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B7-0158/2013

## 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))

**Kyriacos Triantaphyllides, Patrick Le Hyaric, Helmut Scholz, Martina Anderson, Willy Meyer, Gabriele Zimmer, Nikolaos Chountis, Sabine Lösing, Younous Omarjee, Paul Murphy, Marie-Christine Vergiat, Jacky Hénin**

on behalf of the GUE/NGL Group

**B7-0158/2013**

**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 Universal Declaration of Human Rights of 1948,
- having regard to its previous resolutions on the Middle East, in particular those of 5th July 2012 on EU policy on the West Bank and East Jerusalem and of 4 September 2008 on the situation of Palestinian prisoners in Israeli jails,
- having regard to the Geneva Conventions, in particular Convention (IV) relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and in particular to Articles 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 91, 92 116 and 143 thereof
- having regard to the Geneva Conventions, in particular Convention (III) relative to the Prisoners treatment of 1949, and in particular to Articles 2, 4, 29, 30 and 31 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 UN International Covenant on Civil and Political Rights of 1966,
- having regard to the decision of the United Nations General Assembly of 29 November, 2012 to accord Palestine non-member observer state status,
- having regard to UN Security Council Resolutions 242 (1967), 252 (1968), 338 (1973), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003) and 1850 (2008),
- 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 the statement of the Spokesperson for the UN Secretary-General, of 19 February 2013,
- having regard to the Addameer Prisoner Support and Human Rights Association report of February 2013,
- having regard to the report of the Public Committee Against Torture in Israel and Physicians for Human Rights-Israel, “Doctoring the Evidence, Abandoning the Victim” of October 2011
- having regard to UNFICEF recommendation “children in Israeli Military detention: Observations and Recommendations” of 6 March 2013,

- having regard to the United Nations High Commissioner’s for Human Rights (OHCHR) report on the Human Rights situation in Palestine and other occupied Arab territories, of ...2013. (advanced version no date)
  - having regard to the statements of B’Tselem of 23 February 2013, of Human Rights Watch of 24 February 2013, of the Euro-Mediterranean Human Rights Network of 28 February 2013, on the death of Arafat Jaradat in Israeli custody;
  - 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 EU-Israel Association Agreement, in particular Article 2 thereof concerning human rights,
  - having regard to Rule 122 of its Rules of Procedure,
- A. whereas on Saturday February 23, Arafat Jaradat, 30-year-old, died in Megiddo prison, near Haifa, where he had been taken for interrogation; whereas Arafat Jaradat was arrested on February 18th for having allegedly thrown a stone at an Israeli soldier during a protest against the Israeli bombardments of Gaza that took place last November; whereas autopsy results revealed violent torture as the cause of Jaradat's death while under Israeli detention;
  - B. whereas, since 1967, Arafat Jaradat is one of over 200 Palestinian political prisoners who have lost their lives in Israeli prisons as a result of torture, medical negligence or sheer homicide; whereas over 1/3 of these deaths occurred post 2000;
  - C. whereas dozens of detainees have also perished after their release from prison as a result of the torture, harsh conditions or medical negligence they had to endure while under Israeli custody;
  - D. whereas news of Jaradat's death came in the midst of the popular protest that have been spreading across the West Bank and Gaza since the start of February to decry Israel's treatment of Palestinian political prisoners and demand the release of four detainees who have been on prolonged hunger strike and are now in critical health conditions; whereas Palestinian political prisoners have been on repeated hunger strikes involving hundreds of prisoners at a time;
  - E. whereas since the Israeli occupation of Palestinian territory in 1967, more than 800 000 Palestinians have been detained under Israeli military orders in the occupied Palestinian territory, which constitutes approximately 20 percent of the total Palestinian population in the occupied Palestinian territory, currently around 3,5 million, and includes approximately 10,000 women jailed since 1967, and 8,000 children arrested since 2000;
  - F. whereas the arrest and detention of Palestinians living in the occupied Palestinian territory is governed by a wide-ranging set of military regulations that provide for a wide range of offenses including: “Hostile Terrorist activity”, “disturbance of public order” which criminalization of many aspects of Palestinian civic life, notably the activity in political parties that comprise the Palestine includes the carrying of Palestinian flag, “illegal

presence in Israel” leading to the Liberation Organisation even though Israel has been engaged in peace negotiations with the PLO since 1993;

