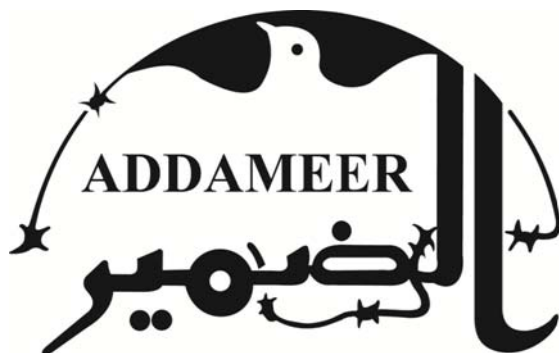


Palestinian Political Prisoners in Israeli Prisons



Addameer Prisoner Support and Human Rights Association

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About Addameer

Addameer Prisoner Support and Human Rights Association (Addameer) is a Palestinian non-governmental human rights civil institution that focuses on political and civil rights issues in the occupied Palestinian territory, especially those of prisoners. Established in Jerusalem in 1992 by a group of activists and human rights advocates, Addameer offers support to Palestinian prisoners and detainees, advocates for the rights of political prisoners, and works to end torture and arbitrary detention and to guarantee fair trials through monitoring, legal procedures and advocacy campaigns.

Palestinian Political Prisoners in Israeli Prisons

Overview

Since the Israeli occupation of Palestinian territory in 1967,¹ more than 700,000 Palestinians have been detained under Israeli military orders in the occupied Palestinian territory (oPt). This number constitutes approximately 20 percent of the total Palestinian population in the oPt and as much as 40 percent of the total male Palestinian population. It also includes approximately 10,000 women jailed since 1967, as well as 7,000 Palestinian children arrested since 2000.

The current number of political prisoners and detainees is estimated at 5,573 spread around approximately 17 prisons, four interrogation centers and four detention centers.² All but one of the prisons are located inside Israel, in direct contravention of Article 76 of the Fourth Geneva Convention, which states that an Occupying Power must detain residents of occupied territory in prisons inside the occupied territory. The practical consequence of this system is that many prisoners have difficulty meeting with Palestinian defense counsel and do not receive family visits as their relatives are denied permits to enter Israel on “security grounds”. Out of the total number of political prisoners detained in Israel, 33 are female and 176 are children (31 of which are under the age of 16). This figure also includes 21 Palestinian Legislative Council members, 272 administrative detainees, held without charge or trial and 627 prisoners from the Gaza Strip who have been denied access to family visits since June 2007.

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.

Interrogation, torture and ill-treatment

A Palestinian detainee can be interrogated for a total period of 188 days, during which he/she can also be denied lawyer visits for a period of 90 days. During the interrogation period, a detainee is

¹ Addameer operates under the legal assumption that the West Bank, East Jerusalem and the Gaza Strip comprise the occupied Palestinian territory (OPT), which Israel has held in belligerent occupation since 1967.

² Addameer defines as “political prisoners” those prisoners detained in relation with the occupation, as opposed to detainees suspected or convicted of crimes/offenses unrelated to the occupation, as adopted in the Report of the UN Fact Finding Mission on the Gaza Conflict, A/HRC/12/48, 15 September 2009, para. 1434. For the purposes of this document, “prisoners” refers to persons who have been held in prison custody – remandees or convicts. “Detainees” refers to persons held prior to indictment or under administrative detention orders.

often subjected to some form of cruel, inhuman or degrading treatment, whether physical or psychological, and ranging in extremity.

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. In past instances, detainees have died while in custody as a result of torture. 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 Israel on 3 October 1991, which requires any State Party to prevent the use of torture and associated practices.³ The prohibition is absolute and non-derogable, and allows for “no exceptional circumstances whatsoever.”⁴

On 6 September 1999, the Israeli High Court of Justice ruled to ban the use of torture during interrogation. A seemingly considerable victory for human rights defenders has proved in practice not to be applicable to Palestinian “security” detainees. Indeed, the ruling failed to explicitly forbid the use of torture but rather allowed that interrogation methods such as “moderate physical pressure”—widely deemed as torture—be used in situations where a detainee is considered a “ticking bomb”. Furthermore, the ruling, while banning the use of the “necessity of defense” *ex ante*, continued to allow this defense *post-factum* in cases of “ticking bombs”, thereby effectively allowing for impunity in cases of torture. As it stands in 2011, the use of torture and ill-treatment against Palestinian prisoners by Israeli authorities is so widespread to be rightly characterized as systematic.

Military Courts

Palestinians from the West Bank who are arrested by the Israeli military and charged with security violations (as defined by Israel) and other crimes are prosecuted by two Israeli military courts located in Ofer and Salem in the oPt. Not all Palestinians who are arrested are prosecuted in the military courts; some are released while others are administratively detained without trial (see administrative detention below). Of those who are charged, approximately 90 percent are convicted,⁵ and of these convictions, the vast majority is the result of plea bargains.⁶

As an Occupying Power, Israel has the right under international humanitarian law to establish military courts in the oPt, but applicable international human rights and humanitarian law restrict the jurisdiction of such courts to violations of criminal security legislation. The jurisdiction of Israeli military courts, however, is far broader and includes offenses unrelated to such legislation.

³ Article 2(1) of the United Nations Convention Against Torture

⁴ Article 2(2) of the United Nations Convention Against Torture

⁵ Official Report of the Work of the Military Courts in the West Bank, 2007 (Hebrew) (Military Courts Report 2007).

⁶ See *infra*, pp. 17-19. Of the 7,563 cases concluded in the military courts in 2007, full evidentiary trials (in which witnesses were questioned, evidence was examined and closing statements were delivered) were conducted in only 93 – or 1.22 percent – of them.

