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Publication | 27.08.2008

Situation of Palestinian prisoners in Israeli jails

Greens/EFA motion for a resolution

Tabled by ***Hélène Flautre, Margrete Auken, Caroline Lucas, David Hammerstein, Jill Evans and Daniel Cohn-Bendit***

on behalf of the Greens/EFA Group

The European Parliament,

 having regard to its previous resolutions on the Middle East,

 having heard the statement made to it by Commissioner Ferrrero-Waldner on 9 July 2008 on the situation of Palestinian prisoners in Israeli jails,

 having regard to the EU-Israel Association Agreement, in particular Article 2 thereof concerning human rights,

 having regard to the results of the eighth meeting of the EU-Israel Association Council, held in Luxembourg on 16 June 2008,

 having regard to the report drawn up by its ad hoc Delegation to Israel and the Palestinian Territories (30 May-2 June 2008) and to its conclusions,

 having regard to the relevant UN resolutions on the Middle East conflict,

 having regard to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in particular Articles 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77 and 143 thereof,

 having regard to the United Nations Convention on the Rights of the Child (UNCRC) of 20 November 1989, in particular Articles 9 and 37 thereof,

 having regard to the Universal Declaration of Human Rights of 1948,

 having regard to the UN International Covenant on Civil and Political Rights of 1966,

 having regard to the International Committee of the Red Cross Annual Report (2007), in particular the section dealing with the Occupied Palestinian Territories,

 having regard to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted by means of UN General Assembly Resolution 39/46 of 10 December 1984,

 having regard to Rule 103(2) of its Rules of Procedure,

- A. whereas today more than 11 000 Palestinians, including 118 women and 376 children, are being held in Israeli detention centres and prisons,
- B. whereas Israel released 198 Palestinian prisoners on 25 August 2008,
- C. whereas, under the UNCRC, to which Israel is a signatory, a child is defined as any human being under the age of 18; whereas, however, Palestinian children from the age of 16 are considered adults under Israeli military regulations governing the Occupied Palestinian Territories,
- D. whereas the vast majority of the Palestinian prisoners from the West Bank and Gaza are being held in prisons situated inside Israeli territory, so that their families are unable to exercise their right to visit; whereas international humanitarian law prohibits the transfer of civilians, including detainees and prisoners, from occupied territory to the territory of the occupying state; whereas around 1240 Palestinian prisoners, including 840 who are being held in complete isolation, are being deprived of direct family visitors in a breach of Article 116 of the Fourth Geneva Convention,

E. whereas Israel is holding around 800 Palestinian prisoners in 'administrative detention' without charge or trial, authorised by administrative order rather than by judicial decree; whereas Israel disregards the restrictions imposed by international law on the application of 'administrative detention',

F. whereas the arrest of 48 parliamentarians, i.e. nearly one-third of the elected members of the Palestinian Legislative Council, has seriously impaired Palestinian democratic life; whereas Israel has also arrested and imprisoned elected municipal council members,

G. whereas the issue of political prisoners is a decisive item on the political agenda, with important political, social and humanitarian implications,

H. whereas the prisoners' document adopted in May 2006 by jailed political leaders from various factions served as a basis for the national conciliation document and paved the way for the establishment of a national unity government,

I. whereas many of the 1180 Palestinian prisoners who have been diagnosed as ill or injured by the International Committee of the Red Cross, of whom around 160 have severe illnesses, are being denied appropriate medical attention in violation of Article 91 of the Fourth Geneva Convention,

J. whereas, under Article 2 of the EU-Israel Association Agreement (2000), relations between the European Communities and Israel are based on respect for human rights and democratic principles, which is to guide internal as well as international policy and constitutes an essential element of the agreement; whereas the EU/Israel Action Plan (2004) explicitly includes respect for human rights and international humanitarian law among the values shared by the EU and Israel,

1. Stresses that the issue of Palestinian political prisoners, who have the capacity to act as a moderating force both internally and as regards the conflict with Israel, has a major impact on both Palestinian society and the Israeli-Palestinian conflict;

2. Calls, in this context, for the release of a substantial number of Palestinian prisoners and in particular the immediate release of the imprisoned Members of the Palestinian Legislative Council, including Marwan Barghouti; underlines that any resolution of the conflict must include the release of all Palestinian political prisoners;

3. Welcomes the recent release of 198 Palestinian prisoners, which was a gesture of goodwill by Israel, and stresses once again the importance of confidence-building measures in the peace process;

4. Notes the importance of the recent mutual steps taken by the Israeli Government and Hezbollah concerning prisoners; calls for similar steps to be taken by Israel and Hamas, with a view to the immediate release of Israeli Corporal Gilad Shalit;

