

POLICY BRIEFING

Violating international legal obligations: Israel's treatment of Palestinian prisoners

Abstract

Nearly five thousand Palestinians are held by Israel in a 'parallel' justice system reserved for those accused of offenses against the state. Instead of entering the Palestinian legal system, these prisoners are tried by Israel's military courts and often held in Israel, in conditions that violate international humanitarian and human rights conventions. Children and elected officials are among them, subject to ill-treatment — including prolonged solitary confinement, abuse and a lack of due process— by Israeli military authorities. A number of prisoners have gone on hunger strike and increasing numbers of protestors have demonstrated to demand that Israel guarantee basic prisoners' rights and end its deplorable prison conditions and indefinite detention without charges or fair trial. One prisoner has been on strike for more than 200 days; he and a number of others are in critical condition and require urgent medical treatment. While the United Nations and other international bodies have condemned Israel's systematic ill-treatment of Palestinian prisoners as a blatant violation of international law, the situation has only recently attracted widespread international calls for action. The European Union has expressed its concern, but action is now required.

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Palestinians in Israeli prisons

Palestinians who are accused by Israel of offenses against Israel are handled entirely differently than detainees held by the Palestinian authorities, and their treatment contravenes international law.

The situation of these Palestinians in Israeli prisons — including one prisoner who died in custody last month — has led to tense, large-scale protests and a number of hunger strikes.

Palestinian prisoners in Israel are subject to prolonged solitary confinement, torture, detention without charge and other violations of their rights.

Approximately 4 900 Palestinians in Israeli prisons are continually subjected to ill-treatment and denied the most basic prisoners' rights stipulated in the Fourth Geneva Convention¹. While Israel argues that these prisoners were involved in or suspected of offences against the State of Israel, a majority are being held without charges or trial.

The Palestinians held in Israel have been detained or arrested for reasons linked to the Israeli occupation of Palestine. A parallel prison system — that of the Palestinian authorities — holds those Palestinians whose offences (burglary, for example, or domestic violence) are unrelated to issues of state and occupation. The Palestinians held in Israeli prisons constitute a special category, and many international observers define all of these detainees as 'political prisoners'. However they are defined (see below), their treatment should spur the EU and international community to action.

The issue has become topical. On 23 February 2013, Palestinian prisoner Arafat Jaradat died while in Israeli custody; his autopsy revealed signs of torture. Over the past months, protests against Israel's treatment of Palestinian political prisoners have grown more frequent and virulent throughout the Israeli-occupied Palestinian territories. Protesters have demanded the release of four prisoners on hunger strike who are in critical condition: Samer Issawi, Ayman Al-Sharawneh, Tarek Qa'adan and Jafar Azzidine. Jaradat's recent death is one of many documented cases of prisoners who have died in Israeli prisons following torture, medical neglect or homicide². Inhumane conditions in Israeli prisons have also led to the death of countless prisoners following their release.

Palestinian prisoners (including Samer Issawi, who has been on hunger strike for over 200 days) and protesters (including all those participating in the one-day hunger strike in late February 2013) are struggling to draw international attention to Israel's deplorable prison conditions and systematic abuse. On a daily basis, Israeli military forces subject Palestinian prisoners to torture, prolonged solitary confinement (as long as 10 years)³, brutal interrogation and detention without charges or fair trial; family visits and proper medical care are routinely denied, and confessions are forced. Such treatment directly contravenes international humanitarian and human rights laws and norms, including the Fourth Geneva Convention.

Protests over the situation are escalating, and demonstrators clashing

¹ <http://unispal.un.org/pdfs/12-45320.pdf>

² <http://www.addameer.org/etemplate.php?id=561>

³ <http://unispal.un.org/UNISPAL.NSF/0/4BDD0FF8E84C8ED085257A1400527EF8>

Worries about the situation leading to a third *Intifada* are mounting.

with Israeli forces in the Palestinian territories are leading to an incendiary situation, with reports suggesting the possible breakout of a third Palestinian *Intifada* (uprising)⁴. The problem of Israel's Palestinians prisoners is not only a legal and human rights matter, but may become a central issue for reviving peace negotiations between Israelis and Palestinians. Given the ongoing ill-treatment and unlawful detention, compounded by the precarious health of hunger-striking prisoners, decisive action must be taken to ensure Israel complies with its international legal obligations.

