



General Assembly

Distr.: General
11 September 2012

English only

Human Rights Council

Twenty-first session

Agenda item 7

**Human rights situation in Palestine and other
occupied Arab territories**

Written statement* submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The situation of Palestinian prisoners

One of the human rights going concerns, is the right to enjoy human freedoms which have always been violated by powerful and occupying nations. This is seen in Palestine and Palestinian Occupied Territories more than other places. A place where according to the Human Rights Council 22 February 2012 report (A/HRC/19/NGO/75), from 1967 to-date approximately 700,000 Palestinians, 20 percent of the whole Palestinian population in other words and 40 percent of the total male population have been detained on Israeli Military Orders.¹

Imprisonment and detention has turned into a real nightmare for Palestinians, especially children, because according to the same aforementioned report, each year between 500 and 700 Palestinian Children from the West Bank are arrested, tried in Israeli military courts and instead of enjoying their childhood, they taste the bitter taste of torture.

Glancing at the terrible human rights conditions of Israeli prisons, we can observe the injustice and deprivation of the human rights of Palestinians take place contrary to international law standards and once again Israel's irresponsibility towards all international commitments are visible.

In various forms such as administrative detention, solitary confinement and temporary detention, the IDF deprive Palestinian citizens from their basic rights; to an extent where according to latest statistics there are now 4423 prisoners currently in Israeli prisons, 250 of which are in administrative detention, and there are 211 children in prisons too.²

This is while according to contents of international law such as human rights laws, International Covenant on Civil and Political Rights, the Geneva Four Convention, and international humanitarian law, administrative detention can only be done in exceptional cases and determined necessities by the occupation forces. But in reality arbitrarily and claims to emergency conditions (referring to their Military Order 1651)³ the Israelis have extensively Palestinian civilians under administrative detention, and they are imprisoned without being charged, the right to lawyer and trial and family visitations.

Furthermore, even though the isolation of prisoners in solitary confinement also must be in accordance with international agreements such as the ICCPR and other UN documents particularly article 32 of the Standard Minimum Rules for the Treatment of Prisoners (1957)⁴ and the Declaration on the Basic Principles for the Treatment of Prisoners (1990). But despite of these the domestic laws of Israel bring about the possibility of the justification and extensive use of solitary confinement for the relevant authorities.⁵

These as well as other measures are contrary to international law standards that include, torture, physical abuse, military detentions of Palestinians, and the double standards with the civil legal system dominating in Israel, and hidden discriminations that include

¹ <http://unispal.un.org/UNISPAL.NSF/0/6E9D184DEA0001CF852579C30050B625>.

² <http://www.arabs48.com/?mod=articles&ID=93582>.

³ Application of article 285 of Military Order 1651 which allows an individual to be arrested and detained for over six months upon the renewal on the condition of "the existence of a logical justification to create the assumption that the regional or public security requires this detention."

⁴ The ratification of the first UN congress on the Prevention of Crime and Treatment of Criminals that was held in Geneva in 1955, and the reviewed and approved by ECOSOC in resolution 663C (XXIV) dated 31 July 1957, and 2076 (LCII) 13 May 1977.

⁵ Article 56 of the Israeli Prisons Ordinance contains a vast area of prison offences that are punishable by solitary confinement.

difference in detention age,⁶ lack of access to legal council during interrogation for detainees and even children,⁷ denying visits and communications with families, forceful transfer of prisoners, attacking prisoner cells and provocative searches, lack of food, and prison stores' goods being expensive, cash fines and collective punishments, mistreatment of women,⁸ a sharp drop in education and medical services, have all brought about grave concerns over the violation of Palestinian prisoners' basic rights, and despite the extensive detailed reports of relevant NGOS, it has all fallen to the deaf ears of international political circles.⁹

This is why Palestinian prisoners on the occasion of Palestinian Prisoner Day and Yom Ol-nikba, and the lack of international support, they went on mass and prolonged hunger strike for their minimum demands and improvement of their conditions which were the removal of administrative detention and solitary confinement and for the recognition of their rights as prisoners of war. This caused grave concern for their health and even some UN officials including Richard Falk warned but unfortunately the reports of legal organizations including Addameer Organization indicated medical neglect and application of inhuman pressures on the prisoners to end their strike and their terrible physical conditions.¹⁰

Even after the agreement of Israeli officials with prisoners to end their hunger strike, Israel's failure to answer the international community and the lack of pressure tools to make Israel observe international and human standards and bilateral agreements, resulted on this agreement to be breached on several occasions.¹¹

Therefore, while supporting the Palestinian prisoners in their bid for the realisation of their rights and application of justice, we express deep concern on their health and physical, mental and hygiene conditions, and call upon relevant international organizations to fulfil their duties for the reduction of the pains and sufferings of the Palestinian prisoners, and force Israel to observe and respect the rights of the prisoners and observe its international commitments.

⁶ Report of the 19th Session of the Human Rights Council 22 February 2012:

<http://unispal.un.org/UNISPAL.NSF/0/6E9D184DEA0001CF852579C30050B625>.

⁷ Palestinian human rights organizations statement on not letting lawyers have access to prisoners on hunger strike: <http://addameer.org/etemplate.php?id=470>

<http://www.guardian.co.uk/world/2010/doc/28/israel-denies-lawyers-palestinian-prisoners/>.

⁸ <http://samidoun.ca/2012/04/abuse-and-torture-of-women-in-israeli-occupation-prisons>

<http://www.abayan.ae/one-world/arabs/2012-03-08-1.1607483>.

⁹ <http://www.un.org/depts/dpa/qpal/docs/2012%20Geneva/P1%20khaled%20quzmar%20EN.pdf>

And report of the Palestinian Legislative Council on the conditions of Palestinian prisoners in Israeli prisons on 16 April 2012: <http://www.scoop.co.nz/stories/WO1205/S00056/esa-committee-report-situation-of-prisoners-in-israeli-jail.htm>

ICRC's concern over the health of Palestinian prisoners on hunger strike: http://news.xinhuanet.com/english/world/2012-05/07/c_131573555.htm

Amnesty International report: <http://www.amnesty.org/ar/news/israel-free-palestinian-detainee-prisoners-launch-mass-hunger-strike-2012-04-17>

<http://www.alzaytouna.net/permalink/17212.html?print>.

¹⁰ <http://www.arabs48.com/?mod=articles&ID=91900>,

<http://samanews.com/index.php?act=Show&id=127954>

<http://samanews.com/index.php?act=Show&id=128585>.

¹¹ <http://www.arabs48.com/?mod=articles&ID=91855>.