Moreover, it is questionable whether the use of military courts to try civilians can ever satisfy the requirements under international human rights law that trials take place before independent and impartial tribunals. International law also guarantees certain fundamental fair trial rights, but these are regularly flouted by Israeli military courts:

- **The right to prompt notice of criminal charges:** Israeli military orders contain no requirement that the charge be given to the accused without delay, and in a language he or she understands in as required by international law. In practice, information on charges against the accused are often not disclosed by the prosecution until the day of the first hearing, which typically determines whether the accused will remain in detention until the end of the proceedings.
- **The right to prepare an effective defense:** During interrogation, a detainee can be held for up to 90 days without access to a lawyer. Lawyers acting as defense counsel before the military courts highlight many further obstacles preventing an effective defense, including difficulties in meeting with their clients in detention facilities inside Israel; the lack of proper facilities to hold confidential meetings; court documents written in Hebrew; and the provision of incomplete prosecution material.
- **The right to trial without undue delay:** Palestinians can be held in custody for eight days before being brought before a judge. Furthermore, a Palestinian can be held without charge for interrogation purposes, by order of a military judge, for an initial period of up to 90 days, which can be extended for another period of up to 90 days. They can therefore be held for a total of 188 days before being charged.
- **The right to interpretation and translation:** Israeli jurisprudence provides that a prisoner must be interrogated in his native language and that his statement also be written in that language, but in practice the detainee's confession or statement is frequently written in Hebrew, requiring the detainee to sign a statement he/she cannot understand. Moreover, all proceedings in the military courts are conducted in Hebrew with insufficient or inadequate translation.
- **The right to presumption of innocence:** Israeli military orders do not include an explicit provision regarding the presumption of innocence. The exceedingly low rate of acquittals in the military courts, the practice of denying bail to the vast majority of pre-trial detainees, and the uncorrected prosecutorial reversal of the burden of proof against the accused all serve to indicate a strong presumption of guilt built into the military court system.

Administrative Detention

Administrative detention is a procedure that allows the Israeli military to hold detainees indefinitely on “secret information” without charging them or allowing them to stand trial. In the occupied Palestinian West Bank, the Israeli army is authorized to issue administrative detention orders against Palestinian civilians on the basis of Military Order 1651 (Art. 285). This order empowers military commanders to detain an individual for up to six-month renewable periods if they have “reasonable grounds to presume that the security of the area or public security require the detention.” On or just before the expiry date, the detention order is frequently renewed. This process can be continued indefinitely. As of 1 September 2011, there were approximately 272

Palestinians held in administrative detention by Israel including 3 women and 17 members of the Palestinian Legislative Council.

International law permits administrative detention under specific, narrowly defined circumstances. In accordance with the International Covenant on Civil and Political Rights (ICCPR) there must be a public emergency that threatens the life of the nation. Furthermore, administrative detention can only be ordered on an individual case-by-case basis, without discrimination of any kind. Administrative detention should not be used as a substitute for criminal prosecution where there is insufficient evidence to obtain a conviction. Israel's use of administrative detention, however, in its collective and large-scale application, deliberately infringes on these restrictions and amounts to arbitrary and wrongful detention. As such, it violates Articles 9 of the Universal Declaration of Human Rights (UDHR) and the ICCPR.

In many of the legal cases pursued by Addameer, administrative detainees spent years in prison after being sentenced for committing violations, in accordance with military orders. When the period ended, however, rather than be released they were placed under administrative detention under the pretext that they still posed a threat to security. Palestinian detainees have spent up to eight years in prison without charge or trial under administrative detention orders. On 9 June 2011, a Palestinian man, Ayed Dudeen, was released after spending over three years and seven months in administrative detention.⁷

Isolation

One practice utilized routinely by Israel that combines physical and mental abuse is isolation. Every year, dozens of Palestinian prisoners and detainees are held in isolation, for reasons of state, prison or the prisoners' security. Approximately 41 prisoners are currently held in isolation out of personal choice or for health and other reasons, and 17 are held in isolation for reasons of state or prison security. An unknown number of prisoners are presently held in solitary confinement. Isolation can be ordered by the courts, and by security authorities such as the Israeli Security Agency (ISA),⁸ but is most frequently levied by prison officials. The length of time in isolation that prison officials may order can extend from 12 hours to up to longer periods of six to 12 months, with court approval. The courts may order that a prisoner be isolated for up to 12-month renewable periods, and the ISA may order isolation for similar periods when citing security concerns.

Prisoners held in isolation are held in a cell alone or with one other prisoner for 23 hours a day and are only allowed to leave their cell for a daily one-hour solitary walk. Isolation cells in the various Israeli prisons are similar in size—typically from 1.5 by 2 meters to 3 by 3.5 meters. Each cell usually has one window measuring about 50 cm by 100 cm, which in most cases does not allow in sufficient light or air from the outside.

⁷ See Appendix for detailed profile. Ayed Dudeen was subsequently re-arrested on 9 August and again placed in administrative detention.

⁸ Formerly known as the General Security Service (GSS).

Isolation is not acceptable under international law. Article 10 of the ICCPR provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. The Standard Minimum Rules for the Treatment of Prisoners clearly express that solitary confinement, as a form of punishment, should be used infrequently and exceptionally. It also stipulates in Article 31 that corporal punishment or punishment by holding a prisoner in a dark cell and any other cruel, inhuman or degrading punishment are prohibited as a disciplinary measure. The Basic Principles for the Treatment of Prisoners encourage the restriction or abolition of solitary confinement as a punishment.

Addameer is concerned by Israel's excessive use of solitary confinement and isolation against Palestinian detainees held in prison custody as well as under interrogation. The use of isolation under interrogation is particularly worrisome as it is applied in combination with other methods in order to exert pressure that may amount to ill-treatment or torture. In addition, the severe and sometimes irreversible mental reactions to isolation, resulting from the minimal environmental stimulation and social interaction, undermine the very definition of isolation as a preventive measure.

