



## Update on the current situation of Palestinian prisoners and detainees in Israeli custody, six weeks after the conclusion of an agreement between hunger-strike leaders and the Israeli Prison Service (IPS)

26 June 2012, International Day Against Torture

On 14 and 15 May, an agreement was concluded between hunger-striking Palestinian prisoners and detainees and the Israeli Prison Service (IPS). Its provisions included the release of hunger-striking administrative detainees whose lives were in danger at the end of their current terms; ending the use of long-term solitary confinement for “security” reasons for 19 prisoners; renewal of family visits from the Gaza Strip and alleviating restrictions for families from the West Bank; ending punitive measures such as night raids and restrictions on access to legal counsel and education; improvement of conditions of incarceration including medical care; and limiting the use of administrative detention as a whole.

Despite this agreement, Israel has not changed its policy of administrative detention, family visits from the Gaza Strip have not been renewed, and punitive policies are still employed against prisoners and detainees.

Moreover, at least one administrative detainee who was due to be released has had his detention order renewed in violation of the agreement.

On a broader level, the underlying issue of impunity remains a constant and the ongoing issue of torture and ill treatment with no criminal investigations of reported abuses continues.

### **1. Background: The agreements**

#### **First stage – 14 May 2012**

- ✧ Agreement reached between Israel and representatives of the hunger strikers (a committee of nine prisoners from all political factions), with involvement of the leaderships of Fatah/Palestinian Authority, Hamas and the Egyptian government. It dealt specifically with the demands of over 1,600 prisoners who started a mass hunger strike on 17 April - mainly sentenced 'security' prisoners rather than administrative detainees.
- ✧ **Main provisions:** in return for a complete cessation of political activity of prisoners from within the prisons, 19 prisoners would be released from solitary confinement (a measure used punitively and/or against political leaders) to be with other Palestinian prisoners, and family visits for first-degree relatives who are denied access to the prisons from Gaza and the West Bank would be renewed.
- ✧ **Administrative detention:** initially only a marginal part of the deal, this issue did not appear in writing. This aroused anger among a separate group of administrative detainees on hunger strike, who had been fasting much longer and whose key demand was to be released from detention and cessation of the policy in general. They refused to break their fast and were supported publicly. Because of this criticism and the dangerous medical situation of at least five of the hunger-striking detainees, the prisoners' representatives and Palestinian leaderships continued their negotiations until assured by the Egyptian government that the agreement would also include this issue. An informal agreement was reportedly reached between Israel and Egypt to limit future use of administrative detention to 'very serious' cases, and to re-examine renewal of current cases, but there was no undertaking for the release of all. Egypt undertook to follow the implementation closely.
- ✧ **Formalisation:** The only published written text of the agreement is that composed by the Israeli secret police (Shabak, also known as GSS or ISA) and posted on the Israeli MFA website, available at [http://www.mfa.gov.il/MFA/Government/Communiques/2012/End\\_hunger\\_strike\\_security\\_prisoners\\_14-May-2012.htm#understandings](http://www.mfa.gov.il/MFA/Government/Communiques/2012/End_hunger_strike_security_prisoners_14-May-2012.htm#understandings). According to the prisoners' representatives, a slightly different document was actually signed with the understandings mentioned above, including those on administrative detention, but it has not been made available to the public.

## Second stage – 15 May 2012

- ✦ Early in the morning of Tuesday 15 May the state agreed not to renew the administrative detention orders of the five longest-striking detainees whose medical condition was the worst, and to release them once they had completed their current detention orders, in a manner similar to the understanding reached with hunger-striking detainee Khader Adnan in February this year. These detainees then agreed to break their fast.

## **2. Results - General**

As of 1 June 2012, 4,659 Palestinian prisoners were in Israeli custody, including 303 administrative detainees held without formal charge or trial. An additional detainee, Mahmoud Sarsak, is also being held without charge or trial under the 'Unlawful Combatants Law,' applied to residents of the Gaza Strip.

Since the agreement, administrative detention orders have been renewed for many existing administrative detainees and newly arrested persons have been placed in administrative detention; others have been released at the end of their order terms in accordance with the agreements.

## **3. Situation of long-term hunger-strikers whose release was promised under the agreement:**

**a. Hassan Safadi** ended his hunger strike after 71 days. His current administrative detention order was due to expire on 29 June 2012 and, according to the agreement, he was supposed to be released on that date. **However, his lawyer was informed on 21 June of the renewal of his administrative detention order for a further six months, in violation of the agreement. He has renewed his hunger strike in response. He was subsequently transferred to solitary confinement and is in Hadarim prison.**

After the agreement was reached and Safadi stopped his strike, he was examined by an independent doctor from Physicians for Human Rights-Israel (PHR-Israel) on 6 June 2012 at Hadarim prison. Generally his health was satisfactory and he had gained about 7 kg, but the doctor was concerned about the absence of a stable re-feeding nutrition plan and the lack of medical follow-up examinations that were supposed to be conducted earlier during the hunger strike. A medical report with the doctor's recommendations was sent to the IPS for further follow up but no response has been received to date.

