



UNHRC #54 – Item 3

Interactive Dialogue with the Working Group on Arbitrary Detention

Urgent Release of Palestinian Prisoner Walid Daqqah Experiencing Arbitrary Detention and Medical Neglect in Israeli Prisons

Introduction

The prolonged and unjust imprisonment of the Palestinian intellectual and freedom fighter Walid Daqqah, who holds Israeli citizenship, exemplifies the deep-seated human rights violations perpetrated by the Israeli colonial-apartheid regime. Since his arrest in 1986, Walid has faced a myriad of injustices, including arbitrary detention, medical neglect, and continuous discriminatory practices. This statement addresses Israel's arbitrary and discriminatory treatment of Walid and calls on the international community to take immediate action to pressure Israel for Walid's release.

Arbitrary Detention

Despite completing a 37-year life imprisonment sentence on 24 March 2023, stemming from his alleged involvement in armed resistance against colonial-apartheid, Walid's ordeal continued. In 2018, Israeli authorities extended his sentence by two years, citing an alleged attempt to smuggle a cellphone into his prison cell. The conviction and 2-year sentence are extreme for an administrative/misdemeanor offense.

Walid was diagnosed with terminal cancer in December 2022. With his medical condition deteriorating significantly, he appealed for early release on medical grounds to the Parole Board on 10 May 2023, under section No. 7 of the Parole Release Law of 2001. This section allows for release in cases of severe illness. Despite the clear framework of section 7, the regular Parole Board invoked section 40A of the Counter-Terrorism Law, 5776-2016, at the request of Israeli forces, which mandated the involvement of the Special Parole Board—a more stringent entity—and even the Terrorism Board.

This discriminatory approach created a bewildering legal maze, with decisions shifting between various boards and sections. The Chairman of the Terrorism Board concluded that the Terrorism Committee was not the appropriate forum for addressing Walid's case, emphasizing the confusion surrounding his appeal. In addition, he also decided that

Walid's petition must be dealt with in accordance with section 7 of the Parole Release Law. Despite the repeated affirmation of the validity of section 7 of the Parole Release Law, the Attorney General canceled the Terrorism Committee's decision and requested the convening of a special parole board in its full composition under section 40A of the Counter-Terrorism Law, without the presence of the parties in complete disregard for due process. However, the Special Parole Board proceeded in the presence of the parties involved, but ultimately ruled against Walid's conditional release under the Parole Release Law, despite his eligibility due to his serious health condition.

This series of decisions contradicts Israeli legal texts and underscores a clear denial of Walid's right to a fair and just trial, ultimately amounting to arbitrary detention. The rejection of his early release requests neglects the humanitarian emergency posed by his deteriorating health, continuing a pattern of deliberate violations of his human dignity and rights. In demonstrations and in the media, Israeli demonstrators were calling on the government to ensure Walid dies in prison by opposing his release.¹

Torture, Medical Neglect and Endangerment of Life

Walid, imprisoned since 1986, has endured physical and psychological torture, including solitary confinement and medical neglect.² Walid's current dire health condition amplifies concerns regarding his right to life and need for urgent proper medical care. Despite being diagnosed with leukemia and necessitating an urgent bone marrow transplant, the Israel Prison Service (IPS) refused to transfer him to a hospital, but instead provided him with temporary relief which negatively affected his immunity and threatened him with infections due to the inadequate hygienic environment in prison.³ Subsequently, Walid suffered a severe cardiovascular stroke which led to a physical injury on his chest, and despite the required emergency treatment, IPS at Askalan prison refused to transfer him to a hospital until nearly two weeks after. Further, while he was at Askalan prison, Walid contracted pneumonia, and experienced kidney failure and a life-threatening drop-in blood cell count. He has continuously been denied access to specialized healthcare and periodic check-ups despite urgent medical recommendations. His medical plight is a stark illustration of the IPS's systematic discriminatory and deliberate medical neglect against Palestinian prisoners.⁴ The repeated transfers between civilian hospitals and the

¹ See for example (in Hebrew): <https://news.walla.co.il/item/3199358>, <https://news.walla.co.il/item/3343023>, and <https://www.inn.co.il/news/603140>

² "Immediate Release of Palestinian Political Prisoner Walid Daqqah Diagnosed with Bone Marrow Cancer and Facing Imminent Deteriorating Health Conditions due to Israeli Prison Services Policy of Deliberate Medical Neglect", Addameer, 22 May 2023. Available at: <https://www.addameer.org/news/5039>.

³ Ibid.

⁴ Ibid.

substandard Ramleh prison clinic underscore a calculated pattern of neglect that heightens the risk to Walid's well-being and life.

A noteworthy directive from an Israeli hematologist, engaged at the behest of Physicians for Human Rights, underlines the necessity for his transfer to a sanitary and hygienic environment—conditions that the Israeli prison system evidently fails to provide.⁵ This is further emphasized by the fact that the IPS doctor has projected Walid's life expectancy to be only 2 years, and approximately 8 months of that time have already passed.⁶

The inadequate and ill treatment he has received is a grave violation of his right to health and poses an imminent threat to his life, that could amount to torture.⁷

The deliberate medical negligence and inhumane treatment stand as a policy the Israeli forces have used since 1967. The special rapporteurs on health and the oPt, in a joint communication, requested Israel to provide information on the legal grounds for the extension of the 37-year sentence by 2 years and the denial of appropriate medical care.

They reiterated that the Committee Against Torture repeatedly concluded that “inadequate detention conditions could amount to ill-treatment” and that “since 1967, 236 Palestinian prisoners reportedly died in Israeli prisons, and 32 per cent of them (75 prisoners) allegedly died as a result of lack of access to adequate health care and living conditions.”⁸

The gravity of Walid's current life-threatening state is exacerbated by the fact that he has already served the entirety of his 37-year prison sentence. Thus, the imperative of his swift release cannot be overstated, potentially signifying a lifeline amidst these perilous circumstances.

Conclusion and Recommendations

Walid has been deprived of his right to fair trial and nondiscrimination, right to freedom and the right to the enjoyment of the highest attainable standard of physical and mental health through his continuous outrageous arbitrary detention. In addition, he is suffering

⁵ Ibid, Addameer.

⁶ Ibid.

⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984, Article 1, United Nations. available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

⁸ “Mandates of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967”, Human Right Council, 5 May 2023. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28065>

from medical neglect which amounts to torture, besides to other forms of ill, degrading and inhumane treatment at prison.

Badil, therefore, calls on:

1. The Working Group on Arbitrary Detention to promptly address Walid's case as a case of arbitrary detention and to call for his immediate release.
2. The Human Rights Council (HRC) and member states to take swift actions to ensure Walid's immediate and unconditional release and hold Israel accountable for its institutionalized policies of racial domination and oppression imposed over the Palestinian people, including through arbitrary detention and imprisonment policies targeting the Palestinian people on both sides of the Green Line.
3. The United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel, to investigate Israel's policy of arbitrary detention and medical neglect that Palestinians are subjected to on both sides of the Green Line.