

AMNESTY INTERNATIONAL PUBLIC STATEMENT



Index: MDE 15/3457/2016

17 February 2016

Israel/OPT: Detained Palestinian hunger striker on verge of death must be transferred to hospital of his choice

Although the Israeli Supreme Court rejected hunger-striking detainee Muhammed al-Qiq's petition to be treated in a hospital of his choice, the Israeli authorities must urgently facilitate his transfer to a Palestinian hospital in Ramallah, Amnesty International said today.

Palestinian journalist Muhammed al-Qiq has been detained by Israel without charge or trial for nearly three months, and has been on hunger strike since 25 November 2015. According to lawyers and others who have visited him at HaEmek Hospital in Afula, Israel in recent days, he remains conscious, but his medical condition is extremely grave and his vital organs could fail at any time. He continues to reject medical treatment as long as he is confined at HaEmek Hospital.

Al-Qiq is demanding his transfer to a Palestinian hospital in Ramallah, in the Occupied Palestinian Territories, and on 12 February 2016, his lawyers filed a petition to Israel's Supreme Court calling for this. At a hearing on 15 February, his lawyers presented documents to the Court showing that the hospital he had chosen in Ramallah was willing to receive him. The judges suggested that he could be transferred to Al Makassed Hospital in occupied East Jerusalem, which is under full Israeli control and has been raided by Israeli forces several times in recent months. At another hearing on 16 February, al-Qiq's lawyers informed the Court that he refused treatment at Al Makassed Hospital, and the same evening the judges issued a decision denying his petition.

The decisions of Israeli courts on Muhammed al-Qiq, including the latest Supreme Court decision, fit a wider pattern. Israeli courts have failed, over many years, to provide effective legal recourse to the thousands of Palestinian administrative detainees held without charge or trial on the basis of secret "evidence" withheld from them and their lawyers, under orders that can be renewed indefinitely.

As an unconvicted detainee, al-Qiq has the right to treatment by doctors of his choice. Given his critical health situation, the Israeli authorities must respect his wishes and transfer him to the hospital that he has chosen without delay.

Although the Supreme Court, sitting as the High Court of Justice, ruled on 4 February 2016 to temporarily "suspend" al-Qiq's administrative detention order because of his deteriorating health, the conditions attached to that suspension limit him to HaEmek

Hospital. Israeli forces thwarted an attempt by activists on 10 February to transfer him by ambulance to a hospital in Ramallah. Al-Qiq's lawyers have argued that while his administrative detention order is suspended, the Israeli authorities have no legal grounds for confining him to a certain location or limiting his freedom in any way. The conditional suspension, which can be revoked by the Israeli authorities if and when al-Qiq's health improves, and the latest Supreme Court decision did not address the legality of his detention without charges, and have not upheld his rights.

In spite of the Court's denial of the petition, the Israeli authorities could still change course. Al-Qiq's prolonged hunger strike reflects what former Palestinian administrative detainees held by Israel have told Amnesty International: that faced with detention without charges for an unknown – and potentially unlimited – duration, they saw refusing food as their only way of demanding their rights under international law. Al-Qiq should not have to pay the ultimate price for protesting for his rights.

Amnesty International fears that the Israeli authorities – as they have done in many other such cases – are using administrative detention as a method of punishing Muhammed al-Qiq without prosecuting him, which would amount to arbitrary detention. In addition to ensuring that he receives the treatment he has requested without delay, the Israeli authorities should cancel the detention order against him and release him, unless he is charged with an internationally recognizable criminal offence and tried in accordance with international fair trial standards. Amnesty International reiterates its longstanding call on Israel to end the practice of administrative detention, and condemns the dramatic increase in its use during the upsurge in violence since October 2015.

For background on Muhammed al-Qiq's case, please see: Amnesty International, "Israel must end ill-treatment of hunger-striking Palestinian detainee" (Index: MDE 15/3299/2016), 22 January 2016, available at <https://www.amnesty.org/en/documents/mde15/3299/2016/en/>, and "Israel/OPT: Palestinian hunger-striking detainee close to death" (Index: MDE 15/3410/2016), 8 February 2016, available at <https://www.amnesty.org/en/documents/mde15/3410/2016/en/>.

For background on Israel's use of administrative detention, please see: Amnesty International, *Starved of justice: Palestinians detained without trial by Israel* (Index: MDE 15/026/2012), June 2012, available at <https://www.amnesty.org/en/documents/MDE15/026/2012/en/>.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or email: press@amnesty.org

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK
www.amnesty.org