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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Human rights situation in Palestine and other
occupied Arab territories**

**Joint written statement* submitted by International
Organization for the Elimination of All Forms of Racial
Discrimination, Association Ma'onah for Human Rights and
Immigration, International-Lawyers.Org, Union of Arab
Jurists, United Towns Agency for North-South Cooperation,
non-governmental organizations in special consultative
status, International Educational Development, Inc., World
Peace Council, non-governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 January 2021]

* Issued as received, in the language(s) of submission only.



The Human Rights Situation of Palestinian Prisoners amidst the COVID-19 Pandemic

Introduction

As the COVID-19 pandemic plagues the world, those most vulnerable continue to face the brunt of its devastation. Such is the situation for Palestinians in the Occupied Palestinian Territory, which is already characterised with a weak health system and inadequate health care, wholly unprepared for COVID-19.

Despite repeated warnings against a COVID-19 outbreak among Palestinian prisoners in Israeli detention and the high risk to prisoners in vulnerable groups, the prison authorities of the occupying power have neglected to take appropriate protections, safeguards, and precautionary measures. Consequently, we are at the precipice of an outbreak in these prisons and as warned, vulnerable groups are already facing the greatest risks.

Reckless Disregard for the Health and Safety of Palestinian Prisoners

Mr. Michael Lynk, the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, cautioned in his recent report (United Nations (UN) Document A/HRC/44/60) that "... vulnerable groups, particularly Palestinian prisoners, including children, older persons and those with chronic conditions, remain very exposed to infection with the virus. Israel, as the occupying power, remains primarily responsible for ensuring the right to health of Palestinians and ensuring that all preventive measures are utilized to combat the spread of the pandemic." It appears that his warnings have fallen on deaf ears and are not being taken seriously by Israeli prison authorities in the occupied Palestinian territories.

The current situation of Palestinian prisoners in the occupied territory is precarious as the prison environment is conducive for the spread of COVID-19. This is even more so for vulnerable groups of prisoners, particularly, the elderly, sick, women, and children. A large number of Palestinian prisoners are suffering from medical conditions: approximately seven hundred Palestinian prisoners, of which two hundred require regular medical attention.

At the beginning of the pandemic, numerous calls were made to the international community to pressure Israel to address the issues inside prisons, including overcrowding. However, Israeli authorities failed to respond appropriately and instead, have demonstrated deliberate recklessness and disregard for the safety and health of Palestinian prisoners. Israel prison officials decreased the number of cleaning products and disinfectants in the early stages of the pandemic. They have also continued the arbitrary and unlawful searches of Palestinian prisoners, assaults, and ongoing mistreatment. Moreover, the prison facilities remain extremely inadequate and inappropriate for female prisoners, even more so during the pandemic.

Discrimination against Palestinian Prisoners

The double standards applied between Israeli and Palestinian prisoners by Israel is of particular concern. During the pandemic, the Israeli government has provided preferential treatment to Israeli prisoners, with Palestinian prisoners clearly discriminated against.

While the pandemic rages, Israeli prison authorities have continued to arbitrarily deny Palestinian prisoners equal access to medical services and access to consult with their legal representatives or family visits, all of which should be guaranteed.

Moreover, throughout March and April 2020, Israel issued early decisions to release hundreds of Israeli prisoners due to COVID-19, who were considered low-risk offenders or medically vulnerable. However, to date, Israel has refused to release Palestinian prisoners

in the same categories. This indicates clear discrimination by the Israeli government and constitutes a violation of international law.

The prevalence and pattern of discrimination follows from laws and decisions implemented in the Knesset to deliberately disadvantage Palestinian prisoners. “Terrorism” is being used as a ruse to further Israel’s imposition of discriminatory policies targeting the Palestinian people in general, including Palestinian prisoners.

Need for Adherence to Guidelines

The importance of the World Health Organization (‘WHO’) guidelines for the treatment of prisoners during the COVID-19 pandemic cannot be emphasized enough. Israel’s actions must be measured against such guidelines which are grounded in international law.

