



A range of position papers in view of the COVID-19 pandemic outbreak

Position paper: conditions of the Palestinian detainees in the Israeli prisons – risk of the spread of Coronavirus



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Holding the Consultative status in the Economic and Social Council of the United Nations (ECOSOC)
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Introduction

Palestinian detainees are living in tragic conditions in the Israeli prisons due to a structural, legislative, practices, and cultural violence policy adopted by the occupation state against them. around (5000) detainees, including (43) females and about (200) children, (700) sick detainees, (432) administrative detainees, and (6) former members of the Palestinian Parliament, and the rest of the detainees are exposed to all violations of international law and human rights, in particular the Geneva Conventions relative to the Treatment with Prisoners.

“**SHAMS**” center issues this position paper to address the conditions of the Palestinian detainees in the Israeli prisons in view of the novel Coronavirus outbreak, highlighting the principal violations against the detainees on the health, physical, psychological, legal, social, and educational levels, and the violation of the right to health and the mechanism in which the Coronavirus transformed this violation to the intentional killing, and reviewing the experience of the infected released detainee Nouredine Sarsour and the accompanying apprehensions, blackout, and violations, the transferring of the quarantined contacts of the detainees to prison for African immigrants without taking samples from them, and isolating two children detainees of the contacts instead of releasing them. The report concludes with recommendations to all parties, that focus on exerting pressure for the release of detainees, in particular, the patients, children, women, the elderly and people with disabilities, highlighting their case, and calling on the occupying power to assume its responsibilities in the provision of preventive and curative measures, and health care tools, besides addressing overcrowding in prisons.

The principal Israeli violations against the Palestinian detainees

Violations are varies on the physical, psychological, legal, social, educational, and health levels, and can be summarized in the following:

1. Violations during interrogation: these include physical torture aimed at using force to influence and harm detainees in order to extract confessions. One of the most prominent of these methods is the "shabeh" position, which is done by painfully and continuously in which the detainees' hands and feet are tied in the chair. And the "banana" position, which is done by folding the detainee's body into an arch, and placing him/her on a small stool. In addition to the "squatting" position in which the detainee is forced to squat at the tips of his/her fingers, punching in faces and kicking with the legs, shaming, insults, and abuses, including strip search, screaming, spitting, etc. and threats, sleep deprivation, psychological torture, and isolation from the outside world.
2. Administrative detention: which is an illegal process that deprives civilians of liberty based on an order issued by executive authority and not from a court without charges and without trial and based on a classified file in which neither the detainees or their counsels are allowed to access, thus precluding an actual legal defense, and depriving the detainee of fair trial guarantees and violating procedural guarantees. The period of administrative detention ranges between 6 months and 6 years as a general average, and it extends more than that in some cases.
3. Denial of visitation, letters, and isolation from the outside world: This method, which constitutes a violation of Article (71) of the Third Geneva Convention Of 1949 and Article (116) of the Fourth Geneva Convention, is used as a punishment to influence the prisoners and manipulate their emotions and morale. In the event of a visit, the inspection procedures are strict, complicated, and degrading, and the visit is conducted through a glass barrier, without taking into account its specificity. On the pretext of reducing the spread of Coronavirus, the detainees were completely deprived of visits.
4. Isolation: This method is used by placing the detainee in small solitary confinement, very far from the rest of the cells, and the offices of the investigators, which prevent the detainee from hearing or seeing anyone except for the policeman who delivers the food from under the door. It is a violation of Articles (82–98) of the Third Geneva Convention and Articles (117–126) of the Fourth Geneva Convention.

5. Violations at the level of the right to education, culture, and entertainment: preventing the introduction of educational books into prisons, refusing to provide classes, preventing enrollment at universities or educational institutions, preventing the provision of teacher prisoners for children prisoners, banning tools and stationery, in integrated steps aimed at to increase ignorance among detainees and violating Article (38) of the Third Geneva Convention.
6. Usual violations: these include strip search especially for female detainees, violations in the “boosta” (detainees’ transportation vehicles) during movements to the courts, which usually do not provide fair trial guarantees for detainees.