Medical neglect

Israeli authorities responsible for prisoners regularly neglect their duties to provide medical support for Palestinian prisoners in their care, as required by the Geneva Conventions. Medical problems are widespread, and range in severity from chest infections and diarrhea to heart problems and kidney failure. Treatment is often inadequate and is delivered after substantial delays. Often medication is limited to over-the-counter pain killers.

Although all prisons include a medical clinic, physicians are on duty irregularly and specialized medical healthcare is generally unavailable. Prisoners are not treated outside the assigned clinic hours and typically must wait for long periods of time before being examined. Once they are examined, however, most prisoners are simply prescribed painkillers without any thorough medical follow-up. Transfers to hospitals for needed treatment may take place only after weeks or months.

Detention conditions have a huge impact on the health of prisoners and detainees. As a result of their imprisonment, released detainees are often faced with chronic health problems such as skin diseases, extreme fatigue, anemia and weakness, kidney problems, rheumatism, problems with their teeth and ulcers.

Denial of Family Visits

Family visits are routinely, and often arbitrarily, restricted or cancelled. Moreover, many Arab-Israeli and West Bank prisoners, as well as all Gaza prisoners, are denied their visitation rights completely. This is in complete contradiction with Israel's responsibility, as the Occupying Power, under international law. The right to family visits is an entrenched right in international law, expressly provided for in the Fourth Geneva Convention, the Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any

Form of Detention or Imprisonment, the European Prison Rules, and, in relation to child detainees, the Convention on the Rights of the Child.

Israel detains Palestinians from the oPt in detention centers outside 1967 occupied territory. This practice is illegal under international law and poses significant challenges to Palestinian prisoners' ability to receive family visits as they must acquire permits to enter Israel in order to visit their relatives in prison.

When family visits are able to take place, severe restrictions are placed on them by the Israeli Prison Service (IPS). Only first-degree relatives may visit, but any male family member aged between 16 and 35 is typically prevented from visiting. Once at the prison, family members can only expect to communicate with their loved ones from behind glass separation walls or by telephone.

For Palestinian prisoners from Gaza, the situation is particularly dire: prior to 2007, they were permitted family visits, but following the 2006 Palestinian election results, Israel has denied residents of Gaza held in Israeli prisons family visits due to "unspecified security reasons", a measure that can be understood as collective punishment of the Gaza population for their electoral choice. On 9 December 2009, the Israeli High Court of Justice rejected an appeal contesting the policy's legality. This ban currently affects 634 Gaza detainees.

Human Rights Defenders

In light of Israel's non-compliance with the International Court of Justice's advisory opinion on the construction of the Annexation Wall issued on 9 July 2004, Palestinians in villages affected by the Wall have adopted a number of strategies to oppose its construction and Israeli land annexation, including petitions to the Israeli High Court of Justice, non-violent resistance and weekly demonstrations, and increased international advocacy efforts. In response to these strategies, Israel has adopted a policy of arrest, detention, intimidation, threats and, at times, collective punishment. Leading Palestinian human rights activists, prominent figures, such as mayors and teachers, and members of the Popular Committees, who are instrumental in coordinating weekly protests and advocacy efforts including legal cases, are often personally targeted and arrested in an attempt to sideline them from organizing the protests, or to discredit them and their efforts. Local cameramen and photographers, as well as members of the press, are also targeted.

Addameer has documented at least 292 confirmed cases of Palestinian human rights defenders who were detained and arrested since between 2003 and August 2009 in 16 villages affected by the Wall, including many children as young as twelve. Since then, the number has continued to increase. In 2009 alone, some 89 Palestinian human rights defenders were arrested in relation to their advocacy work against the Wall. In 2010, at any point in time there were between 40 and 100 human rights defenders in prison. As of 1 June 2011, there had been at least 186 documented cases of arrests of human rights defenders this year. This figure includes those who take part in the weekly demonstrations against the Wall and settlements in the West Bank, residents of East Jerusalem protesting Israel's expansionist policies, and Palestinians who took part in the non-

violent demonstrations which marked Nakba Day on 15 May. Approximately 118 of those arrested this year were under the age of 18, and some as young as 14.⁹

Some of the protestors and human rights defenders are prosecuted in the Israeli military courts under military order 101, which criminalizes many civic activities including organizing and participating in protests; taking part in assemblies or vigils; waving flags and other political symbols; printing and distributing political material. In addition, the order deems any acts of influencing public opinion as prohibited “political incitement”. Under the heading “support to a hostile organization”, the order further prohibits any activity that demonstrates sympathy for an organization deemed illegal under military orders, be it chanting slogans, waving a flag or other political symbols.

Youths and children as young as twelve are often the first ones to be arrested in mass arrest campaigns, either during demonstrations, immediately after them or during night raids. Evidence suggests that the purpose of their arrest and detention is threefold. First, targeting the youngest and most vulnerable is intended to exert pressure on their family and the entire community to put an end to all advocacy efforts and social mobilization. Second, ISA officers often arrest children for recruitment purposes. Addameer has collected testimonies suggesting that children from Wall-affected communities are routinely asked to become informants and provide information on both prominent figures involved in advocacy efforts and other children participating in demonstrations. Lastly, arrest is also used as a strategy to deter children from participating in demonstrations and from throwing stones at the Wall or other targets.

