

Urgent Intervention Needed to Protect Palestinian Prisoners and Detainees in Israeli Prisons from COVID-19 Exposure

April 14, 2020

For the attention of:

The UN Special Procedures, including:

- The UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territory Occupied Since 1967, Mr. Michael Lynk;
- The UN Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Mr. Dainius Pūras;
- The UN Working Group on Arbitrary Detention, Mr. José Guevara Bermúdez (Chair-Rapporteur);
- The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. Nils Melzer; and
- The UN Special Rapporteur on the Independence of Judges and Lawyers, Mr. Diego García-Sayán.

The undersigned organizations submit to you this urgent appeal with regard to the rapidly deteriorating condition of Palestinian prisoners and detainees in Israeli prisons in light of the continued spread of the novel coronavirus (COVID-19) pandemic across the globe. In support of the [Joint Urgent Appeal to the United Nations Special Procedures submitted on April 1, 2020, by Addameer and Al-Haq](#), we urgently request your intervention to protect these Palestinian prisoners' right to health, particularly as many are minors, chronically ill, members of vulnerable groups, or held under administrative detention in contravention of international law.

According to Addameer, as of February 2020, there were [5,000 Palestinian prisoners in Israeli prisons, including 430 administrative detainees and 180 child prisoners](#). Israeli military forces hold administrative detainees in prison indefinitely without charging them or putting them on trial. Those being detained and imprisoned include journalists, human rights defenders, and Palestinian Legislative Council members. Detainees and prisoners are forced to endure abysmal conditions. Many human rights organizations have documented torture, acts of violence, pervasive medical negligence, and severe restrictions or, in certain areas, complete bans on family visits. To protest the inhumane conditions, the prisoners have staged several hunger strikes.

When Israel arrests Palestinians in the West Bank and Gaza and holds them in Israel, it [violates international humanitarian law](#), which forbids an occupying power from transferring protected persons outside of the occupied territory. Moreover, Israeli military law, including [Military Order 101](#) and [Military Order 1651](#), [targets Palestinian individual and collective life by imposing harsh prison sentences on conduct that encompasses political expression, association, and protest](#).

COVID-19 presents a new and immediate danger to Palestinian prisoners. There are confirmed cases of COVID-19 in Israel, the West Bank, and Gaza. The West Bank has been in a state of emergency since March 5, 2020, and on April 3, the Palestinian Authority extended the state of emergency for another thirty days. As the public health situation in Israel and Palestine continues to worsen, human rights organizations, Palestinian officials, and religious leaders have demanded the release of Palestinian prisoners.

Our growing concern for Palestinian prisoners and detainees during the ongoing COVID-19 pandemic stems from the systematic and routine medical negligence Palestinians have suffered inside Israeli prisons and detention centers. Despite the COVID-19 outbreak, Israel continues to routinely arrest [Palestinians from their homes in the West Bank and then immediately place them in quarantine](#). Hundreds currently detained suffer from chronic diseases that go untreated. [While persons deprived of their liberty around the world are more likely to be vulnerable to a COVID-19 outbreak than the general population](#), Palestinian prisoners in Israeli prisons suffer particularly dismal and unsanitary detention conditions, including overcrowding, lack of proper ventilation, and poor nutrition. This makes Israeli prisons dangerous breeding grounds for COVID-19 and compounds the vulnerability of Palestinian prisoners and detainees.

In early March 2020, the Israel Prison Service (IPS) halted all family and legal visits for prisoners, claiming that this was a COVID-19 precaution. Israeli authorities have postponed all trial proceedings in military courts and have stopped bringing Palestinians in pre-trial detention or interrogation to court, further deepening Israel's violations of these Palestinians' right to liberty and security of person, as well as their right to a fair and speedy trial. Moreover, Israel has barred legal representatives from meeting with Palestinian prisoners. Since legal representatives have been allowed to speak with their clients only by phone, they have been unable to accurately assess the health conditions and safety of Palestinian detainees. The IPS has also continued to refuse to [install landline phones inside prisons as stipulated in the most recent hunger-strike negotiations](#). The refusal to install landlines further distances Palestinian prisoners from their families and legal representatives.

