



Inter-Parliamentary Union

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Israel

IL/03 - Mohammad Barakeh

***Decision adopted by the Committee on the Human Rights of Parliamentarians
at its 146th session (Geneva, 24-27 January 2015)***

The Committee,

Referring to the case of Mr. Mohammad Barakeh, a member of the Parliament of Israel (the Knesset), and to the decision it adopted at its 143rd session (January 2014),

Taking into account the information provided by the complainant in December 2014 and January 2015,

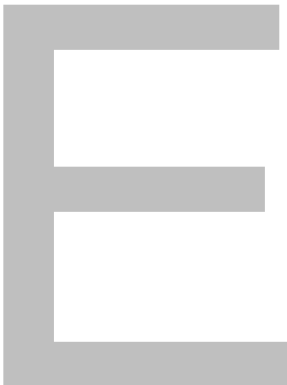
Recalling the following: Mr. Barakeh was indicted on four counts of assault, of insult to or obstruction of the work of police officers or soldiers, which he allegedly committed at four separate and unrelated anti-Wall and anti-war demonstrations over a period of three years; Mr. Barakeh denied the charges and argued that he himself was the victim of police brutality, having filed complaints in this regard,

Recalling that on 26 October 2011, the Tel Aviv Magistrate's Court issued a decision dismissing two of the four charges filed against Mr. Barakeh on the grounds that they were covered by his substantive parliamentary immunity,

Recalling that, according to Mr. Barakeh's legal defence counsel, the two remaining charges are weak and should be dismissed in full; it affirms that with respect to the first charge, according to which Mr. Barakeh assaulted a border policeman in May 2005 during a demonstration at the West Bank village of Bi'lin against Israel's Separation Wall, he was hit in the thigh by a sound bomb that was thrown in his direction; according to the complainant, the prosecution alleges that Mr. Barakeh attacked the border policeman to prevent the arrest of a Palestinian youngster; with regard to the second remaining charge, which dates back to July 2006, the prosecution alleges that Mr. Barakeh assaulted a private individual during a demonstration against the Second Lebanon War in July 2006; the complainant affirms that the prosecution's case ignores the fact that Mr. Barakeh was defending the demonstrators, including 80-year-old activist Uri Avnery, against a group of right-wing activists who were attacking the protestors,

Considering that the Tel Aviv Magistrate's Court exonerated Mr. Barakeh in March 2014 of the first of the two remaining charges, but convicted him on the other, and that on 24 April 2014, the same court sentenced him to pay a fine of 400 shekels and compensation of 250 shekels (equivalent to US\$ 165 in total) to the activist whom he was convicted of assaulting,

Considering that, on 15 December 2014, the Tel Aviv District Court ordered the Tel Aviv Magistrate's Court to review its decision to convict Mr. Barakeh, as it believed that the Tel Aviv Magistrate's Court had not explained why his acts were not covered by his parliamentary immunity,



1. *Takes note* with interest of the ruling by the Tel Aviv District Court; *would appreciate* receiving a copy thereof;
2. *Trusts* that, in reaching a new decision, the Tel Aviv Magistrate's Court will take due account of Mr. Barakeh's parliamentary immunity and of the fundamental idea it embodies that parliamentarians should be able to carry out their work freely without obstruction and fear of prosecution;
3. *Seriously hopes* that the Tel Aviv Magistrate's Court will rule on the case as a matter of urgency given that eight and a half years have passed since the alleged event giving rise to the remaining charge took place; therefore *eagerly awaits* its decision;
4. *Reiterates its wish* to receive official information on the outcome of the investigation that must have long been completed into the long-standing complaints of ill-treatment filed by Mr. Barakeh;
5. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining this case.