Despite the lack of evidence or independent witnesses, and the vague or empty basis of the charges levied against human rights defenders, the vast majority of activists will be found guilty of committing a “security offense” and sentenced to a term of imprisonment. In the Israeli military courts, the accused’s inalienable right to due process is never upheld. Soldiers’ testimonies and, occasionally, photos of individuals at a demonstration, are very often sufficient for an individual to be found guilty of an offense under the military orders that govern the West Bank. Moreover, if the detainee has been coerced into signing a confession, they will invariably be sentenced and serve time in a military jail. Increasingly high fines and bail charges are being requested by the military courts to secure the release of activists’ arrested in relation to opposition to the Wall. Evidence suggests that these amounts have been increasing drastically in recent months, and are being used as a financial means of repressing the protests.

Women

As of 1 September 2011, there were 33 female Palestinian prisoners held by the IPS in Hasharon and Damon prisons in northern Israel, including 6 mothers of a total of 24 children. Three women are held in administrative detention while four are currently awaiting trial.

Both Damon and Hasharon prisons lack gender-sensitive approaches. This is to the detriment of female Palestinian prisoners’ health and hygiene. A study conducted by Addameer in September

⁹ Although minors are not typically regarded by the international community as human rights defenders, in the oPt they often represent the highest numbers regularly participating in demonstrations

2008 revealed that approximately 38% of Palestinian female prisoners suffer from treatable diseases that go untreated. For instance, those suffering from diseases such as asthma, diabetes, kidney and eye diseases, sickle cell anaemia, cancer, and seizures have little to no access to medical services. Long delays in providing substandard medical treatment are typical. Although all prisons include a medical clinic, physicians are on duty irregularly and specialized medical healthcare is generally unavailable. To date, there are no specialized gynecological services available for Palestinian women held in Israeli prisons and detention centers, despite their continuous requests for access to such services and complaints launched against the IPS's repeated denials. Also of particular concern is the absence of trained Arabic-speaking female medical specialists.

Female prisoners are subjected to the same psychological and physical abuse as their male counterparts; female prisoners report beatings, insults, threats and sexual harassment. Female prisoners are also routinely humiliated by intrusive body searches, which often occur before and after court hearings and during the night as punitive measures.

Children

Each year approximately 700 Palestinian children under the age of 18 are prosecuted through Israeli military courts after being arrested, interrogated and detained by the Israeli army.

As of 1 September 2011, there were 176 children held in prisons by Israel. Of these, 31 are under the age of 16, a policy that is a violation of the United Nations Convention on the Rights of the Child (CRC), which defines a 'child' as "every human being below the age of eighteen."¹⁰ The policy is also duplicitous since Israel's own civilian court system (applying to Israeli citizens) defines the age of legal majority as 18, whereas the age of majority in military legislation is 16 (applying to Palestinians). Furthermore, children are sentenced on the basis of their age at sentencing rather than when they committed the offense, again in contradiction to the sentencing policy of Israel's civilian courts when dealing with Israeli citizens, who are sentenced according to age when the alleged offence was committed.

The rights of Palestinian children are violated in a number of ways during their arrest, interrogation, detention and trial. Palestinian children are often held for the purposes of interrogation without being accompanied by their attorney or an adult family member, which is a clear violation of Israel's duties under the Fourth Geneva Convention, the CRC, and the ICCPR. Furthermore, torture and ill treatment are routinely used against children to illicit forced confessions. Most worrisome is the prevalence of sexual harassment and sexual abuse directed toward Palestinian children in Israeli detention. In 2010, DCI Palestine characterized the use of these methods to obtain confessions as "widespread and systematic".¹¹ It estimates that close to every affidavit signed by child prisoners contains an aspect of sexual harassment or sexual abuse during the interrogation phase of detention.

¹⁰ Article 1, United Nations Convention on the Rights of the Child

¹¹ 'Palestinian Child Prisoners', *Defence of Children International*, June 2010.

In July 2009 the Israeli authorities established a separate military court for the prosecution of Palestinian children under Military Order 1644. Previously the Israeli authorities prosecuted Palestinian children and adults in the same court system. Since its implementation, however, Addameer contends that Military Order 1644 has done little to improve the protection of Palestinian children before the Israeli military legal system since it did not increase the age of majority or stop the practice of sentencing children according to their age at sentencing.

Palestinian Legislative Council Members

Although according to international law and Israeli courts no one can be detained for their political opinions, in practice Palestinian political leaders are routinely arrested and detained as part of an ongoing Israeli effort to suppress Palestinian political processes – and, as a necessary result, political sovereignty and self-determination.

In recent years, this process has focused particularly on members of the PLC. Following the capture of Corporal Gilad Shalit on 25 June 2006 by Hamas at the Kerem Shalom Crossing on the Gaza Strip border, Israeli forces seized dozens of leaders and activists associated with Hamas in coordinated raids across the West Bank, including PLC members. The latter were either placed in administrative detention or charged with offenses based on their membership of the “Change and Reform List”, which the Israeli authorities allege is affiliated with Hamas, an illegal party according to Israeli military legislation. These detentions occurred despite the fact that Israel itself allowed the elections to be held and did not oppose the Change and Reform List’s participation in these elections. In fact, it was only in February 2007 that the Israeli authorities declared the Change and Reform List to be illegal, almost a year after most of the initial arrests.

As recently as 2009, nearly a third of all Palestinian legislators were held in Israeli detention, preventing the PLC from reconvening since mid-2007. As of mid-September 2011, 21 members of the Palestinian Legislative Council (PLC) continued to be held by Israel, the majority of them (17) under administrative detention. Many of the PLC members placed in administrative detention in the past few months were released only within the past two years after serving a full sentence following their arrest in 2006.