Israel's practice of imprisonment: political prisoners or criminals?

The UN says that three quarters of a million Palestinians have been arrested since 1967.

The United Nations has confirmed that since Israel's military occupation of the West Bank (including East Jerusalem) and the Gaza Strip in 1967, the number of Palestinians civilians arrested, detained and imprisoned in Israeli prisons has reached at least 750 000, including 23 000 woman and 25 000 children⁵. On average, some 16 000 Palestinians are detained by Israeli military authorities each year.

Estimates from 2013 suggest the number of Palestinian prisoners in Israeli prisons currently totals at least 4 812 — including 193 below 18 years of age, 15 members of the Palestinian Legislative Council (PLC), 178 administrative detainees⁶ (9 of whom are PLC members) and 109 who were arrested prior to the Oslo Accords, which stipulated that all combatant prisoners would be released when the accords were signed⁷. Other sources place the total as high as 11 000⁸. The Israel Prison Service placed the number at 4 987 in 2011⁹.

Today, the number of people being held is nearly 5 000; the number arrested in any given year may be substantially higher.

In fact, these numbers have diminished since 2006, when they reached a peak after Hamas won Palestinian parliamentary elections. Yet the levels remain at least twice those of the early 2000s. Equally troubling, the published statistics usually reflect the number of people in confinement at a given moment, rather than the number of people who have been arrested over the course of a year, which may be substantially higher.

⁴ <http://www.haaretz.com/news/diplomacy-defense/why-hasn-t-a-third-intifada-broken-out-yet-among-the-palestinians.premium-1.506112>

⁵ <http://unispal.un.org/UNISPAL.NSF/0/EF6E79DCD608D68385257A3E006838A9>

⁶ Israel Prison Service figures, December 2012, <http://www.bbc.co.uk/news/world-middle-east-21532020>

⁷ <http://www.addameer.org/>

⁸ The NGO Adalah counts 11 000 such prisoners, while Al Jazeera, citing the Palestinian Bureau of Statistics, cites 7 000:

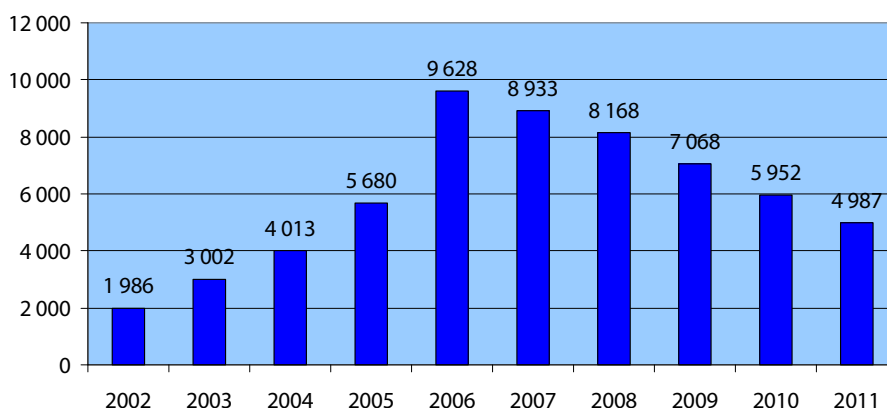
<http://adalah.org/newsletter/eng/apr08/5.pdf>

<http://www.aljazeera.com/news/middleeast/2010/04/201041713625857813.html>

⁹ http://www.ips.gov.il/Shabas/TIPUL_PRISONER/Prisoners+Info/prisoners_bithahoni.htm

Table 1:

Numbers of Palestinian prisoners held in Israel since 2002, according to Israel's Prison Service (The 2011 level is as of 27 November 2011).