**b. Bilal Diab** ended his hunger strike after 77 days. His current administrative order ends on 11 August 2012 and he should be released on that date according to the agreement. After the strike he was examined by an independent doctor from PHR-Israel on 6 June 2012 at the medical facility of the IPS in Ramleh prison. Generally his health was satisfactory. He gained about 10 kg in approximately two weeks after 77 days of fasting; however, the doctor was concerned regarding the absence of a stable re-feeding nutrition plan for him.

About two weeks ago he was transferred to Shata prison in the north of Israel, where he was allowed to meet with his brother Azzam (a prisoner serving a life sentence), for the first time since 2006. In addition, his mother and four of his brothers have been given permission to visit both of them in July.

**c. Tha'er Halahleh** ended his hunger strike after 77 days. His administrative order ended on 6 June and he was released. His health is improving although he has had some complications after his release, and was admitted and discharged from a hospital in the West Bank.

**d. Omar Abu Shalal** ended his hunger strike after 70 days. His current administrative detention order is due to expire on 30 August 2012 and he should be released on that date according to the agreement. After the strike he was examined by an independent doctor from PHR-Israel on 6 June 2012, at the medical facility of the IPS in Ramleh, after which he was reportedly moved to another unknown facility. Generally speaking, his health had improved.

**e. Ju'afar Azzedine** ended his hunger strike after 55 days. His current administrative detention order is due to expire on 20 July 2012, after which he should be released, according to the agreement. He was moved to Eshel prison a week after ending his hunger strike.

**f. Mahmoud Sarsak**, a football player from Gaza, was not included in the original agreement as he is being held under the Unlawful Combatants Law, applied to residents from the Gaza Strip. He continued his hunger strike until 18 June, during which he suffered weakness of the myocardium (heart muscle), intestinal disturbances, body pain, fainting spells, and could no longer walk or see, as witnessed by his lawyer, Mohammad Jabareen. His 92-day hunger strike ended with an agreement for him to be released on 10 July 2012.

#### **4. Other prisoners and detainees still currently on hunger strike:**

**a. Akram Rikhawi** is now on day 76 of his hunger strike and faces imminent threat to his life. A resident of Gaza, Rikhawi is serving a 9-year sentence since 7 June 2004. He is on hunger strike to request consideration of early release due to chronic medical problems including asthma, diabetes, high blood pressure, atrophy of the eye lenses, cataracts and osteoporosis. He was held in the IPS medical facility in Ramleh ever since his initial arrest. Despite his condition, on 14 June 2012 the Israeli District Court rejected an appeal to transfer him to a civilian hospital and he has been denied access to an external doctor since 6 June 2012. On 25 June 2012 Rikhawi was finally transferred to Assaf Harofeh, a civilian hospital in Israel, following a deterioration in his condition. Under Israeli law every prisoner is entitled to ask to be considered for an earlier release when he has served at least two thirds of his sentence. Rikhawi went on hunger strike on 12 April 2012 demanding that his medical condition and social circumstances be considered during the discussion of his request. In all discussions, these factors were disregarded and a file with secret information was the only material considered.

**b. Samer Al-Barq** is on day 37 of his renewed hunger strike, which he launched when Israel renewed his administrative detention order on 21 May 2012. A resident of the West Bank village of Jayyus, 34 year-old Al-Barq is married to Sageda, a Pakistani citizen. He was held without charge or trial by the Jordanian intelligence for four and a half years, and was then transferred to the Israeli secret police (GSS) on 7 November 2010, whereupon an administrative detention order was issued, and renewed several times since.

Al-Barq joined the Palestinian prisoners' mass hunger strike on 17 April 2012 and fasted for 28 days, along with around 2,000 other Palestinian prisoners, until the May agreement was reached.

On 21 May 2012, Al-Barq's administrative detention order was renewed for a further three months, and he resumed his hunger strike to protest this renewal in violation of Israel's commitment given to the hunger strike leaders to renew administrative detention orders only in extremely exceptional circumstances.

Currently Al-Barq is held at the IPS medical facility in Ramleh. His family has reported that he suffers from kidney problems and high blood pressure and has lost more than 20% of his original weight. On 21 June 2012, PHR-Israel submitted a request to allow independent physicians access to him. On the 25<sup>th</sup> of June the IPS denied PHR-Israel request with out stating any reasons to the denial.

Both Al-Barq and Rikhawi are denied family visits and access of independent doctors.

#### **5. Minors on hunger strike:**

Nine minors held in Hasharon prison engaged in a hunger strike for five days in mid-June. The minors launched their hunger strike in protest against their incarceration without adult supervision, denial of education, overcrowding, substandard medical care and sanitation in the cells, denial of family visits,

holding of minors in solitary confinement as a punitive measure, as well as abuse and violence from prison staff. Their hunger strike concluded upon agreement from the Hashron prison authorities that their basic conditions would be improved. It is as yet unclear if this agreement has been respected.

