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CASE No. PAL/02 - MARWAN BARGHOUTI - PALESTINE / ISRAEL

Resolution adopted unanimously by the IPU Governing Council at its 184th session (Addis Ababa, 10 April 2009)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183rd session (October 2008),

Referring to Mr. Simon Foreman's expert report on Mr. Barghouti's trial (CL/177/11(a)-R.2), and *taking into account* the information gathered by the Committee's secretary during a fact-finding mission to Ramallah in March 2009,

Referring also to the study of B'Tselem - the Israeli Information Center for Human Rights in the Occupied Territories - entitled "Barred from Contact" on violations of the right to visit Palestinians held in Israeli prisons, published in September 2006,

Noting that the Permanent Representative of Israel to the United Nations Office in Geneva, in a letter dated 22 December 2008, stated that "all Palestinian lawmakers detained in Israel for their connection with terrorist activities, including Mr. Marwan Barghouti, continue to enjoy rights as stipulated under Israeli law, with due respect for humanitarian concerns" and recalls that Mr. Barghouti was convicted on five counts of murder,

Recalling that, in his detailed report on Mr. Barghouti's trial, barrister Simon Foreman concluded that "the numerous breaches of international law ... make it impossible to conclude that Mr. Barghouti was given a fair trial" and that it consequently considered that Mr. Barghouti's guilt had not been established;

Considering that Mr. Barghouti was kept in solitary confinement from 2002 to 2004 and that, according to his wife, since then, he is kept in an isolated department in the Hadarim prison where 120 political leaders are held in cells with three persons per room; visiting rights are not regular and only granted from time to time; for example, she went to the prison on 25 March 2009 but was denied the visit; the International Committee of the Red Cross (ICRC) bus which took her there was attacked and stoned by supporters of Gilad Shalit, the Israeli soldier captured in June 2006 in a cross-border attack on military installations; her children - three sons aged 23, 20 and 19 and one 22-year-old daughter - are not allowed to visit their father; even Mr. Barghouti's mother was not allowed to visit him and she died two years ago without having seen her son again,

Noting further that statements by the Speaker of the Knesset and the Minister for Foreign Affairs, to the effect that a visit by a Committee member to Mr. Barghouti could be arranged, have so far not been acted upon,

1. *Reaffirms*, in the light of Mr. Foreman's report, that Mr. Barghouti was transferred to Israel in breach of the Fourth Geneva Convention of 1949 and the Oslo Accords; consequently *once again urges* the Israeli authorities to transfer Mr. Barghouti immediately to the Palestinian authorities;
2. *Reaffirms further*, 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 did not meet the fair trial standards which Israel, as a State party to the International Covenant on Civil and Political Rights, is bound to respect and that his guilt has therefore not been established;

3. *Deplores* the extremely limited family visiting rights enjoyed by Mr. Barghouti and, more particularly the arbitrariness of decisions authorizing or denying visits; *recalls* that Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed ... to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits"; *calls on* Israel to conform to those rules;
4. *Infers* from the lack of any decision regarding its request for a visit to Mr. Barghouti that it has not been considered, and *deeply regrets* this all the more since television crews have obtained authorization to visit him;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121st Assembly of the IPU (October 2009).