Israel's laws permit 'unlawful combatants' to be detained indefinitely without charge.

Under Israel's 'Unlawful Combatants Law'¹⁰ and 'Shalit Law'¹¹, military authorities may detain Palestinians indefinitely without charge once they are designated an 'unlawful combatant'. Military authorities may also ban all visits (including lawyers') for Palestinian prisoners, impose indefinite isolation and solitary confinement, refuse parole, deny rights, impose restrictions for security reasons, and continue to detain the prisoners after their sentence is complete.

When charges are levied, they are often classified, and punishment is meted by military courts.

According to Israel, only those 'who are believed to have taken part in hostile activity against Israel, directly or indirectly' or those 'belong[ing] to a force engaged in hostile activity against the State of Israel' are apprehended¹². These suspects are regarded as politically motivated criminals or terrorists, charged with terrorist offences or violent crimes, considered a national security threat to the state and detained without charge. Charges are determined under (classified) military orders and suspects are prosecuted by Israel's military court system, rather than by civilian judges¹³.

According to the International Federation for Human Rights (FIDH), 'Israel does not recognize Palestinian prisoners as having the status of prisoners of war'¹⁴. Israel classifies Palestinians imprisoned in Israel as 'Security Prisoners'¹⁵ — meaning they have been apprehended on security grounds.

The 2009 Report of the United Nations Fact Finding Mission on the Gaza

¹⁰ <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf>

¹¹

<http://www.europarl.europa.eu/committees/en/afet/studiesdownload.html?languageDocument=EN&file=76415>

¹² <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf>; <http://www.state.gov/j/drl/rls/hrrpt/2006/78854.htm>

¹³ <http://unispal.un.org/UNISPAL.NSF/0/25184E52D3E5CDBA8525763200532E73>

¹⁴ <http://www.fidh.org/Palestinian-Prisoners-in-Israel>

¹⁵ <http://www.ips.gov.il/NR/rdonlyres/3650C193-1D5D-4B88-B97D-618405061B67/0/04050080%D7%94%D7%92%D7%93%D7%A8%D7%AA%D7%90%D7%A1%D7%99%D7%A8%D7%91%D7%98%D7%97%D7%95%D7%A0%D7%99.pdf>

The UN and Amnesty International use the term 'political prisoners' in a way that applies to all Palestinians held in Israeli prisons.

Conflict defines Palestinian 'political prisoners' as 'prisoners detained in relation with the [Israeli] occupation, as opposed to detainees suspected or convicted of crimes/offences unrelated to the occupation'¹⁶. For the UN, all those 'held in Israeli prisons and detention facilities outside the Occupied Palestinian Territory' are 'political prisoners'.¹⁷ According to Amnesty International, the term 'political prisoner' includes any prisoner whose case has a significant political element, whether that stems from the motivation of the prisoner's acts, the acts in themselves, or the motivation of the authorities¹⁸.

After being apprehended — from the street, protests, military checkpoints, border crossings or late-night raids on private homes — Palestinians are transferred to interrogation and provisional incarceration facilities within military and police facilities. While awaiting ruling by military courts, they are transferred to Israeli prisons, usually inside Israel.

A number of prisoners were released by Israel in exchange for the release of jailed Israeli soldier Gilad Shalit, but the total is less than half of those promised — and many have been re-arrested since.

A UN report on global practices of secret detention facilities has found that Palestinian prisoners have been held in secret detention facilities in Israel under the 'unlawful combatants law' since the late 1980s¹⁹.

In October 2011, Israel agreed to release 1 027 Palestinian prisoners in exchange for Hamas's release of Gilad Shalit, an Israeli soldier held in captivity for seven years by Palestinian militants. Since then, only 477 of the 1 027 have been released. Many have already been re-arrested for no declared reason under Israel's administrative detention policy²⁰, a common practice by Israeli military authorities.