Violation of the right to health: sickness is a means of torture and medicine is a means of extortion

Palestinian detainees are subjected to systematic cumulative health violations from the first moment that they are arrested, in terms of the investigation, the period of detention, and the court’s sentence. These health violations include deliberate medical neglect, as health care is not offered and appropriate treatment is not provided to every detainee, according to his/her illness or according to the quantity and time required, while medical laboratory tests are not conducted for the detainees on regular basis. Also, the Palestinian Ministry of Health is prevented from introducing tools for the medical tests of prisoners, while the conduct of surgeries is delayed for years, which will worsen the state of health of the sick detainee and may expose him/her to the risk of death.

Health violations also include the poor toilet facilities & shower places and lack of it, the failure to respond to personal hygiene requirements by the prison administration, neglecting the rights of people with special needs and the blind and visually impaired and prisoners who need respiratory devices and sprays for asthma patients and refraining from providing meals that fit the diet for patients with hypertension, diabetes, heart, kidneys, etc., and drug deprivation. Most illnesses are usually treated with "Acamol" medicine.

Violations of the right to health do not cease upon these aspects, but also include other aspects that affect the detainees’ health, including jamming devices and their transmissions of electromagnetic waves & dangerous radiation, poor hospitals and healthcare clinics, and serious

violations at the level of involvement of medical personnel working in prisons directly in the torture of detainees according to their testimonies. Also, several detainees are subjected to clinical trials of forbidden or undergoing medical drugs & medications. The aging infrastructure of the prisons, insect infestation in it, the harsh climatic environment, and overcrowding among prisoners also contribute to the rise in diseases among them. The Prison Administration uses the disease as a punishment and exploits treatment as a means of extortion.

Coronavirus brings health violations against the detainees to the level of intentional killing

In December 2019, in the city of Wuhan, central China the novel COVID- 19 was discovered. The highly contagious Coronavirus soon turned into a pandemic ⁽¹⁾ as classified by the World Health Organization (WHO) on March 11, 2020. On February 21st, 2020, Israel announced its first case, meanwhile, in early March 2020; Palestine announced the first 7 injuries of workers at the Angel Hotel in Bethlehem. To date ⁽²⁾, the number of Coronavirus- positive individuals worldwide has reached 276,000, and more than 70,000 deaths. In Israel, the number of people have been infected with the virus totaled 9006 and 60 deaths.

In Palestine, the casualty toll amounted to 263 injuries and one death. This virus affected numerous sectors and led to the collapse of health systems and devices in many countries and their loss of control, as it was greatly reflected in the international system and its interactions are still continuing, creating complex economic, social, and psychological crises following the health crisis.

On March 4th, 2020, the Palestinian President declared a state of emergency in all Palestinian territories for a month, in efforts to confront the Corona pandemic, in accordance with the articles of association of the Palestine Liberation Organization and the amended Basic Law Of 2003 and its amendments, especially the provisions of Chapter Seven thereof, stated in the decree: “The concerned authorities take all the necessary measures to face the risks of the Coronavirus, protect public health and achieve security and stability, and this state of emergency will be for the duration of 30 days, and it authorizes the Prime Minister to have the powers and

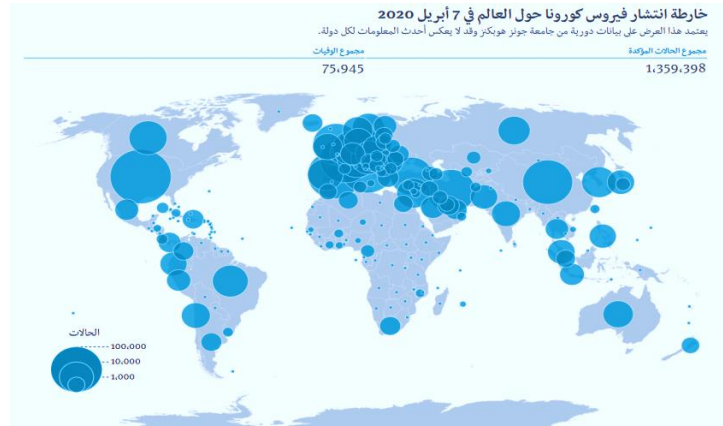
¹ A pandemic refers to an epidemic that spreads among people in a large area, across a continent, continents, or the whole world. Historically, several deadly pandemics such as smallpox and black plague, which killed more than 20 million people around the world in 1350, have appeared.

² April 8, 2020.

competencies necessary to achieve the objectives of all this declaration”. The state of emergency was later extended for another month.



