URGENT ACTION

HUNGER STRIKERS DENIED INDEPENDENT DOCTORS

Six Palestinian detainees on hunger strike in protest at being detained without charge or trial are now so ill that they have been moved to Ramleh prison hospital. They have all been denied access to independent doctors.

Tha'er Halahleh and **Bilal Diab** have been on hunger strike since around 29 February 2012 in protest against their administrative detention; their health is now very poor. The Military Court of Appeals rejected their appeals on 23 April 2012, and a date for their appeal hearing at the Israeli Supreme Court has not yet been set.

Tha'er Halahleh was arrested at his home in the village of Kharas in Hebron district on 26 June 2010 and placed in administrative detention. His detention order, which can be renewed indefinitely, was most recently renewed on 5 March 2012. Bilal Diab was arrested at his home in Kufr Ra'i in Jenin on 17 August 2011, and given an administrative detention order, last renewed on 14 February 2012. Both were moved to the Ramleh prison hospital on 21 March as their health was deteriorating. Despite repeated court appeals by Physicians for Human Rights - Israel (PHR), both have been denied access to independent doctors except for one visit by a PHR doctor on 9 April. PHR has urged the authorities to transfer them to a civilian hospital so they can receive specialized medical care.

Also in Ramleh prison hospital on hunger strike against their administrative detention are **Hassan Safadi**, **Omar Abu Shalal** and **Ja'afar Izz al-Din**. All have been denied access to independent doctors. Also in Ramleh prison hospital is **Mahmoud al-Sarsak**, the only Palestinian from Gaza held without charge or trial by Israel under the Unlawful Combatant Law. He was arrested on 22 July 2009 at Erez checkpoint. He went on hunger strike on 24 March 2012 to protest his continued administrative detention without charge or trial. The Israeli Supreme Court has on four occasions rejected his appeals. His detention order was last renewed on 1 March 2012.

Please write immediately in Hebrew or your own language:

- Calling on the Israeli authorities to release these six detainees (naming them) immediately, as well as all other Palestinians in administrative detention, unless they are promptly charged with internationally recognizable criminal offences and brought to trial in full conformity with international fair trial standards;
- Urging them to ensure that all detainees on hunger strike are allowed regular, private access to independent doctors, families and lawyers, treated humanely, and not punished in any way for their hunger strike;
- Calling on them to end the use of administrative detention including under the Unlawful Combatant Law, as it violates the right to a fair trial as guaranteed by the International Covenant on Civil and Political Rights.

PLEASE SEND APPEALS BEFORE 8 JUNE 2012 TO:

Deputy Prime Minister and Minister of Defence
Ehud Barak
Ministry of Defence
37 Kaplan Street, Hakirya
Tel Aviv 61909, Israel
Fax: +972 3 69 16940 / 62757
Salutation: Dear Minister

Military Judge Advocate General
Brigadier General Danny Efroni
6 David Elazar Street
Hakirya, Tel Aviv, Israel
Fax: +972 3 569 4526
Email: avimn@idf.gov.il
Salutation: Dear Judge Advocate General

And copies to:
Commander of the IDF – West Bank
Major-General Nitzan Alon
GOC Central Command
Military Post 01149
Battalion 877, Israel Defense Forces, Israel
Fax: +972 2 530 5724
Salutation: Dear Major-General

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

AMNESTY INTERNATIONAL

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ADDITIONAL INFORMATION

Hassan Safadi, 34, was arrested at his home in Beit Ain al-Ma' refugee camp in Nablus on 29 June 2011. His detention order was renewed on 29 January. He went on hunger strike on or around 2 March. A petition to the Israeli Supreme Court against his administrative detention was rejected on 24 April. Omar Abu Shalal, 54, was arrested while crossing to Jordan on 15 August 2011. His detention order was last renewed on 15 February; he went on hunger strike around 4 March 2012. Ja'afar Izz al-Din, 41, was arrested at his home in Arrabeh, Jenin on 21 March 2012 and placed in administrative detention. He went on hunger strike to protest administrative detention around 27 March 2012. A member of the Palestinian national football team, Mahmoud al-Sarsak, was arrested on 22 July 2009, and has been on hunger strike since 24 March 2012.

Amnesty International has been able to confirm all relevant details of the cases included here. A few other Palestinian prisoners and detainees began hunger strikes in March for different reasons; not all have been transferred to Ramleh prison hospital and none is known to have been allowed access to independent doctors. A mass hunger strike began on 17 April 2012: some 2,000 Palestinian prisoners and detainees are on hunger strike in protest against prison conditions, isolation, and denial of family visits. Many are being punished in different ways for their hunger strikes, and none is known to have been given access to independent doctors.

Palestinians from the West Bank are held in administrative detention under Military Order 1651, which is part of the military legislation applied to the occupied West Bank. Under this military order, administrative detention orders issued by military commanders for up to six months are renewable indefinitely, if there are "reasonable grounds" to presume that the subject presents a risk to "the security of the area" or to "public security". These terms are not defined and their interpretation is left to the discretion of military commanders.

Israel uses the Unlawful Combatant Law to detain Palestinian residents of the Gaza Strip without charge or trial under military orders issued by the Army Chief of Staff. This law came into force in 2002, when it was intended to enable the detention of Lebanese citizens. It regulates the detention without charge or trial – a form of administrative detention - of civilians who carry out hostilities against Israel and are not entitled under international humanitarian law to prisoner-of-war status. According to the law, an "unlawful combatant" is a person who has taken part in hostilities against Israel, directly or indirectly, or who is a member of a force carrying out hostilities against Israel.

The practice of administrative detention (including detention under the Unlawful Combatant Law) in Israel and the Occupied Palestinian Territories violates the internationally recognized right to fair trial, which must be upheld for all political detainees, including those accused of violence, even under states of emergency. Detainees' rights to fair trial, as guaranteed by Article 14 of the International Covenant on Civil and Political Rights (ICCPR), to which Israel is a state party, including their right to be informed promptly and fully of the reasons for their detention, to be presumed innocent, to examine and have examined the witnesses against them, and to be tried in public, are consistently abused under administrative detention and the Unlawful Combatants Law. The evidence against the detainee is heard in secret, without either the defendant or his or her lawyer being allowed to know what that evidence is or to challenge it.

According to the Israel Prison Service, 320 Palestinians were held in administrative detention as of 31 March 2012.

Names: Tha'er Halahleh, Bilal Diab, Hassan Safadi, Omar Abu Shalal, Ja'afar Izz al-Din, Mahmoud al-Sarsak
Gender: all male

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