



12.3.2013

B7-0157/2013

## 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 ALDE Group

**B7-0157/2013**

**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 the death of the 30 year-old Palestinian Arafat Jaradat, died in Megiddo prison (Israel) on 23 February 2013
- 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 HR/VP Catherine Ashton on the condition of Palestinian hunger strikers in Israel of 16 February 2013,
- 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,

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, whereas the court extended his detention

C. 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 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;

D. 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;

E , whereas the administrative detention in the West Bank, not including East Jerusalem, is currently carried out pursuant to the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009. The Order empowers military commanders in the West Bank to detain a person for a maximum period of six months, when they have reasonable grounds to believe that "a certain person must be held in detention for reasons to do with regional security or public security". The Order establishes that within eight days from the day the person is arrested, or from the day the detention order is extended, the detainee must be brought before a military judge holding the rank of at least major to determine if the detention is justified. The judge may approve the order, cancel it, or shorten the period of detention specified in it. The judge's decision may be appealed, to the Military Court of Appeals, by the detainee and the military commander.

F. whereas the Israel Defense Forces courts in the West Bank cancelled only 2.6 percent of the administrative detention orders issued against Palestinians, according to a report summing up the courts' activities between 2009 and 2011 (see Haaretz 4/3/2013),

G. whereas that in 2011, 855 administrative detention orders were issued. Of them, 539 were fully approved, 21 were cancelled and 272 were shortened.

H, whereas recently the Supreme Court of Israel criticized the military courts and the Military Advocate General Corps for their actions in extending the administrative detention orders. Whereas according to Israel Defence Force (IDF) courts figures, two-thirds of the administrative detention orders issued in 2011 were extensions of similar orders that had been issued in the past.

I, whereas the European Parliament has repeatedly expressed its support for the two-state solution with the State of Israel and an independent, democratic,

contiguous and viable State of Palestine living side by side in peace and security, and called for the resumption of direct peace talks between the parties;

1. Deplores the death of Arafat Jaradat and extends its condolences to his family;
2. Calls on Israel to open prompt and independent criminal investigations into suspected incidents of torture, abuse or ill-treatment, in accordance with international Humanitarian law and to open an independent and impartial investigation into the circumstances of the death of Arafat Jaradat, prosecute those responsible.
3. urges Israel to abide by its obligations as a signatory to the International Covenant on Civil and Political Rights and review its legislation concerning administrative detention, solitary confinement, which currently bar prisoners from receiving family visits and restrict their access to media, recreation and education,
4. calls upon Israel to respect the rules of the Fourth Geneva Convention (1949) ratified by Israel in 1951 according to which a civilian may only be interned or placed in assigned residence if 'the security of the Detaining Power makes it absolutely necessary' (Art. 42) or 'imperative reasons of security' (Art. 78) in occupied territory.
5. Calls on Israel to accede to the Option Protocol to the UN Convention Against Torture (OPCAT) and to allow for monitoring mechanisms undertaken by independent international and national bodies
6. Calls on Israel to withdraw its reservation to Article 20 of the Convention Against Torture
7. encourages Israel to adopt, under domestic law, criminal legislation which penalizes torture as defined in Article 1(1) of the Convention against torture
8. express its support of the efforts of the International Committee of the Red Cross to save the lives of prisoners/detainees who are in critical condition and urges Israel to provide all hunger strikers with unrestricted access to adequate medical care
9. 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 governments and parliaments of the Member States, the President of the UN General Assembly, the governments and parliaments of members of the UN Security Council, the Middle East Quartet Envoy, the Knesset and the Government of Israel, the President of the Palestinian Authority and the Palestinian Legislative Council.