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MOTION FOR A RESOLUTION

further to Questions for Oral Answer B6-0166/2008 and B6-0167/2008

pursuant to Rule 108(5) of the Rules of Procedure

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on behalf of the GUE/NGL Group

on the situation of Palestinian prisoners in Israeli jails

European Parliament resolution on the situation of Palestinian prisoners in Israeli jails

The European Parliament,

- having regard to its previous resolutions on the Middle East,
 - having regard to the EU-Israel Association Agreement, in particular Article 2 thereof concerning human rights,
 - having regard to the Advisory Opinion of the International Court of Justice on the consequences of the construction of the wall in the West Bank,
 - having regard to the results of the eighth meeting of the EU-Israel Association Council, held in Luxembourg on 16 June 2008,
 - having regard to the report of the ad hoc delegation which visited Israel and the Palestinian territories from 30 May to 2 June 2008,
 - having regard to the relevant UN resolutions on the Middle East conflict,
 - having regard to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in particular Articles 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77 and 143 thereof,
 - having regard to the United Nations Convention on the Rights of the Child (UNCRC) of 20 November 1989, in particular Articles 9 and 37 thereof,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the UN International Covenant on Civil and Political Rights of 1966,
 - having regard to the International Committee of the Red Cross Annual Report (2007), in particular the section dealing with the Occupied Palestinian Territories,
 - having regard to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted by means of General Assembly Resolution 39/46 of 10 December 1984,
 - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas more than 700 000 Palestinians have been jailed by the Israeli authorities since 1967; whereas today approximately 10 000 Palestinians, including 118 women, are being held in Israeli detention and interrogation centres or in Israeli prisons, out of a population of 3.5 million Palestinians living in the Occupied Palestinian Territories,

- B. whereas since the beginning of the Intifada in September 2000 over 6000 Palestinian children have been arrested and detained by Israel; whereas 376 children are currently being held in Israeli detention and interrogation centres, or in Israeli prisons,
- C. whereas under the UNCRC, to which Israel is a signatory, and under Israel's domestic law, a child is defined as any human being below the age of 18; whereas, however, Palestinians from the age of 16 are considered adults under Israeli military regulations governing the Occupied Palestinian Territories,
- D. whereas juvenile prisoners are held in inhumane conditions, obliged to live in dirty, overcrowded cells, often placed in 1.5 x 1.5 m solitary confinement cells that are damp and deprived of natural light, and often forcibly detained with adult prisoners and therefore at risk of being subjected to harassment and abuse,
- E. whereas the vast majority of Palestinian prisoners from the West Bank and Gaza Strip are being held in prisons located inside Israel; whereas humanitarian law prohibits the transfer of civilians, including detainees and prisoners, from occupied territory to the territory of the occupying state,
- F. whereas Israel's disregard of this rule and the routine denial of permits to enter Israel are the main reasons preventing prisoners from the West Bank and Gaza Strip from exercising their right to receive family visits in a reasonable manner; whereas around 1240 Palestinian prisoners, including 840 held in complete isolation, are being deprived of all family visits, in breach of Article 116 of the Fourth Geneva Convention,
- G. whereas Israel is currently holding around 730 Palestinian prisoners, including 13 children, in 'administrative detention' without charge or trial, authorised by administrative channels rather than by judicial decree; whereas Israel disregards the restrictions imposed by law on the application of 'administrative detention'; whereas whilst detainees may appeal against their detention, neither they nor their attorneys are allowed access to the evidence against them; whereas Israel has never defined the criteria for what constitutes 'state security',
- H. whereas the arrest of 48 parliamentarians, i.e. nearly one-third of the elected members of the Palestinian Legislative Council, has seriously impaired Palestinian democratic life; whereas Israel has also arrested and imprisoned elected municipal council members,
- I. whereas the issue of political prisoners is a decisive item on the political agenda, with important political, social and humanitarian implications; whereas Palestinian political prisoners and former detainees play a prominent role in Palestinian society,
- J. whereas the prisoners' document adopted in May 2006 by jailed political leaders from various factions served as a basis for the national conciliation document and paved the way for the establishment of a national unity government,
- K. whereas Palestinian prisoners, including children, are subjected to humiliating and degrading treatment; whereas the Israeli authorities continue to use physical methods of interrogation and physical and psychological threats, sometimes amounting to torture, to intimidate detainees and obtain confessions; whereas international law imposes an

