and to move to Jericho for the next six months. According to recent unofficial reports, following an appeal against the decision, the military court reduced the expulsion order from six months to one month,

Recalling also the following information on file with regard to the revocation of the residence permits of three PLC members: In May 2006, the Israeli Minister of the Interior revoked the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Muhammad Totah and Mr. Ahmad Attoun, arguing that they had shown disloyalty to Israel by holding seats in the PLC; the order was not implemented, owing to their arrest in June 2006; after their release in May/June 2010, the three men were immediately notified that they had to leave East Jerusalem; Mr. Abu-Teir was ordered to leave by 19 June 2010 and, refusing to do so, was arrested on 30 June 2010 and later deported to the West Bank; the other two parliamentarians were ordered to leave by 3 July 2010 and, likewise refusing to comply with the order, took refuge in the International Committee of the Red Cross (ICRC) building in Jerusalem, from which they were removed by the Israeli authorities on 26 September 2011 and 23 January 2012 respectively,

Bearing in mind that, in its concluding observations on the third periodic report of Israel under the International Covenant on Civil and Political Rights,¹ the United Nations Human Rights Committee recommended, inter alia, that all persons under Israel’s jurisdiction and effective control be afforded full enjoyment of the rights enshrined in the Covenant,

¹ CCPR/C/ISR/CO/3.

Considering that parliamentary elections were held in Israel on 17 March 2015,

1. *Is concerned* that 10 PLC members are still being held in administrative detention; *deplores* this situation, which not only affects the parliamentarians directly, but also greatly impairs the right of the Palestinian people to be represented by persons of their choice;
2. *Regrets* the fact that, as the case history shows, even when PLC members are released, they remain subject to renewed arrest and can be placed in administrative detention again at any time, a practice which lends weight to claims that the use of such detention is arbitrary;
3. *Draws attention once again* to the need for further clarification as to how, given that administrative detention often relies on classified evidence, those so detained can fully benefit from due process in practice, and to what extent they can effectively challenge their deprivation of liberty, as the authorities affirm; *sincerely hopes*, therefore, that, with the assistance of the authorities of the recently elected Knesset, invitations to attend judicial reviews of PLC members in administrative detention will materialize soon; and *requests* the Secretary General to make the necessary arrangements for a Committee member to attend at least one such hearing;
4. *Reiterates its wish* to receive official information regarding the reported conviction of and 12-month prison term for PLC member Mr. Husni Al Borini, and should he have indeed been sentenced, a copy of the ruling, as well as the criminal charges brought against detained PLC members Mr. Riyadh Radad and Mr. Abdul Rahman Zaidan and, should charges exist, to receive details of their nature and the facts to support them;
5. *Remains eager* to receive the official views on Ms. Khalida Jarrar's one-month expulsion order from Ramallah, including any information that can be provided to explain the justification and legal grounds for the order;
6. *Remains deeply concerned* that Mr. Totah, Mr. Abu-Teir and Mr. Attoun were effectively removed from East Jerusalem; *reiterates its long-standing concerns* about the decision to revoke their residence permits and the manner of its implementation; *considers* that the revocation is at odds with the Hague Convention (IV) of October 1907 on the rules of customary international law, article 45 of which stipulates that the inhabitants of an occupied territory, of which East Jerusalem may be considered an example, are not to be compelled to swear allegiance to the occupying power;
7. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
8. *Invites* the Israeli delegation to the 133rd IPU Assembly (October 2015) to meet with the Committee on that occasion in order to discuss progress in the cases at hand;
9. *Requests* the Committee to continue examining the cases at its next session and to report back to it.