



Palestinian Centre for Human Rights (PCHR)



Jerusalem Legal Aid and Human Rights Center



Civic Coalition for Defending the
Palestinians Rights in Jerusalem



Al Mezan Center for Human Rights



Ramallah Center for Human Rights Studies



Defence for Children International-Palestine Section



19 October 2011

The Honourable Baroness Catherine Ashton
High Representative of the European Union for Foreign Affairs and Security
Policy
Vice President of the European Commission

Dear Baroness Catherine Ashton,

This week has seen the welcome conclusion of a prisoner exchange agreement between Israel and Hamas. In a rare moment of unified celebration, families in both Palestine and Israel celebrated the return of loved ones and the prospect of future reunifications in the second phase of the exchange. However, it is essential that this event, welcome as it is, be recognised as a once-off *ad hoc* measure. The core issues underlying the situation in Israel and the occupied Palestinian territory remain unaddressed and demand urgent attention. The necessity of this message is underlined by your statement of 12 October, which welcomed the release of Gilad Shalit, but failed to acknowledge the continued detention of thousands of Palestinian prisoners, and the associated systematic violations of international human rights law and international humanitarian law.

After the prisoner exchange over 4,300 Palestinian politically related prisoners will remain in Israeli detention. These individuals are routinely subject to torture, or cruel, inhuman, or degrading treatment. Detainees are systematically denied their basic human rights, *inter alia*, through substandard conditions of detention, abusive interrogation practices, or collective sanctions and punishments. Furthermore, not a single prisoner from Gaza has been allowed a family visit in over five years, while prisoners are routinely held in prolonged isolation or solitary confinement. Mahmoud Issa has been held in isolation since 2002, while Hassan Salama has been held in isolation since 2003. These are but two examples of many.

Equally, there are currently at least 164 Palestinian children in Israeli detention, of whom 35 are under the age of 16. These children are often detained following procedures and under conditions that violate international law, including the Convention of the Rights of the Child. Another area of concern is the administrative detention of approximately 270 Palestinians. These administrative detainees are held without charge, for indefinitely renewable periods of up to 6 months each. They do not know what crime they are accused of, or when they will be released.

The harshness of the detention regime is underlined by the fact that on 27 September prisoners launched a hunger strike protesting their detention conditions. The Israeli authorities responded to the hunger strike with a number of collective punishments and sanctions, such as an increase in night raids and cell searches, including individual strip searches. Access to university education and educational materials has also been cancelled, while punitive measures such as reducing the duration of family visits, prohibiting physical contact during the visit, and shackling to and from all visits have also been imposed.

Criminal complaints relating to the treatment of Palestinian detainees have been systematically rejected by the Israeli authorities. This lack of accountability with respect to prisoner issues is symptomatic of a broader accountability deficit. Not once, in the history of the occupation, has a senior Israeli military or governmental official been held to account for crimes committed against Palestinians.

This impunity represents the crux of the issue. In the absence of the rule of law and accountability, violations of international law have become the norm. Palestinians' human rights have been systematically denied with the effective acquiescence of the European Union. A glaring example of this dual standard, and unwillingness to uphold the law, has been the European Union's acceptance of the absolute closure imposed by Israel on the Gaza Strip. Statements have described this unequivocally illegal situation as 'unsustainable', while no concrete efforts are exerted to require Israel's compliance with the law. As some prisoners are exchanged, 1.8 million Gazans remain imprisoned in the world's largest open air prison.

We ask that the European Union fulfil its commitment to combating impunity and ensuring respect for international law, as required, *inter alia*, by internal European Union regulations and Article 1 common to the four Geneva Conventions of 1949. The European Union should use this prisoner exchange as an opportunity to examine the conditions of those prisoners who remain in Israeli detention, and those civilians who remain imprisoned in the Gaza Strip.

As human rights organisations, our demand is simple, we ask for the equal, and universal, application of the law. The European Union should use all available mechanisms in order to ensure all parties' compliance with the rule of international law. As a result of Israel's systematic violations of international law, a clear consequence should be the suspension of the EU-Israel Association Agreement on the basis of the human rights clause contained in Article 2.

Yours sincerely,

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