



Ghent City Council  
Botermarkt 1  
9000 Ghent  
Belgium

1 April 2014

**RE: G4S Tenders**

Dear Ghent City Councilors,

Addameer Prisoner Support and Human Rights Association is a Palestinian non-governmental, civil institution that works to support Palestinian political prisoners held in Israeli and Palestinian prisons. As such, we are particularly concerned with companies engaging in Israeli violations of Palestinians' and Palestinian prisoners' rights. It has recently been brought to Addameer's attention that a number of contracts - three in total - have been entered into between the Ghent City Council and G4S. Consequently, Addameer hereby submits a letter of legal advice and appeals to the City Council to promptly terminate these contracts and abstain from any future commercial relations with G4S - a company engaged in serious human rights abuses and numerous violations of international law in the Occupied Palestinian Territory (the OPT).

G4S Israel, or Hashmira, is a Private Security Company and subsidiary of the British-Danish G4S plc. It is one of the main security systems providers contracted by the Government of Israel and its authoritative branches, as well as private actors, and its scope of operations extends to the OPT. Israeli bodies have outsourced various security-related duties to G4S, some of which were previously performed by the armed forces of the Occupying Power. These duties include: the provision of systems and personnel directly related to the detention or **imprisonment of Palestinian political prisoners** both within and outside the occupied territory; armed guarding and protection of persons and objects within **Israeli settlements in the West Bank**; provision and maintenance of **checkpoints associated with the Annexation Wall** and its related systems throughout the OPT, as is widely documented.

Please see our brief overview below of the particular violations engaged in by G4S in the OPT. Palestinians suffer systematic human rights abuses on a daily basis, stemming from the occupation of Palestine. In providing services which facilitate the maintenance of the occupation and its attached illegalities, G4S is effectively profiting from, and engaged in sustaining the occupation régime.

**I. PRISONS**

As of February 2014, there were 5,142 Palestinian political prisoners detained in Israeli prisons, 175 of whom were administrative detainees, 17 female prisoners and 183 child prisoners. G4S provides security services and equipment, including control rooms and peripheral security systems to the Israeli Prison Service (IPS) facilities of Ketziot, Meggido, Damon, Abu Kabir, Kison ('Al Jalameh') and Jerusalem ('Russian Compound'), all of which are located inside Israel, as well as to the Ofer prison and military court located in the West Bank.

A number of International Human Rights Law norms (IHRL) and International Humanitarian Law (IHL) norms are violated in the operation of IPS facilities, as follows.

A **Discriminatory legal system** prevails in the occupied Palestinian territories whereby Palestinians are subject to a different set of laws than those enjoyed by the Israeli settlers living in the same area. An arbitrary military judicial system applies to Palestinians, which allows Military Commanders to arbitrarily issue new Military Orders as they see fit, absent any democratic regulation. These orders will then become automatically effective for every Palestinian residing in the occupied territory.

The arrest and detention of Palestinians living in the OPT is governed by a wide-ranging set of military regulations that govern every aspect of Palestinian civilian life. These military orders provide for a wide range of offenses divided into five categories: "Hostile Terrorist Activity"; disturbance of public order; "classic" criminal offenses; illegal presence in Israel; and traffic offenses committed in the OPT. The practical implication of these broadly-defined offenses is the criminalization of many aspects of Palestinian civic life. For example, the political parties that comprise the Palestine Liberation Organization (PLO) are still considered "illegal organizations" even though Israel has been engaged in peace negotiations with the PLO since 1993. Carrying a Palestinian flag is also a crime under Israeli military regulations. Participation in a demonstration is deemed a disruption of public order. Pouring coffee for a member of a declared illegal association can be seen as support for a terrorist organization.

**Administrative detention:** this procedure allows the Israeli military to hold detainees indefinitely on secret information without charging them or allowing them to stand trial. To utilize such detention, there must be a public emergency that threatens the life of the nation, and detention can only be ordered on an individual, case-by-case basis without discrimination of any kind.<sup>1</sup> States are not permitted to use Administrative Detention in a sweeping manner. On the contrary, administrative detention may be used against protected persons in occupied territory only for "imperative reasons of security".<sup>2</sup> Furthermore, it amounts to a violation of the Palestinian Right to a Fair Trial enshrined in Article 14 and 16 of the ICCPR.

**Forcible Transfers** or deportation of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, is prohibited, regardless of their motive. Further, it is provided that 'protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein.'<sup>3</sup> Israel violates these obligations by transferring Palestinian prisoners out of the occupied territory to IPS facilities located within Israel.

