



XVI Ministerial Conference and Commemorative Meeting of the Non-Aligned Movement

Bali – Indonesia
23 – 27 May 2011

Declaration on Palestine Political Prisoners

1. The Ministers of the Non-Aligned Movement (NAM) *considered* the critical situation in the Occupied Palestinian Territory, including East Jerusalem, in particular the grave situation of Palestinian political prisoners being detained or imprisoned by Israel, the occupying Power. The Ministers *expressed grave concern* that there are currently more than 6,000 Palestinians held in 22 prisons and detentions camps in Israel and in the Occupied Palestinian Territory, including East Jerusalem, and that 300 of these prisoners are children under the age of 18. The Ministers *also expressed grave concern* that among the prisoners were also 37 women as well as 10 members of the Palestinian Legislative Council.¹
2. The Ministers condemned the holding of the prisoners as a blatant contravention of the Fourth Geneva Convention, which governs situations of foreign occupation and which they reaffirmed is applicable to the Occupied Palestinian Territory, including East Jerusalem, as affirmed in numerous Security Council, General Assembly and Human Rights Council resolutions as well as by the International Court of Justice Advisory Opinion of July 2004. The Ministers conveyed their strong support for the need to raise awareness of and internationalize the issue of Palestinian political prisoners. They stressed that Palestinian political prisoners held by Israel, the occupying Power, should be treated as Prisoners of War, when applicable.
3. The Ministers *deplored* that continuing arrests of Palestinian civilians, including through use of brutal force in military raids, the arbitrary use

¹ Outcome Report of United Nations Meeting on the Question of Palestine on the Plight of Palestinian Political Prisoners, Vienna, March 2011, Document CPR/IMQP/2011/20

of administrative detentions, forcible interrogations and the transfer of prisoners to Israel. They *condemned* all such illegal policies and practices by Israel, the occupying Power, clearly aimed at intimidating, dehumanizing and subjugating the Palestinian people. They *also condemned* the extremely poor, unhygienic, undignified, and in some cases life-threatening conditions under which Palestinian prisoners are being held by the occupying Power. They *expressed deep concern* in particular at the situation of the most vulnerable groups in Israeli detention, including Palestinian women and children as well as ill, disabled and paralyzed Palestinian detainees and the policy of deliberate medical neglect, from which 200 persons have died. They *condemned* Israel's continued use of torture and other international prohibited measures, which it authorizes through legislative and judicial decisions, as well as other forms of physical and psychological mistreatment against Palestinian prisoners, including the use of solitary confinement, which deprives Palestinian prisoners of most basic humanitarian needs.

4. The Ministers *noted* the devastating effect of detention upon Palestinian prisoners and their families and stressed in this regard the urgent need for speedy reintegration of former prisoners into society. The Ministers *condemned* the Israeli practice of withholding the bodies of Palestinian prisoners who were killed or died while in Israeli detention and their burial in military graveyards.
5. The Ministers *stressed* that under article 147 of the Fourth Geneva Convention the aforementioned Israeli practices constitute serious violations of international humanitarian law and in many cases amount to war crimes and crimes against humanity which, pursuant to article 146 of the same Convention, should be subject to international criminal prosecution, in accordance with universal jurisdiction, and referred in this regard to the relevant provisions of the Rome Statute of the International Criminal Court.
6. The Ministers *demanded* that Israel, the occupying Power to guarantee that appropriate standards of detention were maintained, that all detainees are brought to trial without delay, and that minors' and prisoners' visiting rights are guaranteed, in full compliance with international Treaties and Conventions, including the Convention on the Rights of the Child and the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, to which Israel is State Party. In this regard, the Ministers *commended* the consistent and valuable work of the International Committee of the Red Cross (ICRC) aimed at alleviating the detrimental consequences of the treatment of Palestinian prisoners in Israeli jails and detention facilities and inspecting their conditions, and *called upon* Israel to grant it the necessary access. In this connection, the Ministers *stressed* the need to

ensure implementation of the World Health Organization resolution of May 2010, in which it decided that a fact-finding mission, including the International Committee of the Red Cross (ICRC), be sent to investigate the deteriorating health conditions of prisoners.

7. The Ministers *demanded* that Israel to release without any preconditions Palestinian prisoners arrested in relation to their activities opposing the occupation, so-called “political offenses” and that the occupying Power clearly and immediately define such “political offenses”. The Ministers furthermore *demanded* that Israel cease the arbitrary arrest of Palestinians in the Occupied Palestinian Territory, including East Jerusalem, as well as their unlawful transfer to prisons inside Israel.
8. The Ministers *expressed grave concern* that, in most cases, prisoners are denied access to legal counsel as well as family visitation rights, contrary to international humanitarian and human rights law. They *further expressed grave concern* at Israel’s continued practice of administrative detention in violation of fundamental human rights, noting that Israel uses administrative detentions orders in a highly arbitrary manner, with the right to appeal, but without charge, trial or right to defense, with a total of 20,000 orders for administrative arrest issued since 2000. The Ministers *called on* Israel to fully respect the rule of law in its treatment of all Palestinian prisoners and detainees and to adhere to international standards for due process.
9. The Ministers *welcomed* international efforts to raise awareness of the plight of the Palestinian political prisoners, including through the convening of the meetings held respectively in Algeria in December 2010 and in Morocco in January 2011, as well as the convening of the “United Nations International Meeting on Palestinian Political Prisoners” in Austria in March 2011. The Ministers *endorsed* the international calls for an immediate release of Palestinian political prisoners, including children and women, and for proper international inspection of their current conditions. They stressed that addressing the plight of these prisoners should be a priority for the United Nations General Assembly, Security Council, Human Rights organs and the international community. In this regard, the Ministers *considered* the proposal by the Minister of Prisoners Affairs of the Palestinian National Authority for international action with regard to the issue of Palestinian prisoners, including the possibility of requesting the General Assembly to adopt a resolution asking the International Court of Justice to issue an Advisory Opinion to determine the legal status of Palestinian prisoners and detainees held by the occupying Power and the nature of the legal responsibilities of the occupying Power and third parties by virtue of international law.

10. The Ministers *agreed* that the issue of Palestinian prisoners has a major impact on both the Palestinian society and the Israeli-Palestinian conflict and that this issue is a central one and practical and effective benchmark in the construction of a just peace in the region. In this context, the Ministers stressed that the release of a substantial number of Palestinian prisoners, as well as the immediate release of the arbitrarily, illegally imprisoned members of the Palestinian Legislative Council, could constitute a positive step towards fostering the climate of mutual trust necessary for the resumption of permanent status negotiations.
 11. The Ministers *stressed* the important role played by the United Nations and the international community at large in raising awareness of the question of Palestinian political prisoners imprisoned and detained by Israel and in calling for an urgent solution to this issue. They *underscored* the urgent need for and the obligation of the international community to use all available mechanisms to ensure the occupying Power's compliance with international law. They *urged* all the High Contracting Parties to the Fourth Geneva Convention to fulfill their obligation in accordance with common article 1 to respect and ensure respect for the Convention in all circumstances. The Ministers *also urged* the High Contracting Parties to take all appropriate steps for the convening of a Conference to address this serious issue.
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