



16th Summit of Heads of State or Government of the Non-Aligned Movement

Tehran, Islamic Republic of Iran

26 - 31 August 2012

Declaration on Palestine Political Prisoners

1. The Heads of State or Government of the Non-Aligned Movement (NAM) *expressed grave concern* regarding the deteriorating situation of Palestinian political prisoners in the Occupied Palestinian Territory, including East Jerusalem. They *condemned* the continued imprisonment and detention of thousands of Palestinian civilians by Israel, the occupying Power, including at least 300 children as well as women and elected officials, and *condemned* the deplorable conditions under which they are being unlawfully held in jails and detentions centers in both the Occupied Palestinian Territory and in Israel. They *recalled* the Ministerial Declaration on Palestinian Political Prisoners adopted by the XVI NAM Ministerial Conference held at Bali in May 2011.
2. The Heads of State or Government *expressed grave concern* in particular about the hunger strike by thousands of Palestinian prisoners, which began on 17 April 2012, annually commemorated by the Palestinian people as “Prisoners’ Day”. They *expressed solidarity* with the prisoners who have undertaken this massive hunger strike in protest of the occupying Power’s illegal practice of administrative detention, by which hundreds of Palestinians are being held without charge or trial, and in protest of the other inhumane, oppressive measures violating their most basic human rights. They *expressed serious concern* about the fragile health conditions of several Palestinians being held under administrative detention, who have been on hunger strike for more than two months and whose lives are at risk. They *stressed* that Israel, the occupying Power, must be held

fully accountable for the well-being of all Palestinian prisoners, including the prisoners partaking in the peaceful, non-violent hunger strike protesting Israel's extreme abuses. The Heads of State or Government *called on* the international community to act urgently to address this critical situation in line with obligations under international law, specifically Article 76 of the 4th Geneva Convention, which defines the rights of protected persons faced with detention by an occupying Power.

3. The Heads of State or Government *deplored* Israel's continuing campaign of arrest and detention of Palestinian civilians and *deplored* the violent military raids, forced interrogations, intimidation, and all other brutal, dehumanizing measures used by the occupying Power in this regard. They *condemned* the extremely unhygienic, humiliating and, in many cases, life-threatening conditions under which Palestinian prisoners are being held, including vulnerable groups such as children, women, and ill, disabled and paralyzed Palestinians. They *condemned, inter alia*, Israel's use of torture and all other forms of physical and psychological mistreatment and deprivation of Palestinian prisoners, including denial of family visits, denial of access to education and adequate medical care, and the inhumane use of solitary confinement. They also *condemned* Israel's withholding of the bodies of Palestinian prisoners who were killed or died while in Israeli captivity and their burial in military graveyards.
4. The Heads of State or Government *stressed* that under Article 147 of the 4th Geneva Convention, which is fully applicable to the Occupied Palestinian Territory, including East Jerusalem, Israel's policies and practices regarding the imprisonment and detention of Palestinian civilians constitute serious violations, in many cases amounting to war crimes and crimes against humanity which, pursuant to Article 146, should be subject to international criminal prosecution, in accordance with universal jurisdiction, and recalled relevant provisions of the Rome Statute of the ICC. They *demand* that Israel, the occupying Power, fully comply with the relevant provisions of the Geneva Conventions and all other applicable international Conventions and Treaties and adhere to international standards for due process.

5. The Heads of State or Government *reiterated the demand* that Israel, the occupying Power, immediately release all Palestinian prisoners, and *stressed* the need for the return of the prisoners to their families and their speedy reintegration into their communities. They *demand*ed that Israel cease forthwith the arbitrary arrest and detention of Palestinians in the Occupied Palestinian Territory, including East Jerusalem.
6. The Heads of State or Government *expressed deep regret* about the devastating impact of Israel's illegal practices on Palestinian prisoners and their families and the Palestinian society as a whole. In this regard, they *commended* the valuable work of the International Committee of the Red Cross (ICRC), and *called upon* the occupying Power to grant it the necessary access. They *also commended* the valuable efforts of civil society to provide assistance, including legal and humanitarian support, to Palestinian prisoners and their families.
7. The Heads of State or Government *commended* ongoing efforts to raise awareness on the critical issue of Palestinian political prisoners being held by Israel, the occupying Power. They *urged* mobilization of support for the efforts of the Palestinian people and their leadership to address this crisis, particularly the deteriorating situation of hunger striking prisoners. They *reiterated the call* for international action in line with legal obligations, stressing that the plight of these prisoners should be addressed by, *inter alia*, the UN General Assembly, Security Council, and Human Rights Council. They *recalled* the proposal by the Palestinian Minister of Prisoners Affairs for a resolution by the General Assembly requesting an Advisory Opinion by the International Court of Justice on the legal status of Palestinian prisoners and detainees held by Israel, the occupying Power, and the legal responsibilities of the occupying Power and third parties under international law. Moreover, in accordance with common Article 1 of the Geneva Conventions, they urged the High Contracting Parties to the 4th Geneva Convention to uphold their obligations in this regard, and called for convening of a Conference of High Contracting Parties as a first step towards addressing this serious issue.