



Right Hon Philip Hammond MP
Foreign Secretary
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For the urgent attention of: Right Hon Philip Hammond MP

14 August 2015

Dear Mr Hammond,

Re: Israeli authorities plans to force-feed the hunger striking Palestinian administrative detainee, Mohammad Allan, in clear violation of international law

We write to express our deep concern at reports that Israeli authorities are planning to force-feed the hunger striking Palestinian administrative detainee, Mohammad Allan, under Israel's new "force-feeding" law. The practice allowed for by the recently enacted legislation amounts, in our view, to a clear violation of a range of fundamental human rights provided for by international law, including the absolute prohibition on cruel, inhuman or degrading treatment. We accordingly urge the British government to make urgent representations to the Israeli government to immediately withdraw any plans to permit the forced feeding of Mr Allan, and to repeal the manifestly dangerous new force-feeding law.

Israel's new "force-feeding" law and its conflict with fundamental human rights standards

On 30 July 2015, the Israeli Knesset enacted the "force-feeding" law, introduced by the Israeli Ministry of Public Security, which authorises the forcible feeding of hunger striking prisoners. The new law, an amendment to Israel's Prisons Act (Preventing Damages due to Hunger Strikes), "allows the prisons commissioner to ask a court for permission to force-feed a prisoner, if a doctor recommends doing so and there is an imminent danger of a severe deterioration in the prisoner's health," according to the Israeli Knesset website.

This new law is clearly incompatible with fundamental human rights standards. The Israeli Medical Association has said that force-feeding is tantamount to torture; its ethics division chairman told Israel Army Radio on 10 August that "Force-feeding is a brutal, forceful and invasive step that can kill the prisoner," adding that "You can rip the oesophagus or mistakenly introduce food into his lung and cause him to die."



United Nations human rights experts have called the law a violation of internationally-protected human rights. The United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, has called “feeding induced by threats, coercion, force or use of physical restraints of individuals, who have opted for the extreme recourse of a hunger strike to protest against their detention ... tantamount to cruel, inhuman and degrading treatment, even if intended for their benefit.” The UN Special Rapporteur on the right to health, Dainius Pūras, has stated that “(u)nder no circumstance will force-feeding of prisoners and detainees on hunger strike comply with human rights standards. Informed consent is an integral part in the realization of the right to health.”

The new force-feeding law potentially affects all detainees but particularly Palestinian detainees who have resorted to hunger strikes to protest their conditions, including their prolonged detention on administrative orders without charge. Hunger strikes are a non-violent form of protest used by individuals who have exhausted other methods to highlight the seriousness of their situations. The right to peaceful protest is a fundamental human right.

This new law further conflicts with Israel's pre-existing Patients' Rights Law, which provides for medical treatment without consent only under very strict conditions, including where the patient's physical or mental state does not permit obtaining his informed consent.

The significant test case of the current hunger-striking detainee, Mohammad Allan

Mohammad Allan, a Palestinian lawyer, has been detained by Israeli authorities on the basis of secret evidence without charge or trial, since 6 November 2014. Mr Allan began a hunger-strike on 16 June 2015, in protest at his continued incarceration under Israel's controversial military order which provides for administrative detention.

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, and 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.

At the end of June 2015, 370 Palestinians were held in administrative detention in Israeli Prison Service facilities. In light of statistics such as these, LPHR has long had serious concerns that Israel is utilising administrative detention as a matter of routine practice in breach of international law, rather than as a permissible exceptional measure. It is against this disturbing backdrop that Mr Allan has embarked on a hunger-strike protest against his prolonged administrative detention.

On 7 August 2015, the Israeli Prison Service told Mr Allan's lawyer that it was planning to submit a request to the Israeli District Court to authorise force-feeding him as provided for under the recently legislated force-feeding law. A day later, Gilad Erdan, the minister of public security affairs, stated that the force-feeding law would not yet be implemented, and rather that Mr Allan would be treated according to Israel's Patient's Rights Act. Physicians for



Human Rights-Israel (PHR-Israel) has confirmed that the ethical committee of the Soroka hospital authorised forced examinations on Mr Allan, yet the medical staff of Soroka hospital refused any act of coercion on their patient.

The Israeli Prison Service then transferred Mr Allan to Barzilai hospital on 10 August 2015; the following day Mr Allan was visited by Jawad Boulos, director of the legal unit of the Palestinian Prisoners Club, who reported that he was surrounded by six guards, with his right leg and left hand cuffed to his hospital bed. The director of Barzilai hospital has stated that the hospital would follow Israel's Patient's Rights Act, and that he hoped Mr Allan would be willing to accept medical treatment.

In response to these serious developments, PHR-Israel and Addameer Prisoner Support and Human Rights Association have importantly stated:

“It is evident that in the case of Mohammad Allan, there is no justification for any forced treatment or force-feeding, since he is still mentally competent, understands his condition and the implications of his situation; he is able to engage in discussion and has expressed his will not to be examined or treated. Any medical coercion on Allan despite his refusal may cause the opposite effect and result in severe health problems and even potentially jeopardise Allan's life, as evident in Israel's previous attempts to force-feed Palestinian hunger strikers during the 1980s, which resulted in several deaths.”

A spokesperson for the International Committee for the Red Cross has similarly stated:

"As regards Mr Allaan's hunger strike, any solution must take into account the need to protect his moral and physical integrity. The detainee's choice must be respected and his dignity preserved."

LPHR endorses the above statements and takes the position that force-feeding Mr Allan would clearly violate a range of fundamental human rights provided for by international law, including the absolute prohibition on cruel, inhuman or degrading treatment. It is therefore essential that urgent action is taken to persuade Israeli authorities against setting a dangerous precedent by proceeding with the forced feeding of Mr Allan.

Urgent intervention required by the British government

In view of the above we would be grateful if you could make the following urgent representations to the Israeli government:

1. Withdraw any plans to force-feed Mr Allan and any other hunger-striking detainees;
2. Repeal their new force-feeding law which is clearly incompatible with fundamental human rights standards guaranteed by international law; and
3. Release all administrative detainees or prosecute them in accordance with the standards of due process for the offences allegedly committed.



We would be grateful for your careful consideration of this urgent request.

Yours sincerely,

Tareq Shrourou (Director) and Natalie Sedacca
Lawyers for Palestinian Human Rights

CC:

Mr Tobias Ellwood MP, Parliamentary Under-Secretary at the Foreign and Commonwealth Office.