



EUROPEAN PARLIAMENT

2009 - 2014

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*Plenary sitting*

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12.3.2013

B7-0154/2013

## MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a 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 Arafat Jaradat and the situation of Palestinian prisoners in Israeli jails  
(2013/2563(RSP))

**Véronique De Keyser, Pino Arlacchi, Emer Costello, Ana Gomes, Richard Howitt, Emilio Menéndez del Valle, María Muñoz De Urquiza, Mitro Repo, Joanna Senyszyn, Robert Goebbels, Liisa Jaakonsaari**  
on behalf of the S&D Group

**European Parliament resolution on the case of Arafat Jaradat and the situation of Palestinian prisoners in Israeli jails  
(2013/2563(RSP))**

*The European Parliament,*

- having regard to its previous resolutions, in particular those of 4 September 2008 on the situation of Palestinian prisoners and of 5 July 2012 on EU policy on the West Bank and East Jerusalem,
- having regard to the statement by the spokesperson of High Representative Catherine Ashton on the condition of Palestinian hunger strikers in Israel of 16 February 2013,
- having regard to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part (EU-Israel Association Agreement),
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949,
- having regard to the UN International Covenant on Civil and Political Rights of 1966,
- having regard to the UN Convention on the Elimination of All Forms of Discrimination against Women of 1979,
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984,
- having regard to the UN Convention on the Rights of the Child of 1989,
- having regard to the Rome Statute of the International Criminal Court of 1998,
- having regard to UNICEF's report on "Children in Israeli Military Detention. Observations and Recommendations" of February 2013,
- having regard to Rule 122 (2) of its Rules of Procedure,

A. whereas, on 18 February 2013, Arafat Jaradat was arrested on suspicion of throwing stones and fire bombs at Israeli targets and for other activities against security; whereas he admitted the throwing of stones in 2012 and in 2006 but denied all other suspicions;

B. whereas his lawyer claims that during the court hearing of 21 February 2013 Arafat Jaradat suffered from sharp pain in the back and other parts of his body, as he had been interrogated for several hours previously, as well as from unstable psychological condition caused by high

levels of anxiety and fear; whereas the court extended his detention and asked the prison's doctor to check his health, physical and psychological conditions and provide appropriate instructions to interrogation authorities as well as proper treatment;

C. whereas Arafat Jaradat died on 23 February 2013 in Megiddo prison; whereas the autopsy report prepared by Dr Saber al-'Aloul, Director of the Palestinian Medico-legal Institute, states that his death was caused by nervous shock resulting from sever pain due to multiple injuries inflicted through direct and extreme torture; whereas the statement of the Israeli Ministry of Health states that haemorrhages and fractured ribs found during autopsy are characteristics of the resuscitation attempts that were performed by the prison service and the medical staff for 50 minutes in an effort to save his life and that no signs of other contusions were found;

D. whereas the issue of Palestinian prisoners and detainees has far-reaching political, social and humanitarian implications; whereas more than 4,800 Palestinian prisoners and detainees, including many women and children, more than 100 pre-Oslo prisoners as well as 15 Members of the Palestinian Legislative Council, are detained by Israel; whereas 178 of them are held under administrative detention, including 9 PLC Members;

E. whereas more than 200 Palestinians lost their lives in Israeli prisons and detention centres since 1967; whereas, according to a report published by 14 Palestinian and Israeli human rights organisations, at least 71 of them died as a direct result of torture;

F. whereas Palestinian prisoners and detainees are spread around 17 prisons, 4 interrogation centres, and 4 detention centres; whereas all but one of these prisons and centres are located inside Israel, in violation of international law, which also restricts Palestinian prisoners' and detainees' access to their families;

G. whereas Israeli Military Order 1651 mandates army commanders to detain an individual for up to 6 months renewable periods in case of reasonable grounds to presume that the security of the area or public security require this detention; whereas administrative detention orders are frequently renewed; whereas administrative detention cannot be used as a substitute for criminal prosecution;

