

Paris, 22 February 2015

Federica Mogherini, High Representative of the Union for Foreign Affairs and Security Policy

Carlos Moedas, Commissioner for Research, Innovation and Science

Dear Madam, Sir,

As academics and citizens we wish to draw your attention to the serious situation facing many Palestinian schoolchildren, students and teachers. Not only are they being arbitrarily detained by Israeli occupation forces, but the conditions of their arrest and their treatment in captivity are contrary to international law.

Our Associations wrote to the Commissioner for Research, Innovation and Science on 10 January last concerning the arbitrary detention of the Palestinian astrophysicist, Imad al-Barghouthi (1). Following international protests, and two days after the publication of an article in the scientific journal *Nature* (2), the Israeli authorities quietly released Professor al-Barghouthi: proof, if this were necessary, of the iniquitous character of his detention, as we noted in our letter.

Not all Palestinian academics held as political prisoners have benefited from the international attention received by Professor al-Barghouthi - which is why many are still held in Israeli prisons. As Professor al-Barghouthi wrote to us the day after his release (3), "According to the Association of Palestinian Prisoners, the wave of mass arrests conducted by the Israeli military during the first two weeks of December included more than 54 Palestinians besides myself. Another Palestinian academic, Dr. Ghassan Thuqan of the education department of An-Najah University has been languishing in poor health in the Naqab desert prison (Negev) without charge or trial since 9 July last. His appeal to the authorities who detained him was rejected on the basis of a "secret file", as commonly happens in appeals of this sort. In January, the military court in Ramallah extended incarceration orders without charge or trial against nine Palestinian prisoners."

The Israeli practice of administrative detention without charge or trial has become widespread, the Israeli army making ever more frequent use of Military Order 101 (4) which *de facto* deprives Palestinians of East Jerusalem and the West Bank of freedom of expression. Any non-violent public expression of opinion or politics is liable under this Order to 10 years' imprisonment. Quite evidently, the Israeli goal is to break all resistance to the colonisation of East Jerusalem and the West Bank. The Military Code has also been used to arrest and detain students and teachers from Palestinian campuses who gathered to protest against the latest assault on Gaza, or more generally defenders of Palestinian human rights, such as the teacher Abdallah Abu Rahma. He was arrested for exercising his legitimate right to non-violent protest in 2012 against human rights violations and abuses perpetrated by the State of Israel in the Occupied Territories. He was originally to be tried on 8 February last, but his sentencing was postponed to 23 February.

The European Union, to remain faithful to its humanist and democratic values - and therefore to remain a source of pride or simply relevant to its citizens - cannot ignore this intolerable situation. Dr. Ghassan Thuqan and Abdallah Abu Rahma must be released from detention as soon as possible. The European Union should *and can* demand this of the Israeli authorities: the movement in which AURDIP and BRICUP participated succeeded in securing the release of Professor Imad al-Barghouthi within days. Let us work again for justice and human rights!

Equally grave is the Israeli authorities' treatment of Palestinian children. Although it is very difficult to establish the precise number of Palestinian children imprisoned in Israel, there are undoubtedly hundreds under 18 years old in detention. To mention just one case, Khaled el-Sheikh, a boy of 14 from Beit Annam in East Jerusalem, has been unlawfully detained for nearly two months (5). Many other 15, 16 and 17 year-olds have been "simply" detained or sentenced to as much as several years imprisonment - among many others, Ahmad Muhammad Musalmah of Hebron, a 16 year-old sentenced to 5 years imprisonment by the occupiers (6).

This behaviour by the Israeli armed forces is not limited to young boys. The case of Malak al-Khatib, a 14 year-old girl accused of "throwing stones" by the Israeli army of occupation, is emblematic. Malak was one of the youngest Palestinian political prisoners in Israeli jails. As the result of international protests she was released a few days ago (7). But many other girls are still incarcerated and mistreated in Israeli prisons, as Malak al-Khatib avows she suffered (8). We call upon the European Community to demand guarantees for the respect of individuals in custody and their quick release. In this context we must mention the recent case of Lina Kettab, an 18 year-old student at Bir-Zeit University and folk dancer, who was arrested on 13 December last and sentenced by an Israeli court to six months in prison plus three years suspended and a fine of \$1500 equivalent for 'throwing stones' and 'participating in illegal demonstrations' (9).