Administrative detainees

Israel's practice of 'administrative detention' involves holding suspects without charge based on an undisclosed presumption

Israel's practice of 'administrative detention' involves arresting and detaining of individuals without charge or trial, usually for security reasons that are not divulged. Detainees may be held for up to six months under Israel's Order Regarding Administrative Detention no. 1591²¹. Administrative detention orders, issued by Israel's Ministry of Defence and implemented by Israel's executive power, are based on the presumption that a suspect poses a security threat. Orders are renewable with 'reasonable security grounds', including, in some cases,

¹⁶ <http://unispal.un.org/pdfs/AHRC1248.pdf>

¹⁷ <http://unispal.un.org/UNISPAL.NSF/0/244FD82ECEF3503A852578E1004B646F>

¹⁸ <http://www.amnesty-volunteer.org/aihandbook/ch3.html#Politicalprisoners>

¹⁹ <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf>

²⁰ <http://www.guardian.co.uk/commentisfree/2013/mar/03/hunger-strikers-fighting-for-palestinians-israel>

²¹ See 'Israel's policy of Administrative Detention'

<http://www.europarl.europa.eu/committees/en/afet/studiesdownload.html?languageDocument=EN&file=76415>

that they pose a security risk.

Some 100 000 administrative detention orders have been issued, causing Palestinians to be held for as long as six years without charge or trial.

The right to a fair trial is guaranteed under the International Covenant on Civil and Political Right, which Israel has signed and ratified.

non-violent speech or protests or playing nationalist songs. A number of Palestinians have been detained for as long as six years without charges or trial²².

Such detention practices have led to mass arrest campaigns. All Palestinians in occupied territories and those in Israel may be subjected to administrative detention orders according to Israeli statutory law²³. Since 1967, Israel has issued nearly 100 000 administrative detention orders since 1967²⁴, yet there are only nine cases in which Jewish Israeli citizens (all settlers) have been held in administrative detention²⁵. While a number of states — democratic and others — apply some form of administrative detention, Israel's disproportionate use of this detention, coupled with its often prolonged application and inhumane treatment of Palestinians, is illegal under international law and has been criticised as a form of 'collective punishment'.

Under Article 10 of the Universal Declaration of Human Rights and Article 14 of the International Covenant on Civil and Political Rights — a Covenant Israel signed in 1966 and ratified in 1991 — the right to a fair trial and humane treatment constitutes an essential right in all countries abiding by the rule of law. In Israeli-occupied Palestinian territories, Israel claims its use of administrative detention is justified under Article 78 of the Fourth Geneva Convention of 1949, which states that 'If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them assigned residence or to interment'²⁶.

In 2012, the UN reported that 'on the basis of careful examination of high-profile targets of such detention procedures, it seems to be mainly used by Israel against individuals not engaged in violent activities, and hence they are inappropriately held in administrative detention even taking into account highly questionable rationale of a severe and

²² For more on Administrative Detention see 'Israel's Policy of Administrative Detention', Policy Department Briefing, Directorate-General for External Relations.

²³ For details regarding Israeli law on administrative detention see:

<http://www.europarl.europa.eu/committees/en/afet/studiesdownload.html?languageDocument=EN&file=76415>

²⁴ <http://www.middleeastmonitor.com/news/middle-east/3495-israel-has-issued-100000-administrative-detention-orders-against-palestinians-since-1967>

²⁵ <http://www.addameer.org/etemplate.php?id=293>

²⁶ <http://www.icrc.org/ihl.nsf/WebART/380-600085?OpenDocument>

²⁷ <http://unispal.un.org/UNISPAL.NSF/0/4BDD0FF8E84C8ED085257A1400527EF8>

²⁸ <http://www.aljazeera.com/news/middleeast/2013/02/201321472342204669.html>

²⁹

<http://unispal.un.org/unispal.nsf/47d4e277b48d9d3685256ddc00612265/6cc843c06cc1212085257b120072d1f6?OpenDocument>

³⁰

http://eeas.europa.eu/delegations/israel/press_corner/all_news/news/2013/20130216_01_en.htm

The UN and its Special Rapporteur have flagged the situation of Palestinian detainees, labelling their treatment 'appalling and unlawful'.

imminent security treat the nature of which is not disclosed'²⁷. The UN High Commissioner for Human Rights Navi Pillay stated in February 2013 that, 'Persons detained must be charged and face trial with judicial guarantee in accordance with international standards, or be promptly released'²⁸.

