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B7-0155/2013

## 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))

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on behalf of the Verts/ALE Group

**B7-0155/2013**

**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 in Israeli jails, of 5 July 2012 on EU policy on the West Bank and East Jerusalem and of 13 December 2012 on the settlements in the West Bank,
- having regard to the statement by the spokesperson of the EU High Representative Catherine Ashton on 16 February 2013 on the condition of hunger strikers in Israel, and to the statement by EU Missions in Jerusalem and Ramallah on Palestinian prisoners on hunger strike on 8 May 2012,
- having regard to the EU-Israel Association Agreement, in particular Article 2 thereof concerning human rights,
- having regard to the EU Guidelines on Torture, on Children in Armed Conflict and on Human Rights Defenders;
- having regard to the relevant UN resolutions on the Middle East conflict,
- having regard to the Universal Declaration of Human Rights, the UN International Covenant on Civil and Political Rights, the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the UN Convention on the Rights of the Child,
- having regard to the concluding observations of the UN Committee against Torture on the fourth periodic report of Israel in 2009 and to the list of issues prepared by this Committee prior to the submission of the fifth periodic report of Israel,
- having regard to the statements by the UN Secretary-General Ban Ki-moon on 19 February 2013 expressing his concern over conditions of Palestinian prisoners on hunger strike in Israel, by the UN High Commissioner for Human Rights, Navi Pillay, on 13 February 2013 on Palestinian detainees, and by the UN Special Rapporteur for human rights in the occupied territory, Richard Falk, on 27 February 2013 on the death of Palestinian prisoner Arafat Jaradat,
- having regard to Rule 122 (2) of its Rules of Procedure,

A. whereas the death of Palestinian detainee Arafat Jaradat on 23 February 2013 was, according to an autopsy report by the Palestinian Authority's chief pathologist, Dr. Saber Aloul, caused by multiple direct and extensive acts of torture while in Israeli custody; whereas initially, Israeli officials stated that Mr Jaradat had likely died of cardiac arrest,

before carrying out an autopsy which listed no cause of death but found no sign of heart failure, nor of any other sign of illness; whereas results from toxicology tests are pending;

- B. whereas the UN Special Rapporteur for human rights in the occupied Palestinian territories, the UN Special Coordinator for the Middle East Peace Process, and the Under-Secretary-General for Political Affairs have called for an independent investigation into Mr Jaradat's death;
- C. whereas more than 750000 Palestinians are reported to have been arrested, detained and imprisoned by Israeli security forces since 1967; whereas more than 3800 Palestinians were reportedly arrested and detained by Israeli security services during 2012, which constitutes a 16% increase compared to 2011; whereas at the end of 2012, more than 4,750 Palestinians were kept in detention inside Israel, including 198 minors,
- D. whereas the vast majority of the Palestinian prisoners from the West Bank and Gaza are being held in prisons situated inside Israeli territory, thereby preventing their families from exercising their right to visit; whereas this situation constitutes a breach of the Fourth Geneva Convention,
- E. whereas numerous popular protests against the treatment of Palestinian prisoners have occurred over the past months in Israel and the occupied Palestinian territory; whereas several detainees have been on prolonged hunger-strike to denounce their detention conditions, the banning or restrictions of family visits and violations of their defence rights, and are in critical health conditions; whereas a solidarity one-day hunger strike by around 4000 Palestinian detainees took place on 24 February 2013;
- F. whereas 203 Palestinians are reported to have died in Israeli detention centres since 1967, out of which at least 71 as a direct result of torture;
- G. whereas more than 750 Palestinian detainees are reported to have filed complaints against agents of the Israeli Security Agency for mistreatment during interrogation since 2001, while not one has resulted in a criminal investigation;
- H. whereas international law applicable in both Israel and the occupied Palestinian territory prohibits the use of torture and other forms of ill-treatment under any circumstances; whereas this prohibition is absolute and unconditional and has no exceptions, not even for security considerations or for the threat of war;
- I. whereas approximately 700 Palestinian children each year between the ages of 12 and 17 are arrested, interrogated and detained by Israeli security forces; whereas a review by UNICEF in February 2013 of practices related to Palestinian children who come into contact with the Israeli military detention system, concluded that the ill-treatment of these children appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child's prosecution and eventual conviction and sentencing; whereas the UNICEF report also concluded that in no other country but Israel are children systematically tried by juvenile military courts, that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights;