**Torture** and abuse of Palestinian Prisoners in Israeli IPS facilities is widely reported.<sup>4</sup> This is contrary to IHRL and IHL.<sup>5</sup> Since 1967, 72 Palestinian prisoners have died as a result of torture. The forms of torture and ill treatment employed against Palestinian prisoners include the following: beatings, tying prisoners in "stress positions", interrogation sessions that last up to 12 consecutive hours, depriving prisoners of sleep and other sensory deprivation, isolation and solitary confinement, and threats against the lives of their relatives. Confessions extracted through such practices are admissible in court. Israel defends its interrogation techniques as a legitimate way of combating terrorism faced by its citizens, but in reality, these practices are in direct contravention of international law, including the United Nations Convention against Torture (CAT), ratified by

<sup>1</sup> International Covenant on Civil and Political Rights, Art 9; Universal Declaration of Human Rights, Arts 8, 9, 10

<sup>2</sup> Fourth Geneva Convention, Art 78

<sup>3</sup> Fourth Geneva Convention, Arts 49, 76

<sup>4</sup> See: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, January 2014, available at: [http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-25-67\\_en.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-25-67_en.pdf); Amnesty International Starved of Justice Report, 2012; The Public Committee Against Torture in Israel, available at: <http://www.stoptorture.org.il/en/reports>; Middle East Monitor, Report: Israeli Occupation tortures most Palestinian Prisoners, December 2013, available at: <https://www.middleeastmonitor.com/news/middle-east/8768-report-israeli-occupation-tortures-most-palestinian-prisoners>

<sup>5</sup> See: UDHR Art 5; ICCPR Art 7; Fourth Geneva Convention Art 32

Israel on 3 October 1991, which requires any State Party to prevent the use of torture and associated practices.<sup>6</sup> The prohibition is absolute and non-derogable, and allows for "no exceptional circumstances whatsoever."<sup>7</sup>

**Incarceration of minors:** Minors also suffer abuse in Israeli prisons a 2013 UNICEF Report concluded. It found that Palestinian children held in the Israeli military detention system face ill treatment, which "appears to be widespread, systematic and institutionalized". Abuse of Palestinians minors in Israeli detention facilities goes against the Geneva Conventions and the Convention on the Rights of the Child.

## II. SETTLEMENTS

Israel's settlements in Palestine - the territory it occupies - are illegal under IHL. Article 49 of the Fourth Geneva Convention provides that 'The Occupying Power shall not depart or transfer parts of its own civilian population into the territory it occupies'. This was reiterated by the International Court of Justice in its Advisory Opinion regarding the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 2004 ('Wall Case'). Other violations arise in connection with settlements such as the illegal confiscation of property in order to construct settlements.<sup>8</sup>

Despite previous commitments to withdraw its activities from the West Bank, G4S still offers security services to businesses in the illegal settlements in the West Bank and in East Jerusalem including the provision of security equipment and personnel to settlement shops and supermarkets; to businesses in the Barkan Industrial Zone; and to a police headquarters all located in the OPT thereby engaging in illegality by contributing to the preservation and maintenance of an illegal process.

## III. CHECKPOINTS

In its advisory opinion of the 'Wall Case', the International Court of Justice held that "the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law". Checkpoints are a feature of this associated régime, severely impeding the freedom of movement and access of Palestinians to transport routes, private property and farmlands, and basic services such as schools, health care and workplaces. G4S has supplied luggage and full-body scanning equipment to a number of checkpoints in the West Bank and full body scanners to the Erez checkpoint in Gaza.

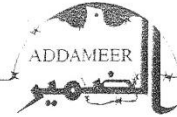
As is evident from the above information, it is within the ethical and reputation interests of Ghent City Council to repudiate any involvement and commercial transactions with companies engaged in extensive human rights abuses and serious breaches of international humanitarian law. Should you require any further information on these issues, please feel free to contact us.

If you have any queries please do not hesitate to contact me.

<sup>6</sup> Article 2(1) of the United Nations Convention Against Torture

<sup>7</sup> Article 2(2) of the United Nations Convention Against Torture

<sup>8</sup> Article 46 of the Hague Convention prohibits confiscation of such private property in an occupied territory while article 55 provides that "the occupying state shall be regarded only as administrator of public buildings, real estate, forests and agricultural estates... It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct."



Best.



Gavan Kelly

Advocacy Unit Coordinator