



Right Hon William Hague MP
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For the attention of: Right Hon William Hague MP

12 June 2014

Dear Mr. Hague,

Re: Israeli government fast-tracking proposed legislation to permit force-feeding against Palestinian administrative detainees exercising a hunger-strike protest

As lawyers committed to the protection and promotion of Palestinian human rights, LPHR is deeply concerned at reports that the Israeli government is fast-tracking proposed legislation which would permit the force-feeding of Palestinian administrative detainees exercising a hunger-strike protest¹. We consider the practices allowed by the proposed legislation would amount to a clear violation of the international law prohibition on inhuman or degrading treatment. We subsequently request that the British government make strong and urgent representations to the Israeli government to halt passage of this manifestly dangerous bill.

Brief background to the current hunger-strike protest

Today marks the fiftieth day of the current hunger strike protest, which is the longest recorded in Palestinian history according to Addameer Prisoner Support Association and Human Rights. Nearly 80 detainees are on hunger strike in nine civilian hospitals in Israel, including: Meir, Aykhloof, Kaplan, Birzelei, Tel Hashomer, Belinson, Afoula, Suroka, and Wolfson. This hunger-strike by Palestinian administrative detainees is taking place to demand the end of the policy of administrative detention by Israeli authorities.

Israeli policy of administrative detention and its conflict with international law

Administrative detainees are arrested by the Israeli authorities on the basis of Military Order 1651. This Military Order 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

¹According to reports, a bill to allow force-feeding under law is being fast-tracked for its 2nd and 3rd (final) readings next week in the Israeli parliament, the Knesset, having passed its first reading on Monday 9 June.



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 Palestinian residents from the Occupied Palestinian Territory have severely harmed the right of detainees to family visitation and to meet with their lawyers.

LPHR has long had serious concerns over Israel's normalised use of detention without charge or trial on the basis of secret information. Figures published by Addameer show that on 1 May 2014 there were 192 Palestinian administrative detainees in Israeli custody. This huge figure strongly suggests that Israel is utilising administrative detention as a matter of routine practice in breach of international law, rather than as a permissible exceptional measure.

Overview that force-feeding clearly amounts to inhuman and degrading treatment

LPHR takes the position that the proposed bill before the Knesset, if enacted, would legalise practices that would clearly amount to a form of inhuman and degrading treatment, and could arguably amount to torture. The cumulative weight of authoritative documents, international organisations and international legal agreements substantiate this grave concern.

The World Medical Association (WMA) has published two authoritative documents describing the duties of physicians with regard to prisoners on hunger strike. They are the Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment (Declaration of Tokyo) and the Declaration of Malta on Hunger Strikers. The Declaration of Malta states that “Forcible feeding is never ethically acceptable. Even if intended to benefit, feeding accompanied by threats, coercion, force or use of physical restraints **is a form of inhuman and degrading treatment**. Equally unacceptable is the forced feeding of some detainees in order to intimidate or coerce other hunger strikers to stop fasting.”(our emphasis added)

The International Committee of the Red Cross has stated: “The ICRC is opposed to forced feeding or forced treatment; it is essential that the detainees’ choices be respected and their



human dignity preserved.” And on 1 May 2013, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Méndez, stated:

“...it is unjustifiable to engage in forced feeding of individuals contrary to their informed and voluntary refusal of such a measure. Moreover, hunger strikers should be protected from all forms of coercion, even more so when this is done through force and in some cases through physical violence. Health care personnel may not apply undue pressure of any sort on individuals who have opted for the extreme recourse of a hunger strike. Nor is it acceptable to use threats of forced feeding or other types of physical or psychological coercion against individuals who have voluntarily decided to go on a hunger strike.”

Furthermore, although not expressly referenced in its text, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment arguably addresses the practice of force-feeding:

“For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, **or for any reason** based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.” (our emphasis added)

Finally, the United Nations Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment states that: “cruel, inhuman or degrading treatment or punishment should be interpreted so as to extend the widest possible protection of against abuses, whether physical or mental”.

Urgent intervention required to halt proposed enactment of force-feeding bill

On 11 June 2014, the following five human rights organisations in Israel and the Occupied Palestinian Territory launched a join urgent appeal concerning the dangerous force-feeding bill presently being fast-tracked through the Knesset: Adalah, Addameer Prisoner Support and Human Rights Association, Al Mezan Center for Human Rights, Public Committee Against Torture in Israel, and Physicians for Human Rights-Israel.

LPHR supports this appeal which underscores the breadth of serious concern regarding the Israeli government's proposed legislative approach for dealing with Palestinian hunger-strike protesters which would be incompatible with their basic human rights to physical integrity, dignity and right to protest. In view of this we respectfully request the following steps are urgently undertaken:

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1. The British government urges the Israeli government to withdraw the proposed bill permitting force-feeding which would clearly conflict with the absolute prohibition against inhuman or degrading treatment under international law;
2. The British government urges the Israeli government to negotiate a human rights compliant and peaceful resolution to the current hunger-strike protest by Palestinian administrative detainees;
3. The British government urges the Israeli government to allow independent medical professional to review and monitor the status of hunger-striking administrative detainees in a manner consistent with international ethical standards;
4. The British government urges the Israeli government to release all administrative detainees or prosecute them in accordance with the standards of due process for the offences allegedly committed; and
5. The British government urges the Israeli government to end their prolonged impermissible frequent use of administrative detention, and to abide by the United Nations Standard Minimum Rules for the Treatment of Prisoners.

We look forward to your urgent response and intervention into this matter.

Yours sincerely,

Tareq Shrourou
Director, Lawyers for Palestinian Human Rights

CC: EU High Representative, Baroness Catherine Ashton