- G. whereas according to information of February 2013, approximately 4,812 Palestinians, including 12 women and 219 children (31 under the age of 16), are being held in 17 Israeli prisons, four interrogation centres and four detention centres, all but one located inside Israel in direct contravention of Article 76 of the IV Geneva Convention;
- H. whereas humanitarian law prohibits the transfer of civilians, including detainees and prisoners, from occupied territory to the territory of the occupying state; whereas Israel's disregard of this rule and the routine denial of permits to enter Israel on “security reasons” 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;
- I. whereas since the beginning of the Intifada in September 2000 over 8000 Palestinian children have been arrested and detained by Israel; whereas 219 children are currently being held in Israeli detention and interrogation centres, or in Israeli prisons, 31 of them being under the age of 16;
- J. 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;
- K. 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, are often forcibly detained with adult prisoners and therefore at risk of being subjected to harassment and abuse, and are deprived of access to education;
- L. whereas Israel is currently holding around 178 Palestinian prisoners, including 9 members of the Palestinian Legislative Council, 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';
- M. whereas the continuing detention of 15 democratically elected members of the Palestinian Legislative Council, is a blow to Palestinian democratic life; whereas some of them were rearrested having served sentences in retaliation to Israeli soldier Gilad Shalid’s capture in 2006; whereas Israel has also arrested and imprisoned elected municipal council members;
- N. 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;
- O. 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;

- P. 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;
- Q. whereas in 2007 and 2011 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; whereas the Physicians for Human Rights 2011 report documents the continuing torture and ill-treatment in interrogations which receive the full institutional backing of the state, implicating doctors and medical personnel in covering up these practices;
- R. 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. Strongly condemns the death of Mr. Jaradat during interrogation in Israeli cells;
  2. Expresses its deepest condolences to Mr. Arafat Jaradat's family;
  3. Underlines that Jaradat's death has once again highlighted the deplorable conditions of Palestinian political prisoners in Israeli detention, and demonstrated Israel's disregard of international conventions, including those which it is a signatory of;
  4. Insists that Jaradat's death brings to the forth the urgency for the international community to assume its political, legal and moral responsibilities, put an end to Israel's impunity, hold Israel accountable for its violations of international law and demand from Israel to comply with the rules of international law and international humanitarian law; calls on the State parties to the Geneva Conventions to fulfil their obligation to ensure Israel's compliance with international humanitarian law;
  5. Demands from Israel to put an immediate end to its practice of massive imprisonment, administrative detention, transferring of political prisoners away from the occupied Palestinian Territory, depriving family visits, maltreatment and torture, depriving timely and adequate medical treatment, that constitute a flagrant violation of international law and international humanitarian law;
  6. Stresses the need to subject Israeli prisons to the supervision of international humanitarian organizations in order to monitor what is happening inside these prisons, especially in the interrogation cells, as well as the type of health care provided to ill prisoners;

7. Decides to send an ad-hoc delegation of the European Parliament to visit Israeli prisons where Palestinian political prisoners are kept, meet prisoners' families and human right organizations;
8. 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 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;
9. Expresses its strong belief that no upgrading of EU-Israel relations should be considered unless Israel complies with its obligations under international law, notably human rights and humanitarian law;
10. Expects that the fully-fledged Subcommittee on Human Rights established on the decision of the eighth meeting of the EU-Israel Association Council would examine these violations, use the evidence provided by the human rights and civil society organisations in Israel and the Occupied Palestinian Territories and involve them in monitoring Israel's progress towards compliance with its obligations under international law;
11. Calls on the Israeli government 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;
12. 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;
13. 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;
14. Calls on Israel to grant the Palestinian political prisoners the right:
  - a. to prompt access to legal assistance, prior to and during interrogation;
  - b. to reject all evidence obtained through coercion;
  - c. to be detained within the Occupied Palestinian Territories;

further calls on Israel to abolish the military legal system applied to Palestinian prisoners;

15. 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;
16. 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;
17. Calls once again for the immediate release of all members of the Palestinian Legislative Council;
18. Takes note of the moral and political role played by some Palestinian political prisoners within Palestinian society and their ability to be a go-between 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;
19. Expresses its support to the International Meeting “Freedom and Dignity” organised at the occasion of the 11<sup>th</sup> anniversary of Marwan Barghouthi’s abduction with the aim to achieve the freedom of all Palestinian prisoners;
20. Instructs its President to forward this resolution to the Council, the Commission, the Israeli Government, the Knesset, 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.