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Abducted Israeli teens must be released, Israel must cease collective punishment of Palestinians

Amnesty International calls for the immediate and unconditional release of three Israeli teenagers abducted in the occupied West Bank on the evening of 12 June 2014. Additionally, Amnesty International calls on the Israeli authorities to cease all measures amounting to collective punishment which have been imposed on the Palestinian population in the West Bank and elsewhere since the abduction.

Eyal Yifrah, 19, Gilad Sha'er, 16, and Naftali Frenkel, 16, all students at yeshivas (religious schools) in Israeli settlements in the occupied West Bank, were last seen late on 12 June in the settlement bloc of Gush Etzion, between the cities of Bethlehem and Hebron in the southern West Bank. One of the three reportedly called the Israeli police at about 10:25pm on 12 June and said, "We've been kidnapped," before all contact was lost with the teenagers.

Since the morning of 15 June, Israeli Prime Minister Benjamin Netanyahu and other senior Israeli officials have claimed that Hamas members were responsible for the abduction. They have not provided concrete reasons for this, instead stressing that Hamas' military wing has been responsible for abductions in the past. On the same day, Hamas spokesperson Sami Abu Zuhri denied involvement, although other officials from Hamas, as well as spokespeople and members of other Palestinian factions, have reportedly voiced support for the abduction.

At least three different statements claiming responsibility for abducting the teenagers have reportedly been issued by different groups, one claiming to be affiliated with the Islamic State in Iraq and al-Sham, one calling itself Ahrar al-Khalil, and one claiming to be the Al-Aqsa Martyrs' Brigades; this last statement was reported to have been subsequently denied. It is entirely unclear whether any of these claims are credible.

The abduction of civilians and the taking of hostages, whether by state forces or non-state armed groups, are prohibited under international humanitarian law at all times.

Amnesty International has repeatedly condemned the establishment of Israeli settlements in the Occupied Palestinian Territories as violations of the Fourth Geneva Convention. However, the unlawful status of Israeli settlements does not affect the civilian status of those who live, work or study in them, who only lose their protected status if and for such time as they take a direct part in hostilities. All three teenagers abducted on 12 June were civilians.

Amnesty International calls on those holding the abducted teenagers to release them immediately and unconditionally. Until their release, those holding the teenagers must treat them humanely and ensure that they are not ill-treated in any way, are able to contact their families, and have access to any medical attention they need.

The International Committee of the Red Cross (ICRC) has also called for their humane treatment and immediate and unconditional release and has offered to act as a neutral intermediary.

In the days since the teenagers were abducted, Israeli forces have arrested some 200 Palestinians from across the West Bank. Many of the arrests have been in the Hebron region, where Israeli forces have been conducting house-to-house searches in numerous areas. Those arrested, most of whom are reportedly affiliated with Hamas, have included at least seven members of the Palestinian Legislative Council (PLC), including its Speaker, Aziz Dweik, as well as other senior Hamas politicians.

Some of those arrested, including Aziz Dweik, have previously been held by the Israeli authorities without charge or trial as administrative detainees. Amnesty International has repeatedly condemned the practice of administrative detention, and urged the Israeli authorities to release them unless they are promptly charged with internationally recognizable criminal offences. According to the Palestinian human rights NGO Addameer, 18 Palestinian parliamentarians, including those arrested in recent days, are currently detained by Israel. Ten of them are held as administrative detainees, including two – Hassan Yousef and Muhammed Totah – who have been detained since 12 June. Israeli military courts have reportedly issued administrative detention orders to at least 16 other Palestinians arrested since 12 June.

Amnesty International calls on the Israeli authorities to ensure that all those arrested are allowed prompt access to lawyers and contact with their families, are not subjected to any kind of torture or other ill-treatment, and are either charged promptly with a recognizable criminal offence or released. In the absence of concrete grounds to substantiate the Israeli authorities' claim that Hamas or those affiliated with it were responsible for the abductions, Amnesty International considers the arrest of individuals in connection with the recent abduction solely on the basis of their alleged affiliation with the Hamas movement to be arbitrary and in breach of international human rights law.

In the course of an arrest raid in the Jalazun refugee camp in the early hours of 16 June, believed to be part of the Israeli operation responding to the abduction, Ahmad al-Sabareen, a 20-year-old Palestinian who had reportedly been released from Israeli detention less than two weeks ago, was killed by Israeli forces. Amnesty International has previously documented the use of excessive force by Israeli troops against youth in and around this refugee camp, including the killing of 15-year-old Wajih al-Ramahi, who was shot in the back by an Israeli soldier on 9 December 2013. Several other Palestinians, including children, have been injured during Israeli arrest operations over the last several days elsewhere in the West Bank. Additionally, on Monday evening, 17-year-old Yazan Ya'qoub was critically injured by Israeli forces near the Qalandia checkpoint when Palestinian youth marched towards the checkpoint to protest the killing of Ahmad al-Sabareen.

In addition, since the abduction, Israeli authorities have imposed a number of measures that clearly constitute collective punishment on Palestinians in the Occupied Palestinian Territories. These include the imposition of a complete closure on the Hebron district of the West Bank, which prevents some 680,000 Palestinians from moving between villages and the city of Hebron, as well as within the city. Thousands of residents of the Hebron district who have permits to work inside Israel or in Israeli settlements cannot reach their places of employment. Residents of the Hebron district under the age of 50 have also been prevented from leaving the West Bank via the Allenby Crossing to Jordan.

The Israel Prison Service has cancelled family visits for Palestinian prisoners and detainees. More than 100 Palestinian administrative detainees have now been on hunger strike for over 50 days in protest against Israel's continuing use of administrative detention. Their lives are in danger, and contact between them and their family members is particularly critical for all concerned during this time.

The Israeli authorities are also considering transferring Hamas officials or prisoners who are residents of the West Bank to the Gaza Strip. The Fourth Geneva Convention explicitly prohibits an occupying power from forcibly transferring or deporting people from an occupied territory.

The Israeli authorities have also closed the Erez Crossing, the only crossing for people between the Gaza Strip and Israel, to the limited categories of people who have permits to use it, except for patients needing urgent medical assistance. The Kerem Shalom Crossing, the only entry point for goods, has also been closed except for the transfer of limited amounts of fuel.

These latest measures of collective punishment come on top of many prolonged punitive measures against Palestinian civilians imposed by the Israeli authorities, including Israel's seven-year blockade of the Gaza Strip, which Amnesty International and many other organizations have repeatedly condemned as a flagrant violation of the Fourth Geneva Convention.

The use of collective punishment cannot be justified for any reason whatsoever, including violations by another party. Over the past several days, Palestinian armed groups have again fired indiscriminate rockets from the Gaza Strip into Israel, though no injuries have been reported. Amnesty International has repeatedly condemned the firing of these rockets as a war crime. The rocket attacks, however, cannot in any way justify further measures of collective punishment against the 1.7 million Palestinians of the Gaza Strip. Furthermore, Israel must ensure that any military operations in Gaza, as elsewhere, comply with international humanitarian law, which requires that all feasible precautions are taken to avoid civilian casualties. In recent days, 10-year-old Ali al-'Awour died on Saturday from injuries sustained during an Israeli missile strike on 11 June, and several other civilians in the Gaza Strip have been injured by Israeli air strikes.

Amnesty International urges the Israeli authorities to immediately lift all measures which constitute collective punishment of civilians, both those that are long-standing and the specific measures imposed since 12 June. Collective punishment of civilians is prohibited by the Fourth Geneva Convention as well as customary international humanitarian law.