Richard Falk, the UN's Special Rapporteur on the human rights situation in the occupied Palestinian territories, recently argued that 'Israel must end the appalling and unlawful treatment of Palestinian detainees. The international community must react with a sense of urgency and use whatever leverage it possesses to end Israel's abusive reliance on administrative detention'²⁹.

In 2013, the EU reiterated its longstanding concern about Israel's extensive use of administrative detention orders³⁰.

Detained minors

The UN has recently reported on the situation of Palestinian children detained by Israel. Nearly 7 000 have transited the Israeli military court system in the past decade, and many are ill-treated.

In 2013, the United Nations reported that nearly 7 000 children (under age 18) had been arrested, interrogated and prosecuted by Israel military courts over the past ten years³¹. The UN confirmed that since 1967, approximately 25 000 Palestinian children³² have transited Israeli prisons and continue to be subjected to ill-treatment, including aggressive late-night home arrests by heavily armed military, blindfolds and painfully restraints with handcuffs, leg-irons and plastic ties. Once in custody, children experience excessive physical and verbal abuse, lengthy hours of violent interrogation and a lack of adequate water, food, medical care and toilet facilities³³.

Many incarcerated children are forced to serve prison sentences and pay fines determined by Israeli military courts, usually after being charged of throwing stones at Israeli soldiers. Israel's Military Order 1651 provides that 'throwing an object, including a stone, at a person or property with the intent to harm the person or property carries a maximum penalty of 10 years', while throwing an object at a moving vehicle carries a maximum penalty of 20 years. The same Military Order determines the maximum punishments that children face. For those who are 12 or 13 (the age at which they can be tried by military courts), sentences cannot exceed six months. For 14- and 15-year-olds, the maximum penalty is 12 months, unless the crime specifies a penalty of more than five years. This means that it would be possible for a 14-year-old convicted of throwing

³¹ UN report 'Children in Israeli Military Detention':

http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf

³² <http://unispal.un.org/UNISPAL.NSF/0/EF6E79DCD608D68385257A3E006838A9>

³³ http://www.dci-palestine.org/sites/default/files/copy_of_ua_1_12_solitary_confinement_dec_12.pdf

a stone at a moving car to be imprisoned for 20 years. Once a child reaches 16, he or she is considered an adult under this order.

According to December 2012 Israeli Prison Service figures, of the 195 detained Palestinian children from the West Bank, approximately 51 % had been transferred to prisons outside of occupied territory³⁴, some guarded by British-Danish security firm G4S³⁵. Children as young as 12 years of age have also been subjected to solitary confinement. Although the Convention of the Rights of the Child prohibits the use of solitary confinement for children³⁶, minors in Israeli facilities have been held in solitary confinement for many weeks at a time — and in at least one case, for 65 days³⁷. Currently, 59 prisoners between the ages of 15 and 17 remain in solitary confinement; their cells measure approximately six square meters, lack windows and are illuminated 24 hours-per-day³⁸.

According to the UN, Israel's use of solitary confinement for children is particularly grave, and likely to have long-term repercussions.

In July 2012, the UN Special Rapporteur Falk condemned Israel's use of solitary confinement for children, stating that 'this pattern of abuse by Israel is grave. [...] It is inhumane, cruel, degrading, and unlawful, and, most worryingly, it is likely to adversely affect the mental and physical health of underage detainees'³⁹. The detention of children, their transfer into Israel and ill-treatment is illegal under the Fourth Geneva Convention and contravenes the Convention of Rights of the Child and Convention against Torture.