absolute ban on torture,

- L. whereas in 2007 two reports published by Israeli NGOs showed that Palestinian prisoners are subjected to physical ill-treatment and deprived of basic necessities, such as food and sleep, for more than 24 hours; whereas these facts were confirmed in the report by the Public Committee Against Torture in Israel (PCATI) entitled 'No Defence: Soldier Violence against Palestinian Detainees' published on 22 June 2008; whereas although the phenomenon of violence against Palestinian detainees by soldiers is well known, only a small number of investigations and legal proceedings concerning cases of abuse by soldiers have been conducted; whereas this violence and harassment is sometimes designed to pressure Palestinian detainees into becoming collaborators or informants for Israel,
- M. whereas many of the 1180 Palestinian prisoners who have been diagnosed as ill or injured by the International Committee of the Red Cross, of whom around 160 have severe illnesses, are being denied appropriate medical attention in violation of Article 91 of the Sixth Geneva Convention,
- N. whereas the EU/Israel Action Plan (2004) explicitly includes respect for human rights and international humanitarian law among the values shared by the EU and Israel; whereas, under Article 2 of the EU-Israel Association Agreement (2000), relations between the European Communities and Israel are based on respect for human rights and democratic principles, which is to guide internal as well as international policy and constitutes an essential element of the agreement,
 - 1. Insists on the implementation by Israel of Article 2 of the EU-Israel Association Agreement and calls on Israel, as the occupying power, to comply with international human rights and humanitarian law, in particular its provisions concerning the protection of civilians living under occupation; calls on the Council to take the necessary steps so as to pressure Israel into upholding international legal standards in the Occupied Palestinian Territories;
 - 2. Expresses its strong belief that the upgrading of EU-Israel relations should be consistent with and linked to Israel's compliance with its obligations under international law, notably human rights and humanitarian law;
 - 3. Welcomes the decision taken at the eighth meeting of the EU-Israel Association Council to establish a fully-fledged Subcommittee on Human Rights, in place of the Working Group on Human Rights; calls for human rights and civil society organisations in Israel and the Occupied Palestinian Territories to be extensively consulted on and fully involved in monitoring Israel's progress towards compliance with its obligations under international law;
 - 4. Calls on Israel to reform the military legal system applied to Palestinian children, in order to bring it into line with international standards of juvenile justice, and in particular to:
 - a. end the arbitrary and illegal detention of persons below the age of 18;
 - b. end the practice of holding persons under the age of 18 in administrative detention;

- c. immediately revise, in accordance with the UNCRC and Israeli domestic law, the regulations governing the Occupied Palestinian Territories concerning the age of adulthood;
 - d. guarantee safe and humane living conditions for detained or imprisoned juveniles as set out in the UNCRC and other UN standardised regulations regarding the administration of justice and conditions of detention for juveniles;
5. Calls on the Council, the Member States and the Commission to implement in their relations with Israel the EU Guidelines on Children in Armed Conflict and to make the protection of Palestinian children detained by Israel an essential part of the dialogue at all levels of relations;
6. Reminds Israel that the practice of holding Palestinian prisoners from the West Bank and Gaza Strip in jails inside Israel is in contravention of its obligations under international law; insists on the immediate implementation of the prisoners' right to family visits and calls on the Israeli authorities to create the necessary conditions for this right to be exercised as a first step;
7. Reiterates its conviction that the rights of the individual and full respect for human rights contribute to security; considers it necessary that, in the context of the relationship between the need for security and the rights of individuals, human rights must always be fully respected; therefore calls on the Israeli Government and the Knesset to stop all forms of torture and to reconsider the Unlawful Combatants Law which allows for administrative detention, and to bring it into line with humanitarian law and human rights standards;
8. Calls on Israel to reform the military legal system applied to Palestinian prisoners, with particular regard to:
 - a. the right to prompt access to legal assistance, prior to and during interrogation;
 - b. the rejection of all evidence obtained through coercion;
 - c. the right to be detained within the Occupied Palestinian Territories;
9. Reiterates its condemnation of all forms of torture and ill-treatment; calls on Israel to immediately ensure its compliance with the UN Convention Against Torture, to which it is a State party, and to
 - a. immediately put a stop to all forms of ill-treatment and torture during arrest, interrogation and imprisonment, to adopt legislation regarding this matter and to thoroughly and impartially investigate all allegations of the torture and abuse of Palestinian detainees and bring those found responsible for such abuse to justice;
 - b. ensure that minimum detention standards are observed with regard to food, the size and location of prisons, protection from weather conditions and family visits;
 - c. guarantee all Palestinian prisoners access to adequate standards of medical care;
10. Expresses its concern at the situation of Palestinian women prisoners, who are routinely subject to mistreatment, sexual harassment and other kinds of punishments; calls on the Israeli authorities to considerably improve the protection of vulnerable prisoners, in

particular mothers and young women;

11. Calls once again for the immediate release of all members of the Palestinian Legislative Council;
12. Takes note of the moral and political role played by some Palestinian political prisoners within Palestinian society and their ability to be a moderating force, both internally and as regards the conflict with Israel; reiterates the importance of their release for building confidence, and therefore calls for the release of a substantial number of Palestinian political prisoners, notably Marwan Barghouti; underlines that any resolution of the conflict must include the release of all Palestinian political prisoners;
13. Instructs its President to forward this resolution to the Council, the Commission, the Israeli Government, the Knesset, the High Representative for the Common Foreign and Security Policy, the governments and parliaments of the Member States, the UN Secretary-General, the Quartet Envoy to the Middle East, the President of the Euro-Mediterranean Parliamentary Assembly, the President of the Palestinian Authority, the Palestinian Legislative Council, the UN High Commissioner for Human Rights and the UN Special Representative of the Secretary-General for Children and Armed Conflict.