Prisoners have reported that the IPS has imposed new restrictions on purchases from prison canteens that make it difficult for them to obtain necessary sanitary products and maintain proper hygiene. This puts the prisoners even more at risk of an uncontrolled spread of COVID-19. Furthermore, IPS officers are not taking the necessary precautions to stem the spread of the virus. Officers routinely conduct searches and take count of prisoners five times a day without wearing hazmat suits, protective gloves, or medical face masks. A number of Palestinian prisoners at Ofer prison have recently reported concerns over COVID-19 infections amongst prison guards.

The Israeli occupying authorities have disregarded COVID-19 guidelines in dealing with Palestinian prisoners and detainees in the face of the pandemic. Despite a series of guidelines and calls issued by the [World Health Organization \(WHO\)](#), the [Office of the United Nations High Commissioner for Human Rights](#), and [UN human rights experts](#) on the

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need to prevent the spread of COVID-19 in detention settings, conditions in Israeli prisons continue to deteriorate. On March 27, 2020, the Israeli government decided to [release some 400 “non-violent prisoners who are serving lighter sentences and nearing the end of their time in prison,”](#) selected on the basis of health condition and age, but the government has not established the same release policy for Palestinian prisoners. The Israeli government has also released some Palestinian prisoners without establishing any health or safety precautions to assist those who have been infected or to protect the communities to which they are returning.

Around the world, UN experts have highlighted the need to ensure the release of prisoners and other detainees in response to the COVID-19 pandemic. In Iran, following a decision taken on March 9 to release 70,000 prisoners, none of whom were political detainees, [calls by the UN Special Rapporteur on the Situation of Human Rights in Iran led to the subsequent release of political prisoners.](#) [Indonesia](#) and [Afghanistan](#) are following suit in releasing prisoners, and [a number of prisons and jails in the United States have released prisoners](#) in response to the spread of COVID-19. On March 25, 2020, UN High Commissioner for Human Rights Michelle Bachelet stated: “Now, more than ever, [governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views.](#)” On March 30, 2020, the UN Subcommittee on Prevention of Torture (SPT) called on governments to take measures to protect individuals deprived of their liberty during the pandemic and to consider “[reducing prison populations by implementing schemes of early, provisional or temporary release of low-risk offenders,](#) reviewing all cases of pre-trial detention, [and] extending the use of bail for all but the most serious cases.” The SPT also urged “that all detainees, people in quarantine and closed medical settings, their families, and all staff, should receive reliable, accurate and the latest information concerning all adopted measures.”

We urge you, in your role as UN human rights mandate holders, to intervene immediately to ensure respect for the right to health of Palestinian prisoners during the COVID-19 pandemic and, in particular, to:

- i. Call on Israel, the occupying power, to **immediately release Palestinian prisoners and administrative detainees held in Israeli prisons and detention centers, to the maximum extent possible,** in order to ensure their safety from an uncontrolled spread of the pandemic, particularly those who are more vulnerable or more susceptible to the disease, such as those who are chronically ill;
- ii. Call on the IPS to ensure the protection of all prisoners and to fulfil their right to the highest attainable standard of health, without discrimination, by **adopting, for example, [WHO guidance on preventing COVID-19 outbreak in prisons,](#)** and taking the necessary measures to prevent the spread of the pandemic in Israeli prisons;
- iii. Urge the IPS to **install landlines in all Israeli prisons** and ensure the maintenance of contact with family and legal representatives for Palestinian prisoners through

unmonitored phone or video calls, especially while family and legal visits continue to be suspended;

- iv. Call on the IPS to publicly guarantee that it will **eliminate the use of solitary confinement**, an internationally recognized form of torture, as a means of managing the spread of COVID-19 in its prisons and administrative detention facilities; and
- v. Call on the IPS to **publicize all plans and policies** to ensure the protection of all prisoners during the COVID-19 pandemic.

