

**Mandates of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on discrimination against women and girls**

REFERENCE:  
UA ISR 15/2019

28 October 2019

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 1993/2A, 42/22, 35/15, 34/19 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the detention and alleged torture and ill-treatment of Ms. **Heba Al-Labadi**.

According to the information received:

On 20 August 2019, Ms. Heba Al-Labadi, a Palestinian with Jordanian nationality, was arrested by Israeli security forces at the Allenby Bridge border crossing while travelling with her family members to attend a family reunion in Nablus. Following her arrest, she was held at the border for two hours and subjected to a strip-search. Afterwards, she was handcuffed, and blindfolded.

She was then taken to al-Mascobiyya detention centre in Jerusalem and transferred to Petah Tikva interrogation center in the same day. Ms. Al-Labadi was held in Petah Tikva interrogation center for thirty days, during which she was subjected to prolonged interrogation. During her interrogation in Petah Tikva, Ms. Al-Labadi was continuously tied to a chair, in a painful position. The interrogators told her that they had also detained her mother and sister through administrative orders, which could be extended up to seven and a half years. Additionally, interrogators swore at her and spat at her. The cell in which she was kept during the interrogation was small, damp, swarming with insects, and had a foul smell. The light was kept on in the cell the whole time.

From 20 August to 15 September 2019, Ms. Al-Labadi was denied access to a lawyer. She was visited by the Jordanian Consul on 3 September 2019. Following

the visit of the Consul, she was removed from the interrogation facility in Petah Tikvah on 20 September and spent several days being transferred between Damoun, Megido and Kishon detention facilities.

On 24 September 2019, Ms. Al-Labadi was sentenced to five-months of administrative detention by an Israeli military court and transferred to Kishon (Al-Jalamah) detention center on 25 September. She has been placed in solitary confinement since. On 24 September, she began a hunger strike which is currently in its fourth week in order to protest her detention and conditions in detention. As a result, she has been suffering from various medical conditions, including weight loss, elevated heartbeat and stomach aches.

Ms. Al-Labadi has been denied family visits since her arrest on 20 August 2019.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our grave concern over the allegations of mistreatment used against Ms. Al-Labadi while in detention which could amount to torture and ill-treatment. Further concern is expressed over her health in light of her on-going hunger strike.

We would like to remind your Excellency's Government of the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Israel ratified on 3 October 1991. Moreover, Article 7 of the International Covenant on Civil and Political Rights, to which Israel is a party, provides that "[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

In this context, we would like to draw the attention of your Excellency's Government to the Istanbul Statement on the Use and Effects of Solitary Confinement, where solitary confinement is defined as the physical and social isolation of individuals who are confined in their cells for 22 to 24 hours a day. It is observed that while solitary confinement for short periods of time may be justified under certain circumstances, with adequate and effective safeguards in place, the use of prolonged (in excess of 15 days under conditions of total or almost total isolation) or indefinite solitary confinement may never constitute a legitimate instrument of the State, as it may cause severe mental and physical pain or suffering. We would also like to refer to paragraph 28 of the General Assembly resolution 68/156 (2014) which emphasized that conditions of detention must respect the dignity and human rights of persons deprived of their liberty, and called upon States to address and prevent detention conditions that amount to torture or cruel, inhuman or degrading treatment or punishment, while noting in this regard concerns about solitary confinement, which may amount to torture or other cruel, inhuman or degrading treatment or punishment. We would further like to emphasise that the Nelson

Mandela Rules prohibit practices such as indefinite or prolonged solitary confinement (Rule 43).

Regarding allegations indicating that Ms Al-Labadi was denied access to a lawyer, we would like to refer to the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right to Anyone Deprived of their Liberty to Bring Proceedings Before a Court (A/HRC/30/37), which provide for the right to legal assistance immediately after the moment of apprehension (principle 9). Furthermore, Ms Al-Labadi's sentence by a military court is gravely concerning especially considering that the Working Group on Arbitrary Detention has found that civilians should never be tried by a military court (A/HRC/27/48, paras. 66-71).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with 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 the observations of your Excellency's Government on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide information regarding the legal and factual bases for the arrest of Ms. Al-Labadi. Are there any charges against her?
3. Please provide information on any investigation which has taken place with regards to the alleged torture of Ms. Al-Labadi. If no investigation has taken place, please explain why.
4. Please provide information with regards to the current state of Ms. Al-Labadi's health, along with information on what steps have been taken in order to ensure that she has adequate access to medical care.
5. Please provide information on whether she was able to receive family visits and which measures were taken to facilitate it. If her family has been unable to visit her, please explain why.
6. Please provide information on what steps have been taken to ensure that Ms. Al-Labadi is being provided with adequate legal representation,

including whether legal representation was available when she was first taken into custody on 20 August 2019.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their recurrence 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.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Michael Lynk  
Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

Leigh Toomey  
Vice-Chair of the Working Group on Arbitrary Detention

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Nils Melzer  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Meskerem Techane

Chair-Rapporteur of the Working Group on discrimination against women and girls