



Re: Urgent Intervention Required in Case of Hunger Striker, Hisham Abu Hawash

Date: 4 January 2022

Your Excellency,

We write to you as the respective General Directors of Al-Haq, a Palestinian human rights NGO, and Addameer, Prisoner Support and Human Rights Association (hereafter Addameer), based in Ramallah, in the Occupied Palestinian Territory (OPT). Al-Haq and Addameer express grave concern about the deteriorating health condition of Palestinian detainee Hisham Abu Hawash whose life is in immediate danger. He has spent 141 days (over 4 months) on open hunger strike, which he began in early August 2021 in protest of his continued arbitrary and indefinite administrative detention, without charge or trial. Despite the serious deterioration of his health, the Israeli occupation authorities continue to hold Hisham Abu Hawash under arbitrary administrative detention in Ramleh Prison Clinic. We appeal to the international community for an urgent solution to avoid irreversible health consequences and possible tragic loss of life.

Background

Hisham Abu Hawash, 40 years old from Dura, Hebron was first arrested by the Israeli Occupation Forces (IOF) on 27 October 2020 and placed under a six-month administrative detention order. Since then, his administrative detention order has been arbitrarily renewed twice by the Israeli occupation authorities, most recently on 25 October 2021.

On 12 December 2021, Ofer military appeals court rejected the appeal submitted by Abu Hawash's lawyer on the basis of a medical report produced on Hisham Abu Hawash's health condition which, despite establishing his critical health condition, did not reach the threshold of the possibility of "sudden death".¹ The military court then confirmed the order for a further four months from 27 October 2021 to 27 February 2022. This confirmation represents the third administrative detention order issued against Abu Hawash, placing him under arbitrary administrative detention for a total of 16 consecutive months. Following the decision, Abu Hawash was transferred from the Israeli "Asaf Harofeh" hospital to Ramleh Prison Clinic.

¹ For more information please see, urgent appeal at, Al-Haq, "Al-Haq and Addameer Submit Urgent Appeal to UN Special Procedures on the Continued Arbitrary Administrative Detention of Hisham Abu Hawash" (20 December 2021) <<https://www.alhaq.org/advocacy/19372.html>>

Abu Hawash now faces the imminent possibility of "sudden death" according to recent visits undertaken by the ICRC.² Having undergone 141 days on hunger strike, Hisham Abu Hawash suffers from sharp chest pains, severe headaches and pains in his kidney, body aches, lack of mobility, loss of consciousness, and, beyond the emergence of irreversible, long-term medical complications, faces an imminent threat to life.

Unlawfulness of Administrative Detention

On 21 October 2021, UN experts strongly condemned Israeli practices of administrative detention in violation of international law, which continue to hold "more than 500 Palestinians – including six children – without charges, without trials, without convictions," indefinitely, based on "secret" evidence inaccessible to detainees or their lawyers.³ Expressing "grave fear" for the lives of the hunger-striking Palestinian detainees, UN experts called on Israeli occupation authorities to "release or charge" them and end its "unlawful practice of administrative detention," emphasizing their arbitrary nature "which is strictly prohibited under international law, including international humanitarian law."⁴

The Israeli occupation regime's systematic and arbitrary practices of administrative detention grossly violate several international conventions and internationally recognized principles, such as the right to a fair trial. For example, Israeli occupation authorities continue to place Palestinians under administrative detention indefinitely without charge based on secret material that can be disclosed to neither the detainees nor their lawyers. In addition, the IOF and Israeli 'Shin Bet' Intelligence employ administrative detention as a coercive and retaliatory measure targeting Palestinian activists, civil society members, students, former prisoners, and family members. Further, the Israeli occupation regime's arbitrary, systematic, retaliatory, and often coercive application of administrative detention against Palestinian prisoners gives rise to the crime of torture.⁵ For these reasons, Palestinian administrative detainees have launched a boycott of the military court system.⁶

We urge your respective mandates to intervene immediately to:

1. Call on the Occupying Power, Israel, to secure the release of Palestinian detainee Hisham Abu Hawash whose life is under imminent threat, and to revoke in its entirety his administrative detention order;

² Wafa, "ICRC says 'seriously concerned' about Palestinian prisoner Abu Hawwash",

<<https://english.wafa.ps/Pages/Details/127473>>

³ UN OHCHR, "Israel: Release or charge five Palestinian hunger strikers – UN experts" (21 October 2021)

<<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27685&LangID=E>>

⁴ Ibid.

⁵ Article 78 of the Fourth Geneva Convention related to the Protection of Civilians in Times of War (1949) 5

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984 (Entry into force 26 June 1987)

⁶ Al Jazeera, "Palestinian prisoners launch boycott of Israeli military courts" (4 January 2022)

<<https://www.aljazeera.com/news/2022/1/4/palestinian-prisoners-launch-boycott-of-israeli-military-courts>>

2. Call on Israel and the Israeli Prison Services to ensure and uphold Palestinian detainee Hisham Abu Hawash's right to the highest attainable standard of health and mental health and to protect his right to life;
3. 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
4. Call on the international community and all High Contracting Parties to the Fourth Geneva Convention to fulfill their obligations towards protecting human rights and ensuring the implementation of international humanitarian law.

Your sincerely,

Shawan Jabarin, General Director, Al-Haq

Sahar Francis, General Director, Addameer