The international community and the European Community should also react firmly to the strategy of terror systematically used by units of the Israeli army. This is a matter of urgency. A growing number of Palestinian children from East Jerusalem and the West Bank are being detained without justification and subjected to severe physical and psychological trauma, as well as being denied their right to education (10). According to DCI-Palestine, nearly 200 Palestinian children were detained every month in Israeli prisons between January and November 2014 (11). All observers agree moreover that in addition there were probably several hundred Palestinians under 18 years of age in East Jerusalem who were assigned to house arrest or placed in custody. These procedures amount to a form of ethnic cleansing, with the Israelis' clear but unstated goal of making life impossible for Palestinians in Jerusalem.

Many of these children have been arrested in night raids by the Israeli armed forces, who seize them from their homes in a terrifying manner, after midnight, using indiscriminate violence. They are handcuffed, blindfolded, beaten and disoriented during their transfer to interrogation. In most cases their parents are not informed where they are being detained, and the detainees do not receive legal assistance. The juvenile detainees are often forced to confess to crimes they did not commit. (12) Some children are placed in solitary confinement, which is not only a violation of international law but is also considered a form of torture when applied to minors. Some member states of the international community - including the United Kingdom and the Netherlands in the European Union - have been disturbed by this serious violation of international law and acknowledged to UNICEF the devastating effect of these recurrent nocturnal raids. Despite taking note of these criticisms, however, the State of Israel has given free rein to these old practices of terrorizing the civilian Palestinian population and especially its children (13).

We are told by those who despair of politics that Europe cannot enforce respect for human rights everywhere and in all circumstances. There is nonetheless a simple way to bring the State of Israel to behave with more reason and restraint. As we pointed out in our letter of 10 January, "Israel has access to EU programmes of research and innovation, notably 'Horizon 2020', on the same basis as EU member states. Israel indeed has just obtained 27 scholarships from the European Research Council for young researchers, placing it fifth among all eligible countries. But access to this program is subject to explicit conditions concerning respect for fundamental rights. Article 2 of the Association Agreement between the European Union and Israel stipulates that 'relations between the Parties should be based upon respect for human

rights and democratic principles which guide their domestic and international policies and are an essential element of the Agreement’.”

All that is needed is

- for the EU to apply its own principles, as expressed in Article 2 of the Association Agreement
- for the European Union to suspend Israeli access to all EU research and innovation funding so long as Israel violates the rights of Palestinians to education.

Yours respectfully,

Ivar Ekeland, Président de l'Association des Universitaires pour le Respect du Droit International en Palestine (AURDIP)

Jonathan Rosenhead, Chair, British Committee for the Universities of Palestine (BRICUP)

Notes

- (1) <http://www.aurdip.fr/aurdip-and-bricup-s-letter-to-the.html>
- (2) Scientists protest detention of Palestinian physicist by Michele Catanzaro, Nature, 21 January 2015 - <http://www.nature.com/news/scientists-protest-detention-of-palestinianphysicist-1.16770>
- (3) <http://www.aurdip.fr/letter-from-the-palestinian.html>
- (4) Military Order 101, the Israeli NGO B'Tselem - http://www.btselem.org/demonstrations/military_order_101
- (5) <http://samidoun.ca/2015/02/take-action-free-palestinian-child-prisoners-khaled-al-sheikh-and-malaak-al-khatib/>
- (6) <https://www.facebook.com/ppsmo?fref=nf>
- (7) *Israel releases Palestinian schoolgirl*, 14, from jail, Ma'an News Agency (February 13 2015) - <http://www.maannews.com/eng/ViewDetails.aspx?ID=759412>
- (8) *Girl, interrupted - but free from Israeli prison*, by Gideon Levy and Alex Levac, Haaretz 20/02/2015 - <http://www.haaretz.com/weekend/twilight-zone/.premium-1.643245> (also available at <http://www.aurdip.fr/girl-interrupted-but-free-from.html>)
- (9) <http://mondoweiss.net/2015/02/sentences-palestinian-protesting>
- (10) *Palestinian youth facing psychological trauma and educational neglect Following Israeli detention* by Leah R. Platkin member of the Israeli NGO-Social Ossim Shalom-Workers for Peace and Social Welfare - <http://mondoweiss.net/2015/02/palestinian-psychological-educational>
- (11) *Defence for Children International Palestine* - <http://www.dci-palestine.org/content/child-detainees>
- (12) *Palestinian victims of Israeli children to coerce confessions abuse designed* by the NGO DCI-Palestine - <http://www.dci-palestine.org/documents/palestinian-children-victims-israeli-abuse-designed-coerce-confessions>
- (13) *Pilot study to end night Arrests suspended* by the NGO Military Court Watch - <http://www.militarycourtwatch.org/page.php?id=HjCVj0O3dwa478353Afse6Q0RvSG>