Recommendations

Addameer calls on the international community to raise the issue of political prisoners in all their meetings with Israel. In particular, it calls on the international community to ask that Israel:

- Stop applying the jurisdiction of the military courts in the oPt to civilians in such a broad manner and instead apply it in accordance with the provisions of international law;
- Respect fair trial standards for all political detainees, including those accused of committing acts that are considered crimes according to international law;
- Release all administrative detainees held on account of their political views or activities carried out in resistance to the occupation and ensure that the judicial review of administrative detention orders meet the minimum international standards for due process;
- Afford every child under the age of 18 their rights as enshrined in the Convention on the Rights of the Child, notably by increasing the age of legal majority in military legislation to 18 and immediately stopping further arrests of Palestinian juveniles in the oPt;
- Bring an end to its institutionalized policy on torture and ill-treatment, and ensure that these abusive practices cease to be used against prisoners in its care and that any such abuse is properly investigated and punished;
- Guarantee that minimum standards of detention be respected, particularly with regard hygiene, nutrition, and access to health care;
- Allow visits of family members according to the principles of international law, including by immediately resuming family visits to prisoners from the Gaza Strip, extending visitation rights to non-family members and allowing “open visits” and physical contact to all detainees.

Addameer is particularly concerned about the continuing impunity with which Israel is allowed to act with regard to its treatment of Palestinian prisoners and detainees. It therefore calls on the international community to seek avenues to hold Israel accountable for its violations of international law, including by calling on State parties to the Geneva Conventions to fulfill their obligation to ensure Israel’s compliance with international humanitarian law; promoting the use of universal jurisdiction, supporting referral to the International Criminal Court, and any other avenues deemed fit.

Appendices

Current Israeli Detention Statistics (1 September 2011)

Type of Prisoners	Number of prisoners
Total number of political prisoners	5573
Administrative detainees	272 (3 women 17 PLC)
Female prisoners	33
Child prisoners	176 (31 under 16)
Palestinian Legislative Council members	21
East Jerusalem prisoners	187
1948 Territories prisoners	170
Gaza prisoners	627 (2 under UCL)
Prisoners serving life sentences	802
Sentence above 20 years	591
Prisoners serving more than 25 years	44
Prisoners serving more than 20 years	141

Case Study: Torture

MOHAMMAD MAHMOUD DAWOUD HALABIYEH

Date of birth: 22 October 1993 (16 at time of arrest)
Place of residence: Abu Dis, occupied East Jerusalem
Occupation: Student
Date of arrest: 6 February 2010
Place of detention: Ofer Prison

Postal address:
Ofer Prison
Givat Zeev, P.O. Box 3007
via Israel

On 6 February 2010 Mohammad Halabiyeh, a 16 year-old Palestinian boy was arrested by the Israeli Border Police, in his hometown of Abu Dis. During the arrest operation, Mohammad broke his left leg, just above the ankle. Nonetheless, the soldiers beat him all over his body and intentionally kicked his injured leg. Torture and ill-treatment continued for five consecutive days following his arrest and reached its peak at the Hadassah hospital, where the Israeli soldiers pushed syringes into the boy's hand and leg multiple times, covered his mouth with adhesive tape, punched him in the face, hit him in the abdomen with a stick and deprived him of sleep in an attempt to deter the boy from reporting the ill-treatment to the Israeli police. Mohammad was undeterred and made an official statement to his interrogator in which he attempted to describe the abuse and torture he was subjected to, even after the other interrogators threatened him with killing and sexual abuse. Mohammad, who is now 17, has been on trial before the Israeli military courts for a little over year on five charges related to throwing Molotov cocktails. He remains in Ofer prison in a section with adult prisoners in contravention of international law. On 6 June 2011, the military judge found Mohammad guilty on all charges and on 18 July 2011 sentenced him to three years in prison.



TORTURE AND ILL-TREATMENT DURING ARREST AND INTERROGATION

On the evening of 6 February 2010, **Mohammad Mahmoud Dawoud Halabiyeh** was walking with his friends Anas and Ayyad in their hometown of Abu Dis, an East Jerusalem neighborhood cut off from Jerusalem by the Annexation Wall. As they walked past the Israeli military base near their town, they were surprised by an Israeli Border Police patrol coming from behind a nearby stand of olive trees. The soldiers kept their guns trained threateningly at the boys as they advanced towards them. When they reached the boys, the soldiers first seized Anas, who raised his arms in surrender. Petrified at their sight, Mohammad started running in the direction of his home. In the process, he jumped off an unfinished house and fell face first into a ditch approximately four to five meters deep, fracturing the tibia and fibula bones of his left leg, just above the ankle.

Soon after, one of the soldiers threw his steel helmet from above at Mohammad who lay injured on the ground and then worked his way down. When Mohammad told the soldier that he broke his leg, he did not believe him and instead started laughing and threw a sound bomb at him. Mohammad recalls, “*I heard some laughing, and one of the soldiers looked at me, laughed and threw a sound bomb at me...The bomb landed almost one meter away from me.*” The soldier then started beating Mohammad on his face

and kicking him on his body as a group of other soldiers witnessed the scenes. Mohammad states in an affidavit given to Addameer, *“When I cried out from the pain in my [injured] leg, one of them, with a dark complexion and black hair, twisted my leg in a painful way.”*

The soldiers then forced Mohammad to stand, but as he was visibly limping, two soldiers assented to carrying the injured Mohammad. However, as they carried him, blows from the other soldiers and sexually degrading insults against Mohammad’s mother and sisters continued to rain down. Israeli soldiers and interrogators often psychologically abuse Palestinian detainees and deliberately exploit Palestinian society norms where women are traditionally given more protection and special status, while the preservation of their honor is of utmost importance.

After they arrived at the Israeli military base, the soldiers lay Mohammad on the ground and started shaking his leg while questioning him about his family and friends. They then went back to beating the boy until they forced him to sit on the ground, blindfolded him and handcuffed his hands to the front with plastic cuffs, which they tightened painfully.

