



Inter-Parliamentary Union

For democracy. For everyone.

Palestine

PAL28 - Muhammad Abu-Teir
PAL29 - Ahmad 'Attoun
PAL30 - Muhammad Totah
PAL32 - Basim Al-Zarrer
PAL47 - Hatem Qfeisheh
PAL57 - Hasan Yousef
PAL61 - Mohd. Jamal Natsheh ¹
PAL62 - Abdul Jaber Fuqaha
PAL63 - Nizar Ramadan
PAL64 - Mohd. Maher Bader
PAL65 - Azzam Salhab
PAL75 - Nayef Rjoub
PAL78 - Husni Al Borini
PAL79 - Riyadhgh Radad
PAL80 - Abdul Rahman Zaidan
PAL82 - Khalida Jarrar
PAL84 - Ibrahim Dahbour
PAL85 - Ahmad Mubarak
PAL86 - Omar Abdul Razeq Matar
PAL87 - Mohammad Al-Tal
PAL89 - Khaled Tafesh
PAL90 - Anwar Al Zaboun

***Decision adopted unanimously by the IPU Governing Council
at its 201st session (St. Petersburg, 18 October 2017) ²***

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 197th session (October 2015),

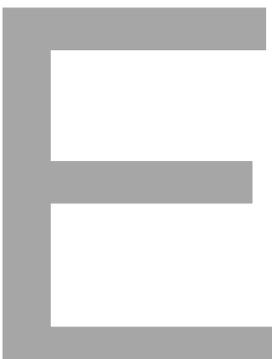
Taking into account the letter from the head of the Knesset delegation to the Inter-Parliamentary Union dated 26 September 2017,

Also taking into account the hearing which the Committee on the Human Rights of Parliamentarians held with the Palestinian delegation led by Mr. Azzam Al-Ahmad, head of the parliamentary group of Fatah, during the 137th IPU Assembly (St. Petersburg, October 2017),

Recalling that some of 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,

¹ Only PLC member from the list currently in (administrative) Israeli detention.

² The delegation of Israel expressed its reservations regarding the decision.



Noting that, while most of the parliamentarians concerned were released upon serving their sentences, many were subsequently rearrested, sometimes several times, and placed in administrative detention, as in the case of Ms. Khalida Jarrar who was rearrested on 2 June 2017 and placed in administrative detention on 12 July 2017,

Considering that, as of September 2017, the number of PLC members held in administrative detention stood at ten,

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 the 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: first, 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, second, military prosecution, which implements a "cautious and level-headed" policy in the use of administrative detention, an approach which 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 lack access to the information on which the orders are based and are therefore unable to present a meaningful defence,

Considering that, according to information provided by the complainant in 2017, Mr. Al-Natsheh was released on 10 February 2016 after spending three years in administrative detention and was rearrested on 28 September 2016 and placed in administrative detention; that Mr. Hassan Youssef and Mr. Azzam Salhab were placed in administrative detention on 20 October 2015 and 6 December 2016 respectively; that the following individuals have also been placed in administrative detention: Mr. Ahmad Mubarak (6 January 2017); Mr. Ibrahim Dahbour (23 March 2017); Mr. Mohammed Bader (28 June 2017); Ms. Khalida Jarrar (12 July 2017) and Mr. Omar Abdul Razeq (23 July 2017),

Considering that, on 17 April 2017, Palestinian detainees staged a mass hunger strike which lasted for 51 days in protest against detention conditions inside Israeli prisons,

Considering that, according to the head of the Palestinian delegation Mr. Azzam Al-Ahmad, despite the recent hunger strike the Israeli prison service did not significantly improve the detention conditions of detainees, who are still not entitled to appropriate family visiting rights and medical care,

Bearing in mind that, in its concluding observations on the third periodic report of Israel to the International Covenant on Civil and Political Rights,³ the United Nations Human Rights Committee remained concerned at the continuing practice of administrative detention of Palestinians, at the fact that, in many cases, the detention order is based on secret evidence and at the denial of access to counsel, independent doctors and family contacts (articles 4, 9, and 14), and therefore recommended that the practice of administrative detention and the use of secret evidence in administrative detention proceedings be discontinued, and that individuals subject to administrative detention orders be either promptly charged with a criminal offence or released,

Recalling that, in his letter of 22 December 2015, the Senior Diplomatic Advisor to the Knesset stated that Mr. Al-Borini had been released on 14 June 2015 after being convicted for attending a gathering of an unlawful association and sentenced as part of a plea bargain to a 12-month prison term, and after receiving a six-month suspended sentence for a similar violation

³ CCPR/C/ISR/CO/4.

during a three-year probation period; *recalling also* that, according to information provided previously by one of the complainants, Mr. Riyadhgh Radad and Mr. Abdul Rahman Zaidan, who had first been held in administrative detention, were at some point held in detention on criminal charges,

Recalling the following information on file with regard to the revocation of the residency permits of three PLC members, namely that, in May 2006, the Israeli Minister of the Interior revoked the East Jerusalem residency 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; that the order was not implemented, owing to their arrest in June 2006; that after their release in May/June 2010, the three men were immediately notified that they had to leave East Jerusalem; that 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; and that 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,

Considering that the head of the Knesset delegation, in his letter dated 26 September 2017 addressed to the IPU Secretary General, stated: "The activities of individuals named in your letters, notably Ms. Jarrar, have been addressed at length on various occasions in recent years, both in our correspondence and in face-to-face meetings. I am sure you can appreciate the sensitivity of these matters, which prevent me from commenting in detail on the nature of these allegations. Nonetheless, I can assure you that Israel's actions were taken in response to legitimate and concrete security concerns and not to the typical "political work" expected of members of parliament. As such, in detaining these individuals, Israel was acting well within the right of self-defence that is accorded all nations"; the head of the Knesset delegation to the IPU declined the Committee's invitation to a hearing in that regard during the 137th IPU Assembly (14-18 October 2017),

Considering that, according to the head of the Palestinian delegation, the head of the PNC tried to work with members of the Knesset to obtain access to their Palestinian colleagues detained in Israeli prisons, but that those efforts were to no avail; the Palestinian parliamentary authorities reached out to the Speaker of the Knesset to understand the reasons behind Ms. Jarrar's arrest in an effort to maintain a culture of dialogue, but the Israeli parliamentary authorities were not forthcoming regarding Ms. Jarrar's detention or any of the other cases,

1. *Thanks* the head of the Knesset delegation for his letter,
2. *Regrets* however that he chose not to meet with the Committee for a hearing; *considers* this all the more regrettable given the long-standing concerns and requests for information in this case; *emphasizes* 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;
3. *Is concerned* about the re-arrest and administrative detention of Mr. Al-Natsheh and Ms. Jarrar and the fact that eight other MPs are also in such detention; *considers* 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;
4. *Remains deeply concerned* in this regard that the practice of administrative detention often relies on classified evidence, as the Israeli authorities acknowledge; *understands* that, at the normative level and that of the relevant jurisprudence of the Supreme Court, safeguards are provided for with a view to preventing the abusive use of administrative detention; nevertheless *notes with regret* that the reality of administrative detention is quite different, mainly owing to the lack of any effective possibility for the detainees to defend themselves, with the result that they are open to arbitrary treatment; *calls on* the Israeli authorities to abandon the practice of administrative detention by putting in place in the meantime effective safeguards against possible abuses, notably with regard to the use of classified evidence;

5. *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;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.