

Detained Palestinian Legislative Council Members

15 December 2015

According to international law no one can be detained for their political opinions. This is affirmed in the International Covenant on Civil and Political Rights, article 2, which states that states parties are to ensure “to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (United Nations General Assembly Resolution 2200A (XXI) of 16 December 1966). However, 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 March 2007 that the Israeli authorities declared the Change and Reform List to be illegal, almost a year after most of the initial arrests. In 2009, nearly a third of all Palestinian legislators were held in Israeli detention, preventing the PLC from reconvening since mid-2007. The use of administrative detention has also been persistent. For example, in April 2014, 11 PLC members were being held by Israeli forces, the majority of them (9) under administrative detention.

Two of the most well-known long-term 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. He was denied visitation rights for several years, and his daughter was denied visitation rights from 2006 until 2015, when granted a single visit.

Recently, on 2 April 2015, Khalida Jarrar, a Palestinian Legislative Council member since 2006, was arrested and is currently detained in HaSharon prison. She was issued a 6-month administrative order which was subsequently limited to

one month and two days, and a charge sheet was issued against her. At the time of writing, Mrs. Jarrar is the only female PLC member held in Israeli prisons.

Currently, there are 5 PLC members in Israeli prisons, two of whom are held under administrative detention without charge or trial.

PLC members currently detained by Israeli forces:

Number	Name	Residence	Date of Arrest	Legal Status
1	Marwan Al-Barghouthi	Ramallah	15/4/2002	5 life sentences
2	Ahmad Sa'adat	Ramallah	13/6/2006	30 years
3	Mohammad Al-Natsheh	Hebron	27/3/2013	Administrative Detention
4	Khalida Jarrar	Ramallah	2/4/2015	Sentenced (15 months)
5	Hassan Yousef	Ramallah	20/10/2015	Administrative Detention

Recent resolutions taken by international bodies in regards to detained PLC members:

International Parliamentary Union (IPU) resolution adopted unanimously by the IPU Governing Council at its 190th session on 5 April 2012:

“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”

On 25 March 2015, during its twenty-eighth session, the Human Rights Council expressed “deep concern that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including, *inter alia*, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also about the ill-treatment and harassment of any Palestinian prisoner and all reports of torture” (A/HRC/28/L.34).

The use of prolonged and repeated administrative detention of Palestinian Legislative Council members has also been addressed. On 21 October 2015, a decision adopted unanimously by the Inter-Parliamentary Union Governing Council on its 197th session stated that the Union “[i]s concerned about Mr. Al-Natsheh’s prolonged administrative detention; considers that, as his 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 ...”