

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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.

REFERENCE: UA
ISR 4/2014:

12 June 2014

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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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, 24/6, 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 arrest and detention of **Mr. Ahmad Ishraq Rimawi**, who has been on hunger strike since 30 April 2014 in protest at his long-term administrative detention.

According to the information received:

Mr. Ahmad Ishraq Rimawi, born on [REDACTED] and a holder of the Palestinian Authority Identity Card No. [REDACTED], is a university student from Abwein, West Bank. On the evening of 17 November 2012, Mr. Rimawi and two of his friends were travelling by taxi through the 'Atara military checkpoint. The Israeli soldiers manning the checkpoint stopped and searched the taxi and arrested them. Mr. Rimawi was then transferred to Ofer prison and detained there for two days. On 19 November 2012, he was interrogated in Ofer Interrogation Center by an Israeli military warrant officer in relation to an accusation of "participating in military activities". He was not represented by a lawyer during the interrogation and he denied the accusation.

On 20 November 2012, the Israeli Military Commander of the West Bank issued an administrative detention order for six months, pursuant to article 285 of the Military Order 1651 (2009). The order was confirmed by the Ofer Military Court on 24 December 2012. Mr. Rimawi's detention has been extended for a further six-month period three times since then; on 17 May, 17 November 2013 and 15 May 2014. Although Mr. Rimawi's lawyers have submitted three appeals to the Military Court of Appeals and two petitions to the Supreme Court, all have been rejected. Mr. Rimawi's case file, however, reportedly lacks supportive evidence to substantiate the accusation against him and, reportedly, Israeli intelligence has not provided any new evidence justifying the extension of the administrative

detention order. His lawyers have not been allowed to review the evidence against him, which makes it difficult to effectively challenge the lawfulness of his detention. Mr. Rimawi has not been charged with, or tried for, any crimes to date.

Mr. Rimawi started a hunger strike on 30 April 2014, demanding his release and an end to the policy of administrative detention. It is reported that there are currently 125 detainees on hunger strike, including 90 held under administrative detention. Since the start of the hunger strike, they have been allegedly subject to harsh treatment as a measure of punishment. Immediately after announcing the beginning of his hunger strike, Mr. Rimawi was moved to an isolation cell in Ktziot prison for four days; subsequently he and 40 other detainees on hunger strike were transferred to "Section 9" of the same prison, which consists of tents inside the compound. Heavily armed Israeli Special Forces personnel reportedly entered the cells twice a day and conducted violent searches, which entailed transferring the detainees into a cage and conducting searches on them while they were handcuffed. The hunger strikers were allegedly denied salt for the first fifteen days of their hunger strike.

On 7 May 2014, Mr. Rimawi was transferred to the Deikel isolation cell of the Ohalei Keidar prison in Beer Sheva desert. While no precise information is available about conditions of detention there, past reports indicate that these isolation cells are small (2x3m), dirty, cramped and lacking of cleaning and personal hygiene facilities. On 12 May 2014, Mr. Rimawi was transferred to the Ohalei Keidar isolation cell. The cell is reportedly very small and cramped as two detainees were placed in it. Furthermore, the detainees reportedly do not receive adequate medical attention in these cells and there have been several incidents where the detainees fainted as prison guards refused to take any action. On 20 May 2014, the detainees on hunger strike, including Mr. Rimawi, stopped taking vitamins and salt in order to protest at the lack of adequate medical care.

On 26 May 2014, Mr. Rimawi and other hunger strikers were transferred to hospitals due to their health condition. Mr. Rimawi was moved to Kaplan hospital with three other hunger strikers and underwent a medical examination. The results indicated that his health was seriously deteriorating. The detainees in the hospitals are reportedly shackled to their beds 24 hours a day and treated poorly by the guards.

We are expressing serious concern at the allegations that Mr. Rimawi has been detained without charge or trial since 17 November 2012, that he has been denied access to a lawyer during his interrogation and that his lawyers have not had access to information or evidence justifying his continued detention, thus undermining his ability to effectively challenge the legality of his detention. We further express our grave concern about the deterioration of Mr. Rimawi's health and the allegation of inadequate medical care provided to him and other detainees.

While we do not wish to prejudge the accuracy of these allegations, these allegations appear to be in contravention of his right not to be deprived arbitrarily of his

liberty, as set forth in article 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 in 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 Basic Principles on the role of lawyers.

We also draw your Government's attention to paragraph 6 of General Comment No. 20 of the Human Rights Committee states that prolonged solitary confinement of detained or imprisoned persons may amount to acts prohibited by article 7 of the ICCPR; and article 7 of the Basic Principles for the Treatment of Prisoners regarding limitations on the use of solitary confinement as a punishment.

Further, the allegations appear to be in contravention of Mr Rimawi's right to the enjoyment of the highest attainable standard of physical and mental health, as set forth in article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as in the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Basic Principles for the Treatment of Prisoners.

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 Mr. Rimawi 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 explain how Mr. Rimawi's denial of access to a lawyer during his interrogation at the Ofer Interrogation Centre is compatible with the international human rights standards, including those ratified by Israel
3. Please clarify the legal grounds for the arrest and continued detention of Mr. Rimawi and provide material information or evidence justifying the continuation of his detention. Please and explain how such measures are compatible with Israel's legal obligations under international human rights law.
4. Please provide information on the grounds on which the appeals and petitions submitted by Mr. Rimawi's lawyers have been denied.

5. Please explain how the allegations that Mr. Rimawi's lawyers have no access to information or evidence are compatible with international human rights standards.

6. Please provide details, and where available the results, of any investigation, medical examination, judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

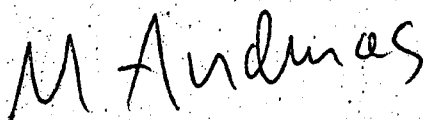
7. Please provide details of persons currently detained in Israel's territories pursuant to administrative detention orders, including details of those who are currently on hunger strike. Please also provide further information on Israel's law, policy and practice on administrative detention and explain how such measures are compatible with Israel's legal obligations under international human rights law.

8. Please provide details on the measures taken to ensure Mr. Rimawi's enjoyment of the right to health, including access to adequate medical care.

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

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.

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



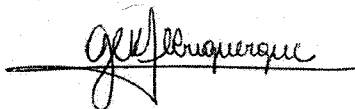
Mads Andenas

Chair-Rapporteur of the Working Group on Arbitrary Detention



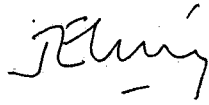
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