

15 April 2008

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 decision(2) . 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 overcrowding(3). In 2007, two reports published by Israeli NGOs(4) 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 adults(5) . 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 Commission aware of the above-mentioned violation of international law?

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

- (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.

Answer:

<http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20080709&secondRef=ITEM-015&language=EN>