Since the start of the pandemic in March, various United Nations bodies have issued general guidelines with respect to COVID-19 and prisoners that specify the actions governments should take to protect the human rights of all detained persons. These measures include recommendations on the reduction of the prison population by providing non-custodial punitive measures and releasing low-risk offenders and vulnerable populations, including women, children, the elderly, and those with pre-existing conditions. The provision of healthcare for the detained is the state’s responsibility, and prisoners must be guaranteed the same level of care as the outside community. Furthermore, states should implement refined allocation procedures to allow those with the highest risk to be separated from other detainees for their safety and protection.

Israel must adopt appropriate measures in Palestinian prison systems during the pandemic, particularly those that have been recommended and endorsed by the High Commissioner and WHO. Israel must refrain from discriminating Palestinian prisoners and release those facing arbitrary detention as well as those that are most vulnerable.

Apart from those in vulnerable groups and low-risk offenders, Israel should also release Palestinian political prisoners whose detention is unwarranted, as they are unnecessarily placed at heightened risk of contracting COVID-19 through their imprisonment.

Human Rights Networks and International Cooperation

International organizations play a crucial role in addressing the situation of Palestinian prisoners in the occupied territories, particularly through their monitoring tools in scrutinizing and holding to account the perpetrators of the ongoing violations of Palestinian prisoners’ human rights, including discrimination against them. As earlier alluded, Israel’s policies towards Palestinian prisoners are discriminatory and arbitrarily deprive them of their rights to medical services, legal representation, family visitations, etc. Human rights organizations play a crucial role in monitoring these violations especially during the COVID-19 pandemic.

While other countries around the globe are adopting constructive measures in their prison systems, Israel has failed to take appropriate measures where Palestinian prisoners in the occupied territories are concerned. There is an urgent need for international cooperation and action towards ensuring the protection of Palestinian prisoners in the occupied territories. The international community must exert immense, persistent and relentless pressure on Israel to take all necessary and appropriate measures to protect Palestinian prisoners from COVID-19 through appropriate reform to prison systems.

Israel must be pressured to adopt and implement the guidelines that have been endorsed by the WHO and the High Commissioner, and immediately release Palestinian low-risk offenders, political prisoners, arbitrarily detained prisoners, and those in vulnerable groups. The international community must remain steadfast and unified in exerting sustained pressure on Israel, through all available means, to comply with its legal obligations to all Palestinian prisoners under international humanitarian law and international human rights law. Palestinian prisoners are in desperate need of a unified international condemnation of

Israel's human rights violations during the pandemic and demands for compliance with the established guidelines.

Recommendations

Our organisations recommend the following:

- The international community must condemn and hold Israel to account for its failure to implement appropriate measures to protect Palestinian prisoners from COVID-19;
- The international community must condemn and hold Israel to account for its blatant discrimination against Palestinian prisoners during the COVID-19 pandemic;
- The international community must condemn and hold Israel to account for its continued ill-treatment of Palestinian prisoners and violation of their human rights, including depriving them of access to medical services, refusing their consultations with their legal representatives, and depriving them of their family visitations;
- The international community must continue to exert sustained pressure on Israel to comply with international humanitarian law and international human rights law in the occupied Palestinian territories;
- The international community must continue to exert sustained pressure on Israel to comply with the WHO and UN guidelines on the treatment of prisoners during the COVID-19 pandemic;
- The international community must continue to exert sustained pressure on Israel to ensure that the prisons which detain Palestinian prisoners comply with the minimum standards of the Nelson Mandela Rules, with particular attention to the importance of ensuring that they are adequate and appropriate for women prisoners;
- The international community must continue to exert sustained pressure on Israel to release Palestinian prisoners in the following categories: low-risk offenders, arbitrarily detained prisoners, political prisoners, and all those in vulnerable groups;
- The Human Rights Council must pay close attention to the situation of Palestinian prisoners in the occupied Palestinian territories and demand that Israel allow the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 unrestricted access to the occupied territories, including its prison systems.

Geneva International Centre for Justice (GICJ), Just Atonement Inc., The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.