

Brussels, March 4th 2016

Re: Arrest, detention, and sentencing of the Palestinian Legislative Council member Khalida Jarrar by Israel

Madame the High Representative of the European Union, Federica Mogherini,

We the undersigned Members of the European Parliament would like to raise our great concern with the arrest, detention, and sentencing of the Palestinian Legislative Council member Khalida Jarrar, who has been in Israeli detention since April 2nd 2015.

We would also like to express grave concern over the arrest and detention of Palestinian prisoners who are subsequently tried in Israeli military courts, which have a conviction rate of over 99%¹. Since October 1st 2015, there have been more than 2498 arrests of Palestinians by Israeli forces, including at least 444 children². Hundreds of Palestinian detainees continue to be held without charge or trial in the widespread and systemic policy of administrative detention³. The majority of prisoners face some form of ill treatment or torture following their arrest, and the vast majority of Palestinian prisoners and detainees are illegally transferred from the Palestinian occupied territory into Israel in direct contravention with international law (Fourth Geneva Convention)⁴. Recent discriminatory legislation against Palestinian (political) prisoners includes the “Law to Prevent Harm Caused by Hunger Strikers” approved on 30th of July 2015 by the Israeli Knesset, which permits the force-feeding of Palestinian hunger strikers in Israeli prisons⁵. Another proposed law, if passed, would allow for 20-year prison sentences for children and instituting a minimum sentence of 2-4 years for throwing stones.

Regarding Mrs. Jarrar’s trial, we would like to raise the following particular concerns:

- Khalida Jarrar’s military trial did not meet standards for a fair trial nor did it safeguard the interests of justice. The defense was severely affected due to the protracted delays in bringing charges against Mrs. Jarrar, the use of administrative detention and the unclear dates assigned to her alleged activities, most of which were, in any case, public political activities and speeches. Mrs. Jarrar also suffered severe mental and physical exhaustion after attending several hearings following a brutal transfer process, arguably leading to her agreement to a plea deal including a fine and 15 months in prison⁶.
- From the time of detention and subsequently during the trial, Mrs. Jarrar was held on grounds of both secret and open evidence⁷. Her request for bail was approved and she was to be released until the end of trial proceedings. However, an appeal was granted to the prosecution for her continued detention based on secret evidence and the issuance of the charge sheet. Until her trial and eventual acceptance of a plea deal on December 7th 2015, the prosecution continuously sought approval for the use of secret evidence that the defense team could not access. None of this secret material was ever presented and all of the charges against her related to public political activity⁸.
- The deprivation of Mrs. Jarrar’s liberty is an infringement of her fundamental rights under the International Covenant on Civil and Political Rights, which guarantees the right for people to freely determine their political status, the right to peaceful assembly and the right to freedom of association with others. Evidence put forth from her arrest was numerous years old, indicating that she was not in actuality seen to be a threat to security, but that rather her arrest was a politically motivated one. The allegations against her involved her work as a political leader and community organizer (which included, for example, sitting in solidarity tents with the families of prisoners, meeting with exdetainees and attending gatherings in Ramallah)⁹.
- The charge of affiliation with an illegal organization (according to military orders of the occupation, which include all major Palestinian political parties) contravenes her freedom of

affiliation, coupled with the fact that her organization is a member of the Palestinian Legislative Council with whom both Israel and the EU hold agreements. Additionally, Palestine should be treated as a sovereign state in accordance with United Nations General Assembly decision to recognize it as such, and the subsequent joining of various international treaties, including the Rome Statute of the International Criminal Court.

- Additionally, we must highlight that the continued use of Israeli military courts in the trials of Palestinian civilians and Palestinian representative leaders are not in compliance with international law, particularly in contravention with Articles 64 and 66 of the Fourth Geneva Convention (12 August 1949), and Article 43 of the Hague Conventions (1907)10.

We demand that the High Representative and the European Commission **raise Khalida Jarrar's case with the Israeli government and her demand her immediate release.**

We demand that the **issue of Palestinian political prisoners is also raised and that the system of justice in Israel is placed under scrutiny** as a result of the discriminatory legislation, the sole use of military courts for Palestinians in the West Bank and Gaza, their illegal transfer, their ill-treatment and the high level of detention against minors.

We demand that the **EU mission in Israel immediately request to visit Mrs. Jarrar** in Hasharon prison in Israel and give her case high priority.

We demand that the next time an **EU Delegation visits Israel they request to visit Israeli prisons** where Palestinian political prisoners are held and in particular pay regard to the cases of imprisoned children.

Yours sincerely,

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- 1 <http://www.haaretz.com/nearly-100-of-all-military-court-cases-in-west-bank-end-in-convictionhaaretz-learns-1.398369>
- 2 <http://www.addameer.org/news/addameer-israeli-occupation-proceeds-mass-arrests-and-collectivepunishment>
- 3 <http://www.un.org/apps/news/story.asp?NewsID=50546#.VpZ9jJMrJE4>
<https://www.amnesty.org/en/latest/news/2012/06/israel-injustice-and-secrecy-surrounding-administrative-detention/>
- 4 <http://www.alhaq.org/documentation/weekly-focuses/957-a-failed-justice-system-torture-and-ill-treatment-in-palestinian-prisons>
<https://www.hrw.org/news/2015/07/19/israel-security-forces-abuse-palestinian-children>
- 5 <http://www.addameer.org/news/addameer-%E2%80%9Cforce-feeding%E2%80%9D-bill-legitimizes-and-institutionalizes-torture>
- 6 <https://www.amnesty.or.jp/en/get-involved/ua/ua/2015ua081.html>
- 7 <https://www.hrw.org/news/2015/04/09/dispatches-israel-locks-palestinian-lawmaker>
- 8 <http://samidoun.net/2015/12/breaking-news-khalida-jarrar-sentenced-to-15-months-imprisonment-by-israeli-military-court/>

9 <http://www.addameer.org/prisoner/khalida-jarrar>

10 <http://www.addameer.org/news/palestinian-legislative-council-member-khalida-jarrar-spend-15-months-prison>