

Case of Arafat Jaradat and situation of Palestinian prisoners in Israeli jails

European Parliament resolution of 14 March 2013 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 jails¹ and of 5 July 2012 on EU policy on the West Bank and East Jerusalem²,
- having regard to the statement of 16 February 2013 by the spokesperson of High Representative Catherine Ashton on the condition of Palestinian hunger strikers in Israel,
- having regard to the Local EU Statement of 8 May 2012 on Palestinian prisoners on hunger strike,
- having regard to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part (EU-Israel Association Agreement), and in particular Article 2 thereof concerning human rights,
- 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,
- having regard to relevant UN resolutions on the Middle East conflict,
- having regard to the statements by the UN Secretary-General Ban Ki-moon of 19 February 2013 expressing his concern over the conditions of Palestinian prisoners on hunger strike in Israel, by the UN High Commissioner for Human Rights, Navi Pillay, of 13 February 2013 on Palestinian detainees, and by the UN Special Rapporteur for human rights in the Occupied Palestinian Territories, Richard Falk, of 27 February 2013 on the death of Palestinian prisoner Arafat Jaradat,

¹ OJ C 295 E, 4.12.2009, p. 47.

² Texts adopted, P7_TA(2012)0298.

- having regard to UNICEF’s February 2013 report entitled ‘Children in Israeli Military Detention: Observations and Recommendations’,
 - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas on 18 February 2013 Arafat Jaradat was arrested on suspicion of throwing stones at Israeli targets, and whereas he died on 23 February 2013 in Megiddo prison; whereas the cause of his death is disputed; whereas the Israeli authorities maintain that he died of a heart attack, and whereas the haemorrhages and fractured ribs found during the autopsy are characteristic of the resuscitation attempts that were performed by the prison service; whereas, on the basis of this autopsy, the Palestinian authorities maintain that he died as a result of torture;
 - B. whereas almost all of the 4 500 Palestinian prisoners held in Israel took part in a hunger strike, refusing food in protest against Mr Jaradat’s death; whereas there have been clashes in the streets of the West Bank in recent days as Palestinians denounced the conditions of Palestinian prisoners in Israeli jails;
 - C. whereas the issue of Palestinian prisoners and detainees has far-reaching political, social and humanitarian implications; whereas Palestinian political prisoners and former detainees play a prominent role in Palestinian society; whereas more than 4 800 Palestinian prisoners and detainees, including many women and children, more than 100 pre-Oslo prisoners and 15 members of the Palestinian Legislative Council (PLC), are being detained by Israel; whereas 178 of them are being held in administrative detention, including 9 PLC members; whereas, according to a statement made by Palestinian and Israeli human rights organisations in March 2013, at least 71 Palestinian prisoners are reported to have died as a direct result of torture in Israeli detention centres since 1967;
 - D. whereas the vast majority of Palestinian prisoners from the West Bank and Gaza are being held in prisons situated inside Israeli territory; whereas for the vast majority of them it is often impossible or very difficult to exercise their right to receive visits from their families;
 - E. whereas Israeli military administrative detention orders allow detention without charge or trial on the basis of evidence that is not accessible to either the detainees or their lawyers, and whereas such orders may be of up to six months’ duration and may be renewed indefinitely; whereas the Supreme Court of Israel recently criticised the military courts and the Military Advocate General’s Corps for their actions in extending administrative detention orders;
 - F. whereas Palestinian political prisoners have gone on repeated hunger strikes involving hundreds of prisoners at a time; whereas several Palestinian detainees continue to be on extended hunger strike;
 - G. whereas women prisoners are a particularly vulnerable group of Palestinian detainees;
 - H. whereas it is estimated that 700 Palestinian children are arrested by Israeli security forces in the West Bank every year; whereas, according to a February 2013 UNICEF review of practices in respect of Palestinian children who come into contact with the Israeli military detention system, the ill-treatment of these children appears to be widespread and systematic;

- I. whereas relations between the EU and Israel, under Article 2 of the Association Agreement, are based on respect for human rights and democratic principles, which constitute an essential element of that agreement; whereas the EU-Israel Action Plan stresses that respect for human rights and for international humanitarian law is among the values shared by the parties;
1. Expresses its deepest concern at the death of Palestinian prisoner Arafat Jaradat on 23 February 2013 while in Israeli custody, and extends its condolences to his family;
2. Is deeply concerned by the renewed tensions in the West Bank following Mr Jaradat's death in Megiddo prison under disputed circumstances; calls on all parties to exercise maximum restraint and to refrain from provocative actions in order to prevent further violence, and to take positive steps to establish the truth and defuse the current tensions;
3. Calls on the Israeli authorities promptly to open independent, impartial and transparent investigations into the circumstances of Mr Jaradat's death and into all allegations of torture and other cruel, inhuman or degrading treatment or punishment of Palestinian prisoners;
4. Reiterates its support for Israel's legitimate security concerns; believes, however, that the rule of law must be fully respected in the treatment of all prisoners, this being crucial for a democratic country; calls, therefore, on the Israeli Government to respect the rights of Palestinian prisoners and to protect their health and lives;
5. Is concerned about the Palestinian detainees held in administrative detention without charge; stresses that these detainees should be charged and face trial, with judicial guarantees in accordance with international standards, or be promptly released;
6. 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;
7. Expresses deep concern about the situation and health condition of Palestinian detainees on extended hunger strike; express its support for the efforts of the International Committee of the Red Cross to save the lives of prisoners/detainees who are in a critical condition and urges Israel to provide all hunger strikers with unrestricted access to adequate medical care;
8. Calls once again for the immediate release of all imprisoned members of the PLC, including Marwan Barghouti;
9. Calls on the Israeli authorities to make sure that Palestinian women and children prisoners and detainees receive appropriate protection and treatment in line with the relevant international conventions to which Israel is a party;
10. Calls on the European External Action Service and the Member States to monitor closely the fate of Palestinian prisoners and detainees, including women and children, and to raise this issue at all levels of political dialogue with Israel; insists that this matter should be included in the forthcoming European Neighbourhood Policy progress report on Israel;
11. Calls for a fact-finding mission by Parliament to assess the current situation with regard to the detention conditions of Palestinian prisoners, including women and children, and the use of administrative detention;

12. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs, the Council, the Commission, the Israeli Government, the Knesset, the President of the Palestinian Authority, the Palestinian Legislative Council, 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 UN High Commissioner for Human Rights and the International Committee of the Red Cross.