



A presentation of the most prominent international laws that stipulate the rights of Palestinian prisoners in terms of visit following the Israeli decision to reduce the number of visits

There has been a situation of alert among Palestinian prisoners, following the decision of the fascist minister, Ben Ghafir, on Friday 1st of September 2023, which violates the right of prisoners in terms of visit. The violation includes reducing the number of visits of the families of Palestinian prisoners from the West Bank to only once every two months, instead of once a month as it used to be.

The decision is to be executed starting on Sunday, September 3rd, and is applied to the families of 1,600 prisoners.

In light of this, the International Foundation for Solidarity with Prisoners (TADAMUN), is to present relevant decisions of international humanitarian laws and human rights related to the denial of visitation. It aims at informing international human rights groups and media institutions about the level of Israeli violations against Palestinian prisoners and their families. They are subjected to punishment by depriving them of their rights of visit in occupation prisons.

This Israeli decision represents another step added to a number of procedures declared by Ben Gvir this week. On top is the abolition of the administrative release mechanism involving security prisoners due to overcrowding in detention centres of the so-called Israeli Occupation Prisons Authority.



“Notwithstanding the exceptions contained in principle 16, paragraph 4, and principle 18, paragraph 3, communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days”.

[\(Principle 15\)](#) of the Body of Principles for the Protection of all Persons under any form of Detention or Imprisonment.



“A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations”.

[\(Principle 19\)](#) of the Body of Principles for the Protection of all Persons under any form of Detention or Imprisonment.



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Fair Trial Manual

4.4 RIGHT OF ACCESS TO FAMILY

Detainees, including those held in police custody or on remand pending trial, are to be given all reasonable facilities to communicate with and receive visits from family and friends.

- a. Restrictions and supervision are permitted only if necessary in the interests of justice or security and good order in the institution.
- b. The right to receive visits applies to all detainees, regardless of the offence of which they are suspected or accused. Denying visits may amount to inhuman treatment.

In addition, the European Court, the African Commission and the Inter-American Commission have clarified that conditions or procedures related to visits must not infringe other rights, including the right to private and family life. The European Court has stated that insufficiently precise laws or regulations that allow unreasonable restrictions on family visits violate the right to private and family life. Restrictions must be in accordance with the law. They must be both necessary and proportionate to national security, public safety, prevention of crime or disorder, protection of health or morals, protection of the rights and freedoms of others, or the economic well-being of the country. The European Court found that allowing only two short visits a month in a room in which the detainee was separated from his wife and child by a glass partition violated the right to private and family life. In its rulings, the Court has taken into account whether alternatives, including supervised visits, were considered and more proportionate. The Inter-American Court has held that severe restrictions on family visits resulted in the violation of the rights of family members. It has also noted the state's duty to pay special attention to ensuring that detained or imprisoned women are allowed visits from their children. The Bangkok Rules instruct authorities to encourage and facilitate women's contact with their families, including children, and to counterbalance disadvantages faced by women detained in institutions far from their homes.

- c. However, the small number of detention facilities for women in most countries has led to concern that access of women detainees to their families is impeded by travelling distance and cost. The duty to facilitate family visits requires the authorities to ensure reasonable facilities in places of detention for such visits.

- d. The Bangkok Rules require states to ensure that visits involving children take place in an environment that is conducive to a positive experience and allows open contact between mother and child. They also require prison staff searching children visiting detention facilities to treat them with respect and sensitivity



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Contact with the outside world

Rule 58

1. Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals:
(a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and
(b) By receiving visits.

2. Where conjugal visits are allowed, this right shall be applied without discrimination, and women prisoners shall be able to exercise this right on an equal basis with men. Procedures shall be in place and premises shall be made available to ensure fair and equal access with due regard to safety and dignity.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).



“Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible. As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives”.

Article 116 - Visits from Geneva Convention 4

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