



Inter-Parliamentary Union

For democracy. For everyone.

## Palestine

**Decision adopted unanimously by the IPU Governing Council at its 203<sup>rd</sup> session (Geneva, 18 October 2018)**



Abdul Hamid Al-Alia © Photo courtesy/Al-Alia family



Ashraf Jumaa © Photo courtesy/Ashraf Jumaa family

PSE-88 - Najat Abu Bakr (Ms.)  
PSE-92 - Shami Al-Shami  
PSE-93 - Nasser Juma  
PSE-94 - Jamal Tirawi  
PSE-95 - Nayema Sheikh Ali (Ms.)  
PSE-96 - Rajai Mahmoud Baraka  
PSE-97 - Yahya Mohammad Shamia  
PSE-98 - Ibrahim Al Masdar  
PSE-99 - Ashraf Jumaa  
PSE-100 - Majid Abu Shamala  
PSE-101 - Abdul Hamid Al-Alia  
PSE-102 - Alaa Yaghi

### Alleged human rights violations:

- ✓ Failure to respect parliamentary immunity
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of movement
- ✓ Threats, acts of intimidation

### A. Summary of the case

The complainant alleges that the 12 parliamentarians, all members of Fatah, were deprived of their parliamentary immunity following a decision issued by Palestinian President Mahmoud Abbas in December 2016, to enable the Public Prosecutor to pursue a criminal investigation against them. The complainant also alleges that the decision to lift the parliamentary immunity of the members of parliament was communicated orally to them, as they never received any written decision providing the reasons justifying such a measure.

The complainant further alleges that the parliamentarians were also deprived of their salaries, which were suspended without notice on 6 June 2017 on the instructions of the Ministry of Finance. According to the complainant, the suspension of salaries came in response to the legitimate exercise of their parliamentary mandate and freedom of opinion, as well as their denunciation of alleged

### Case PSE-COLL-02

**Palestine:** The Palestinian Legislative Council is affiliated to the IPU

**Victims:** 12 Members of the Palestinian Legislative Council, members of the majority (10 men and two women)

**Qualified complainant(s):** Section I (1) (a) of the [Committee Procedure](#) (Annex 1)

**Submission of complaint:** January 2018

**Recent IPU decision:** [January 2018](#)

**IPU mission:** - - -

**Recent Committee hearing:** Hearing with the head of the Fatah parliamentary group at the 139<sup>th</sup> IPU Assembly (October 2018)

### Recent follow-up

- Communication from the authorities: Letter from the Speaker of the Palestinian National Council (August 2018)
- Communication from the complainant: September 2018
- Communication from the IPU: Letter to the Speaker of the Palestinian National Council (September 2018)
- Communication from the IPU to complainant: September 2018

corruption within the ruling party, Fatah. Some of the parliamentarians decided not to file a complaint before the national jurisdiction, invoking the latter's lack of independence and arbitrariness.

Largely due to internal divisions, the Palestinian Legislative Council (PLC) has not been able to meet since 2007, although individual members of the PLC continue to carry out their parliamentary functions to the best of their abilities.

## B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the delegation of Palestine and Mr. Azzam Al-Ahmad, head of the Fatah parliamentary group, for the information shared in the hearing with the Committee on the Human Rights of Parliamentarians held during the 139<sup>th</sup> IPU Assembly;
2. *Remains* concerned that the parliamentary immunity of the members of the PLC was lifted by presidential decision. This defeats the very purpose that the procedure for lifting parliamentary immunity is meant to serve, namely to shield the institution of parliament and its members from potential encroachment on its powers and privileges by the other branches of State; *acknowledges*, nevertheless, the exceptional situation in which the PLC finds itself, and which makes it very difficult for parliamentary immunity to be protected in practice; *sincerely hopes* that the PLC will soon be able to reconvene and to actively defend, as an institution, the rights of the people who elected it, as well as to protect its own members against possible reprisals because of their work;
3. *Deeply regrets* that the salaries of the 12 parliamentarians have not been reinstated and that the alleged violations of the right to freedom of movement conveyed by the complainants are still ongoing; *is concerned* about Mr. Abu Shamala's inability to renew his diplomatic passport, as his application was allegedly rejected by the competent authorities in the absence of any justification; *recalls* that the 12 parliamentarians filed several complaints with the judicial authorities; *sincerely hopes* that the court will rule swiftly on their complaints in an independent and fair manner; *trusts* that parliament will monitor this matter and assist them during the proceedings, if need be;
4. *Reiterates* its concerns about the lifting of the parliamentary immunity of the 12 parliamentarians through a presidential decision so ordering, which would contradict the principle of the separation of powers and the independence of parliament; *fails* to fully understand the legal grounds justifying this decision;
5. *Requests* the Secretary General to convey this decision to the competent authorities, the complainant and any third party likely to be able to provide relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.