



Joint Written Submission
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Israel Continues to Deny Palestinian Prisoners the Right to Health and Safety Amidst Outbreak of COVID-19

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While UN experts have highlighted the need to ensure the release of political prisoners as well as other detainees in response to the COVID-19 pandemic,¹ the Israeli occupying authorities have refused to release Palestinian political prisoners or to adequately mitigate and prevent COVID-19 outbreaks in Israeli prisons. Instead, Israel continues to disregard its legal obligations, as Occupying Power, to protect Palestinian prisoners and detainees from COVID-19, as mass arbitrary detentions and arrests have continued during the pandemic. At present, eight Palestinian prisoners and detainees tested positive for COVID-19, either while detained or shortly after their release, including a fifteen-year-old child² and a cancer patient.

Halting Lawyers' and Family Visits and Postponing Trial Proceedings

In early March 2020, the Israeli Prison Service (IPS) halted all family and lawyers' visits for prisoners, ostensibly as a COVID-19 precaution,³ depriving Palestinian prisoners and detainees from the only means of communication with the outside world, as the IPS refuses to install landline phones. Between March and June 2020, all trial proceedings in Israeli military courts were postponed, and Palestinians undergoing pre-trial detention or interrogation were no longer brought into court for their detention extensions, further deepening Israel's violations of their rights to liberty, security of person, and their right to a fair and speedy trial. Moreover, legal representatives were barred from direct communication with Palestinian prisoners and detainees, except with those

¹ OHCHR, "Human rights experts call for immediate release of political prisoners and detainees in Yemen given risk of spread of COVID-19," 30 March 2020, available at:

<https://ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25759&LangID=E>.

² DCIP, "Palestinian child detainee tests positive for Covid-19 in Israeli prison," 06 August 2020, available at:

https://www.dci-palestine.org/palestinian_child_detainee_tests_positive_for_coronavirus_in_israeli_prison.

³ Addameer, "Israeli Prison Services' Measures in Regards to COVID-19," 16 March 2020, available at:

<http://www.addameer.org/news/israeli-prison-services%E2%80%99-measures-regards-covid-19>.

awaiting trials, one before and one after the court session, and thus were unable to accurately assess the health condition and safety of Palestinian detainees.⁴

On 1 April 2020, Addameer and Al-Haq sent a joint urgent appeal to UN Special Procedures on the situation of Palestinian prisoners in Israeli prisons amidst concerns over COVID-19 exposure.⁵ Since then, UN human rights experts have urged Israel to cease its discriminatory practices against Palestinian prisoners facing high-risk exposure to COVID-19,⁶ referring to Israel's release of Israeli prisoners as a preventative and protective step.⁷ The experts urged Israel to release the most vulnerable Palestinian prisoners and detainees, particularly women, children, older persons and those with pre-existing medical conditions, as there are approximately 700 sick Palestinian prisoners, including more than 200 with chronic diseases.⁸ The UN human rights experts further highlighted Israel's decision to halt family visits for Palestinian prisoners and detainees and to restrict their access to lawyers noting that it: "is critical that any such measures are medically justified and, if so, alternative means for communication, such as video conferencing, should be made available."⁹

Since June 2020, lawyers' visits to Palestinian prisoners and detainees have resumed. Nevertheless, the Israeli occupying authorities imposed further restrictions on these visits, including delays, limits on the number of visited detainees and the duration of the visit itself. Family visits have resumed as well, however, the number of family members permitted was reduced. Some families have also reported that their scheduled visits were cancelled the night before, or on the morning of, the visit.

Continuation of Systematic Medical Negligence Amidst COVID-19 Pandemic

While the Israeli occupying authorities have resumed court hearings for Palestinian detainees, they have failed to provide detainees with necessary protective measures while transferring them to courts and clinics. Notably, Kamal Abu Wa'ar, a forty-six-year-old Palestinian prisoner who has cancer, tested positive for COVID-19 in early July 2020. It appears that Kamal was infected with the virus during his transfer from the prison to clinics and hospitals. Kamal has been isolated in al-Ramleh Prison Clinic and denied access to his lawyers. On 29 July 2020, Kamal recovered from

⁴ *Ibid.*

⁵ Al-Haq, "Addameer and Al-Haq Send Appeal to UN Special Procedures on the Situation of Palestinian Prisoners in Israeli Prisons amidst Concerns over COVID-19 Exposure," 2 April 2020, available at: <http://www.alhaq.org/advocacy/16674.html>.

⁶ OHCHR, "COVID-19: Israel Must Release Palestinian Prisoners in Vulnerable Situation, say UN experts," 24 April 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25822&LangID=E>.

⁷ The Jerusalem Post, "Israel releases 230 prisoners early to reduce crowding amid COVID-19 fears," 29 March 2020, available at: <https://www.jpost.com/breaking-news/israel-releases-230-prisoners-early-to-reduce-crowding-amid-covid-19-fears-622844>.

⁸ *See supra note 6.*

⁹ *Ibid.*

COVID-19, and was taken back to al-Ramleh prison.¹⁰ On 19 August 2020, Kamal's lawyer was allowed to visit him for the first time since early July.

