

Urgent Appeal to the United Nations Special Procedures

Urgent Appeal for the Immediate Release of Elderly Palestinian Administrative Detainee, Jamal Zaid, with Kidney Failure and Facing Deteriorating Health Condition

Date: 16 June 2022

Submitted by Addameer Prisoner Support and Human Rights Association

For the attention of:

- The United Nations Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Ms. Francesca Albanese;
- Working Group on Arbitrary Detention, Ms. Leigh Toomey (Chair-Rapporteur);
- Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Ms. Tlaleng Mofokeng;
- Special Rapporteur on Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, Prof. Nils Melzer;
- The United Nations Special Rapporteur on the Independence of Judges and Lawyers, Mr. Diego García-Sayán; and
- The United Nations Independent Expert on human rights and international solidarity, Mr. Obiora C. Okafor.

Introduction

Elderly Palestinian Jamal Zaid, 64, with kidney failure, held under administrative detention, without charge or trial, is currently facing an imminent threat to his life in Ramleh prison clinic. Jamal was initially arrested on 15 September 2021, after which the Israeli military commander issued a six-month administrative detention order against him, ending on 12 June 2022. As a result of his medical condition, Jamal spends his administrative detention period—of indefinite duration—in Ramleh prison clinic to undergo dialysis sessions three days a week. The session is four hours of suffering, after which he is moved to the Ramleh prison clinic rooms, where he languishes with the rest of the ill Palestinian prisoners under harsh living conditions, ill treatment, and medical neglect.

On 8 June 2022, the Israeli military commander renewed Jamal Zaid's administrative detention order **for the second time for three months** ending on 11 September 2022. This prompted Jamal to refuse dialysis sessions in Ramleh prison clinic, protesting his continued arbitrary detention without trial or charges, for an indefinite time, threatening his health and putting his life at imminent risk. On 15 June 2021, Ofer military court noted Jamal's deteriorating health conditions after boycotting two dialysis sessions, however the military judge postponed the judicial review of the administrative detention order to 21 June 2022. On 16 June 2022, Jamal's lawyer submitted a request to the Israeli military commander to immediately release Jamal and end his administrative detention order.

Ongoing Administrative Detention and Delays

On 15 September 2021, the Israeli occupation forces (IOF) arrested Jamal Zaid, 64, around 3:40 am after storming his home in the occupied West Bank city of Al-Bireh. Jamal's son informed the IOF that his father suffers from kidney failure, and he has an appointment that day for a dialysis session. Regardless, Jamal was taken and transferred to a military camp near Al-Ram until the morning hours, after which he was transferred to Sha'rei Tsedak Hospital. Jamal remained in the hospital until 3:30 pm without sleep or rest, where he underwent a dialysis session. Afterward, IOF transferred Jamal to Ramleh prison clinic, where he continues to be held in arbitrary administrative detention, without charge or trial, for an indefinite time.

On 17 September 2021, the military prosecutor requested to extend Jamal's detention for ten days under the pretext of further investigation. Jamal's lawyer requested his immediate release to receive the necessary medical treatment, bearing in mind his old age and health conditions, including high blood pressure and kidney failure, in which he requires dialysis once every two days. The military judge at Salem military court approved a six days detention extension. Before the scheduled court session on 22 September 2021, the Israeli military commander issued an administrative detention order against Jamal, on 19 September 2021, for six months, which led to the cancellation of the scheduled session and the appointment of an administrative detention judicial review session.

The judicial review was postponed from 23 September 2021 to 6 October 2021 to provide the court with Jamal's medical report. On 6 October 2021, Jamal's lawyer submitted medical reports indicating Jamal's serious health condition and the need for regular dialysis. The military judge postponed the judicial review again till 18 October 2021 to review the medical file and take a decision. On 18 October 2021, the military judge noted that the detainee is an active member in an organization deemed "unlawful" under Israeli military orders and "threatens the security of the region and the public," emphasizing that administrative detention is the "only way to ward off the 'danger'" posed by the detainee. Ofer military court ruled that due to the detainee's medical condition, the court ruled to shorten the administrative detention order to three months instead of six. However, following the military prosecution appeal, Ofer military court of appeal maintained the administrative detention order for six months ending on 13 March 2022. Later, the Israeli military commander renewed Jamal's administrative detention order for an additional three months, ending on 12 June 2021.