The unrelenting physical and verbal abuse lasted about half an hour until a white private car arrived to take Mohammad to the Hadassah hospital, located in Mount Scopus in East Jerusalem. During the 40-minute drive, a soldier continued to punch Mohammad in the face and kick his broken leg. Mohammad’s right eye became swollen from these punches.

Day One: Ill-Treatment by Israeli Soldiers at Hadassah Hospital

The abuse from the soldiers continued even after their arrival at the hospital where Israeli soldiers accompanied Mohammad during every stage of the medical examinations. After medical staff examined Mohammad, they took him in a wheelchair for X-rays of his leg. The soldiers continued to hit Mohammad whenever the doctor and other medical staff were away, both in the X-ray room and in the patient room where they hid their actions behind a privacy curtain that they placed around Mohammad’s bed.

Mohammad recalls that the beatings, administered at this point with an “iron bar” by two Israeli soldiers from the Abu Dis base, one heavy and fair with a buzz cut and the other thin with dark hair, were an attempt to force him to remain quiet about the torture he’d endured at the hands of the Israeli soldiers following the injury of his leg.

However, when Mohammad told the soldiers that he would disclose everything that was happening and tried to shout for the doctor, the soldiers covered his mouth with adhesive tape and handcuffed his hands to either side of the bed.

Later, when Mohammad was taken to have a plaster cast applied to his leg without the soldiers present, he told the doctor what was happening to him. The doctor told Mohammad to call him when the soldiers tried to abuse him again. Mohammad was then returned to a patient room and put in a hospital bed behind a curtain.

At that point, the two soldiers again put the adhesive tape on Mohammad’s mouth, repeated their threats not to tell anyone what had happened, and beat him with the iron bar, smeared a tomato they’d brought over his face and pushed syringes into his hand and leg multiple times.

Mohammad’s father Mahmoud arrived at the hospital around 11:00 p.m. that night after he received a phone call from the hospital. Before letting Mahmoud in to see Mohammad, the soldiers removed the

adhesive on Mohammad's mouth and covered him with a blanket. Mohammad told his father that the soldiers were beating him, and when the father asked the soldiers why they were doing this, they yelled at him and told him to leave and closed the curtain once again. Intimidated and worried that his intervention would only increase the abuse, Mahmoud left to bring Mohammad clean clothes. However, before he left the hospital, Mahmoud, used a visitor's mobile phone, and called the Israeli police three times, asking their intervention with the soldiers so that they would stop beating his son. The police never came and the abuse continued.

Throughout the rest of the night, the soldiers remained in the hospital with Mohammad, twisting his injured leg and applying pressure to the cast, which had not fully dried by that point, hitting him with the iron bar in his abdomen and hands and punching the left side of his face, all while telling Mohammad they were going to deform his face and break his other leg. They refused to let Mohammad sleep and would hit him whenever he dozed off. The abuse and torture was intended to inflict so much pain and fear in Mohammad so that he would not complain to anyone about his experience.

Mohammad recalls that, *"For long hours throughout the night, the soldiers used to ask me what I will tell the interrogator, if I would tell about what they did to me. I'd answer that I'd tell everyone about what they did. The beatings intensified all night long [...]"*

Day Two: Torture during Transfer to the Police Station and during Interrogation

The following morning, on 7 February 2010, Mohammad was in severe pain, in particular in his injured left leg and the left side of his chin where he'd been punched repeatedly during the night. When Mohammad's father returned with clean clothes for his son, he noticed how swollen Mohammad's face had become from the sustained beatings. Mahmoud again approached the soldiers about the abuse against his son, but they told him *"Go away ['Hijj' in Arabic], or we will beat you too"*.

Mahmoud helped Mohammad put on the clean clothes and then helped him walk outside, as he had no cane. While waiting for the military vehicle that would take Mohammad for interrogation, he told his father about the previous night's abuses. The father was however denied permission to accompany his son to the interrogation center. Mohammad was then shoved into the Israeli military vehicle where the soldiers tied his hands and covered his eyes with a cap, which they tightened around his face.

During the drive to the Ma'ale Adumim police station where Mohammad was to be interrogated, the soldiers in the car continued to assault Mohammad and pressure him not to tell anyone the truth of how he'd sustained his injuries. At one point in the car, Mohammad vomited from the ongoing beating, though he'd not been given anything to eat since his arrest the previous day.

When they arrived at the Ma'ale Adumim police station, in the early afternoon, Mohammad was questioned for several hours by an Israeli interrogator. The interrogator accused Mohammad of throwing Molotov cocktails at Israeli military patrols and told him that his friend Anas had already confessed. He further mentioned that Anas told them that the three boys were on their way to throw Molotov cocktails when they were arrested the previous day in Abu Dis. The interrogator also said that Anas told them that Mohammad had thrown Molotov cocktails 15 times in the past. Mohammad denied the interrogator's accusations.

The interrogator then began to write down a false statement himself, writing that Mohammad said he threw the Molotov cocktails, and tried to force Mohammad to sign the statement. Mohammad refused to sign. The Israeli officer began to threaten to beat and kill him. Then he told Mohammad that he would do "sexual things" to him and that "he liked doing that to young boys".

At 6 p.m. that day, more than 24 hours after Mohammad was arrested, he was finally given something to eat by officers at the Ma'ale Adumim police station. Mohammad gave a statement to his interrogators, reiterating his earlier denial of any involvement in throwing Molotov cocktails and seeking action for the torture he'd undergone at the hands of the Israeli soldiers since his arrest. No copy of this statement was recorded or provided during pretrial disclosure by military prosecutors.

