

Urgent Appeal to the United Nations Special Procedures for the

Immediate Release of Vulnerable Palestinian Prisoners Facing High-Risk Exposure to COVID-19 in Ofer Prison

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, Mr. S. Michael Lynk;
- 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; and
- Working Group on Arbitrary Detention, Ms. Leigh Toomey (Chair-Rapporteur)

Most recently, on 23 January 2022, the Palestinian Prisoners' Society documented the outbreak of over 100 cases of COVID-19 among Palestinian prisoners and detainees in Ofer prison alone. **Addameer Prisoner Support and Human Rights Association addresses your mandate regarding the recent mass outbreak of COVID-19 in Ofer Israeli occupation prison, which holds over a thousand Palestinian political prisoners and detainees. Further, Addameer seeks to highlight three notable cases of at-risk Palestinian detainees suffering from pre-existing medical conditions and/or diseases who are at an increased risk of developing severe illness from COVID-19, all of whom are coincidentally administrative detainees held without charge or trial.**

Since the beginning of the pandemic, living conditions inside Israeli prisons and detention centers have significantly worsened. The Israeli Prison Services (IPS) continue to subject Palestinian prisoners to harsh living conditions that do not align with the bare minimum of adequate living standards. Overcrowding, insufficient ventilation, and lack of hygiene products make it impossible to restrain the virus's spread inside prisons and leave Palestinian prisoners unprotected and exposed to COVID-19. Such conditions facilitate dangerous breeding grounds for Covid-19 and compound the vulnerability of Palestinian prisoners and detainees. We particularly note with growing concern the danger of COVID-19 in light of the Israeli occupation's systematic and routine medical negligence of Palestinian prisoners and detainees.

Palestinian Child Administrative Detainee Amal Nakhleh

On 13 January 2022, the Israeli military commander issued the renewal of Amal Nakhleh's administrative detention order for an additional four months, representing the third renewal and fourth term of his administrative detention order since his arrest on 21 January 2021. Amal suffers from myasthenia gravis, a rare neuromuscular disorder causing weakness in the skeletal muscles, which requires specialized medical care, regular medication, and constant monitoring of symptoms to avoid further health complications. According to medical reports, Amal has

faced new compounding health concerns requiring medical attention. Amal Nakhleh was a child, 17 years old when he was arrested by Israeli Occupation Forces (IOF) from his home in Al-Jalazon Refugee Camp. Since then, he continues to be held under administrative detention, without charge or trial, despite his age, and more seriously, the precarity of his health condition.

During the confirmation hearing on 18 January 2022, both Amal and his legal counsel were not present, due to Amal's participation in the collective boycott of Palestinian administrative detainees against Israeli military courts, in protest of the Israeli occupation's policy of administrative detention. The boycott, first announced on 20 December 2021 by all 500 Palestinian administrative detainees, commenced on 1 January 2022. The comprehensive boycott includes Israeli military courts at all levels, including courts of first instance, appellate courts, and the Israeli civil High Court. Consequently, Ofer military court postponed the confirmation hearing for Amal Nakhleh to 24 January 2022, as Amal will be tried *in absentia*.¹

The possible confirmation of the renewed administrative detention order against Palestinian child Amal Nakhleh, despite the gaping inconsistencies, and lack thereof, in the purported "secret" evidence submitted by the military prosecution, and more still *in absentia* point to the complicity of the Israeli military judicial system in the Israeli occupation and apartheid regime. Amal Nakhleh's case highlights the Israeli apartheid regime's systematic targeting of Palestinian children, demonstrating that no one is exempt from Israel's arbitrary policy of administrative detention and deliberate medical neglect, not even vulnerable Palestinian children or when grave health conditions emerge.

It should be further noted that IPS refused to grant Amal Nakhleh any of the COVID-19 vaccines, citing his medical condition. As such, Amal is at acute risk of developing severe illness from COVID-19, in addition to lasting health effects that could compound upon his pre-existing conditions.

Palestinian Administrative Detainee Bashir Khairi

The arbitrary arrest and continued detention of 80-year-old lawyer Bashir Khairi reflect Israeli occupation authorities' persistent endeavors to incarcerate him. This is especially highlighted by the arbitrary and dated charges against him, which, when proven insufficient to incarcerate him, is subsequently turned into an administrative detention order without charge or trial.

On 29 October 2021, the Israeli Occupation Forces stormed Khairi's home in Ramallah, arresting him and transferring him directly to Ofer military base. On 1 November 2021, the Israeli military prosecutor requested multiple extensions to the detention of Khairi to 3 November, then 8 November, then again to 15 November 2021, all of which were approved by the Israeli military court. On 15 November 2021, the military prosecutor submitted a list of charges against Khairi relating to his alleged association in an organization deemed "unlawful" under Israeli military orders, citing as evidence events dating as far back as 2000 and 2014.

