



State of Palestine
Ministry of Foreign Affairs and Expatriates

Minister

Ramallah, June 11th 2018

Hon. Minister Julie Bishop MP
Australian Minister of Foreign Affairs
Commonwealth of Australia

Honourable Minister,

Thank you for your letter. I am pleased to see Australia so invested in the welfare of the Palestinian people, and the safeguards of the prospects of peace. It is especially heartening to see the matter given to your personal attention.

It is my hope that the content of this letter will suffice to respond to the concerns you have shared, and would further your government's appreciated role in ensuring an end to the 50 years of violence, fostered by the ongoing belligerent colonial Israeli occupation of the territory of the State of Palestine is finally reached.

Allow me first to clarify the facts, and provide you with the relevant information that may have conveniently, and consciously, been absent from the media reports you refer to.

The State provides financial aid to the families of Palestinian detainees. We help the families because they are deprived of an income provider, based on the duration of that absence, not on the actions they may have or not have taken, nor their alleged motivations. The State of Palestine, like other civilized nations, has a responsibility to ensure assistance and protection to all vulnerable families, including families of prisoners, especially if they were tried and convicted in foreign military courts that fail the test of due process and credibility.

To that end, this assistance is regulated by laws and standards that are divorced from politics and based on the humanitarian needs of this large constituency. Providing assistance to these families is essential to enabling and empowering these sectors of society to actively participate in the State of Palestine's efforts to achieve sustainable development that does not leave anyone behind or discriminate against any citizen for whatever consideration.

In this regard, allow me to point out that the provision of financial support to the families of Palestinians imprisoned by Israel is not the real issue. Instead, it is the government's response to a need arising from the practices and policies of Israel, the occupying power, over more than half a century, including the policy of mass arrest and trying Palestinians, including children, in military courts. It is a remedy to Israel's failure to abide by its obligations as an occupying power.

Israel's policy of mass arbitrary detention is an integral part of the widespread and systematic policies of Israeli occupation that are designed to deny the Palestinian people their national rights and destroy the Palestinian national and social fabric. Israel has weaponized the Israeli military court system against the Palestinian population to serve those goals and maintain the occupation.

Since the beginning of the occupation in 1967, Israel has arrested an estimated 800,000 Palestinians, the equivalent of 40% of our male population. The conviction rate of Israeli military courts has ranged



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between 90 and 99%. They are a conveyor belt of convictions. These facts, in addition to the conduct and record of the military courts and detention, have led various reputable Israeli and international human rights organizations to the conclusion we have known for decades: these military courts are neither independent nor impartial. These courts fail to offer the guarantees of a fair and regular trial. They have proven to be an instrument of political and racial persecution. In this regard, I also note the thoroughly documented practices against Palestinian prisoners, including children. These practices include torture, inhumane and degrading treatment, and medical negligence.

Additionally, family members of Palestinians detained by Israel are most often targets of punitive Israeli measures. Fathers, husbands, sons, uncles, and other family members are often denied work and travel permits by Israel, creating a financial crisis for the family members.

As the occupying power, Israel is administratively and financially responsible for the occupied territory and its people, including the provision of maintenance for those dependent on detainees, pursuant to articles 98 and 81 of the Fourth Geneva Convention. Yet, Israel derelicts these duties. As a consequence, the State of Palestine provides payments for the detainees and their families, which is fundamental to ensuring their well-being and dignity. This is a right all citizens are entitled to.

For your convenience, and for further information on the matter, I have attached herewith, a factsheet on the current conditions under which detentions take place and the conditions detainees face.

Rest assured, Madame Minister, that our funding does not enable or encourage acts of violence. Australia's contribution, like that of other Western countries, is held in the secure and independently monitored World Bank Trust Fund. Australia's contribution is disbursed for the exclusive benefit of development sectors as defined by the Australian government, and is monitored by external auditors and fund's inherent safeguards.

We invite you to take a diligent and proactive approach to ensure the viability of peaceful prospects, including acting in line with your obligations as a high contracting party to the Geneva Conventions, by ensuring that Israel is upholding its obligations as an Occupying Power, and that it is held accountable when it fails to do so. These responsibilities also include supporting the launching of independent and impartial investigations into practices that constitute grave violations of international humanitarian law, rather than opposing them.

Finally, I wish to reiterate our sincerest hope that, together, Palestine and Australia can work to end the ongoing grave violations of international law, including international humanitarian law, and their devastating consequences.

Sincerely,

Dr. Riad Malki
Minister of Foreign Affairs
and Expatriates

