



Inter-Parliamentary Union

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Palestine

PAL/02 - Marwan Barghouti

***Decision adopted unanimously by the IPU Governing Council
at its 201st session (St. Petersburg, 18 October 2017) ¹***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council (PLC), and to the decision it adopted at its 197th session (October 2015),

Referring to Mr. Simon Foreman's expert report on Mr. Barghouti's trial (CL/177/11(a)-R.2) and to the study published in September 2006 by B'Tselem (the Israeli Information Center for Human Rights in the Occupied Territories), entitled "*Barred from Contact: Violation of the Right to Visit Palestinians Held in Israeli Prisons*",

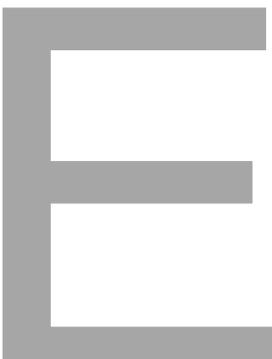
Taking into account the letter from the head of the Knesset delegation to the Inter-Parliamentary Union dated 26 September 2017 and the hearing which the Committee on the Human Rights of Parliamentarians held with the Palestinian delegation during the 137th IPU Assembly (St. Petersburg 14-18 October 2017),

Recalling the following information on file regarding Mr. Barghouti's situation:

- He was arrested on 15 April 2002 in Ramallah by the Israeli Defence Forces and transferred to a detention centre in Israel; on 20 May 2004, Tel Aviv District Court convicted him on one count of murder relating to attacks that killed five Israelis, on one count of attempted murder relating to a planned car bomb attack, and on one count of membership of a terrorist organization, and sentenced him to five life sentences and two 20-year prison terms; Mr. Barghouti did not lodge an appeal because he does not recognize Israeli jurisdiction; in his comprehensive report on Mr. Barghouti's trial, Mr. Foreman stated that "the numerous breaches of international law make it impossible to conclude that Mr. Barghouti was given a fair trial"; those breaches included the use of torture;
- According to his letter of 6 January 2013, the Diplomatic Advisor to the Knesset stated: "Mr. Barghouti was detained in Hadarim Prison. He was held in a regular cell with other inmates, without any separation or isolation. Mr. Barghouti is entitled to and, in fact, receives regular visits from his family, the most recent of which took place on 4 December 2012",

Recalling that, according to the complainants, Mr. Barghouti was threatened before a disciplinary committee with solitary confinement should he publish another article like the one on 11 October 2015 in the Guardian newspaper, entitled: "There will be no peace until Israel's occupation of Palestine ends"; Mr. Barghouti ends his article with: "I joined the struggle for Palestinian independence 40 years ago, and was first imprisoned at the age of 15. This did not prevent me from pleading for peace in accordance with

¹ The delegation of Israel expressed its reservations regarding the decision.



international law and United Nations resolutions. But Israel, the occupying power, has methodically destroyed this perspective year after year. I have spent 20 years of my life in Israeli jails, including the past 13 years, and these years have made me even more certain of this unalterable truth: the last day of occupation will be the first day of peace”,

Considering that, Mr. Barghouti was placed in solitary confinement for initiating a mass hunger strike from 17 April to 30 May 2017 in protest against the detention conditions in Israeli prisons and for publishing an article about it in the New York Times entitled “Why We Are on Hunger Strike in Israel's Prisons”; *Considering* that, according to open-source information, Mr. Barghouti will be “prosecuted in a disciplinary court” as a result of the hunger strike he initiated and the opinion piece he published,

Considering that the letter from the head of the Knesset delegation to the IPU dated 26 September 2017 did not provide any information on Mr. Barghouti’s case and declined the Committee’s invitation to a hearing during the 137th IPU Assembly (14-18 October 2017) in that regard; *recalling* that numerous requests for information on Mr. Barghouti’s current conditions of detention, in particular his family visiting rights, along with information on the extent to which he has access to medical care, have been left unanswered by the Israeli authorities,

Considering that according to Mr. Azzam Al-Ahmad, member of the Palestinian delegation and Head of the parliamentary group of Fatah, the head of the PNC tried to work with members of the Knesset to obtain access to their Palestinian colleagues detained in Israeli prisons, particularly Mr. Barghouti, but that those efforts were to no avail,

1. *Regrets* that the head of the Knesset delegation to the IPU declined the Committee’s invitation for a hearing; *considers* this all the more regrettable given the long-standing concerns and requests for information in this case; *stresses* that the Committee’s work is based on the principle of dialogue with the authorities of the country concerned, first and foremost its parliament; *sincerely hopes* therefore that the Knesset will engage in regular written and face-to-face exchanges of views with the Committee in order to facilitate progress towards a satisfactory solution of the case;
2. *Remains* deeply concerned that 15 years after his arrest Mr. Barghouti remains in detention as the result of a trial which did not meet the fair-trial standards that Israel, as a party to the International Covenant on Civil and Political Rights, is bound to respect, and therefore did not establish Mr. Barghouti’s guilt;
3. *Is concerned* about the reported threat of reprisals made against Mr. Barghouti earlier this year in connection with his exercise of the right to freedom of expression; *wishes* to receive the official views on this matter; *reiterates* its deep concern about the prison conditions in which Palestinian prisoners are reportedly held in Israel; *requests* in that regard information on the agreement reached between the Israeli Prison Service and Mr. Barghouti which led to the end of the 2017 hunger strike;
4. *Calls on* the Israeli authorities to release him without delay and to provide, until that occurs, new official information on his current conditions of detention;
5. *Regrets* that the authorities have not yet acceded to its own long-standing request, for as long as Mr. Barghouti remains imprisoned, to be granted permission to visit him; *sincerely hopes* that the authorities will finally respond favourably and facilitate such a visit;
6. *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;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.