On 8 June 2022, the Israeli military commander renewed Jamal's administrative detention order for the second time for three months ending on 11 September 2022. This prompted Jamal to refuse dialysis sessions in Ramleh prison clinic, protesting his continued arbitrary detention without trial or charges, for an indefinite time, threatening his health and putting his life at imminent risk. After Ofer military court postponed Jamal's judicial review of the administrative detention order to 21 June 2022, Jamal's lawyer submitted a request to the Israeli military commander to immediately release him and end his administrative detention on 16 June 2022.

Israeli Prison Services' Systematic Policy of Medical Negligence - Double the Agony

Jamal Zaid's administrative detention is more arbitrary and pressing due to his grave medical condition, which requires close and constant monitoring and treatment. Jamal still suffers from the effects of a previous stroke, he has also undergone a retinal detachment surgery, requiring him to take a fluid medication regularly, and has blood pressure, diabetes, cholesterol, and irregular heartbeat, all of which require regular medication. The complications above do not even account for his case of kidney failure.

As a result of his medical complications, Jamal spends his administrative detention period—of indefinite duration—in Ramleh prison clinic to undergo dialysis sessions three days a week. The session is four hours of suffering, after which he is moved to the Ramleh prison clinic rooms, where he languishes with the rest of the ill Palestinian prisoners. In Ramleh prison clinic, Jamal suffers harsh living conditions, ill treatment, and medical neglect. He is deprived of adequate food, in line with the requirements of his diet, as mandated by his health condition.

Israeli occupation authorities continue to blatantly violate international norms and conventions related to protecting prisoners, specifically sick prisoners, as the conventions guarantee the provision of necessary medical care to patients. Articles 76 and 92 of the Fourth Geneva Convention stipulate the right of sick detainees to receive the necessary medical care, a healthy diet, and conducting necessary medical examinations.

Statistics compiled by human rights organizations indicate that the number of detainees and sick prisoners in Israeli occupation prisons is around 600, including those with chronic diseases and serious illnesses such as cancer. About 12 prisoners are held in Ramleh prison clinic, six of whom remain there permanently. The number of Palestinian prisoners who have died as a result of the occupation's policy of medical negligence has reached 72 prisoners, including four prisoners who died in 2020 and are Daoud Al-Khatib, Nouredine Al-Barghouti, Saadi Al-Gharabli, and Kamal Abu Wa'ar. The most recent case is Palestinian prisoner Sami Al-Amour who died due to medical neglect on 18 November 2021.

The Israeli occupation continues to hold the bodies of eight Palestinian prisoners in refrigerators who passed away during their detention, including Anis Doula, who passed away in Askalon prison in 1980; Aziz Owaisat in 2018; Fares Baroud, Nassar Taqatqa, and Bassam Al-Sayeh, all three of whom died in 2019; Saadi Al-Garabi and Kamal Abu Wa'ar in 2020, and Sami Al-Amour in 2021. Many Palestinian prisoners passed away after their release from captivity, affected by diseases they contracted inside prisons, such as the case of prisoner Hussein Maslama.

Recommendations

In light of the above, Addameer Prisoner Support and Human Rights Association notes with concern and urgency the deteriorating health conditions and grave threat to life of Palestinian

administrative detainee Jamal Zaid, and the inhumane living conditions Palestinian prisoners are subjected to by the IPS. As such we urge your respective mandates to intervene immediately, and specifically to:

- I. Call on the Occupying Power, Israel, to immediately release Palestinian administrative detainee Jamal Zaid, held without charge or trial, and guarantee his right to health, dignified life and freedom from arbitrary arrests and detention;
- II. Call on Israel and the IPS to ensure and uphold Palestinian administrative detainee Jamal Zaid's right to the highest attainable standard of health and mental health, as well as the right to life;
- III. Call on Israel to put an end to the systematic and arbitrary use of administrative detention against Palestinians, and demand the release of all Palestinian political prisoners held under administrative detention indefinitely without charge or trial, contrary to international law;
- IV. Call on the international community and all High Contracting Parties to the Fourth Geneva Convention to fulfill their obligations towards protecting Palestinian human rights and enforcing the implementation of international humanitarian law.

END