



UNITED NATIONS INTERNATIONAL MEETING ON THE QUESTION OF PALESTINE

*The urgency of addressing the plight of Palestinian political prisoners
in Israeli prisons and detention facilities*

United Nations Office at Vienna, 7 and 8 March 2011

Concluding statement of the Organizers

1. The **United Nations International Meeting on the Question of Palestine** was convened by the Committee on the Exercise of the Inalienable Rights of the Palestinian People at the United Nations Office at Vienna, on 7 and 8 March 2011. Participants in the Meeting included internationally renowned experts, including Palestinian and Israeli, representatives of United Nations Member States and Observers, representatives of the United Nations system and other intergovernmental organisations, parliamentarians, representatives of civil society, academic institutions and the media.
2. The objective of the Meeting was to raise awareness of the plight of Palestinian political prisoners and to strengthen the support of the international community for a solution to this issue, namely their speedy release and reintegration into the Palestinian society. The Meeting, among other things, looked into the current situation and conditions of imprisonment of Palestinians in Israeli prisons and detention facilities, including the situation of women and minors. It discussed legal aspects of the arrests and detentions of Palestinians by Israel, the occupying Power, and considered the issue of Palestinian political prisoners from the point of view of International Humanitarian Law and in the context of the Israeli-Palestinian political process. Finally, the Meeting discussed ways of strengthening the role of the wider international community, including non-governmental actors, in the search for a solution to the plight of these Palestinian prisoners, on the basis of international law, including the Fourth Geneva Convention.
3. The Organizers and the participants expressed appreciation for the opening message by United Nations Secretary-General Ban Ki-moon, delivered by Mr. Maxwell Gaylard, Deputy United Nations Special Coordinator for the Middle East Peace Process and United Nations Resident and Humanitarian Coordinator for the Occupied Palestinian Territory. The Organizers heard and shared the assessment of H.E. Mr. Issa Qaraqe, Minister of Prisoners' Affairs of the Palestinian Authority, who noted in his keynote address the need to internationalize the issue of Palestinian political prisoners and to treat these as Prisoners of War, when applicable.

4. The Organizers took note with interest of the Minister's suggestion to explore the possibility of raising the legal issue of the status of Palestinian political prisoners with the appropriate legal bodies of the United Nations, including the International Court of Justice.

5. The Organizers noted that this was the first time the Committee has convened one of its international meetings on the issue of Palestinian political prisoners in Israel. According to the recent Palestinian statistics, there are currently around 6000 Palestinians held in 22 prisons and detention camps in Israel and in the West Bank, of these 300 prisoners were under the age of 18. Among the prisoners were also 37 women and some 10 members of the Palestinian Legislative Council.

6. The Organizers emphasized that the security argument by Israel, the occupying Power, was not a justification for routine violations of international humanitarian and human rights law. The scope of arrests of Palestinian civilians, the arbitrary use of administrative detentions and the transfer of prisoners to Israel demonstrated that the imprisonment of Palestinians opposing the occupation was a policy of Israel, the occupying Power, aimed at intimidating and subjugating the Palestinian population.

7. The participants noted with concern that the conditions of detention were often extremely poor, and in some cases, life-threatening. They expressed concern at the fact that Israel continued to practice torture and other forms of mistreatment against Palestinian detainees who have been protesting poor treatment, abuse of their dignity and living conditions. In this context, Palestinian prisoners have drawn attention to their grave situation through hunger strikes since Israel began its occupation in 1967, with the last hunger strike as most recent as January 2011. The participants drew attention particularly to the situation of the most vulnerable groups, Palestinian women and minors in Israeli detention, as well as to physically and psychologically vulnerable prisoners, who were reportedly subjected to mistreatment and deprived of adequate health care. The participants noted the devastating effect of detention upon Palestinian prisoners and their families. They stressed the urgent need for reintegration of former prisoners into society.

8. The Organizers called upon Israel to guarantee that appropriate standards of detention were maintained, that all detainees were brought to trial without delay, and that minors' and prisoners' visiting rights were guaranteed, in full compliance with international Treaties and Conventions, including the Convention on the Rights of the Child and the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, to which Israel is State Party. The Organizers commended the consistent and valuable work of the ICRC aimed at alleviating the detrimental consequences of the Israeli treatment of Palestinian prisoners. The Organisers called on the World Health Organisation to visit Palestinian prisoners in Israeli jails and detention facilities and inspect their conditions, and requested Israel to grant such access.

9. The Organizers called once again on Israel to release without any precondition Palestinian prisoners arrested in relation to their activities opposing the occupation. The participants furthermore urged Israel to take immediate steps to clearly define "political offences" and undertake with urgency the drafting and enactment of the necessary legal

provisions to prevent future arbitrary arrests of Palestinians in the Occupied Palestinian Territory, as well as their unlawful transfer to prisons inside Israel.

