

On Palestinian Prisoners' Day, Civil Society Calls for Urgent Release of Palestinian Prisoners and Detainees in Israeli Prisons

Date: 17 April 2020

As we mark Palestinian Prisoners' Day this year, Palestinian prisoners and detainees face the additional threat of a coronavirus (COVID-19) outbreak in Israeli prisons and detention centers. While governments around the world are being called on to release prisoners and those detained in violation of international law, the Israeli occupying authorities have taken no steps to release Palestinian prisoners and detainees or to adequately mitigate and prevent a COVID-19 outbreak in prisons. Instead, mass arbitrary detentions and arrests, a staple of Israel's prolonged military occupation and widespread and systematic human rights violations against the Palestinian people, have continued during the pandemic.ⁱ

This year, our organizations call for urgent action to ensure the release of Palestinian prisoners and detainees and to uphold their right to the highest attainable standard of health during COVID-19,ⁱⁱ particularly as many are minors, chronically ill, members of vulnerable groups, or held under administrative detention in contravention of international law. According to Addameer Prisoner Support and Human Rights Association, there are currently 5,000 Palestinian prisoners, including 432 administrative detainees and 183 child prisoners in Israeli detention. The Israeli occupying authorities hold Palestinian administrative detainees indefinitely without charge or trial and have detained journalists, human rights defenders, and members of the Palestinian Legislative Council.

While persons deprived of their liberty around the world are more likely to be vulnerable to a COVID-19 outbreak than the general population,ⁱⁱⁱ COVID-19 presents a particularly acute and immediate danger to Palestinian prisoners and detainees, who already endure dire detention conditions, including systematic torture and ill-treatment, pervasive medical negligence, overcrowding, lack of proper ventilation and access to sanitary products, including sanitizers and disinfectants, poor nutrition, and, in certain cases, complete bans on family visits. These conditions make Israeli prisons dangerous breeding grounds for COVID-19 and compound the vulnerability of Palestinian prisoners and detainees, with hundreds currently detained suffering from chronic diseases that go untreated.^{iv} Despite the pandemic, the Israeli occupying forces continue to routinely arrest Palestinians from their homes in the occupied West Bank, including East Jerusalem, and immediately place them in quarantine.^v

In early March 2020, the Israel Prison Service (IPS) halted all family and legal visits for prisoners, claiming that this was a COVID-19 precaution. The Israeli occupying authorities have also postponed all trial proceedings in military courts and have stopped bringing Palestinians in pre-trial detention or interrogation to court, further deepening Israel's violations of Palestinians' rights to liberty and security of person and to a fair and speedy trial. Moreover, Israel has barred legal representatives from meeting with Palestinian prisoners. Since legal representatives have been allowed to speak with their clients only by phone, they have been unable to accurately assess the health condition of Palestinian detainees.

The IPS has also continued to refuse to install landline phones inside prisons as stipulated in the most recent hunger-strike negotiations,^{vi} thereby further distancing Palestinian prisoners from their families and legal representatives during the pandemic. To date, the IPS has allowed phone calls for female and child detainees but continues to delay them and has not determined a clear schedule for these calls to take place, resulting in confusion for prisoners' families and for the prisoners and detainees themselves. As of now, only a number of Palestinian women and child detainees who are at Damon prison have been allowed to contact their families during the COVID-19 pandemic.

Despite guidelines and calls issued by the World Health Organization (WHO),^{vii} the Office of the United Nations (UN) High Commissioner for Human Rights,^{viii} and UN human rights experts^{ix} on the need to prevent the spread of COVID-19 in detention settings, conditions in Israeli prisons continue to deteriorate. Prisoners have reported that the IPS has imposed new restrictions on purchases from prison canteens that make it difficult for them to obtain necessary sanitary products and maintain proper hygiene. At the same time, IPS officers routinely search prisoners' rooms and conduct counts of prisoners five times a day, while failing to consistently wear hazmat suits, protective gloves, and medical face masks. A number of Palestinian prisoners at Ofer prison have recently reported concerns over COVID-19 exposure amongst Israeli prison guards. On 1 April 2020, Nur Eddin Sarsour, a former Palestinian prisoner, tested positive for COVID-19 upon release from Israeli prison. Arrested on 18 March 2020, he was released on 31 March from Ofer prison and tested positive for COVID-19 the next day.^x

Around the world, UN experts have called for the release of prisoners and detainees in response to the COVID-19 pandemic. On 25 March 2020, the UN High Commissioner for Human Rights, Michelle Bachelet, stated that “[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.”^{xi} On 30 March 2020, the UN Subcommittee on Prevention of Torture 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, [and] extending the use of bail for all but the most serious cases.”^{xii} On 27 March 2020, the Israeli occupying authorities decided to release some 400 ‘non-violent’ Israeli common law prisoners who are serving lighter sentences and nearing the end of their time in prison,^{xiii} selected on the basis of health condition and age.^{xiv} Yet, the Israeli occupying authorities have not established the same release policy for Palestinian prisoners and administrative detainees.