¹ <http://addameer.org/news/4662>

Bashir Khairi is a Palestinian lawyer who served as legal advisor to several Palestinian civil society organizations. He is a former political prisoner arrested in 1968 and incarcerated for 15 years in Israeli occupation prisons. Still, noting Khairi's old age, health condition, and the dated charges laid against him, the Israeli military court ordered his release on bail on 21 November 2021. In response, the military prosecutor requested the postponement of his release for 72 hours to submit an appeal, and upon approval by the military court, subsequently requested an extension to his detention until 6 December 2021, which the military court again approved. On 6 December, the Israeli military judge amended the terms of Khairi's release to increase bail to 10,000 NIS, along with a third-party guarantee of 20,000 NIS. Notwithstanding, the Israeli military prosecutor requested to postpone his release for 24-hours. On 7 December 2021, the Israeli military commander issued a 6-month administrative detention order, without charge or trial, against Bashir Khairi, until 28 April 2022, based on "secret evidence" that he constituted an imminent "security threat" to the region.

Palestinian Cancer Patient and Administrative Detainee Abdel Baset Ma'atan

On 25 October 2021, IOF stormed the home of Abdel Baset Ma'atan, 48 years old, in the early hours of the morning around 2 am in Al-Bireh. The Palestinian detainee was then transferred to a military base. He was left handcuffed in the open air for over two hours before he was transferred to Sha'ari Tzedek Hospital, where, rather than conducting any examinations, he was merely asked about his medical history and current condition.

Abdel Baset Ma'atan suffers from a history of tumor recurrences, notably gastrointestinal and lung tumors, for which he has sought treatment over the years. Ma'atan had undergone several surgeries before his arrest, including removing parts of his intestines in 2018. In addition, Ma'atan began radiotherapy treatment in Turkey, wherein he requires periodic treatment every six months, alongside continuous examinations and CT scans to monitor the spread of carcinoid tumors. In particular, the existence of a tumor in his lung that may metastasize to a carcinoid tumor affecting both lungs if left untreated was discovered shortly before his arrest.

Nevertheless, upon his arrest, Ma'atan received no specialized medical examinations beyond a standard medical check-up. He was transferred to Ofer prison, where he was subjected to a short interrogation, lasting under an hour, during which Israeli interrogators alleged that he was active in an organization deemed "illegal" under Israeli military orders. Ma'atan denied all allegations. Following his detention for a few days, the Israeli military commander of the region issued an administrative detention order against Abdel Baset Ma'atan for a period of six months, noting that he constitutes a "security threat" to the region. Ofer military court later reduced the period of administrative detention to three months, to end on 30 January 2022. Still, Ma'atan faces the risk of renewing his administrative detention order for an indefinite period of time.

Since his detention, Abdel Baset Ma'atan has been subjected to the Israeli occupation regime's systematic practice of medical neglect. He has not received any personalized medical attention, including the necessary periodic examinations that he requires for the monitoring of his

carcinoid tumors. Ma'atan is only afforded routine, standard prison medical examinations in Ofer prison clinic and previously prescribed medication to address his high cholesterol and Vitamin D deficiency. As such, administrative detainee Abdel Baset Ma'atan faces dueling grave risks of the recurrence of metastatic carcinoid tumors afflicting other parts of his body, as well as an increased risk of developing severe illness from COVID-19.

Concluding Remarks

International human rights institutions, INGOs, and NGOs, including the World Health Organization, the Office of the High Commissioner for Human Rights, and human rights experts, have issued numerous recommendations noting the need to prevent the spread of COVID-19 in the context of detention. In particular, UN experts issued a statement calling upon State parties to ensure the release of political prisoners and other detainees in response to the COVID-19 pandemic.²

In light of the above, Addameer Prisoner Support and Human Rights Association urges your respective mandates to immediately intervene to guarantee the rights to life, health, safety, and well-being of Palestinian prisoners in Israeli occupation prisons during the COVID-19 pandemic, and to:

- I. Urge Israel, as the Occupying Power, to immediately release all vulnerable Palestinian political prisoners from Israeli prisons and to ensure their safety from the uncontrolled spread of the pandemic, particularly those who are more susceptible to the virus, most importantly prisoners with underlying health conditions, children, women, and elderly prisoners;
- II. Demand the release of all Palestinian political prisoners detained indefinitely without charge or trial under administrative detention, and urge the release of all Palestinian political prisoners who are nearing the end of their sentences and/or should be released on probation, to reduce overcrowding in Israeli prisons; and
- III. Call on the Israeli Prison Services to ensure the protection of all prisoners and uphold their right to the highest attainable standard of health without discrimination, by ensuring adequate access to medical care, hygiene facilities, and sanitary products for all prisoners and detainees, adopting the World Health Organization's guidance on preventing COVID-19 outbreak in prisons,³ and taking the necessary measures to prevent the spread of the pandemic in Israeli prisons.

END

² OHCHR, "Urgent action needed to prevent COVID-19 "rampaging through places of detention" – Bachelet," 20 March 2020, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>

³ WHO, "Preventing COVID-19 outbreak in prisons: a challenging but essential task for authorities," 23 March 2020. Available at: <https://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/news/news/2020/3/preventing-covid-19-outbreak-in-prisons-a-challenging-but-essential-task-for-authorities>