



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

London, 25 February 2016

STATEMENT

Bar Human Rights Committee calls on Israel to release hunger-striking Palestinian journalist, Mohamed al-Qiq

The Bar Human Rights Committee of England and Wales (“BHRC”) expresses its extreme concern at the condition of Palestinian journalist, Mohamed al-Qiq (aka al-Qeeq), who has been on hunger strike for 93 days, protesting his internment without trial by Israel.

Mr al-Qiq, a reporter for a Saudi news channel, has been detained for over three months, without trial or charge under Israel’s administrative detention laws, which permit the arrest and detention of Palestinians, on secret evidence, for periods of up to six months, renewable indefinitely. The 33-year-old father of two, who has refused all sustenance other than water, is now reportedly close to death.

Mr al-Qiq was arrested by Israeli forces from his home in the West Bank on 21 November 2015. He began his hunger strike in protest at his detention without charge and at the torture and cruel and inhuman treatment to which he asserts he was subjected during the course of his two-week interrogation by the Israel Security Agency (formally known as the “Shin Bet”). He asserts, in particular, that he was tied backwards over a chair for up to 15 hours at a time - in the so-called ‘banana’ stress position - and that he was threatened with sexual violence if he did not confess to the allegations against him. He was also denied access to his lawyer.

Mr al-Qiq received a six-month administrative detention order on 17 December 2015, which has sought to appeal. The Israeli authorities assert that he has engaged in “incitement”, that he worked with media associated with Hamas and that he poses a “threat to the security” of the occupied territory. However, he has been charged with no crime and the evidence against him has not been disclosed to him or to his representatives.

Mr al-Qiq was forcibly transferred out of occupied Palestinian territory into Israel and has been held in detention there since, in breach of the Fourth Geneva Convention. Although the Israeli Supreme Court technically “suspended” the internment administrative detention order against Mr al-Qiq on February 4 2016, the Court refused his application to be returned to a hospital in the West Bank, under Palestinian Authority jurisdiction. Meanwhile, Mr al-Qiq’s Palestinian wife and children continue to be refused permission to enter Israel from the West Bank to visit him.

It is reported that Mr al-Qiq continues to be handcuffed to his hospital bed, guarded by Israeli guards and guard dogs, notwithstanding the fact that he is reportedly on the verge of death, a practice that is capable of constituting inhuman and degrading treatment, contrary to the International Covenant on Civil and Political Rights. The hospital in which he is being detained has also reportedly been raided by Israeli forces.

BHRC calls on the Israeli authorities to return Mr al-Qiq to the occupied West Bank immediately. In circumstances where the administrative order for his detention has been suspended, there appears to be no legal basis for his continued detention, which would therefore be arbitrary as a matter of law. He must be either charged with an internationally recognisable criminal offence and tried in proceedings adhering to international fair trial standards, or released.

BHRC notes that while international law permits the use of administrative detention, it must only be used in very exceptional cases – and then only as a last possible resort. Israel has used and continues to employ administrative detention extensively against Palestinians, including Palestinian children. At present, there are reportedly over 550 Palestinians detained without charge, 18 of whom are journalists, and a number of whom have commenced their own hunger strikes in solidarity with Mr al-Qiq. The BHRC joins the United Nations in calling on Israel to either charge or release all administrative detainees held without charge or trial.

Israel must also conduct independent investigations into Mr al-Qiq's complaints of torture and ill-treatment and, if sufficient evidence is found, prosecute those responsible.

Further, Israel must refrain from any further forced treatment of Mr al-Qiq, against his will – having already twice reportedly forced such treatment on him, in violation of international law.

BHRC also calls on the international community to hold Israel to account for its continuing and repeated violation of international humanitarian and criminal law in transferring members of the protected Palestinian population outside of the occupied territory. Further, BHRC calls for an urgent international investigation into the continued allegations of the use of torture and ill-treatment by the Israeli authorities against Palestinian detainees in order to compel confessions.

ENDS.

NOTES FOR EDITORS

1. For an interview with our spokesperson, please contact Céline Grey, Coordinator, on +44 (0)7854 197862
2. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
3. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. The BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.