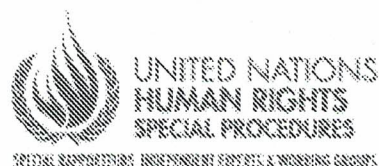


# NEWS RELEASE



## UN expert calls for Israel to end practice of administrative detention and immediately release Maher Al-Akhras

GENEVA (23 October 2020) – Israel should release a Palestinian detainee who has been on hunger strike for close to 90 days and end its practice of administrative detention, under which people can be held indefinitely without trial, sometimes for years.

Maher Al-Akhras began a hunger strike in late July after he was arrested. Israeli security forces accuse him of being a member of Islamic Jihad, a charge he denies. The Israeli Supreme Court has rejected his petitions for release three times.

“Mr. Al-Akhras is now in very frail condition, having gone without food for 89 days,” said Michael Lynk, special rapporteur for the situation of human rights in the Palestinian Territory occupied since 1967. “Recent visits by doctors to his hospital bed in Israel indicate that he is on the verge of suffering major organ failure, and some damage might be permanent.”

Al-Akhras was arrested on 27 July in his hometown of Selit El Dahir in the West Bank. An administrative detention order was issued against him on 7 August to run until 26 November 2020. In 2009 he was administratively detained for 16 months, and again in 2018 for 11 months.

“Administrative detention is an anathema in any democratic society that follows the rule of law,” Lynk said. “When the democratic state arrests and detains someone, it is required to charge the person, present its evidence in an open trial, allow for a full defence and try to persuade an impartial judiciary of its allegations beyond a reasonable doubt.

“Administrative detention, in contrast, allows a state to arrest and detain a person without charges, without a trial, without knowing the evidence against her or him, and without a fair judicial review,” he said. “It is a penal system that is ripe for abuse and maltreatment.”

International law allows a state to use administrative detention only in emergencies, and only if a fair hearing can be provided where the detainee can challenge the allegations against her or him. In an occupation, Article 78 of the Fourth Geneva Convention only permits an occupying power to employ administrative detention “for imperative reasons of security.”

Israel has been regularly criticized by international human rights organizations for its promiscuous use of administrative detention. According to Israeli Prison Services data obtained by B’Tselem, The Israeli Information Center for Human Rights in the Occupied

Territories, there were 355 Palestinians being held in administrative detention by Israel as of 31 August 2020.

While Israeli courts allow for a form of judicial review for administrative detainees, the Israeli Supreme Court (sitting as the High Court) has regularly approved the practice and refused Mr. Al-Akhras's request for release in a ruling in mid-October. Two previous petitions for his release had been rejected by the Israeli Supreme Court.

Israel also regularly incarcerates its Palestinian administrative detainees in Israeli prisons, a violation of Article 76 of the Fourth Geneva Convention, which says protected people under occupation should be detained in the occupied territory

"The Israeli security forces who arrested and detained Mr. Al-Akhras have not provided any persuasive evidence in an open hearing to justify its allegations that he is a genuine security threat," Lynk said. He called upon Israel to release Al-Akhras immediately if it could not provide persuasive evidence on a high standard that he has broken laws that would be acceptable in any democratic state.

"I also call upon Israel to abolish its practice of administrative detention, release those detainees it presently holds, and strictly follow international law in the application of its security operations" Lynk said.

ENDS

*Mr. Michael Lynk was designated by the UN Human Rights Council in 2016 as Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967. The mandate was originally established in 1993 by the then UN Commission on Human Rights. Professor Lynk is Associate Professor of Law at Western University in London, Ontario, where he teaches labour law, constitutional law and human rights law. Before becoming an academic, he practiced labour law and refugee law for a decade in Ottawa and Toronto. He also worked for the United Nations on human rights and refugee issues in Jerusalem.*

*The Special Rapporteurs are part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.*

*UN Human Rights, Country Page: Occupied Palestinian Territory and Israel*

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