



INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

CHAUSÉE DE HAECHT 55, 1210, BRUXELLES-BRUSSELS, BELGIQUE-BELGIUM

info@iadllaw.org www.iadllaw.org

IADL RESOLUTION FOR THE IMMEDIATE RELEASE OF MAHER AL-AKHRAS

The International Association of Democratic Lawyers (IADL) is a non-governmental organization with consultative status in ECOSOC and UNESCO. Founded in 1946 to promote the goals of the United Nations Charter, IADL and its affiliated organizations throughout the world have consistently fought to uphold international law, promote human rights and address threats to international peace and security. From its inception, IADL members have protested racism, colonialism, and economic and political injustice wherever they occur.

IADL calls for the immediate release of Maher al-Akhras, a Palestinian man and father of six, jailed by Israel without charge or trial. As IADL convenes its Council, al-Akhras has been on hunger strike for 91 days to protest his arbitrary detention and demand his freedom. His health condition is increasingly critical and his life is at grave risk.

Al-Akhras is jailed under Israel's policy of administrative detention, used routinely against Palestinians. These detention orders may be issued for up to six months at a time, and they are indefinitely renewable. Palestinians have been jailed for years at a time under indefinitely renewed detention orders. Administrative detention orders are issued on the basis of secret evidence, and Palestinian detainees as well as their lawyers are forbidden access to the evidence against them. Al-Akhras is currently one of approximately 330 Palestinians jailed without charge or trial, out of 4,400 total Palestinian political prisoners in Israeli jails.

As noted previously by the IADL, administrative detention may only be used under international humanitarian law on an individualized, case-by-case basis of “urgent reasons of security.” On the contrary, Israel’s use of administrative detention against the Palestinian civilian population is systematic and routine, serving as a mechanism to give a legal cover to political imprisonment for cases too weak to be brought even before the Israeli military courts. It has been used systematically for decades as a mechanism to arbitrarily detain numerous Palestinians and hold them without charge or trial for years. In addition, Palestinian prisoners, including administrative detainees, are routinely transferred to prisons inside the occupier’s territory, in violation of Article 76 of the Fourth Geneva Convention. The Israeli practice of administrative detention fundamentally violates and runs afoul of the Fourth Geneva Convention.

By imposing administrative detention on the basis of “secret evidence,” the Israeli occupation regime denies Palestinians their right to a fair hearing and the right to mount any meaningful defense. Therefore, it violates Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees people’s rights to know the reason for their arrest and be free of arbitrary arrest or detention, as well as Article 14, which governs the right to a fair and public trial. Of course, the Israeli military court system also violates the provisions of the ICCPR.

Administrative detainees are also denied the ability to know when their sentence will end, as their detention orders are subjected to indefinite renewal. This inability to plan for the future is in itself a form of cruel, inhuman and degrading treatment amounting to psychological torture, as well as a method of collective punishment against the families of Palestinians detained by Israel.

In the case of Maher al-Akhras, he was arrested from his family home in Selit al-Daher in the occupied West Bank of Palestine by Israeli military occupation forces on 27 July 2020; shortly following his arrest, a four-month administrative detention order was imposed upon him. He immediately launched his hunger strike to demand the cancellation of the order. Al-Akhras had previously been imprisoned without charge or trial, for 16 months in 2009-2010 and for 11 months in 2018.

After his health deteriorated, Israeli courts "froze" al-Akhras' administrative detention. However, this served no purpose except to prevent his appeals from being heard further, as two such appeals were rejected by the Israeli Supreme Court on the basis of this supposed freeze on his detention. However, the "freezing" of his detention meant only that it was temporarily suspended until his health improved; at any point, his detention would be reimposed.

On 23 October, an Israeli military court reimposed his administrative detention, ending the "freeze." He is now being denied visitation by his family members and was forcibly taken from his hospital bed for transfer to another section of the Kaplan hospital, where he is being held; he was further ordered transferred to the Ramle prison clinic, despite the precariousness of his health situation.

U.S. Secretary of State Michael Pompeo, speaking in response to a question by a reporter on the dire health situation of al-Akhras, especially as the U.S. provides \$3.8 billion in annual military aid to Israel in addition to extensive diplomatic and political support, said that "Israel has the right to defend itself and make the appropriate decisions it needs to make for its own security."

While this statement underlines official U.S. support for Israeli impunity, Israel, as the occupying power, does not in fact have the right to "defend itself" against Palestinian civilians by imprisoning them routinely and systematically without charge or trial, engaging in home demolitions, land confiscation, extrajudicial executions, an illegal siege on Gaza, and ongoing war crimes and crimes against humanity. Pompeo's statement in this case comes hand in hand with the U.S. sanctions against International Criminal Court (ICC) prosecutors, which aim to preserve U.S. and Israeli officials' impunity from prosecution for their criminal conduct in occupied Palestine, Afghanistan and elsewhere.

The International Association of Democratic Lawyers reiterates and:

1. Demands the immediate release of Maher al-Akhras and other Palestinians jailed without charge or trial under Israeli administrative detention.

2. Demands the release of all other Palestinian prisoners jailed by Israel. The Israeli military courts, "security" prisoner regulations and administrative detention system are attempts to impose a legal fig leaf on illegal occupation and colonialism.
3. Demands an end to the practice of administrative detention, imprisonment without charge or trial.
4. Calls for the end of the E.U-Israel Association Agreement and other free trade agreements with the Israeli state that serve to support and legitimize torture, occupation and colonization.
5. Calls for the end of U.S. aid to Israel, which encompasses \$3.8 billion in direct military aid to perpetuate the ongoing occupation of Palestinian and Arab land, including the occupation of the Syrian Golan Heights.
6. Urges the U.N. Secretary General and all U.N. committees and agencies to take all available procedures and steps to bring to an end Israeli apartheid, war crimes and crimes against humanity in occupied Palestine, including the exclusion of the Israeli state from participation in the U.N. General Assembly as well as other committees and bodies.
7. Demands that the Israeli Ministry of Public Security, including the Israeli police and the "Border Police" in occupied Jerusalem, be excluded from research programs and joint initiatives funded by the European Union.
8. Stands in solidarity with the Palestinian people and their struggle for national liberation, self-determination, equality and return.

25 October 2020