5. Calls on Israel to bring its legislation into line with international standards of juvenile justice and thus to reform the military legal system applied to Palestinian children, and in particular:

- a. to immediately release all detained minors from jail;
- b. to end the practice of holding persons under the age of 18 in administrative detention and to immediately amend, in accordance with the UNCRC, the regulations governing the Occupied Palestinian Territories as they concern the age of adulthood;
- c. to guarantee proper conditions for detained or imprisoned juveniles, as set out in the UNCRC and UN standardised regulations regarding the administration of justice and conditions of detention for juveniles;

6. Calls on the Council, the Member States and the Commission to implement in their relations with Israel the EU Guidelines on Children in Armed Conflict and to make the protection of Palestinian children detained by Israel an essential part of the dialogue at all levels of relations;

7. Reminds Israel that the practice of holding Palestinian prisoners from the West Bank and Gaza in jails in Israel is in contravention of its obligations under international law; calls therefore on Israel to relocate these prisoners to the West Bank and Gaza; insists on the immediate implementation of the right to family visits;

8. Calls on the Israeli Government and the Knesset to reconsider the Unlawful Combatants Law, which allows for administrative detention, and to bring it into line with international humanitarian law and human rights standards;

9. Reiterates its condemnation of all forms of torture and ill-treatment; calls on Israel to immediately ensure that it complies with the UN Convention Against Torture, to which it is a State Party,and to

- a. immediately put a stop to all forms of ill-treatment and torture during arrest, interrogation and imprisonment, to adopt legislation regarding this matter and to thoroughly and impartially investigate all allegations of the torture and abuse of Palestinian detainees and bring those found responsible for such abuse to justice;
- b. ensure that minimum detention standards are observed regarding food, health care, the size and location of prisons, protection from the weather and family visits;
- c. guarantee Palestinian prisoners proper medical care;

10. Expresses its deep concern at the situation of Palestinian women prisoners, who are reportedly subjected to mistreatment; calls on the Israeli authorities to considerably improve the protection of vulnerable prisoners, in particular mothers and young women;

11. Draws attention to Article 2 of the EU-Israel Association Agreement and calls on Israel to comply with international human rights law and humanitarian law, in particular its provisions concerning the protection of civilians living under occupation; calls on the Council to take the necessary steps to ensure compliance with international law and the international human rights and humanitarian conventions signed by the State of Israel;

12. Expresses its strong belief that the upgrading of EU-Israel relations should be consistent with and linked to Israel's compliance with its obligations under international law, notably international human rights and humanitarian law;

13. Welcomes the decision taken at the eighth meeting of the EU-Israel Association Council to establish a fully-fledged Subcommittee on Human Rights, in place of the Working Group on Human Rights; calls for human rights and civil society organisations in Israel and the Occupied Palestinian Territories to be extensively consulted on and fully involved in monitoring Israel's progress towards compliance with its obligations under international law;

14. Instructs its President to forward this resolution to the Council, the Commission, the Israeli Government, the Knesset, the High Representative for the Common Foreign and Security Policy, the governments and parliaments of the Member States, the UN Secretary-General, the Quartet Envoy to the Middle East, the President of the Euro-Mediterranean Parliamentary Assembly, the President of the Palestinian Authority, the Palestinian Legislative Council and the UN High Commissioner for Human Rights.

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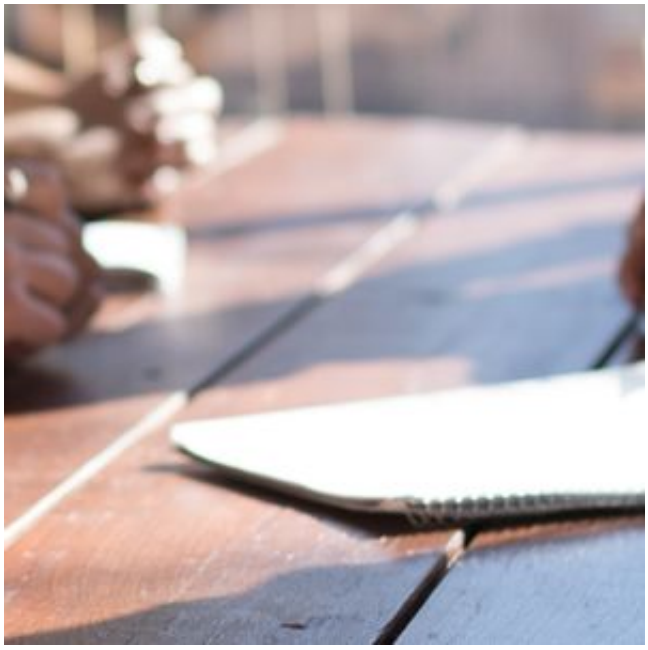

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