#### **6. Solitary confinement:**

Eighteen Palestinian prisoners have been taken out of solitary confinement and into regular cells. Dirar Abu Sisi, who has also been held in long-term solitary confinement since before the agreement, has not yet been removed from solitary confinement, in contravention of the agreement. Abu Sisi was abducted by the Israeli Mossad from Ukraine last year. An additional prisoner was also given a 6-month solitary confinement order last week.

Other Palestinian prisoners are still being held in prolonged solitary confinement, and the use of solitary confinement as a punitive measure is still ongoing. The IPS has claimed that the agreement does not include those prisoners held in solitary confinement ordered by the IPS authorities as a disciplinary measure or in order to maintain prison security and order.

#### **7. Family visits from the West Bank:**

There has been a partial renewal of visits for relatives from the West Bank whose access to the prisons was previously denied. As stated above, Bilal Diab's family received permits to visit, and prisoners Abdallah Al Barghouthi and Abbas Al Said have received visits from their younger sons. Both were previously in solitary confinement for many years and were denied family visits. It is not yet clear what percentage of West Bank prisoners' families have now newly been granted permits and how many have been denied permits.

#### **8. Family visits from the Gaza Strip**

Family visits to prisoners from the Gaza Strip have been denied since 2007. According to the agreement, visits should have been resumed within one month of the end of the hunger strike. There are informal reports that the visits are due to be resumed in July. The ICRC has reported that they are in contact with the IPS regarding renewal of visits from the Gaza Strip, but there is no official date yet. The IPS responded in a letter to Adalah on 20 June 2012 that due to the large number of parties involved, including the Israel military, the Attorney General, the Israeli Police, and other security forces, it is difficult to arrange permits for family members to visit.

According to this letter, “[e]ven before security prisoners began the hunger strike, we began to examine options for access for families from Gaza to visit prisoners held in Israel... Taking into consideration that the issue is complicated, we hope to soon establish a system to carry out a pilot program to obtain permits for access from Gaza.”

#### **9. Punitive measures against inmates:**

Violent raids by IPS special forces on prisoners' sections continue despite the agreement. Families of prisoners have reported to PHR-Israel that some wings are suffering from collective punishment due to suspicion of holding mobile phones. Punishments include fines, denial of permission to buy extra food and supplies, and denial of family visits. The latter is a basic right, not a privilege.

#### **10. Restriction on access to higher education:**

Despite the agreement, access to higher education has not been renewed and there is no discussion of intention to renew it. Adalah filed a motion to the Israeli Supreme Court in March 2012 for permission to [appeal](#) the Nazareth District Court decision to reject a prisoner's request to continue his higher education in the Open University after two years of study via correspondence. In June 2011, the IPS had suddenly and

arbitrarily decided to stop all Palestinian political prisoners from studying higher education courses. To date, there has been no response from the state.

### **11 . Access to medical care:**

The IPS continues to deny entry of independent doctors to hunger strikers and visits have been enabled only through prolonged court processes. Transfer of hunger strikers to civilian hospitals is also prevented despite a clear need to provide specialised care not available in the IPS medical facility. More generally, the quality of medical care provided to all inmates is a key complaint of Palestinian prisoners and their families. No improvement has been recorded and, since the announcement by the current Chief Medical Officer Dini Orkin-Tischler that she is leaving her post shortly, requests for information and complaints regarding medical care (transmitted by PHR-Israel) have gone largely unanswered.

Following the hunger strike, female Palestinian prisoners held in Hasharon prison boycotted the prison clinic for one week in protest at the lack of adequate medical care and unreasonable waiting periods.

### **12. Recommendations:**

- ✧ That the arbitrary and excessive use of administrative detention be discontinued and Palestinian detainees be ensured access to a fair legal process;
- ✧ That the agreements reached on 14 and 15 May 2012 be respected, including the release of administrative detainees who were promised release at the end of their current orders, renewal of family visits and lifting of the punitive measures used against Palestinians in Israeli custody;
- ✧ That Akram Rikhawi continue to be hospitalised in a civilian hospital adequate to his needs and that his early release be considered based on his grave medical conditions; and that regular independent medical visits be allowed to all hunger strikers;
- ✧ That the EU publicly and actively engage with Israel to end the arbitrary use of administrative detention, and condemn the punitive measures used to quell the efforts of the hunger strikers, who are engaged in legitimate protest.
- ✧ That the EU implement and support an experts' fact-finding mission to Israel and the Occupied Palestinian Territory on the subject of conditions of Palestinians incarcerated by Israel.

*This information was compiled by Physicians for Human Rights-Israel (PHR-Israel), Adalah – The Legal Centre for Arab Minority Rights in Israel and the Public Committee Against Torture in Israel (PCATI), based on their own work and sources, as well as on information from Addameer (West Bank), Al Haq (West Bank) and Al Mezan Centre for Human Rights (Gaza), based on their ongoing work on behalf of Palestinian detainees and prisoners.*

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