

Baghdad Declaration

On

**The Palestinian and Arab Prisoners in the Israeli
Occupation Prisons**

December 12, 2012 - Baghdad

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In implementation of Resolution No. 504 of Sert Summit, 2010, and Resolution No. 551 of Baghdad Summit, 2012, the Republic of Iraq hosted an international conference for the solidarity with the Palestinian and Arab prisoners and detainees in the Israeli occupation prisons, on December 11-12, 2012. The conference was attended by participants from over 70 countries, including jurists, parliamentarians, and representative of civil society organizations.

The Conference proceedings began with the address of the President of the Republic of Iraq, His Excellency, Galal Eltalibany, the President of the twenty third Arab League Summit. The address of the Republic of Iraq was delivered by His Excellency, Prime Minister Nori Al Maliky. The address of the State of Palestine was delivered by his Excellency, Prime Minister Sallam Fayyad. It was followed by the address of the League of Arab States, delivered by His Excellency, Dr Nabil Elaraby, the Secretary General. Both addresses of the UN Secretary General and the Secretary General of the Organization of Islamic Conference were delivered, followed by the address of His Excellency, Issa Qaraqie, Minister of Palestinian Prisoners' Affairs.

The Conference greeted male and female prisoners for their forbearance and steadfastness against the prisons and occupation injustices, it deeply and extensively considered the legendary steadfastness of those prisoners who went on hunger strike, namely Ayman Esharawna and Samer El'eissawy, holding the occupation authorities responsible of their life and health and demanding speedy and immediate intervention for their release.

The Conference proceedings discussed the following themes:

- Theme 1: Status of Palestinian and Arab prisoners and detainees in the Israeli occupation prisons according to the International Law
- Theme 2: Practices and methods of the Israeli occupation authorities against the Palestinian and Arab prisoners and detainees (Israeli prison conditions, humanitarian conditions of prisoners, Israeli courts).
- Theme 3: Role of civil society organizations and humanitarian and human rights organizations on prisoners and detainees
- Theme 4: Personal testimonies of released prisoners from Israeli occupation prisons

Theoretical and field studies, as well as live testimonies by freed prisoners have shown the flagrant violations of international and humanitarian laws systematically committed by Israeli authorities, with particular regard to the codification and legalization of torture, the imposition of massive punishment of civilians, the targeting of children and women and their deprivation of natural rights during imprisonment and detainment, the codification of approved reporting by police and interrogators, the seizure of the bodies of prisoners, who died as a result of imprisonment, in mortuary refrigerators instead of delivering them to their families, the labeling of human graves as numbers, and the adoption of accumulative and massive punishments. The participants recommended the following:

- To set up an international legal committee to follow up the prisoners' case, and use legal mechanisms and tools, and relevant international covenants and conventions for the protection of their rights.
- To submit a request, in the name of the League of Arab States, to the United Nations to issue an advisory opinion from the International Court of Justice in the Hague on the legal status of the Palestinian and Arab prisoners in occupation prisons, and the legal commitments assumed by the occupier to address Israeli violations against these prisoners.
- To call upon the United Nations to send an international fact-finding committee to identify inhumane practices against prisoners who are subjected to violations in contravention with humanitarian international law.
- To ask the bodies and institutions concerned with the prisoners' case for the historic documentation of the Palestinian Prisoners' Movement.
- To launch international, humanitarian and media-related campaign to demand the release of prisoners.
- To use legal mechanisms and means to prosecute and hold Israel accountable for committing against Palestinian prisoners war crimes and crimes against humanity.
- To call on the League of Arab States to present Israeli officers involved in committing such crimes to criminal and human rights courts, in order to try Israeli occupation commanders and staff, and to affirm the implementation of the Arab League Resolution issued in this regard and adopted at the ordinary session in 2001.

- To establish an Arab fund for the support of Palestinian and Arab prisoners and their families, and the rehabilitation of those released from Israeli occupation prisons; and to mandate the League of Arab States, the Republic of Iraq, and the State of Palestine to develop the proposed fund's plan, working mechanisms and submitting the same to the forthcoming Arab Summit scheduled in March 2013 for its adoption.
- The Conference calls upon the League of Arab States to appoint an international envoy to follow up the prisoners' cases in all international fora, with the League of Arab States as a point of reference.
- The Conference hails the Palestinian people, mainly the prisoners and detainees in Israeli occupation prisons, with due respect and deference for their forbearance and steadfastness against the continuous Israeli aggression.
- The Conference congratulates the Palestinian people and leaders on the occasion of the GA Resolution for granting Palestine an observer state, and called for the investment of this position by all legal mechanisms and procedures to support the rights of Palestinian people, especially the prisoners, by acceding to the Four Geneva Conventions, and joining various legal institutions and organizations.
- The Conference expresses deep appreciation of the efforts exerted by the Republic of Iraq, its President, government and people, for hosting this significant Conference and providing all the necessary facilities and means for its success.