On Palestinian Prisoners’ Day, our organizations issue this urgent call for the immediate release of Palestinian prisoners and detainees from Israeli prisons, particularly those who are more susceptible to the pandemic, such as those who are chronically ill, in order to uphold their rights and to ensure their safety from a COVID-19 outbreak in Israeli prisons. Until such time as Palestinian prisoners and detainees are released, our organizations call on:

i. The IPS to:

- Install landlines in all Israeli prisons and detention centers and to ensure the maintenance of contact with family and legal representatives for Palestinian prisoners and detainees through unmonitored phone or video calls;
- Ensure adequate and independent access to medical care, hygiene facilities, and sanitary products for all prisoners and detainees;
- Publicly guarantee that it will eliminate the use of solitary confinement, an internationally recognized form of torture, as a means of managing the spread of COVID-19 in prisons and detention facilities; and
- Publicize all plans and policies to ensure the protection of all prisoners during the COVID-19 pandemic.

ii. The International Committee of the Red Cross to continue to carry out visits to Israeli prisons and detention centers, to provide updates to families of Palestinian prisoners and

detainees on detention conditions, to oversee and ensure the provision of the necessary healthcare for prisoners and detainees during the pandemic, and to call on IPS to adopt the relevant international guidelines for prevention of COVID-19 outbreak in Israeli prisons;

- iii. **The Office of the High Commissioner for Human Rights (OHCHR)** to call on Israel, the occupying power, to release Palestinian prisoners and detainees in line with the guidelines issued by WHO, OHCHR, and relevant UN human rights experts on preventing COVID-19 outbreak in prisons and in light of additional calls made to specific States in this regard;
- iv. **Member States of the UN Human Rights Council** to call on Israel, the occupying power, to take urgent action in line with the above-mentioned guidelines, in particular to release Palestinian prisoners and detainees and to uphold their rights, in particular to the highest attainable standard of health, during the public health emergency; and
- v. **Third States, including the diplomatic community**, to call on Israel, the occupying power, to fulfil its obligations under international human rights and humanitarian law with regard to its treatment of Palestinian prisoners and detainees and to ensure their protection, particularly during COVID-19.

Endorsing organizations:

- Palestinian Human Rights Organizations Council (PHROC), including:
 - ADDAMEER Prisoner Support and Human Rights Association
 - Al Mezan Center for Human Rights
 - Al-Haq – Law in the Service of Mankind
 - Aldameer Association for Human Rights
 - DCI – Defense for Children International - Palestine
 - Hurriyat – Center for Defense of Liberties and Civil Rights
 - Jerusalem Legal Aid and Human Rights Center (JLAC)
 - Muwatin Institute for Democracy and Human Rights - Observer Member
 - Palestinian Centre for Human Rights (PCHR)
 - Ramallah Center for Human Rights Studies (RCHRS)
 - The Independent Commission for Human Rights (Ombudsman Office) - Observer Member (ICHR)
- Palestinian Non-Governmental Organizations Network (PNGO), including:
 - Arab Agronomists Association (AAA)
 - Early Childhood Resource Center (ECRC)
 - Land Research Center (LRC)
 - Palestinian General Union for Charitable Societies
 - The Palestinian Academic Society for the Study of International Affairs (PASSIA)
 - The Women’s Centre for Legal Aid and Counselling (WCLAC)
- Adalah – The Legal Center for Arab Minority Rights in Israel
- Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ)
- Palestinian Counseling Center (PCC)
- The Palestine Institute for Public Diplomacy (PIPD)
- Cairo Institute for Human Rights Studies (CIHRS)
- Habitat International Coalition – Housing and Land Rights Network (HIC-HLRN)

- Abolitionist Law Center
- Adalah Justice Project
- Allard K. Lowenstein International Human Rights Clinic, Yale Law School
- Arab Lawyers Association (UK)
- Asociación Americana de Juristas (AAJ)
- Association France Palestine Solidarité (AFPS)
- Center for Constitutional Rights (CCR)
- CIVICUS
- CNCDD-11.11.11
- Cornell Law School International Human Rights Clinic: Litigation and Advocacy
- Corporación Solidaridad Jurídica from Colombia
- DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
- International Federation for Human Rights (FIDH)
- International Service For Human Rights (ISHR)
- National Association of Democratic Lawyers (South Africa)
- National Lawyers Guild International Committee (U.S.)
- National Union of Peoples' Lawyers (Philippines)
- Paz con Dignidad
- Plateforme des ONG françaises pour la Palestine, including:
 - For a full list of members, see: <https://plateforme-palestine.org/Les-membres>
- Samidoun Palestinian Prisoner Solidarity Network
- World Organisation Against Torture (OMCT)

i See Al-Haq, “Israel’s Gross Violations of Human Rights in the Face of COVID-19 (Reporting Period 8 - 29 March 2020),” 3 April 2020, available at: <http://www.alhaq.org/advocacy/16676.html>. See also Judith Sudilovsky, “Israel’s coronavirus lockdown is blocking human rights work, but not abuses,” +972 Magazine, 31 March 2020, available at: <https://www.972mag.com/coronavirus-israel-human-rights-work/>.

ii See, notably, Al-Haq, “Israeli Apartheid Undermines Palestinian Right to Health Amidst COVID-19 Pandemic,” 7 April 2020, available at: <http://www.alhaq.org/advocacy/16692.html>.

iii 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>.

iv See 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>.

v See *supra* note i.

vi See, e.g., Middle East Eye, “Palestinian prisoners end hunger strike after Israel agrees to demands,” 15 April 2019, available at: <https://www.middleeasteye.net/news/palestinian-prisoners-end-hunger-strike-after-israel-agrees-demands>.

vii 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>.

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>.

viii 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>.

ix 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>.

x See *also supra* note iv.

xi See *supra* note viii.

xii 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>.

xiii 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>.

xiv *See supra note iv.*