



Joint Urgent Appeal to the United Nations Special Procedures

Date: 1 April 2020

Re: Urgent Intervention Needed to Protect Palestinian Prisoners and Detainees in Israeli Prisons Amidst Concerns over COVID-19 Exposure

Submitted by:

- Addameer Prisoner Support and Human Rights Association
- Al-Haq – Law in the Service of Man

For the attention of:

- The UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Mr Michael Lynk;
- The UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr Dainius Pūras;
- The UN Working Group on Arbitrary Detention, Mr José Guevara Bermúdez (Chair-Rapporteur);
- The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or Punishment, Mr Nils Melzer; and
- The UN Special Rapporteur on the independence of judges and lawyers, Mr Diego García-Sayán.

Dear Mr Lynk, Mr Pūras, Mr Guevara Bermúdez, Mr Melzer, and Mr García-Sayán,

Our organisations address this joint urgent appeal to your mandates with regard to the rapidly deteriorating condition of Palestinian prisoners and detainees in Israeli prisons in light of the continued spread of the novel coronavirus (COVID-19) pandemic in Palestine and across the globe. We urgently request your intervention to uphold the right to health, safety, and well-being of Palestinian prisoners in Israeli detention, particularly as many are minors, chronically ill, vulnerable groups, or held under administrative detention in contravention of international law.

In early March 2020, the Israeli Prison Service (IPS) halted all family and lawyers' visits for prisoners, citing this measure as a COVID-19 precaution. Furthermore, all trial proceedings in Israeli military courts have been postponed, and Palestinians undergoing pre-trial detention or interrogation are no longer brought into court for their detention extensions, further deepening Israel's violations of their right to liberty and security of person, as well as their right to a fair and speedy trial. Moreover, legal representatives have been barred from direct communication with Palestinian prisoners, and have only been allowed phone calls with them. As such, legal

representatives have been unable to accurately assess the health condition and safety of Palestinian detainees.

In addition, on 18 March 2020, Addameer's lawyers were informed that four Palestinian detainees under interrogation may have been exposed to COVID-19 transmitted by contact with an Israeli worker at Petah Tikva Interrogation Centre who tested positive. The four detainees were sent to quarantine at Al-Ramleh Prison Clinic. Later, two of the Palestinian detainees were released to their families in the occupied West Bank without being tested, while the other two were sent back to Israeli prison after completing their quarantine period. Furthermore, despite the COVID-19 outbreak, Palestinians continue to be arrested from their homes in the West Bank on a daily basis, and are immediately placed in quarantine.¹ For instance, Palestinian detainee, Mahmoud Muhammad Attah, 18, was arrested by the Israeli occupying forces on 22 March 2020 and has been placed in isolation in a quarantine cell. Over a week later, Mahmoud has not been granted any clothing and his cell does not have a bathroom.

Our growing concern for Palestinian prisoners and detainees during the ongoing COVID-19 pandemic grows out of the systematic and routine medical negligence Palestinians have systematically suffered inside Israeli prisons and interrogation centres. In 2019, five Palestinian prisoners died in Israeli detention, three of them as a result of deliberate medical negligence, while hundreds currently detained suffer from chronic diseases that go untreated. While persons deprived of their liberty around the world are likely to be more vulnerable to a COVID-19 outbreak than the general population,² Palestinian prisoners in Israeli prisons further suffer dismal and unsanitary detention conditions, including overcrowding and the lack of proper ventilation, and receive poor nutrition. This makes Israeli prisons dangerous breeding grounds for COVID-19 and compounds the vulnerability of Palestinian prisoners and detainees.

In addition, prisoners have reported that IPS has imposed new restrictions on purchases from the prison canteen and that they are not provided with proper hygiene and sanitary products, putting them even further at risk of an uncontrolled spread. At the same time, IPS officers are not taking the necessary precautions, as they continue to conduct daily searches and a daily count of prisoners, five times a day altogether, conducted by officers who are not wearing hazmat suits, protective gloves, or medical face masks. Just today, on 1 April 2020, a former Palestinian prisoner tested positive for COVID-19. Arrested on 18 March, Nur Eddin Sarsour was released yesterday, on 31 March 2020, from Ofer prison. A number of Palestinian prisoners at Ofer have recently reported concerns over COVID-19 infections amongst prison guards.

¹ See, e.g., Judith Sudilovsky, "Israel's coronavirus lockdown is blocking human rights work, but not abuses," 31 March 2020, available at: <https://www.972mag.com/coronavirus-israel-human-rights-work/>.

² WHO, "Preventing COVID-19 outbreak in prisons: a challenging but essential task for authorities," 23 March 2020, available at: <http://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/news/news/2020/3/preventing-covid-19-outbreak-in-prisons-a-challenging-but-essential-task-for-authorities>.