A February 2013 UN report entitled 'Children in Israeli Military Detention' found that the 'ill-treatment of Palestinian children in the Israeli military detention system appears to be widespread, systematic and institutionalized'⁴⁰. The report also concluded that 'in no other country are children systematically tried by juvenile military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights'⁴¹.

³⁴ http://www.dci-palestine.org/sites/default/files/copy_of_ua_2_12_article_76_jan_2013.pdf

³⁵ See 'The Case of G4S: Private Security Companies and the Israeli Occupation' <http://whoprofits.org/sites/default/files/WhoProfits-PrivateSecurity-G4S.pdf>

³⁶ <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>

³⁷ <http://whoprofits.org/sites/default/files/WhoProfits-PrivateSecurity-G4S.pdf>

³⁸ http://www.dci-palestine.org/sites/default/files/copy_of_ua_1_12_solitary_confinement_dec_12.pdf

³⁹ <http://www.un.org/apps/news/story.asp?NewsID=42527#.UTmiqDBQGHQ>

⁴⁰ Full UN report 'Children in Israeli Military Detention':

http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf

⁴¹ UN report 'Children in Israeli Military Detention':

http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf

Jailed Members of Parliament

At the moment, 15 elected Members of the Palestinian Legislative Council are held in Israeli jails.

Marwan Bargouthi and Ahmed Sa'adat have been held for years, many in isolation.

This treatment of elected officials transgresses a number of significant conventions and practices.

Currently, 15 elected members of the Palestinian Legislative Council (PLC) are being held in Israeli jails⁴². The most prominent is Marwan Bargouthi, a representative of Fatah. Arrested on 14 April 2002, Bargouthi was held under administrative detention until his trial in 2004. As Israel claims that Bargouthi's imprisonment was due to his involvement in acts endangering the security of the state, he has been denied the basic prisoner rights guaranteed under international law. Bargouthi, who is serving 45 life sentences and 40 years, has been placed in solitary confinement 21 times. He has served four consecutive years in isolation and has been denied visits.

The highest ranking Palestinian official imprisoned by Israel is Ahmed Sa'adat, General Secretary of the Popular Front for the Liberation of Palestine (PFLP). Sa'adat has also spent years in administrative detention. His treatment in prison, where he is serving a 30-year prison sentence, is similar to that of Bargouthi.

The arrests of Members of the Palestinian Parliament, particularly those occurring beyond Israel's jurisdiction, and their transfer from occupied territory into Israel are not only in violation of Articles 49 and 76 of the Fourth Geneva Convention⁴³ but also contrary to international conventions and practices regarding the immunity of elected officials⁴⁴.

Prisoners on hunger strike

Hunger strikes have become a way of focusing international attention on

On 17 April 2012, nearly 2 000 Palestinian political prisoners took part in a mass hunger strike to protest inhumane prison conditions and the practice of administrative detention. This new series of hunger strikes⁴⁵ was inspired by the cases of hunger-striking prisoners Khader Adnan, a Palestinian activist detained by Israel who had gone on hunger strike for 66 days, and Hanan Shalabi, who had faced renewed counts of administrative detention for over two years and spent more than 40 days

⁴² <http://www.addameer.org/etemplate.php?id=577>

⁴³ Article 49: Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive. Article 76: Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein;

<http://unispal.un.org/UNISPAL.NSF/0/F9AA4E95F285ED49852563680059609A>

⁴⁴ <http://www.guardian.co.uk/world/2012/jan/24/israel-jails-palestinian-parliament-speaker>

⁴⁵ Hunger striking Palestinian prisoners first emerged in Ramleh prison in 1969, followed by the next in 1976 in Ashkelon prison and continuing in the post-Oslo period. In 2004, a mass hunger strike by Palestinian prisoners led to brutal retaliation by Israeli Prison Service and the enforcement of preventative measures such as isolating prisoners and torture in an attempt to subdue collective forms of prisoner protest.

the issue.