- J. whereas Israeli military administrative detention orders allow detention without charge or trial on the basis of evidence that is not accessible either to the detainees or their lawyers and may have a duration of one to six months and may be indefinitely renewed; whereas at least 178 Palestinians are in administrative detention;
- K. whereas, under Article 2 of the EU-Israel Association Agreement (2000), relations between the EU 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; 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,
1. Expresses its deepest concern at the report of the death of Palestinian prisoner Arafat Jaradat while in Israeli custody on 23 February 2013 and extends its condolences to his family; urges the Israeli authorities to provide full disclosure on the conditions of Mr Jaradat's death; fully supports the creation of an international forensic team under the auspices of the UN Human Rights Council to establish in an independent and impartial manner the causes of the death of Mr Jaradat, as recommended by the UN Special Rapporteur for human rights in the occupied Palestinian territory;
  2. Considers that the extensive and widespread practice of arrest, detention and imprisonment of Palestinians, including for participating in non-violent demonstrations, by Israeli security forces constitutes an integral part of the occupation policy of Israel; strongly deplores the fact that such a practice constitutes a political means to deprive the Palestinian people of their right to protest against the occupation;
  3. Deplores that the death of Mr Jaradat is set against a pattern and practice of abuse of Palestinian detainees and prisoners, including women and children, in Israeli jails; urges Israeli authorities to ensure that interrogation methods and detention conditions are strictly in line with international standards; calls in particular for an end to the extensive imposition of solitary confinement, for the adequate provision of medical care and for the full respect of family visiting rights;
  4. Reiterates its recognition of Israel's legitimate security concerns and its duty to protect its citizens and all persons under its jurisdiction or de facto control from violence; recalls in this context the absolute nature of the prohibition of torture, including in exceptional circumstances, as well as the importance of respecting the rule of law as a founding principle of a democratic society;
  5. Expresses bewilderment that, according to human rights reports, not one of the 750 complaints of torture and ill-treatment against the Israeli Security Agency (ISA) has resulted in the opening of a criminal investigation; notes that such results tend to point to a climate of impunity for Israeli security forces; expresses doubts that the current investigation methods and practices are in line with Israel's obligations as a State party to the UN Convention against Torture; urges Israel to ensure that all allegations of torture and ill-treatment are promptly and effectively investigated by a fully independent and

impartial mechanism outside ISA and perpetrators prosecuted as well as appropriate penalties imposed;

6. Urges Israel to effectively implement the recommendations by the UN Committee against Torture, including the incorporation of the crime of torture, as defined in the UN Convention against Torture, into domestic law, the removal of "necessity" as a possible justification for the crime of torture, guaranteeing sufficient legal safeguards for security detainees and the video recording of interviews of detainees accused of security offenses;
7. Deplores the excessive use of administrative detention by Israeli authorities, whereby 178 Palestinians are currently reported to be held without charges or trial; expresses its deepest concern regarding the recourse to hunger strike by several of these detainees, some of which would currently be in a critical condition; urges Israel to immediately charge and put to trial those detained or to release them, to ensure access to evidence of the alleged crimes, and to ensure that its legislation and policies with regards administrative detention are amended in accordance with international standards;
8. Reminds the Israeli authorities that the practice of holding Palestinian prisoners from the West Bank and Gaza in jails in Israel is in contravention of its obligations under the Fourth Geneva Convention; calls therefore on Israel to relocate these prisoners to the Palestinian territory; insists on the immediate implementation of the right to family visits;
9. Reiterates its view that the issue of Palestinian political prisoners, who have the capacity to act as a moderating force both internally and as regards the conflict with Israel, has a major impact on both Palestinian society and the Israeli-Palestinian conflict; calls, in this context, for the release of a substantial number of Palestinian prisoners and in particular the immediate release of the imprisoned Members of the Palestinian Legislative Council, including Marwan Barghouti; underlines that any resolution of the conflict must include the release of all Palestinian political prisoners;
10. Is gravely preoccupied by the UNICEF findings with regards the situation of Palestinian children detained by the Israeli military, which inter alia concludes that ill-treatment of these children appears to be widespread, systematic and institutionalized; urges the Israeli authorities to take corrective measures in this regard, as a matter of priority;
11. Is concerned by the case of human rights defender and youth activist Hasan Karajah who was arrested by the Israeli authorities on 23 January 2013 and who will be put on trial at the Ofer Military Court; notes with concern the reports that the charges brought against Mr Karajah, after an undue delay, would be solely motivated by his peaceful human rights work and that he was subject to ill-treatment and restrictions of his defence rights during his detention; calls on the Israeli authorities to guarantee the right to a fair trial of Mr Karajah; calls on the Delegation of the European Union to monitor the trial of Mr Karajah;
12. Notes with concern the reports of an Israeli bus company launching Palestinian-only bus lines from the West Bank into central Israel; calls upon the EEAS and the Member States to carefully monitor possible restrictions of access by Palestinians to public transport and to report back to Parliament on any evidence of segregated transportation;

13. Reiterates its strong belief that further development of EU-Israel relations should be consistent with and linked to Israel's compliance with its obligations under international law, notably international human rights and humanitarian law;
14. Calls on the EEAS and the Member States to closely monitor the fate of Palestinian prisoners and detainees, including children, and to raise this issue at all levels of its political dialogue with Israel; insists that appropriate coverage of this matter should be included in the forthcoming ENP Progress Report on Israel;
15. Calls for a fact-finding mission by the European Parliament to assess the current situation with regards detention conditions of Palestinian prisoners, including children, and the use of administrative detention;
16. 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 EU Special Representative for Human Rights, the Governments and Parliaments of Member States, the Knesset and the Israeli Government, the President of the Palestinian Authority, the Palestinian Legislative Council, the UN Secretary-General and the UN High Commissioner for Human Rights.