10. The participants pointed out that the majority of detainees were being held in violation of the Fourth Geneva Convention in prisons outside of the West Bank and the Gaza Strip. In most of the cases, prisoners were even denied access to legal counsel as well as family visitation rights, contrary to international humanitarian and human rights laws. The Organizers called upon Israel to fully respect the rule of law in the treatment of all prisoners. The participants also expressed grave concern at Israel's use of the practice of administrative detention which contravenes fundamental human rights. In this respect, the participants noted with grave concern that Israel uses administrative detention orders in a highly arbitrary manner, with the right to appeal, but without charge, trial or right of defence. The Organizers joined the participants in calling on Israel to adhere to international law, impose restrictions on the use of administrative detention and meet minimum international standards for due process, including by providing the detainees with prompt and detailed information as to the reason of their detention, and with a meaningful opportunity to defend themselves.

11. The Organizers commended the international efforts to shed light on the issue of Palestinian political prisoners, including through convening of the meetings held respectively in Algeria in December 2010 and in Morocco in January 2011. The Organizers joined international calls for an immediate release of political prisoners, who include children and women, and for a proper international inspection of their current condition which should be a priority for the United Nations General Assembly, Security Council, Human Rights organs and the international community.

12. The Organizers agreed with the assessment by participants that the issue of Palestinian prisoners had a major impact on both, the Palestinian society and the Israeli-Palestinian conflict. In that context, the release of a substantial number of Palestinian prisoners, as well as the immediate release of the imprisoned members of the Palestinian Legislative Council would constitute a positive step towards establishing a climate of mutual trust needed to resume the permanent status negotiations. Political prisoners should not be viewed as a bargaining chip in peace negotiations.

13. The Organizers also pointed out that the Committee had on several occasions called for the release of the captured Israeli Staff Sergeant Gilad Shalit and for humanitarian access to be granted to him. The Organisers urged an early release of a large number of Palestinian political prisoners in Israeli prisons and other detention facilities.

14. The Organizers concurred with the view of many participants that the issue of Palestinian prisoners in Israeli detention could be detached from the peace negotiations, but peace cannot be complete without the release of all Palestinian prisoners. It was noted that the continued stalemate in the political process remained a cause for serious concern. The Organizers stressed that the vast majority of the United Nations Member States, including this Committee, considered all settlement construction, including the so-called "natural growth", to be illegal and had to be halted immediately. A complete and immediate cessation of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, was imperative and would positively

contribute to the success of the political process. The Organizers also stressed that settlement construction undermined trust between the two sides and obstructed the prospects for the resumption of Israeli-Palestinian permanent status negotiations. The Organizers expressed concern over the worsening situation in and around East Jerusalem, in particular with regard to house demolitions, land confiscation, residency rights revocations and deportations of Palestinian residents.

15. The Organizers stressed that the root cause of the Israeli-Palestinian conflict was the illegal Israeli occupation of the Palestinian territory, including East Jerusalem. They noted that the occupation had to end without conditions, allowing the Palestinian people to establish an independent State of Palestine, with East Jerusalem as its capital and on the borders of June 4, 1967, thus realizing their inalienable right to self-determination. The Organizers took note of the statement of the Quartet Principals, issued following their meeting on the margin of the Munich security conference on 5 February, which regretted the discontinuation of Israel's moratorium on settlement activity, reaffirmed "that negotiations should lead to an outcome that ends the occupation that began in 1967 and resolves all permanent status issues, in order to end the conflict and achieve a two-state solution", and reiterated "its support for concluding these negotiations by September 2011". The Organisers urged the Quartet at their next meeting to take bold and effective measures to expedite and complete the Israeli-Palestinian peace, based on the well-known parameters for peace, by September 2011.

16. The Organizers also acknowledged and welcomed the recognition by a number of Latin American countries, of the State of Palestine based on the 1967 lines and urged countries that have not yet recognized the State of Palestine to do so as soon as possible.

17. The Organizers were in agreement with the participants on the importance of the role played by the United Nations and the international community at large in raising awareness of the question of Palestinian political prisoners in Israeli prisons and detention facilities and in calling for an urgent solution to this issue. They highlighted the need for and the obligation of the international community to use all available mechanisms to ensure compliance with international law. They stressed the important role of non-governmental actors, including parliamentarians and civil society, in mobilizing international support for the resolution of the issue. In particular, the Organizers urged all the High Contracting Parties to the Fourth Geneva Convention to fulfill their obligations in accordance with common Article 1, which requires the High Contracting Parties to respect and to ensure respect for the Convention in all circumstances, and at the individual or collective level. In addition, the High Contracting Parties are urged to take all the appropriate steps for the convening of a High Contracting Parties Conference to address this subject.

18. The Organizers expressed appreciation to the United Nations Office at Vienna for hosting the Meeting and the services provided to them.