We urge you to take bold and immediate action to save the lives of Palestinians detained in Israeli prisons. We await your response.

Respectfully,

Allard K. Lowenstein International Human Rights Clinic, Yale Law School*

Center for Constitutional Rights

Endorsing Organizations:

1. International Federation for Human Rights (FIDH)
2. National Lawyers Guild (NLG)
3. Abolitionist Law Center
4. Detention Watch Network
5. Jewish Voice for Peace
6. National Immigration Project of the National Lawyers Guild
7. Amistad Law Project
8. Community Justice Project
9. Popular Resistance
10. Cornell Law School International Human Rights Clinic: Litigation and Advocacy
11. Boston University International Human Rights Clinic
12. Global Health Justice Partnership of Yale Law School and School of Public Health
13. Center for Gender & Refugee Studies (UC Hastings)
14. Community Lawyering Clinic (Drexel)
15. International Association of Democratic Lawyers
16. The National Association of Democratic Lawyers of South Africa
17. European Lawyers for Democracy and Human Rights
18. Asociación Americana de Juristas (AAJ)
19. Italian Democratic Lawyers (Giuristi Democratici)

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20. Ukrainian Association of Democratic Lawyers
21. Hellenic Union of Progressive Lawyers (HUPL)
22. Haldane Society of Socialist Lawyers, England
23. National Union of Peoples' Lawyers (NUPL) - Philippines
24. Centro de Derechos Humanos - Pontificia Universidad Católica del Ecuador
25. Jewish Voice for Peace - NYC
26. New York City Jericho Movement
27. Jewish Voice for Peace New Haven
28. Mending Minyan Havurah
29. Unidad Latina en Acción (ULA)
30. Veterans for Peace Connecticut 42
31. Greater New Haven Peace Council
32. U.S. Peace Council
33. Middle East Crisis Committee
34. Project Blueprint
35. Adalah Justice Project
36. American Muslims for Palestine
37. Friends of Sabeel - North America
38. Palestine Legal
39. Samidoun Palestinian Prisoner Solidarity Network
40. Tree of Life Educational Fund
41. Berkeley Law Muslim Student Association
42. Columbia Middle East Law Student Association
43. Muslim Law Students Association at Columbia
44. Rightslink at Columbia Law School
45. Columbia South Asian Feminism(s) Alliance
46. Columbia Law Students for Palestine
47. Columbia University Turath: Arab Students Association
48. Columbia Muslim Students Association
49. Columbia Students for Justice in Palestine
50. Fordham University Middle Eastern Student Association
51. Harvard Islamic Society
52. Harvard College Palestine Solidarity Committee
53. Students for Justice in Palestine at UConn
54. University of Houston Muslim Student Association
55. The Asian Pacific American Law Students Association (APALSA) Executive Board at Yale Law School
56. Yale Black Law Students Association

57. The Board of the Middle Eastern and North African Law Students' Association (MENALSA) at Yale Law School
58. Yale Muslim Law Students' Association (MLSA)
59. The National Lawyers Guild (NLG) Chapter at Yale Law School
60. Yale Law Students for Human Rights in Palestine & Israel
61. Black Students for Disarmament at Yale
62. Dwight Hall Peace Initiative
63. Dwight Hall Student Executive Committee
64. Migration Alliance at Yale (MAY) - formerly, Yale Refugee Project (YRP)
65. OneVoice on Campus, Yale
66. Yale Arab Students Association
67. Yale Dominican Students Association
68. Yale Middle Eastern and North African (MENA) Student Association
69. Yale Muslim Students Association
70. Yalies for Pakistan
71. Yale Students for Justice in Palestine
72. Yale Students for Yemen
73. Yale Undergraduate Prison Project