Four Palestinians prisoners are in critical condition after going on hunger strike for a prolonged period.

Catherine Ashton has reiterated the rights of detainees.

on hunger strike. Hunger strikes have focused attention on the situation of prisoners who are otherwise often ignored by the international community.

Today the lives of four Palestinians prisoners engaged in a prolonged hunger strike — Samer Issawi (over 200 days), Ayman Al-Sharawneh (over 140 days), Jafar Azzidine (over 80 days) and Tarek Qa'adan (over 80 days) — are at risk. Reportedly on the verge of death, Qa'adan and Azzidine are on their second hunger strike since May 2012. Issawi and Al-Sharawneh are in critical condition and require urgent medical attention. All four men are protesting violations of their human rights, unlawful detention policies and inhumane treatment by Israel.

UN Special Rapporteur Falk has called for their immediate release. Describing the conditions of their detention as 'inhumane', Falk holds Israel responsible for any permanent harm. He has said, 'Israel must end the appalling and unlawful treatment of Palestinian detainees.' In February 2013, UN Secretary-General Ban Ki-moon also expressed deep concern over the 'rapidly deteriorating condition' of Palestinian hunger striking prisoners in Israeli jails and urged an end to the prisoners' plight without delay⁴⁶.

The EU has called on Israel to fully respect international human rights obligations towards all Palestinian detainees and prisoners and to 'bring formal charges against any individuals detained, with a view to bringing them to a fair trial without undue delay'. High Representative for Foreign Affairs and Security Policy Catherine Ashton has reiterated that 'Under international law, detainees have the right to be informed about the reasons underlying any detention and to have the legality of their detention determined without undue delay'⁴⁷.

Policy options

The circumstances of Palestinian political prisoners in Israeli jails transgress international human rights standards and jeopardise efforts to build peace between Israelis and Palestinians.

Recent protests over the death of Arafat Jaradat and the health conditions of hunger strikers require an immediate response; tensions in Palestine are high enough that some have suggested that a third Palestinian *Intifada* (uprising) may break out. The international community must ensure that Israel is complying with its international legal obligations towards its thousands of Palestinian prisoners.

⁴⁶ <http://www.un.org/apps/news/story.asp?NewsID=44177#.UTjTuTBQGHQ>

⁴⁷

http://eeas.europa.eu/delegations/israel/press_corner/all_news/news/2013/20130216_01_en.htm

