

Addameer Prisoners' Support and Human Rights Association

Al-Haq – Defending Human Rights

Hurryyat- Centre for Defence of Liberties and Civil Rights

Jerusalem Center for Legal Aid and Human Rights

Ramallah Center for Human Rights Studies

Independent commission for Human Rights (Observer)

مجلس منظمات حقوق الإنسان الفلسطينية
Palestinian Human Rights Organizations Council



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Defence for Children International – Palestine

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Muwatin Institute for Democracy and Human Rights (Observer)

Date: 02.11.2020

PHROC Condemns the International Community's Silence as the Hunger-Striking Administrative Detainee Maher Al-Akhras Faces Imminent Threat to Life

Entering his 99th day of an open hunger strike, Maher Al-Akhras, a 49-year-old Palestinian and a father of six, is facing a serious and imminent threat to his life at Kaplan Medical Center. Due to a deficiency of salts and fluids in his body, and his refusal to take nutritional supplements, Maher has been experiencing frequent seizures, acute headaches, significant weakness in his vision and hearing, in addition to severe pain all over his body, especially his chest area. On the day of his latest arrest, 27 July 2020, Maher announced that he will undergo an open hunger strike, in a quest to seek justice; not only against his four-month administrative detention order, but also against Israel's longstanding and unlawful policy of administrative detention, which currently affects around 350 Palestinians.

On 25 October 2020, the Israeli High Court rejected yet another petition filed by Maher's legal attorney to immediately release him. In its decision, the Court emphasised that the administrative detention order against Maher is frozen, and he will remain under the Israeli occupation's custody at Kaplan Medical Center. Critically, the Court's decision to "freeze" the administrative detention order does not, in any way, cancel the order or eliminate the risk of having it renewed when the four-months administrative order ends on 26 November 2020. Such a decision illustrates the intention to maintain and prolong Maher's administrative detention at all costs. In light of the Court's persistence not to revoke Maher's administrative detention order, and Maher's commitment against Israel's policy of administrative detention, he is still on hunger strike until his immediate release.

On 27 July 2020, Maher was arrested by the Israeli occupying forces and taken to Huwwara checkpoint and detention centre, when he immediately announced his open hunger strike. Maher was then transferred to Ofer prison, where he stayed for around three weeks, before he was taken to al-Ramla prison medical clinic. On 23 September 2020, as Maher began to occasionally lose his consciousness and suffer from health implications, he was transferred to Kaplan Medical Center, where he currently remains.

Critically, Maher has been previously targeted by the Israeli occupying authorities, and subjected to Israeli arrests and administrative detention policy. He was first arrested in 1989, when he was imprisoned for seven months, and again in 2004 for two years. In 2009,

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he was detained, and spent 16 months in jail, under administrative detention. His fourth arrest was in 2018, where he was detained for 11 months under administrative detention.

On 23 October 2020, the United Nations Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Professor Michael Lynk, [issued](#) a statement urging Israel, the Occupying Power, to immediately release Maher, stressing the urgency of doing so, especially considering Maher's dire health condition, and Israel's failure to provide information that justifies its allegations. Underlining the illegality of Israel's conduct and use of administrative detention, Professor Lynk further called upon Israel to "abolish its practice of administrative detention." Similarly, the European Union [expressed](#) its concerns on Israel's extensive use of administrative detention, and called on Israel to "fully respect international humanitarian law as well as its human rights obligations towards all prisoners... and to do all it can to preserve the health of Mr. Al-Akhras in the continued handling of this case."

Article 9 of the International Covenant on Civil and Political Rights (ICCPR), to which Israel is a State Party, guarantees to everyone the right not to be subjected to arbitrary detention, and if arrested, to be promptly informed of the reasons for the arrest and of any criminal charges. While Israel has derogated from its obligations under this article, the UN Human Rights Committee (HRC) has made it clear in its periodic reviews of Israel's compliance with the ICCPR, that it is concerned that Israel's practice of administrative detention violates essential rights protected in the Covenant. Further, the HRC has held that the requirement of effective judicial review of detention cannot be derogated from.

In addition, the right to a fair trial is guaranteed under international humanitarian law. The legal principle that no one may be convicted or sentenced, except pursuant to a fair trial affording all essential judicial guarantees, has been deemed customary by the International Committee of the Red Cross. Moreover, both international humanitarian and human rights laws firmly establish that detained persons are to be treated humanely and with respect. Administrative detention can only be used exceptionally in emergencies. Under Article 78 of the Fourth Geneva Convention, protected persons may only be detained for "imperative reasons of security," yet Israel's routine use of administrative detention is in clear violation to international law standards. Israel systematically and arbitrarily utilises administrative detention, while proceeding on the basis of "secret evidence," which cannot be accessed by the detainee nor their lawyer; undermining their right to a fair trial. It also should be noted that Maher is currently being held in Israel, in what constitutes a violation of Articles 49 and 76 of the fourth Geneva Convention, which prohibit the transfer of prisoners outside the occupied territory.

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The Palestinian Human Rights Organizations Council (PHROC) asserts that Maher should not have to resort to using his empty stomach to demand his rights, as these rights should have been protected by international law. As the international community systematically fails to put an end to Israeli impunity, Maher, and all Palestinians, will remain under the threat of Israel's unlawful practices and policies, including its administrative detention policy.

Accordingly, PHROC urgently calls upon the immediate intervention to end the administrative detention of Maher Al-Akhras and ensure his rights to health, life, and fair trial. To this end, we urge:

1. Israel, as the Occupying Power, to immediately release Maher Al-Akhras, who is currently under imminent threat to his life, halt all procedures and intentions to keep Maher in administrative detention, and to put an end to the systematic and arbitrary use of administrative detention against the protected Palestinian population;
2. 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, especially when grave breaches are being perpetrated in times of conflict and occupation;
3. The immediate intervention of the relevant United Nations Special Procedure mandates including the UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Professor Michael Lynk; Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Professor Nils Melzer, and the Working Group on Arbitrary Detention; and
4. The release of all Palestinian political prisoners under Israeli administrative detention, who are detained indefinitely without charge or trial in contravention of international law, and the release of all Palestinian political prisoners who are nearing the end of their sentences and/or should be released on probation, to reduce overcrowding in prisons.

ENDS

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Palestinian Human Rights Organizations Council comprising:



Addameer Prisoners' Support and Human Rights Association
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Alaa Skafi
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