



**Joint Urgent Appeal to the United Nations Special Procedures on the Imminent Threat to Life of Hunger Striking Administrative Detainee Ghadanfar Abu Atwan**

Date: 07 July 2021

**Submitted by the Palestinian Human Rights Organization Council, comprising of:**

- Addameer Prisoner Support and Human Rights Association
- Al-Haq, Law in the Service of Man
- Al Mezan Center for Human Rights
- Palestinian Centre for Human Rights
- DCI - Defense for Children International – Palestine
- Jerusalem Legal Aid and Human Rights Center
- Aldameer Association for Human Rights
- Ramallah Center for Human Rights Studies
- Hurriyat - Center for Defense of Liberties and Civil Rights
- The Independent Commission for Human Rights (Ombudsman Office) - Observer Member
- Muwatin Institute for Democracy and Human Rights - Observer Member

**For the attention of:**

- The United Nations Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Mr. S. Michael Lynk;
- The United Nations Working Group on Arbitrary Detention, Ms. Leigh Toomey (Chair-Rapporteur);
- The United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Ms. Tlaleng Mofokeng;
- The United Nations Special Rapporteur on Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, Prof. Nils Melzer.

**1. Introduction**

The Palestinian detainee Ghadanfar Abu Atwan is currently facing an imminent threat to his life at Kaplan Medical Center, following the increased deterioration and severity of his health condition after 64 days of hunger strike, in protest of his continued prolonged administrative

detention.<sup>1</sup> For decades, Israel has systematically pursued and resorted to the use of administrative detention, outside of the bounds permitted in international law, as one of its tools to control and dominate Palestinians.

In light of the imminent threat to the life of hunger striker Ghadanfar, and Israel's ongoing and systematic policy of administrative detention, our organisations send this urgent appeal to United Nations (UN) Special Procedures, urging the relevant Special Rapporteurs to immediately intervene, including by calling on Israel to immediately release all Palestinian political prisoners held in administrative detention, including Ghadanfar Abu Atwan, and to put an end to its systematic and arbitrary use of administrative detention against Palestinians. The urgent appeal further calls on the UN Special Rapporteurs to remind the international community, and particularly the High Contracting Parties to the Fourth Geneva Convention, of their legal obligations to protect Palestinian human rights and enforce the implementation of international humanitarian law; urging them to take immediate, effective and concrete actions to put an end to Israel's unlawful culture of impunity.

## **2. Facts of the Case**

The 28-year-old Ghadanfar Abu Atwan was arrested in October 2020 and placed under administrative detention for six months, an order that was renewed for an additional six months by the Israeli military commander and confirmed by Ofer military court. In protest against the arbitrary and unlawful measure, Ghadanfar began an open-ended hunger strike on 5 May 2021 while being held in Ramon prison. Upon the announcement of his strike, Ghadanfar was transferred to solitary confinement for 14 days, and was later subjected to physical assault, beatings, and injuries without any regard to his medical condition. Since then, his medical condition has rapidly deteriorated, requiring urgent medical intervention.

After fifty days on strike, Ghadanfar was transferred to Kaplan Medical Center, where he continues to be held as he falls in and out of consciousness, facing an imminent threat to life. According to medical reports issued on 21 June 2021, doctors confirmed that Ghadanfar's current condition could lead to three serious possibilities: paralysis, a chronic health condition difficult to treat later, or sudden death. Still, on 4 July 2021, Ghadanfar announced his strike from drinking water in response to the refusal of Israeli military courts to end his arbitrary administrative detention.

Despite the multiple appeals submitted by his lawyers against the administrative detention orders and their renewals, Israeli military courts rejected all appeals, including the most recent appeal hearing on 31 May 2021. On 24 June 2021, after a petition filed to the Israeli High Court against the administrative detention order, the Israeli High Court issued an order freezing Ghadanfar's administrative detention. Notably, the freezing order does not mean the cancellation of his administrative detention, nor does it eliminate the risk of having the order renewed, or of detaining Ghadanfar again until he completes the remaining duration of his detention afterwards. Rather, the court decision releases the Israeli Prison Service (IPS) and the Israeli intelligence (Shin Bet) from responsibility for the fate and life of Ghadanfar, relegating him to an unofficial prisoner under the guard of hospital security, unable to be

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<sup>1</sup> Ghadanfar's case was cited in Addameer's recent urgent intervention submission to several UN Special Procedures, "Seven Palestinian Prisoners Announce Hunger Strikes against Israel's Systematic and Arbitrary Policy of Administrative Detention" on 17 June 2021.

transferred by or returned to his family, and subjecting him to the hospital's rules regarding family visitations.