Unless they are interrogated, newly detained Palestinian prisoners and detainees are directly taken to quarantine following their arrest, where a range of four to six detainees are placed together in one prison cell for a total of fourteen days. According to Addameer's documentation, all prisoners and detainees who were taken to quarantine reported that they have endured difficult detention conditions, as they were rarely given clean clothing and were sporadically given one cup of alcohol per week to clean their cells. The prisoners further reported that the meals provided to them are inadequate, both in terms of quality and quantity.

Furthermore, an increasing number of guards and IPS staff have tested positive for COVID-19. The IPS officers are not taking proper precautions, refusing to wear hazmat suits, protective gloves, or medical face masks while conducting daily searches and daily counts of prisoners, done five times a day. Further, staffers are in constant and direct contact with Palestinian prisoners, as they perform maintenance and work in the supply room and kitchen.

Palestinian prisoners and detainees in Israeli prisons face dismal detention conditions, including overcrowding, unsanitary conditions, lack of proper ventilation and poor nutrition. As such, these conditions constitute a life-threatening situation and compound the vulnerability of Palestinian prisoners. On 23 July 2020, the Israeli Supreme Court ruled that Palestinian prisoners and detainees have no right to social distancing.¹¹ Such policies and practices must be understood and analysed as part of Israel's systematic policy of medical negligence. In 2020, Saadi Al Gharabli, a seventy-five-year-old Palestinian prisoner and cancer patient, passed away due to Israel's policy of medical neglect, as his treatment was constantly delayed.¹² In 2019, and according to Addameer, five Palestinian prisoners died in Israeli detention centers, three of them as a result of deliberate medical negligence by IPS, while hundreds currently detained suffer from untreated chronic diseases.

Despite the urging and issuing of a multitude of guidelines and recommendations by the World Health Organization (WHO),¹³ the Office of the High Commissioner for Human Rights

¹⁰ Al Najah News, "the Commission for Detainees and Ex-Detainees Affairs Confirms that the Prisoner Abu Wa'ar has Recovered from Coronavirus," 29 July 2020, available in Arabic at: <https://nn.ps/news/Prisoners/2020/07/29/321758/>.

¹¹ Adalah, "Israeli Supreme Court rules: Palestinian prisoners have no right to social distancing protection against COVID-19," 23 July 2020, available at: <https://www.adalah.org/en/content/view/10063>.

¹² The Electronic Intifada, "Elderly Palestinian dies after 26 years in Israeli prison," 8 July 2020, available at: <https://electronicintifada.net/blogs/tamara-nassar/elderly-palestinian-dies-after-26-years-israeli-prison>.

¹³ IASC, "IASC Interim Guidance on COVID-19: Focus on Persons Deprived of Their Liberty (developed by OHCHR and WHO)," 27 March 2020, available at: <https://interagencystandingcommittee.org/other/iasc-interim-guidance-covid-19-focus-persons-deprived-their-liberty-developed-ohchr-and-who>.

(OHCHR),¹⁴ and human rights experts on the need to prevent the spread of COVID-19 in the context of detention,¹⁵ conditions in Israeli prisons continue to deteriorate as the Israeli occupying authorities continue to disregard COVID-19 guidelines in dealing with Palestinian prisoners.

In the face of COVID-19, there is an urgent need for intervention to uphold the rights of Palestinian prisoners, particularly as many are minors, chronically ill or otherwise at risk, , or are being held under administrative detention indefinitely, and without charge or trial, in contravention of international law.¹⁶ Accordingly, we call on the Human Rights Council and all UN Member States to intervene to guarantee the rights to life and health, and safety of Palestinian prisoners during the COVID-19 pandemic, and to:

- i. Demand Israel, the Occupying Power, release all Palestinian political prisoners to ensure their safety from an uncontrolled spread of the pandemic, particularly those who are more susceptible to the disease and those who are illegally held under administrative detention;
- ii. Demand Israel ensure the protection of all prisoners without discrimination by adopting the WHO's recent guidance on preventing a COVID-19 outbreak in prisons, and take necessary measures to prevent the spread of the pandemic in Israeli prisons; and
- iii. Recognise Israel's use of arbitrary detention and its systematic policy of medical negligence against Palestinian detainees as a core component of Israel's institutionalised and systemic racial discrimination and oppression over the Palestinian people as a whole.

¹⁴ OHCHR, "Urgent action needed to prevent COVID-19 'rampaging through places of detention' – Bachelet," 25 March 2020, available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>.

¹⁵ See, e.g., OHCHR, "COVID-19: Who is protecting the people with disabilities? – UN rights expert," 17 March 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25725&LangID=E>.

¹⁶ WHO, "UNODC, WHO, UNAIDS and OHCHR joint statement on COVID-19 in prisons and other closed settings," 13 May 2020, available at: <https://www.who.int/news-room/detail/13-05-2020-unodc-who-un aids-and-ohchr-joint-statement-on-covid-19-in-prisons-and-other-closed-settings>.