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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on the case of the captive soldier Gilad Shalit

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European Parliament resolution on the case of the captive soldier Gilad Shalit

The European Parliament,

- having regard to the Universal Declaration of Human Rights,
- having regard to its resolution of 4 September 2008 on the situation of Palestinian prisoners in Israeli jails,
- having regard to the Geneva Conventions,
- having regard to Rule 122(5) of its Rules of Procedure,

A. whereas, since the 1967 occupation of the Palestinian Territories more than 750 000 Palestinians were imprisoned in Israeli jails, out of them 98 000 were children and 10 000 women; whereas this indicates that one third of the Palestinian population has spent time in prison; whereas the overwhelming majority is imprisoned for resisting the occupation;

B. whereas, presently more than 7200 Palestinians, including women and children, are still held in Israeli prisons and detention centres; whereas several Members of the Palestinian Legislative Council are still imprisoned;

C. whereas more than 237 Palestinian prisoners have spent more than fifteen years in prison, 87 more than twenty years, 13 more than 25 years, and while 17 prisoners are kept in isolation; whereas around 500 are kept in administrative detention, meaning without charge or trial; whereas the military court system was set up to deal with Palestinians from the Occupied Palestinian Territory; whereas this system deals with Palestinian children as adults from the age of 16; whereas in 2002 Israel has introduced an Internment of Unlawful Combatants Law hence not granting such prisoners the conditions prescribed in article 4 of the Third Geneva Convention with respect of prisoners-of-war and not applying international humanitarian law to them;

D. whereas, international organizations have repeatedly criticised the Israeli detention facilities where Palestinian prisoners are kept; whereas there is evidence of torture and other ill-treatment against Palestinian prisoners;

E. whereas the Israeli occupation forces have been perverting in the past three years all people living in Gaza as well as 1200 families living in the West Bank to visit their family members who are held in Israeli prisons;

F. whereas the Israeli occupation forces do not return the remains of executed Palestinian detainees to their families for burial, but bury them in military cemeteries indicating them by numbers;

G. whereas, following the explosion of an artillery shell that killed seven Palestinians on a

beach near Gaza City, the firing of rockets into southern Israel, and air strikes into the Gaza Strip, Israeli corporal Gilad Shalit member of the Israeli armed forces, was captured by a joint force of Palestinian armed groups on 25 June 2006, while two Israeli soldiers and two Palestinian militants were killed during this raid;

H. whereas in reaction to his capture the Israeli Government ordered a number of attacks against infrastructure in the Gaza Strip and Palestinian Authority offices as well as the arrest of eight Palestinian Government ministers and 26 members of the Palestinian Legislative Council;

I. whereas corporal Gilad Shalit is still being kept in the Gaza Strip; whereas Hamas assumes responsibility for his ongoing detention; whereas Hamas has refused the International Committee of the Red Cross and other humanitarian organisations to visit him but has declared that he is being held in accordance with the Third Geneva Convention;

J. whereas various Israeli officials have made declarations indicating the intention of maintaining the blockade of the Gaza Strip until the release of Gilad Shalit, what constitutes collective punishment of the civilian population of the Gaza Strip;

K. whereas a Hamas spokesman stated that the Shalit case was dependent on prisoners swap;

L. whereas Germany and other EU Member States continue to make considerable efforts aimed at achieving an agreement over the release of Gilad Shalit,

M. whereas international humanitarian law and international human rights law must be respected by all parties and under any circumstances in the conflict;

N. whereas trust-building between Israelis and Palestinians is an essential part of a peace process leading to two states living side by side in peace and security,

1. Calls for the immediate release of Palestinian prisoners, which may also be a contributing factor to the release of Gilad Shalit; calls upon Israel in the meantime to guarantee that detention conditions of all Palestinian prisoners are in accordance with international conventions and standards;

2. Call for the release of corporal Gilad Shalit; calls upon Hamas to guarantee that his detention conditions are in accordance with the Third Geneva Convention; deplores the continued refusal of providing detailed information about his wellbeing to his family as well as to the French and Israeli authorities;

3. Demande la liberation immediate et sans condition du jeune franco-palestinien Salah Hamouri enfermé injustement dans les prisons israéliennes depuis le 13 mars 2005;

4. Urges the European Union and its Member States to continue their efforts aimed at achieving a substantial release of Palestinian prisoners with special regard to children, women and political prisoners, including Members of the Palestinian Legislative Council, as well as at the release of Gilad Shalit;

5. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the Commission, the governments and parliaments of the Member States, the Israeli government and parliament, the President of the Palestinian Authority, and the Palestinian Legislative Council.