When the Detainee's Representative asked the Israel Prison Administration to provide masks, they replied recklessly: Use socks".
Abdul-Naser Farawneh: Director of Documentation and Studies at the Commission of Detainees and Ex-Detainees



Owing to the seriousness of the highly contagious virus outbreak, a number of states rushed to release prisoners in order to avoid the spread of the virus inside detention centers and allowed them to return to their homes safely ⁽³⁾. However, the Occupying Power, aiming to breach the International Law and uphold its vengeful, racist and discriminatory objectives, has released (500) Israeli criminal prisoners on the pretext of relieving overcrowding in prisons and for fear that prisoners would be infected with the Coronavirus, categorically refused to release any Palestinian detainee, including children, female prisoners, the elderly and those with disabilities, and has continued to hold them in prisons that the Coronavirus is more

likely to spread in, especially after reports indicating that a number of investigators and jailers have been infected with the Coronavirus spreading in "Israel" without taking real measures to prevent this or providing sufficient quantities of cleaning materials, sterilization,

³ The Palestinian President issued a decree pardoning 125 convicts in the Palestinian Correction and Rehabilitation Centers, to reduce the spread of the Coronavirus.

and medical protection materials. It has withdrawn several food items from prison canteens. Affirming its racism and discrimination on a national and religious basis, and adherence to the colonial superior view, even in the time of existential crises that the world faces collectively.

Instead, it has taken a single measure, represented in the denial of family visitation on the pretext



**The released detainee
infected with Coronavirus:
Nouredine Sarsour**

of controlling the spread of the virus, a measure that is not clear whether it is a preventive aimed at protecting the detainees and facing the epidemic, or is punitive aimed at furthering their isolation and the concern of their families in the absence of taking other measures that are simpler and first, such as providing sterilizers! In addition to taking a procedure represented in prosecuting the detainees via video conferencing technology, rendering it devoid of meaning by social distancing as a result of the administration assembling the detainees in rooms that can accommodate twenty people collectively while waiting to appear before trial sessions remotely according to the testimonies of some detainees.

In this epicenter of the virus outbreak, considering the aging infrastructure of prisons, its dilapidated condition, the high level of humidity inside them, their lack of proper ventilation, and the general environment in jails that is climatically harsh and overcrowded, thus posing a real threat to the lives of the detainees, in light of the indifference of the occupation forces that raised the frequency of arrests, as the number of detainees in March 2020 totaled (375), including (48) children and (4) women.

Sufficient information from prisons to confirm or deny the injury of Palestinian detainees' infection with Coronavirus is also lacking, and it is conflicting information in other cases. It was confirmed that a number of Israeli jailers and investigators were infected, while a number of detainees were isolated on suspicion of being infected instead of releasing them. According to a Palestinian detainee who spoke over a smuggled phone from Ofer Military Prison: "nine detainees were

quarantined in section (14) based on their COVID-19 positive status, however, the same section receives detainees before being distributed to other sections without adequate safeguards, and detainees were not provided with any masks or sanitizers".⁽⁴⁾

Reporting the released detainee's infection with Coronavirus heightens fears

On April 1, The spokesperson for the Palestinian government, Mr. Ibrahim Melhem, announced that the released detainee Nourddine Sarsour, who is (19) years old, from the town of Betunia, was among those infected with the COVID-19, after spending two days in "Etzion" Prison and (14) days in "Ofer" prison, to the west of Ramallah. The prisoner had a little farewell ceremony before he was released by the rest of the detainees, and the prison administration closed the section later without taking samples from the detainees in contact.

This situation has generated further anxiety among the families of the detainees and revealed more about the lack of transparency of the Israeli government regarding the Palestinian detainees and the Coronavirus, or its concern regarding their lives, despite the proposal of the International Committee of the Red Cross to the occupation authorities to release the detainees who are particularly at risk in light of the crisis of the Coronavirus. Without detracting from the importance of taking appropriate measures and ensuring that treatment is offered in a timely and effective manner to those who may need it as tasks of the detaining authorities, the occupying Power has never cared about any of these requests.

Transferring the quarantined and contact detainees to a prison for African immigrants

After the screening of the injury of the released detainee, and it is not clear if he was known to have been injured before being released by the Israeli Prison Administration, and whether or not they intentionally released him without informing the Palestinian authorities. "Ofer" Military Prison's administration decided to place (9) detainees under quarantine from contacts of the infected released detainee, following protests carried out by the detainees in section "14" that

⁴ Coronavirus poses a real threat to all detainees, an article issued on Al Jazeera Network on April 6, 2020.

continued from the evening until the morning and included returning meals to protest the prison administration's delay in taking samples from them. The number of detainees in section 14 is (36). Subsequently, the administration of the "Ofer" Prison transferred the nine quarantined detainees to the "Saharonim" Prison, which is designated for detaining African immigrants, and reneged on its promise of taking samples from them.

