

ORAL QUESTION WITH DEBATE O-0040/08

pursuant to Rule 108 of the Rules of Procedure

by Luisa Morgantini, Hélène Flautre, Richard Howitt, Thijs Berman, Kyriacos Triantaphyllides, Proinsias De Rossa, Pasqualina Napoletano, Margrete Auken, Jean Lambert, Marios Matsakis, David Hammerstein, Jill Evans, Jamila Madeira, Eugenijus Maldeikis, Philippe Morillon, Chris Davies, Vincenzo Aita, Françoise Castex, Caroline Lucas, Antonio Masip Hidalgo, Alyn Smith, Ana Maria Gomes, Karin Scheele, Alain Hutchinson, Marco Cappato, John Bowis, Giovanni Berlinguer, Giusto Catania, Roberto Musacchio, Vittorio Agnoletto, Frieda Brepoels, Mauro Zani, Umberto Guidoni, Luigi Cocilovo, Linda McAvan, Alessandro Battilocchio, Baroness Nicholson of Winterbourne, Francis Wurtz, Tokia Saïfi, Edward McMillan-Scott, Emilio Menéndez del Valle, Ioannis Kasoulides, Véronique De Keyser, Kader Arif, Béatrice Patrie and Rodi Kratsa-Tsagaropoulou
to the Council

Subject: Palestinian prisoners in Israeli jails

In the last report on the situation of human rights in the Palestinian territories, the UN Special Rapporteur, John Dugard, states that 'since 1967 over 700 000 Palestinians have been imprisoned. At present, there are some 11 000 prisoners in Israeli jails, a number which includes 376 children, 118 women, 44 members of the Palestinian Legislative Council and some 800 administrative detainees'¹.

In late January 2008, Israel held 813 Palestinians in administrative detention. These people are held, for renewable periods of up to six months, solely as a result of an administrative decision². Administrative detention is allowed under international law, but only with rigid restrictions on its application, to prevent the danger posed to state security by a particular individual. Israel, however, has never defined the criteria for what constitutes 'state security'. Israel's use of administrative detention therefore violates these restrictions.

Most Palestinian prisoners are held in jails in Israel. This - besides making family visits frequently impossible - violates Article 76 of the Fourth Geneva Convention, which requires persons from an occupied territory to be detained in the occupied country, and if convicted, to serve their sentences therein.

'Prisoners are subjected to humiliating and degrading treatment'. The interrogation is carried out in an inhuman manner, sometimes amounting to torture. Food is poor, and there is serious overcrowding³. In 2007, two reports published by Israeli NGOs⁴ have shown that arrested persons are subjected to physical ill-treatment and deprived of basic needs, such as sleep, for more than 24 hours. The treatment of children is equally disturbing.

The arrest, interrogation and imprisonment of Palestinian children have become systematic in recent years. As at the end of July 2007, there were approximately 385 Palestinian children in Israeli custody. These children are usually prosecuted under the same military system which is used with Palestinian adults⁵. This is of course in violation of the United Nations Convention on the Rights of the Child (UNCRC), which entered into force in Israel in November 1991. However, Israel denies its applicability to the Palestinian territory.

Is the Council aware of the above-mentioned violation of international law?

¹ Report of the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, A/HRC/7/17, 21 January 2008.

² B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories "Palestinian Security Detainees in Israel - The Use of Administrative Detention".

³ Report of the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, A/HRC/7/17, 21 January 2008.

⁴ Hamoked (Center for the Defence of the Individual) and B'Tselem, and the Public Committee against Torture in Israel (PCATI).

⁵ See Defence for Children International, Palestine Section - Palestinian Child Political Prisoners: Semi Annual Report 2007.

Taking also into consideration Article 2 of the EU-Israel Association Agreement, what kind of action does the Council envisage in order to ensure respect for international law, as well as for international conventions, by the State of Israel?

Tabled: 15.04.2008

Forwarded: 16.04.2008

Deadline for reply: 07.05.2008