H. whereas Palestinian detainees continue to be on extended hunger strike; whereas, on 12 February 2013, Palestinian President Mahmud Abbas sent a letter to UN Secretary-General Ban Ki-moon urging the international community to take measures in view of rescuing the lives of prisoners engaged in prolonged hunger strike whose health is in critical condition, with special regard to Samer Issawi, Ayman Al-Sharawneh, Jafar Azzidine, and Tarek Qa'adan;

I. whereas women prisoners are a particularly vulnerable group of Palestinian detainees; whereas human rights organisations have reported about torture, humiliation, insults, threat and sexual harassment against Palestinian women prisoners in Israeli jails and detention centres; whereas the lack of gender-sensitive services and practices lead to serious health and hygienic problems for them;

J. whereas hundreds of Palestinian children under the age of 18 are arrested, interrogated and detained by the Israeli army and prosecuted through Israeli military courts every year; whereas a UNICEF report published in February 2013 states that "ill-treatment of Palestinian children in the Israeli military detention system appears to be widespread, systematic and institutionalized", which practices "are in violation of international law that protects all children against ill-treatment when in contact with law enforcement, military and judicial institutions";

K. whereas relations between the European Union and Israel, under Article 2 of the EU-Israel Association Agreement, are based on respect for human rights and democratic principles, which constitute an essential element of that agreement;

L. whereas, in a statement of 16 February 2013, the spokesperson of VP/HR Catherine Ashton expressed concern about the deteriorating health condition of Palestinians in Israeli detention who had been on an extended hunger strike, reiterated the EU's call on the government of Israel to allow for the immediate restoration of their family visiting rights, called for the full respect of international human rights obligations towards all Palestinian detainees and prisoners, reiterated the EU's longstanding concern about the extensive use by Israel of administrative detention orders, and called upon Israel to bring formal charges against any individuals detained, with a view to bringing them to a fair trial without undue delay;

1. Deplores the death of Arafat Jaradat and extends its condolences to his family;

2. Calls for serious, independent and impartial investigation into the circumstances of the death of Arafat Jaradat and into all cases of allegation of torture and other cruel, inhuman or degrading treatment or punishment of Palestinian prisoners and detainees by Israeli authorities; calls also for the findings of these investigations to be made public and for those responsible to be held accountable;

3. Expresses deep concern about the situation and health condition of Palestinian detainees on extended hunger strike; calls on Israeli authorities to restore without delay their right to family visits, to ensure their access to independent legal assistance and medical treatment, and to refrain from punishing or discriminating them;

4. Stresses again that the issue of Palestinian prisoners and detainees has a major impact on both Palestinian society and the Israeli-Palestinian conflict and considers that a substantial release of Palestinian prisoners could be a positive step, in the interest of both sides, towards establishing the climate of mutual trust needed to make substantial progress in peace efforts;

5. Calls for an immediate end to all illegal interrogation methods by Israeli authorities against Palestinian detainees; calls on Israel to respect and fully ensure the right to fair trial of all Palestinian detainees, with special regard to the presumption of innocence, the right to prompt notice of charges, the right to prepare an effective defence, the right to trial without undue delay, and the right to interpretation and translation in the process;

6. Reiterates its call for an immediate end to the practice of administrative detention of Palestinians by Israeli authorities without formal charge or trial and for the release without

delay of all Palestinian political prisoners, with special regard to Members of the Palestinian Legislative Council including Marwan Barghouti, and administrative detainees;

7. Calls on Israeli authorities to make sure that Palestinian women and children prisoners and detainees receive appropriate protection and treatment in line with pertinent international conventions - with special regard to the UN Convention on the Elimination of All Forms of Discrimination against Women and the UN Convention on the Rights of the Child - to which Israel is a party;

8. Calls on the Vice-President/High Representative, the Council, the Commission and the European External Action Service to address the issue of Palestinian prisoners and detainees at all levels in the EU's bilateral relations with Israel; stresses that Israel's commitment to respect its obligations under international human rights and humanitarian law and under Article 2 of the EU-Israel Association Agreement must be taken into full consideration in the EU's bilateral relations with the country;

9. Calls for a European Parliament fact-finding mission to be sent to Israeli prisons and interrogation and detention centres with the aim of investigating the situation of Palestinian prisoners and detainees;

10. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, the Knesset and the Government of Israel, the President of the Palestinian National Authority and Palestinian Legislative Council.