The administration of "Ofer" Military Prison places two detained children under quarantine

In the same context, Ofer Military Prison's administration placed another two detained children under quarantine of those who met the detainee Sarsour as he was leaving to the court, who are Hasan Hammad from Silwad town and Abdul-Rahman Barghouthi from Deir Abu Mashaal



A photograph of "Ofer" Military Prison

town, instead of releasing them under such serious circumstances, reflecting the occupation's bias. It is worth noting that "SHAMS" Center has issued a statement about this regard recently.

Recommendations of “SHAMS” Center

“SHAMS” Center expresses its condemnation of Israel the occupying power’s disregarding of the international law and binding human rights conventions and covenants, particularly the Third and Fourth Geneva Conventions, and holds the occupying power fully liable for any injury that might be incurred to Palestinian detainees. The center recommends the following:

1. Calling on the international community to put pressure on the occupation state towards releasing the detainees and assuming its responsibility as an occupying power in the provision of holistic health care to the detainees. In terms of offering sterilizers, cleaning materials, masks, and other preventive devices, besides relieving overcrowding in prisons, and releasing children, female detainees, the elderly, the sick and people with disabilities.
2. The need for the United Nations Children's Fund (UNICEF) to meet its responsibilities as an organization that is fully dedicated to children and delegated by the governments of the world to promote and protect their rights and achieve their welfare, towards Palestinian children detainees in Israeli prisons similar to the rest of the world’s children.
3. The need for the World Health Organization (WHO), in its capacity as a United Nations agency, and the steering and coordinating authority under the United Nations system with regard to the health, to play an effective role in in the provision of holistic health care to the Palestinian detainees in Israeli prisons. And highlight the seriousness of the Israeli measures to be taken in this regard.
4. The need for the UN Special Rapporteur on the Occupied Palestinian Territory, the UN Special Rapporteur on the situation of human rights, and the UN Special Rapporteur on torture to assume their responsibilities in preparing urgent reports, shedding light on violations of the rights of Palestinian detainees to health, and exposing them to serious threats at this level, in addition to expose the Israeli practices which allow holding the occupying power accountable.
5. Calling on the national & international civil society foundations to play their roles in monitoring and documenting, exert lobbying & advocacy efforts, and extract benefit from membership of the coalitions in which they join, regarding the conditions of Palestinian detainees in view of the Coronavirus outbreak. Especially among the children, the elderly, the sick, the female, and the disabled detainees.

6. The need for the Palestinian diplomatic missions to assume a greater role in Highlighting the issue of the detainees, in connection with the spread of the Coronavirus in international forums and with friends, and work on the level of general and public diplomacy.
7. The need for the Commission Detainees and Ex-detainees Affairs to coordinate with Palestinian human rights organizations working specifically in the fields of prisoners, women and children, and to cooperate in processing of files on Israeli violations against detainees in view of the Coronavirus outbreak.
8. The need for the Palestinian traditional & modern media outlets to shed more light on the issue of detainees in the Israeli prisons and the threat of the Coronavirus, thus allowing the implementation of a wide-ranging lobbying & advocacy campaign to support their release and provide healthcare and protection for them.
9. Calling on parliaments around the world to condemn Israeli racism represented in the refusal to release Palestinian detainees despite the risk of the Coronavirus outbreak, and to issue decisions in support of the detainees.
10. The need for prompt formation of an international fact-finding committee from the High Contracting Parties to the Geneva Conventions in accordance under Article (90) of Protocol I to investigate the conditions of prisoners in light of the Corona outbreak.
11. Calling for the formation of an international medical committee meeting impartiality, integrity and competence attributes, to undertake the examination of detainees and communicate with their families in light of the non-disclosure imposed by the Occupation Prison Administration and the loss of confidence in prison clinics.
12. Requesting the International Committee of the Red Cross to assume its legal and humanitarian duties and responsibilities and to play its role effectively in communicating with Palestinian detainees, supervising and monitoring their conditions in prisons and informing their families of their circumstances.