



Foreign &
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Tareq Shrourou
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01 May 2013

Dear Tareq Shrourou,

Thank you for your letter of 27 February about Palestinian children being detained in Israeli prisons.

You asked about implementation of recent changes, further improvements and lobbying by the UK government.

Although there have been some recent positive steps, including raising the age of majority of Palestinian children, requiring police to notify parents when a child is arrested, and reducing the amount of time Palestinian children can be held in pre-trial detention, further progress needs to be made. A report published by UNICEF makes a number of recommendations for further improvements, many of which mirror those recommended by the UK-funded Children in Military Custody report. Discrepancies remain between the treatment of Israeli and Palestinian children. For example, as highlighted in your letter, and noted in both reports, the change in the age of majority does not apply to certain sentencing provisions, including those related to stone throwing. And implementation of these changes does not always happen on the ground. For example, when 27 children were arrested in Hebron in March, many of them under the age of criminal responsibility, their parents were not notified.

The UK regularly lobbies for further improvements, including those mentioned in my last letter of 29 June 2012 (reduction in night-time arrests, end to shackling, systematic use of audio visual recording) and for implementation of the recent changes made by the Israeli authorities. Recent examples of the UK lobbying the Israeli Authorities for such changes include HMA Tel Aviv raising these issues with the Ministry of Justice in March 2013, UK officials in London raising concerns at a meeting with a visiting Israeli delegation in January 2013 and the UK Attorney General raising the issue during his visit to Israel and the OPTs in November 2012. We will continue to raise these concerns, including regarding sentencing, as part of an ongoing dialogue with Israeli officials on these issues.

On the issue of administrative detention, the number of Palestinians held in administrative detention by Israel has steadily decreased since the agreement reached in May 2012, although it remains high. According to Palestinian prisoners NGO Adameer there were 308 Palestinians held under administrative detention by Israel in May 2012. This has reduced to 168 in April 2013. However, we remain concerned about Israel's extensive use of administrative detention which, according to international law, should be used only when security makes this absolutely necessary rather than as routine practice, and as a preventive rather than a punitive measure. We have raised this and our broader concerns over treatment of Palestinian detainees with the Israeli authorities on many occasions including during the Attorney General's visit to Israel in November 2012. As stated in my letter of 29 June 2012, the UK considers that Israel's detention of Palestinian prisoners within Israel is contrary to Article 76 of the Fourth Geneva Conventions and have clearly stated this position to Israeli officials, including during the meeting with visiting Israeli officials in January 2013.

Your letter also raises the issue of G4S. We wish to take this opportunity to clarify that it was not intended to suggest in Minister Burt's statement that, as your letter put it "companies and individuals involved in criminality may be protected from criminal investigation and prosecution as long as they are fulfilling a contractual duty arising from an agreement with the Israeli government". The UK has made clear our concerns about Israel's treatment of Palestinian detainees to G4S, including at a meeting with representatives from G4S in October 2012. However, international law does not impose direct obligations on corporations. G4S provides security services to businesses in settlements in the Occupied Palestinian Territories (OPTs), as well as providing equipment for Israeli checkpoints, police stations and prisons, including in the West Bank. On 21 April, G4S announced that *'to ensure that G4S Israel business practices remain in line with our own business ethics policy, we would aim to exit the contracts which involve the servicing of security equipment at a small number of barrier checkpoints, a prison and a police station in the West Bank area.'*

The Government is developing a UK strategy on business and human rights - based on the UN Guiding Principles - which will soon be launched. We will be one of the first countries to produce a national strategy to implement the Guiding Principles on business and human rights. The strategy will express the Government's expectation that British companies will show respect for human rights in their operations in the UK and internationally. As part of our communication and promotion of the UN Guiding Principles we have re-issued the Business and Human Rights toolkit and updated the Overseas Business Risk Service, a joint FCO-UK Trade and Industry website for UK businesses. We intend to place additional country-specific guidance on human rights issues in overseas markets on the Overseas Business Service Risk website. In addition to consideration of the guidelines, it is of course incumbent upon companies to seek their own independent legal advice to ensure that they act in accordance with applicable law.

I trust you find this additional information helpful.

Yours sincerely,

B.J. Griffiths

Barry Griffiths