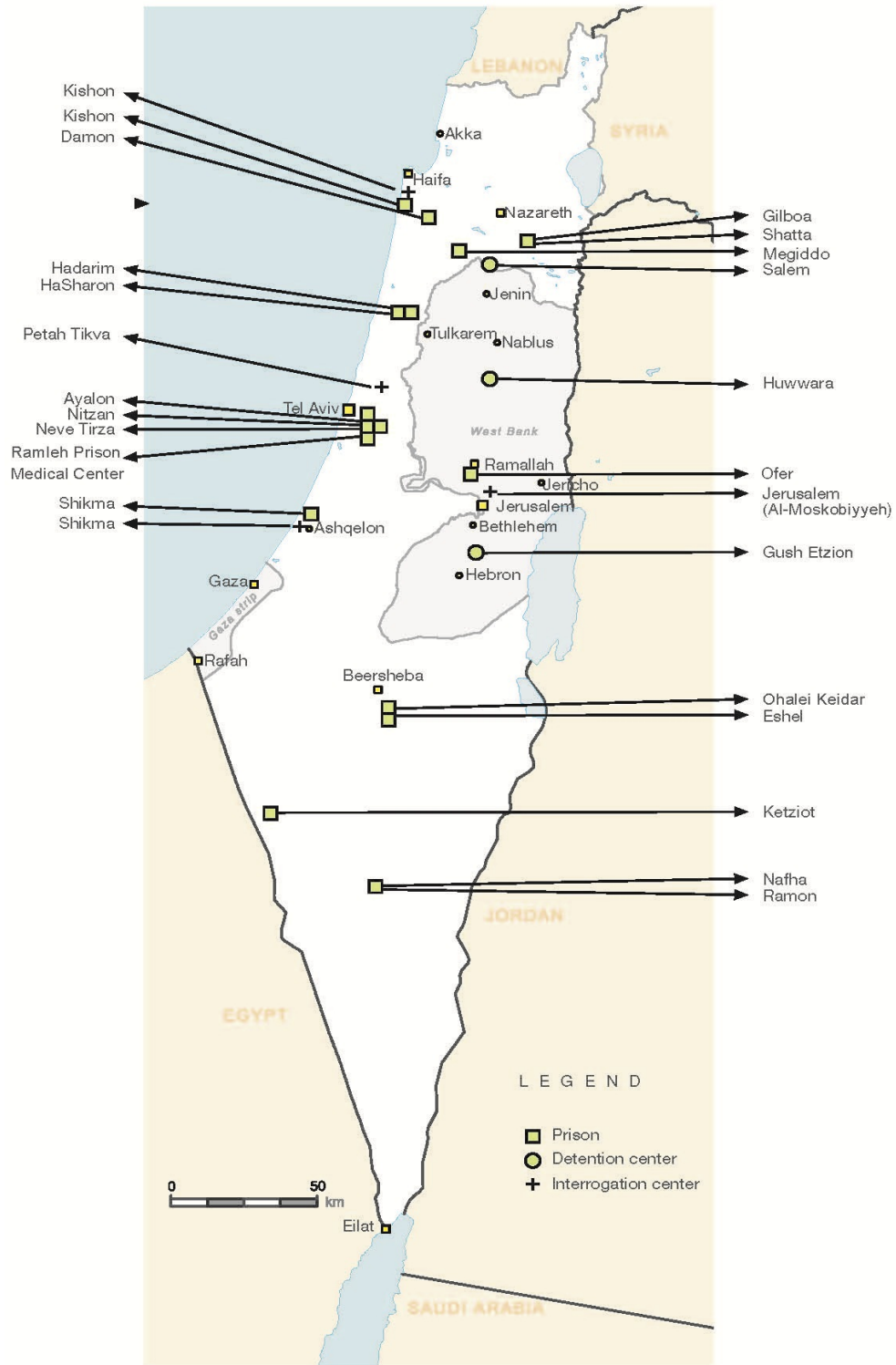
The EU has expressed its concern on the issue. To diffuse the rising tensions in Palestine and improve the conditions of thousands of Palestinian prisoners in Israeli prisons, the Union should now act.

The European Union has expressed serious concern over the plight of these prisoners and has called on Israel to improve conditions and abide by its international human rights obligations. The EU's position should be backed by concrete policy actions.

Various types of actions could be considered:

- Closely monitor the conditions of Palestinians detainees and prisoners in Israeli prisons for violations of international humanitarian and human rights law (i.e. the Fourth Geneva Convention).
- Enquire about the treatment of Palestinian prisoners in Israeli prisons and send a fact-finding mission.
- Verify that Israel complies with EU and international recommendations.
- Prepare measures that apply mounting pressure.
- Launch a legal inquiry into Israel's military court system and Israeli military practices, and their effects on Palestinian prisoners, especially women and minors.
- Commission a study of the adequacy of international humanitarian law to address prolonged occupation and imprisonment, especially in cases of imprisoned minors.
- Pressure Israel to allow international observers full access to its prisons holding Palestinian prisoners and allow for audio/video recording in the facilities.
- Prepare a detailed study of the application of administrative detention in Israel and Palestine.
- Support a 2012 UN request to the International Court of Justice to issue an Advisory Opinion on Israel's practices of transferring detained Palestinians to prisons in Israel, denying visitation rights and applying prolonged solitary confinement.

Israeli Incarceration Facilities



Source: Addameer⁴⁸

⁴⁸ <http://www.addameer.org/etemplate.php?id=302>