Forced Confession

At 8:30 p.m. that night, after more than a day with little food and no sleep, Mohammad signed a confession claiming that he'd thrown Molotov cocktails. He later told his lawyer, Addameer attorney Mahmoud Hassan, that he had made this confession out of fear after numerous threats by his interrogators that he would be subjected to further torture if he did not. A video of the interrogation at this point shows the Israeli interrogator drafting the written statement of Mohammad's confession, prompting a tired and fearful Mohammad, asking leading questions and feeding him the words the interrogator wanted him to say.

An additional problem demonstrated by the video is language. It is obvious from viewing the recording that the interrogator, called Avi Teveoni, did not have sufficient Arabic skills to question the boy and understand his version of events. On many occasions, the interrogator asked Mohammad to repeat his statement as he hadn't fully understood the boy's account. It is thus likely that the interrogator made mistakes in the statement that he wrote, and by doing so, altered Mohammad's statement. This is even more problematic when one considers that this statement serves as the primary evidence against Mohammad in his trial before the military courts.

Further, the written statement taken at this time was drafted by the interrogator in Hebrew, a language that Mohammad does not understand. The interrogation video, obtained by Adv. Hassan only after military prosecutors accidentally exposed its existence to him, reveals that the written statement omits most of Mohammad's repeated references to the torture he endured at the hands of the Israeli soldiers in Abu Dis and at the hospital. The video also reveals that the interrogator did not read the written statement aloud to Mohammad, although he had claimed to have done so.

Moreover, Addameer submits that even a cursory analysis of the written statement reveals the coercive role of the Israeli interrogators. At one point in the forced confession, for example, Mohammad says he threw Molotov cocktails with a friend in late 2009; that friend, however, has been detained by Israel since December 2008, so this could not possibly have happened. As Adv. Hassan notes when discussing the coerced confession, "*When you fear for your life, you will say anything, give any name to make the pain, or the fear of pain, stop*".

Day Three: Transfer from Etzion Detention Center to Ofer Prison and Back to Etzion

That night, after seven or eight hours of interrogation, Mohammad was taken to Etzion Detention Center south of Bethlehem, to a cell holding a number of other detainees who were already sleeping. Mohammad recalls that the room was extremely cold, but the guards refused to give him a blanket when he asked for one. In the afternoon of the next day, on 8 February 2010, a doctor came, gave Mohammad a cursory medical examination and gave him a paracetamol tablet with a glass of water for his pain.

Afterwards, two Nahshon officers took Mohammad for transfer to Ofer Prison, which is located in Ofer Military Base near Ramallah. Mohammad at this point was handcuffed and had no cane, hopping painfully on his one good leg. Mohammad arrived at Ofer at around 7 p.m., but was made to wait inside

the Nahshon transfer vehicle until midnight before the Nahshon officers came to move him into the facility. However, **when the prison officer at Ofer saw Mohammad and the state of his injuries, he refused to admit Mohammad to the prison there, instead instructing the Nahshon officers to take him to a hospital.**

Instead, however, the Nahshon officers returned Mohammad to Etzion, where the boy spent another cold night.

Day Four: Transfer Back to Ofer Prison

The following day, on 9 February, Mohammad was transferred back to Ofer, where he was held in a room with an iron grid, referred to as 'the cage'. Later that day, Mohammad saw a prison doctor who promised to bring him a cane. That evening, prison officials brought Mohammad a pair of crutches, which he used for two days before obtaining a pair previously used by a friend from Abu Dis named Wael Younis who was also being held at Ofer.

Day Five: Mohammad Finally Receives Medical Treatment

On the fifth day following his arrest, Mohammad was finally taken to Hadassah Ein Karem, a hospital located in the southwest of Jerusalem. The physicians there took X-rays of Mohammad's injured jaw and gave him medication for the pain and to promote healthy repair to the injured bone.

Mohammad was then returned to Ofer, where he remains at present. All motions to release him on bail were so far denied.

CHARGES AND TRIAL

On 16 February 2010, Israeli military prosecutors filed charges against Mohammad under the Israeli military orders that govern the oPt. Mohammad is accused of five offenses related to throwing Molotov cocktails in Abu Dis on a number of occasions between November 2009 and the date of his arrest in February.

Mohammad's military court trial, which is currently underway at Ofer Military Court inside a military base near Ramallah, began on 12 April 2010 with the reading of charges and the entering of Mohammad's plea. On 26 August 2010, Adv. Hassan filed a request to the Military Court to release Mohammad on bail until the conclusion of the legal proceedings, but this petition was denied. On 6 June 2011, after over a year in trial, the military judge found Mohammad guilty on all charges, despite recognizing that he was tortured. The sentencing hearing is due to be held on 19 July 2011.

POLICE INVESTIGATION INITIATED INTO ABU DIS SOLDIERS

The Israeli police initiated an investigation into the soldiers who arrested Mohammad based on the boy's statement given on 7 February 2010, before Avi Teveoni, one of the interrogator at Ma'ale Adumim police station. In this statement, Mohammad mentions several times the type of abuse and ill-treatment he was subjected from the Israeli soldiers. This information was however concealed from Adv. Hassan who learned about the police investigation accidentally, on 9 August 2010, when he questioned a police officer, who testified before the court as a military prosecution's witness at Mohammad's last hearing. Subsequently, Adv. Hassan requested from the military prosecution and the military court to see the investigation materials. The request was noted in the hearing's protocol and the judge promised to make

these documents available “as soon as possible”. More than two weeks later, the information related to the police investigation had not been disclosed to Adv. Hassan.

