



Right Hon William Hague MP
Foreign Secretary
Foreign and Commonwealth Office
King Charles Street
City of Westminster SW1A 2AH

Also by Email: private.office@fco.gov.uk

For the attention of: Right Hon William Hague MP

11 February 2013

Dear Mr. Hague,

Re: Current Palestinian Prisoner Hunger Strike Protests against the State of Israel's practice of administrative detention

We write to express our deep concern regarding the cases of three Palestinian prisoners, Jafar Azzadine, Tarek Qa'adan and Samer al-Issawi, who are all currently on hunger strike protest against their administrative detention by Israeli authorities. We consider these cases highlight Israel's unjust and excessive use of detention without charge or trial, which is in violation of fundamental human rights standards and international law.

Jafar Azzadine and Tarek Qa'adan - both from Jenin in the occupied West Bank - were arrested by Israeli authorities on 22 November 2012 and placed in administrative detention. Both administrative detainees began their hunger strike on 28 November 2012 and are only drinking water. Their lawyer, Fares Ziad, has reported that they are being held in isolation in cells at Ramleh prison clinic, and are being denied family visits. They have had most of their belongings, such as clothes, cigarettes and electronics confiscated.

Samer al-Issawi has been on partial hunger strike since 1 August 2012 in protest against his re-arrest and administrative detention by Israeli authorities, following his release in the Gilat Shalit prisoner exchange of 11 October 2011.

Administrative detainees are arrested by the Israeli authorities on the basis of Military Order 1226 which empowers military commanders to detain an individual for up to six months if they have "reasonable grounds to presume that the security of the area or public security require the detention." The detention order can be renewed on or just before the expiry date and, moreover, this process can be continued on an indefinite basis.

Although administrative detention is permitted under international human rights law and international humanitarian law, it can only be used if it is necessary for reasons of security in exceptional cases of emergency, when there is no other possibility to prevent the danger posed by the detainee. International law sets a very high threshold for the use of administrative



detention, in recognition that it is an extreme measure that violates the basic right to liberty and fundamental due process rights.

Israeli authorities do not provide administrative detainees and their lawyers with meaningful information on the reasons for their detention, and are not given an opportunity to refute the suspicions against them. The Israeli human rights organisation, B'Tselem, has noted that the "systematic and extensive reliance on classified information constitutes one of the most problematic aspects of administrative detention and contradicts the fundamental principle of due process." Furthermore, many Palestinian detainees are held inside the State of Israel in flagrant breach of international law, which prohibits the transfer of detainees outside of occupied territory. The movement restrictions imposed on Palestinians residents from the Occupied Palestinian Territory have severely harmed the right of detainees to family visitation and to meet with their lawyers.

We have severe concerns over Israel's normalised use of detention without charge or trial on the basis of secret information. Figures published by Addameer - the Palestinian prisoner support NGO - show that in the first six months of 2012 there were an average of 312 Palestinian administrative detainees being held in detention without charge or trial, and at 1 December 2012 there were 178 Palestinian administrative detainees, including 7 members of the Palestinian Legislative Council. These figures strongly suggest that Israel is utilising administrative detention as a matter of routine practice in breach of international law, rather than as a permissible exceptional measure.

Placed within this context we highlight the findings made in relation to Israel by the United Nations Human Rights Committee in August 2003, expressing concern "about the frequent use of various forms of administrative detention, particularly for Palestinians from the Occupied Territories". We also note the European Parliament called on Israel in a September 2008 resolution to "guarantee that minimum standards on detention be respected, to bring to trial all detainees, [and] to put an end to the use of 'administrative detention orders'." The time-line of these comments underscore the protracted nature of the excessive use of administrative detention by Israel, in violation of fundamental human rights standards.

In view of the above we request that you immediately bring the present case of all three hunger strike protesters to the attention of relevant Israeli authorities, and urge for the implementation of the following human rights and rule of law compatible recommendations:

- All hunger strike protesters be given unrestricted access to independent doctors, proper medical treatment, and be allowed family visits;
- The government of Israel must release all administrative detainees or prosecute them in accordance with the standards of due process, for the offences allegedly committed;
- The government of Israel end their prolonged impermissible practice of frequent use of administrative detention, and to abide by the United Nations Standard Minimum Rules for the Treatment of Prisoners;

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- The government of Israel upholds and ensures respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory.

Yours sincerely,

Tareq Shrourou
Director, Lawyers for Palestinian Human Rights

CC: The Law Society
The Bar Council
Catherine Ashton - High Representative of the Union for Foreign Affairs and Security
Policy