Even after the severe deterioration of his health and transfer to Kaplan Medical Center, the IPS prevented meetings with his lawyer and threatened him with forced feeding. Moreover, on 1 July, Israeli military courts refused to transfer him to a Palestinian hospital despite the temporary suspension of his administrative detention order.

### **3. The Israeli Occupation's Systematic and Arbitrary Practices of Administrative Detention**

Beyond his most recent detention and strike, Ghadanfar is a former prisoner who spent several years incarcerated in Israeli prisons, including over two years in administrative detention in 2019. Ghadanfar previously undertook two hunger strikes, one in 2017 when he joined hundreds of other Palestinian prisoners in the "Dignity Strike" lasting 41 days, and the second a year later, that lasted for 28 days, in protest of his then-second period of administrative detention. Ghadanfar's case is emblematic of Israel's broader practice of systematic and arbitrary administrative detention, among which is the targeting of former Palestinian prisoners, who are routinely released, re-arrested, and placed in administrative detention for months on end.

The issuance and confirmation of administrative detention orders by the Occupying Power have drastically increased this year. In the past several weeks, arbitrary arrests have become a key feature of the Israeli repression against Palestinians engaging in their struggle towards their right to self-determination on both sides of the Green Line. In 2020, Addameer Prisoner Support and Human Rights Association documented over 1,114 administrative detention orders issued against protected Palestinians.<sup>2</sup> By contrast, Addameer documented over 759 administrative detention orders against protected Palestinians during the first half of 2021, far surpassing previous years. The greatest uptick in administrative detention orders took place in May - June 2021, at the height of Palestinian protests occurring on both sides of the Green Line, during which Israeli occupying forces issued 379 administrative detention orders against protected Palestinians, as opposed to 208 in the same period in 2020. As of 30 June 2021, 520 Palestinian prisoners and detainees are being held in Israeli prisons and detention centres under administrative detention.

Notably, Israel's systematic and arbitrary practices of administrative detention stand in stark violation of international law, particularly relating to internationally recognised principles of a fair trial, and its extensive use as a form of collective and criminal punishment beyond strict parameters for "imperative reasons of security" set out under the Fourth Geneva Convention.<sup>3</sup> Israel continues to place Palestinians under administrative detention indefinitely without charge based on secret material that is neither disclosed to the detainees nor their lawyers. In addition, the Israeli occupying authorities employ administrative detention as a coercive and retaliatory measure targeting Palestinian activists, civil society members, students, and former prisoners, and their family members.

In a statement in October 2020, UN Special Rapporteur Michael Lynk noted that international legal stipulations allowing for the practice of administrative detention are routinely violated by

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<sup>2</sup> The statistic accounts for both administrative detention orders issued against new prisoners, as well as renewals of existing administrative detainees.

<sup>3</sup> Article 78 of the Fourth Geneva Convention related to the Protection of Civilians in Times of War (1949)

Israel, leading his call upon Israel “to abolish its practice of administrative detention, [and] release those detainees it presently holds.”<sup>4</sup> Lynk further underpinned that the regular incarceration of Palestinian administrative detainees in Israeli prisons violates Article 76 of the Fourth Geneva Convention, which states that protected people under occupation should be detained in the occupied territory.

