

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 17/2, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding the allegedly arbitrary arrest and detention of Ms. **Shireen Issawi**, Mr. **Medhat Tarek Issawi** and Mr. **Samer Issawi**, and allegation that Ms. Issawi has been held in solitary confinement since her arrest in March 2014.

According to the information received:

Mr. Samer Issawi, [REDACTED], is a well-known Palestinian activist and a member of the Democratic Front for the Liberation of Palestine. He was arrested in 2002 and sentenced to 30 years of imprisonment for allegedly belonging to a prohibited organization, attempted murder and possession of explosives. Although he was released after 10 years as part of the prisoner exchange deal concluded in October 2011 between Hamas and the Israeli authorities, he was re-arrested in 2012 for allegedly breaking the terms of his release. He was on hunger strike for 266 days in protest of his detention and in December 2013, the Israeli authorities released him after serving eight months of imprisonment.

Ms. Shireen Issawi, [REDACTED], is a sister of Mr. Samer Issawi and a prominent Palestinian lawyer who actively advocated for his release. She was

arrested and imprisoned in 2010 for one year for her advocacy work and disqualified from the legal practice until 2015. She usually resides in Issawiya neighborhood, Jerusalem and holds an Israeli national identification number [REDACTED].

Mr. Medhat Tarek Issawi, [REDACTED], is a brother of Mr. Samer Issawi and Ms. Shireen Issawi. He usually resides in Issawiya neighborhood, Jerusalem and works as an office manager at a law firm in Jerusalem. Along with other members of the Issawi family, he has been advocating for the Palestinian cause for many years and he was arrested by the Israeli authorities and imprisoned for nearly 20 years until his release in December 2013.

On 6 March 2014, the Israeli army entered Ms. Shireen Issawi's house and arrested her, her brother Mr. Shadi Issawi, and other lawyers. They also confiscated some of her personal items from her house. Although Mr. Shadi Issawi and the others were released on bail, Ms. Issawi was kept in custody. She was held in solitary confinement for two months in Al Maskubieh Complex of Jerusalem with no family visits and subjected to long and severe questioning for 33 days during her detention. The interrogation sometimes lasted for over 12 hours, from 10 a.m. until 2 a.m. the next day, and Ms. Issawi began to suffer from a severe back pain as a result. In addition, she has been reportedly subjected to harassment and mistreatment by the authorities in the Complex and denied adequate food and water. She was subsequently transferred to Hasharon prison where she continues to be held in solitary confinement. She was on hunger strike for 12 days in protest of her detention and treatment by the authorities.

Mr. Medhat Issawi was arrested on 13 March 2014 by the Israeli law enforcement officials at his sister's house while he was visiting her. The authorities did not show any warrant. He was detained in Al Maskubieh Complex and then transferred to different locations. He is currently detained in Ashkelon prison and does not benefit from any legal assistance to date.

Both Ms. Shireen Issawi and Mr. Medhat Issawi have been accused of "transmitting information from political prisoners to parties hostile to Israel", allegedly on the basis of fabricated facts. Although they have been brought before the Jerusalem Central Court for hearings 13 times so far, their trials have been postponed every time. In the latest hearing that took place in the Jerusalem Central Court on 10 July 2014, their trials have been postponed until 27 October 2014 and the court ordered their continued detention until further notice.

On 23 June 2014, Mr. Samer Issawi was also arrested at his home by the Israeli law enforcement officials, allegedly due to his membership of a prohibited

organization and his press statements that were considered to be "provocative" by the Israeli authorities. He has been charged with "affiliation with an unauthorized organization" and is detained in Gilboa prison. It is reported that Mr. Samer Issawi's arrest has taken place in the context of massive detention operations conducted by Israeli authorities, following the alleged kidnapping of three Israeli teenagers by Hamas in the West Bank on 12 June 2014. It is reported that up to about 700 Palestinians have been detained by the Israeli authorities since 12 June 2014, and between 450 and 500 Palestinians reportedly remain detained as of 3 July 2014.

We express serious concern about the allegations that Ms. Shireen Issawi and Mr. Medhat Issawi were arrested without warrants and allegedly on the basis of fabricated facts, and have not been tried or given opportunities to challenge the lawfulness of their detention since their arrest in March 2014. We also express serious concern about the allegation that Ms. Issawi is held in solitary confinement and subject to cruel, inhuman or degrading treatment or punishment during interrogation. In the case of Mr. Medhat Issawi, we are further concerned about his alleged lack of access to a lawyer. Furthermore, concern is expressed about the re-arrest of Mr. Samer Issawi as part of the massive detention operations by the Israeli authorities.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion on whether the detention of Ms. Shireen Issawi, Mr. Medhat Issawi and Mr. Samer Issawi is arbitrary or not, these allegations appear to be in contravention of their right not to be deprived arbitrarily of their liberty, as set forth in articles 3 and 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR), which Israel ratified on 3 October 1991, as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 10 of the UDHR and article 14 of the ICCPR.

The above allegations also appear to be in contravention with the right to be assisted by a lawyer, as set forth in Principle 1 of the Basic Principles on the Role of Lawyers and with the right to be informed of charges, as set forth in the article 14(3) of the ICCPR.

As Ms. Shireen Issawi is a lawyer, these allegations also appear to be in contravention with the freedom to carry out legal work without being identified with clients, as set forth in the Principle 18 of the Basic Principles on the Role of Lawyers.

Furthermore, the allegations that Ms. Issawi has been held in solitary confinement since her arrest in March 2014 and subjected to cruel, inhuman or degrading treatment or punishment during interrogation appear to be in contravention with the absolute and non-derogable prohibition of torture and other ill-treatment as codified in article 1 of the

Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Israel ratified on 3 October 1991. We would also like to recall paragraph 6 of General Comment No. 20 of the Human Rights Committee, which states that prolonged solitary confinement of the detained or imprisoned person, may amount to acts prohibited by article 7 of the ICCPR.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the steps taken by your Excellency's Government to respect and protect the rights of the three abovementioned individuals in compliance with the above international instruments.

As it is our responsibility under the mandates provided to us by the Human Rights Council to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the allegations described above.
2. Please clarify the legal grounds for the arrest and detention of Ms. Shireen Issawi, Mr. Medhat Issawi and Mr. Samer Issawi. Please indicate whether Ms. Shireen Issawi and Mr. Medhat Issawi have been charged and if so, what the charges are. With respect to Mr. Samer Issawi, please confirm the alleged charge against him and provide information on any other charges against him.
3. Please provide the reasons why the court hearings for Ms. Shireen Issawi and Mr. Medhat Issawi have been postponed several times and why they have not been tried or given opportunities to challenge the lawfulness of their administrative detention since their arrest in March 2014.
4. Please explain how the alleged lack of access to a lawyer for Mr. Medhat Issawi is compatible with Israel's obligations under the ICCPR.
5. Please provide details, and where available the results, of any investigation, judicial or other inquiries carried out in relation to these three cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Gabriela Knaul
Special Rapporteur on the independence of judges and lawyers

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading
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