



Ramallah, 1 October 2021

Re: Attending the next legal hearing of human rights defender Ms. Odeh on 4 October 2021, at 2 pm at the Ofer Military Camp

Your Excellency,

We are writing to you as Palestinian human rights organisations, Al-Haq and Addameer Prisoner Support and Human Rights Association (Addameer), in reference to the unlawful arbitrary detention of human rights defender **Ms. Shatha Odeh Abu Fannouneh**, Director of the Health Work Committees (HWC), by the Israeli Occupying Forces (IOF) on 7 July 2021. We urge you to intervene and take actions to prevent Ms. Odeh's unlawful detention and mistreatment, as well as to support Ms. Odeh through your **attendance at the next legal hearing on 4 October 2021, at 2 pm at the Ofer Military Camp**, in order to ensure fair standards of legal proceedings.

During the most recent visit by the lawyer from Addameer, Ms. Odeh passed a letter to her supporters and human rights defenders, extending her words of appreciation for their support, and reiterating:

"The case of my detention, indeed, demonstrates the Israeli Occupation's policies that aim to disable the services provided by the Palestinian Civil Society organizations, and to terrorize and forcibly close their offices only because they aim and serve to reinforce the steadfastness and resilience of the Palestinian people. Undoubtedly, the Israeli Occupation prohibits us from our basic rights as Palestinian human beings and mutes all the free voices that expose the violations and policies practiced against us."

Information on Ms. Odeh's unlawful detention

Ms. Odeh, 60 and mother of three, is a nurse by profession, a women's health expert, and serves as the Director of the HWC, which has worked tirelessly throughout the pandemic to provide affordable (and almost free) health services to Palestinians across the West Bank.

Ms. Odeh was forcibly and arbitrarily arrested at her house in Ramallah when around 15 members of the Israeli Occupying Forces (IOF) raided her home on 7 July 2021, at around 2:00 am. The IOF confiscated Ms. Odeh's mobile phone as well as the HWC's car and its keys. She was then forcibly taken to Ofer Israeli Military Camp in Ramallah, where a nine-hour interrogation ensued on the day of her arrival. Next, Ms. Odeh was moved to Hasharon Prison, located outside the Occupied Palestinian Territory (OPT), in violation of international humanitarian law.

Family members have been unable to reach Ms. Odeh because travel to Hasharon Prison requires security permits to be issued by the Israeli occupying authorities; the same applies to Damoun Female Prison in Haifa, where she has been held since 27 July. It must be noted that Ms. Odeh has been diagnosed with numerous chronic illnesses including Hypertension, Hyperlipidaemia, Diabetes Mellitus, and Irritable Bowel Syndrome and due to her medications she needs continuous observation and monitoring.

Sequence of Events to Date

- I. On 8 July 2021, Ms. Odeh attended her first military court hearing, where her detention was extended until 14 July 2021, citing a need for further investigation.
- II. On 14 July, at Ms. Odeh's second hearing, the military court extended her detention to 19 July 2021 to finish the investigation and to translate the case files.
- III. On 19 July, the third hearing took place, which was notably attended by representatives from the European Union, the British Support Team, and Diakonia. The military prosecution requested eight days to prepare the list of charges. The military judge ordered an extension of her detention to Monday, 26 July, the date of the fourth hearing.
- IV. On 27 July, the fourth hearing took place, where the military prosecution presented five charges against Ms. Odeh. The prosecution requested the extension of her detention until the end of legal proceedings. The Israeli military court decided to translate the list of charges from Hebrew to Arabic in preparation for the next hearing.
- V. On 17 August 2021, Ms. Odeh's fifth hearing took place. The hearing was over video. Ms. Odeh was in Damoun Prison in Haifa, while the hearing took place in the Ofer Military Camp in Ramallah. The list of charges was poorly translated to Arabic (even including charges not included on the list) for Ms. Odeh, who eventually pleaded not guilty. It is worth noting that representatives from the British, Irish, and French Consulates attended the hearing along with a representative from OHCHR.
- VI. A new hearing was appointed on 4 October 2021, at 2 pm at the Ofer Military Camp, whereupon Ms. Odeh is supposed to connect through video call.

Legal Analysis

As the Occupying Power, Israel is subject to a number of obligations under international human rights and international humanitarian law in respect of Palestinian prisoners and detainees. Article 76 of the Fourth Geneva Convention related to the Protection of Civilian Persons in Time of War outlines the rights of protected persons when detained by an Occupying Power. Amongst these rights is the right to remain in the occupied territory during all stages of detention. Holding Ms. Odeh in Israeli prisons outside of the OPT infringes on her right to maintain contact with family and defense counsel, as heavy restrictions on Palestinians' free movement imposed by Israeli authorities preclude the ability of her family to visit. The transfer of prisoners outside the OPT further constitutes forcible transfer of civilians, a grave breach of the Fourth Geneva Convention and war crime under the Rome Statute of the International Criminal Court.

Article 76 further obliges the Occupying Power to provide adequate medical care, and to provide special protection for women detainees. The most flagrant violation of this obligation has been the denial of Ms. Odeh's access to urgent medication for the first eight days of her detention, and subjecting her to inhumane conditions which induced her to lose 9 kilograms of weight thus far. Ms. Odeh's right to human dignity has also been violated, namely by arbitrarily denying and delaying her access to new clothes up until at least July 19, twelve days after her arrest. Of particular concern, is the absence of any legal ground for the original arrest and detention - Ms. Odeh and her family initially being originally informed that she would be interrogated only. Such practices constitute "gross violations and war crimes" under articles 85 and 147 of the Fourth Geneva Convention (1949).

The continuous unjustifiable detention of Ms. Odeh without knowledge of the charges leveled against her is a violation of her right to a fair trial and due process, protected by Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and Article 10 of the Universal Declaration of Human Rights

This gives rise to the legal obligation on all 194 High Contracting Parties to the Convention to provide effective penal sanctions for persons committing or ordering the commission of such grave breaches, and to search for and prosecute such persons.

Recommendations:

In light of the above, Al-Haq and Addameer urge you to intervene immediately, specifically to:

- i. Call on the Occupying Power, Israel, to immediately release Palestinian detainee Ms. Odeh, whose health is compromised, and guarantee her right to liberty and freedom from arbitrary arrests and detention;
- ii. Call for your attendance at the next legal hearing on 4 October 2021, at 2 pm at the Ofer Military Camp, in order to ensure fair standards of legal proceedings;
- iii. Call on Israel to put an end to the systematic and ongoing practice of targeting of Palestinian civil society organizations, including the HWC and intimidating Palestinian human rights defenders, including Ms. Odeh, contrary to international law;
- iv. Call for the return of Ms. Odeh's property, including her mobile phone and car, unlawfully, confiscated without a requisition order and in the absence of the requisite 'military need' or 'military operations' provided for under Articles 52 and 53 of the Hague Regulations (1907); and
- v. To condemn and call on Israel to end its inhumane practices of prolonged drives and transfers of prisoners between prisons, in confined spaces for hours in conditions causing 'intense suffering'.

Yours sincerely,



Shawan Jabarin

General Director of Al-Haq




Sahar Francis

Director of Addameer