#### **4. Practices of Hunger Strike and Retaliatory Ill-Treatment**

The long history of Palestinian prisoners in mass and individual hunger strikes reveals the lack of trust in any judicial process and the lack of fair trial guarantees they face under Israel’s military and civil court systems. Palestinian prisoners and detainees resorted to hunger strikes as early as 1968 as a legitimate peaceful protest to Israeli detention policies and cruel detention conditions that include the use of solitary confinement, denial of family visits, inadequate medical treatment, and torture and other forms of cruel, inhuman or degrading treatment.<sup>5</sup>

In response to the use of hunger strikes by Palestinian prisoners, the Israeli occupying authorities practiced force-feeding during the 1980s. It was subsequently ceased by order from the Israeli High Court following the deaths of several Palestinian prisoners resulting from force-feeding, including Rasem Halawah and Ali al-Ja’fari, who died following the insertion of the feeding tubes into their lungs instead of their stomachs in July 1980 during a hunger strike in Nafha prison.<sup>6</sup> Nevertheless, in recent times, following the mass hunger strike of Palestinian prisoners in 2012, the then-Israeli Minister of Public Security Gilad Erdan proposed legislation allowing for the force-feeding of prisoners in an attempt to circumvent future hunger-strikes and to further deprive Palestinian detainees and prisoners of their fundamental right to peaceful protest. The bill was approved by the Israeli Knesset on 30 July 2015.<sup>7</sup>

Moreover, beyond the obvious health risks undertaken by Palestinian prisoners on hunger strikes, they often face additional reprisal in the form of ill-treatment, physical and psychological torture, and deleterious prison conditions by the IPS and special units. These include raids on prison cells, solitary confinement, threats of indefinite detention, banning of family visitations, beatings, psychological torture, reduction of essential hygienic items and clothing, along with the money spent in the prison canteen, up to the aforementioned coercive practice of force-feeding. During his own ongoing hunger strike, Ghadanfar has been subjected to solitary confinement, physical assault, harassment, interrogation, and was held in inhuman conditions, leading him to abstain from drinking water several times. His current confinement at Kaplan Medical Center, in the ward of cancer patients and other terminally ill people, subjects him to arbitrary visitation restrictions. Further, Israel’s denial of entry requests made by Ghadanfar’s mother and sister to enter Israel to visit him contribute to the punitive practice of psychological torture.

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<sup>4</sup> OHCHR, “UN expert calls for Israel to end practice of administrative detention and immediately release Maher Al-Akhras,” 23 October 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26415&LangID=E>.

<sup>5</sup> Addameer Prisoner Support and Human Rights Association, “Factsheet: Force-feeding Under International Law and Medical Standards,” 16 November 2015, available at: <https://www.addameer.org/publications/factsheet-force-feeding-under-international-law-and-medical-standards>

<sup>6</sup> Addameer Prisoner Support and Human Rights Association, “Factsheet: Force-feeding Under International Law and Medical Standards,” 16 November 2015, available at: <https://www.addameer.org/publications/factsheet-force-feeding-under-international-law-and-medical-standards>

<sup>7</sup> Efrati, Ido and Jonathan Lise. “Israeli Government Approves Bill to Force-feed Prisoners on Hunger Strike.” *Haaretz*. 14 June 2015. <http://www.haaretz.com/israel-news/1.661127>

## **5. Conclusion and Recommendations**

In light of the above, our organisations note, with grave concern, the inhumane living conditions Palestinian prisoners are subjected to by the IPS and the already deteriorating health conditions of some prisoners. As Ghadanfar's health continues to deteriorate, threatening his life, we urge your respective mandates to intervene immediately, and specifically to:

- i. Call on the Occupying Power, Israel, to immediately release Palestinian detainee Ghadanfar Abu Atwan whose life is under imminent threat, and guarantee his right to liberty and freedom from arbitrary arrests and detention;
- ii. Call on Israel and the IPS to ensure and uphold Palestinian detainee Ghadanfar's right to the highest attainable standard of health and mental health, as well as the right to life, as well as avoid and end all forms of reprisals against the striking prisoners;
- iii. Call on Israel to put an end to the systematic and arbitrary use of administrative detention against Palestinians, and demand the release of all Palestinian political prisoners held in administrative detention indefinitely without charge or trial, contrary to international law; and
- iv. Call on the international community and all High Contracting Parties to the Fourth Geneva Convention to fulfil their obligations towards protecting human rights and enforcing the implementation of international humanitarian law.