Despite a series of guidelines and calls issued by the World Health Organization (WHO),³ the Office of the United Nations (UN) High Commissioner for Human Rights (OHCHR),⁴ and UN human rights experts,⁵ on the need to prevent the spread of COVID-19 in detention settings, conditions in Israeli prisons continue to deteriorate. On 30 March 2020, the UN Subcommittee for the Prevention of Tortured (SPT) called on Governments to take measures to protect individuals deprived of their liberty during the pandemic, and to consider “reducing prison populations by implementing schemes of early, provisional or temporary release of low-risk offenders, reviewing all cases of pre-trial detention, extending the use of bail for all but the most serious cases, as well as reviewing and reducing the use of immigration detention and closed refugee camps,” adding “that all detainees, people in quarantine and closed medical settings, their families, and all staff, should receive reliable, accurate and the latest information concerning all adopted measures.”⁶

The Israeli occupying authorities have disregarded all COVID-19 guidelines in dealing with Palestinian prisoners and detainees in the face of the pandemic. In fact, last Friday, on 27 March 2020, the Israeli Government decided to release some 400 “non-violent prisoners who are serving lighter sentences and nearing the end of their time in prison,”⁷ selected on the basis of health condition and age, while the same has not been the case for Palestinian political prisoners. This decision lays bare Israel’s institutionalised regime of systematic racial domination and oppression over the Palestinian people, including Palestinian prisoners and detainees, and comes in light of IPS’s continued refusal to install landline phones inside prisons as stipulated in the most recent hunger strike negotiations. The refusal to install landlines is a clear attempt to further distance Palestinian prisoners from contact with their families, and on a larger scale, constitutes a measure to entrench the fragmentation of the Palestinian people.⁸

Given the recent rules and regulations instated by IPS during the COVID-19 pandemic, the International Committee of the Red Cross (ICRC) has remained the only entity permitted direct communication and visits to Palestinian prisoners. Indeed, ICRC visits to Israeli places of detention have continued, albeit with special precautions to ensure the protection of detainees.

³ *Ibid.* See also 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>.

⁴ 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>.

⁵ 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>.

⁶ OHCHR, “COVID-19: Measures needed to protect people deprived of liberty, UN torture prevention body says,” 30 March 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25756>.

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 also Al-Haq, “Palestinian, regional, and international groups submit report on Israeli apartheid to UN Committee on the Elimination of Racial Discrimination,” 12 November 2019, available at: <http://www.alhaq.org/advocacy/16183.html>.

Yet, the ICRC has not provided any updates to the prisoners' families or the wider public on the conditions of Palestinian prisoners in Israeli detention, particularly those kept in quarantine.

Around the world, 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. In the case of Iran, following a decision taken on 9 March to release 70,000 prisoners, none of whom were political detainees, calls by the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran were met with an additional release of political prisoners.⁹ On 25 March 2020, the UN High Commissioner for Human Rights, Ms Michelle Bachelet, stated: “[n]ow, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views.”¹⁰ In light of the above, our organisations urge your mandates to intervene immediately to ensure respect for the right to health, safety, and well-being of Palestinian prisoners during the COVID-19 pandemic and, in particular, to:

- i. Call on Israel, the occupying power, to release all Palestinian political prisoners from Israeli prisons to ensure their safety from an uncontrolled spread of the pandemic, particularly those who are more vulnerable and more susceptible to the disease, including children, women, older persons, prisoners with underlying health conditions, and injured prisoners;
- ii. Further demand the release of all Palestinian political prisoners under administrative detention, who are detained indefinitely without charge or trial, in contravention of international law, and urge the release of all Palestinian political prisoners who are nearing the end of their sentences and/or should be released on probation, to reduce overcrowding in Israeli prisons;
- iii. Call on IPS to ensure the protection of all prisoners and uphold their right to the highest attainable standard of health without discrimination, by adopting the latest WHO guidance on preventing COVID-19 outbreak in prisons,¹¹ and taking the necessary measures to prevent the spread of the pandemic in Israeli prisons; and
- iv. Urge IPS to install landlines in Israeli prisons and ensure the maintenance of family contacts for Palestinian prisoners through unmonitored phone or video calls between the prisoners and their families, especially while family visits continue to be suspended.

⁹ Parisa Hafezi, “Iran temporarily frees 85,000 from jail including political prisoners,” Reuters, 17 March 2020, available at: <https://www.reuters.com/article/us-health-coronavirus-iran-prisoners/iran-temporarily-frees-85000-from-jail-including-political-prisoners-idUSKBN21410M>. See also 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>.

¹⁰ See *supra* note 4.

¹¹ See *supra* note 2.