Importantly, Addameer also requested Mohammad’s medical file by submitting an official letter to the Israeli Prison Service, on 17 July 2010. The full report, including reports from the Hadassah hospital were only disclosed to Addameer attorneys on 29 August 2010, approximately 40 days following the request. Although the report confirms the tibia and fibula bone fractures in Mohammad’s lower left leg, as well as swelling and bruising around Mohammad’s right eye, there is no mention, however, of other marks, bruises or wounds following the beating, punches, kicking and pain administered by pushing syringes into the boy’s body. Further, there is no mention of the cause of Mohammad’s injuries. Addameer strongly condemns the concealing of any information that would constitute evidence in the investigation against the Israeli Border Police guards who abused and ill-treated Mohammad.

FAMILY/PERSONAL INFORMATION

Mohammad is one of nine children. During the first four months following Mohammad’s arrest, he did not receive a single visit from a family member. This situation is not unusual, given that Israeli authorities seek to isolate prisoners during the initial period of detention and, for this reason, typically do not issue visit permits. As the use of telephones is also not permitted for Palestinian “security” detainees, Mohammad had virtually no contact with the outside world apart from meetings with his attorney. He was able to see his parents at court hearings only, but not speak with them, given that the Israeli authorities forbid any form of contact between the detainee and his family inside the military court.

Mohammad’s mother, Yusra, and father, Mahmoud, have been able to visit him in detention at Ofer only once a month. By comparison, other Israeli prisons holding Palestinian detainees permit family members to visit every two weeks. None of the boy’s three brothers or five sisters has been able to visit thus far.

At the time of his arrest, Mohammad had completed grade 11 and was working part time in a restaurant in Abu Dis.

Case Study: Administrative Detention

AYED MOHAMMED SALEM DUDEEN

“I no longer tell my children when they can expect their father to come home, I do not want to give them false hope anymore, I just hope that this nightmare will go away.” Amal Dudeen

Date of birth: 20 September 1967

Place of residence: Dura village, south of Hebron.

Occupation: Nurse and ambulance officer. Ayed has been the deputy director of the Hebron Palestinian Red Crescent Society’s ambulance and emergency services since 1989.

Marital status: Married and father of six

Place of detention: Ketziot Prison

Postal address:

Ketziot Prison
P.O. Box 13
Postal Code: 84102
Israel



Date of Arrest: 9 August 2011

Number of detention orders to date: current detention: 1, previous detention: 30

Days spent in detention without charge or trial: 28 days and counting

ARREST AND DETENTION

Ayed Dudeen was arrested at approximately 2 a.m. on 9 August 2011 from his home in Dura village, south of Hebron, when as many as 50 soldiers arrived and surrounded his house. When they entered the house they confiscated computers and phones and, using knives, tore up the furniture before arresting Ayed. His arrest came two months to the day since his release from over three and a half years in administrative detention. During that time, the Military Area Commander had warned Ayed that although he was soon to be released, he would not stay out of prison for more than two months and that his family would not be able to live with him for long. On the night of his arrest on 9 August, the same Military Commander was present at the house and aggressively reminded Ayed that his threat was now being fulfilled. Ayed’s family were not informed at the time of where he was being taken nor of the reasons for his arrest. He was interrogated for two weeks at Ashkelon prison, during which time he was not asked anything about his time outside prison but instead about what political action he was planning to take in relation to the Palestinian Authority’s upcoming bid at the United Nations for state recognition. The Israeli Security Agency (ISA) suggested he take a lie detector test, which Ayed agreed to. However following a consultation with a medical expert the ISA claimed he was not in sufficient health to take the test.

Ayed was given an administrative detention order by the Israeli Security Agency (ISA) which was confirmed at Ofer Military Court on 25 August. As with all other administrative detainees, Ayed’s detention was based on secret information collected by the Israeli Security Agency, available to the military judge reviewing his detention orders but not to Ayed or his lawyer. Ayed’s current administrative detention order is for 6 months.

PREVIOUS ADMINISTRATIVE DETENTION ORDERS

Ayed Dudeen is one of the longest serving administrative detainees, having spent over three and a half years in detention without charge or trial from 19 October 2007 until 9 June 2011.

Over the course of his previous detention, Ayed's administrative detention orders were renewed a total of 30 times, meaning that his detention was extended every two months on average until his release on 9 June. He was never made aware of the allegations against him, and thus had no means to defend himself over this period. This violates international human rights law, which permits some limited use of administrative detention in emergency situations, but requires that the authorities follow basic rules for detention, including a fair hearing at which the detainee can challenge the reasons for his or her detention.

Despite the lack of publicly available evidence concerning both his current and previous administrative detention orders, the review hearings during Ayed's previous detention, however, revealed further information about his case.

At Ayed's last review hearings, the military prosecution alleged that Ayed is an active member and leader of Hamas and remained an active security threat even in prison. Ayed, however, insisted that his activities in prison were limited to acting as an intermediary between the prisoners and the prison's administration in order to address some of the prisoners' concerns regarding their detention conditions. When Ayed's current administrative detention order was confirmed in court on 25 August, it emerged that the order was related to new evidence concerning his alleged activities with Hamas – again in relation to his time before his release as well as afterwards. However no further information has been revealed, once again making it impossible for Ayed to defend himself.

On more than one occasion during his previous detention, the military prosecution offered to release Ayed under the condition that he be deported to Gaza, despite the fact that he has absolutely no link to the Strip and that his entire family lives in Hebron. This further demonstrates that his release does not pose an imminent threat to Israel, an essential requirement under international humanitarian law for the permissible use of administrative detention. Ayed consistently rejected these offers and remained persistent in his demands to be released and reunited with his family in Hebron, a wish that was finally fulfilled on 9 June 2011 but brutally cut short two months later.

PREVIOUS ARRESTS

Ayed was first arrested on 19 December 1992, along with his three brothers, and held in Hebron prison, at the time still under the control of the IOF. During his detention, Ayed was deprived of sleep on a regular basis and often forced to sit in the interrogation room with his hands tied behind his back for several hours at a time. After three months of continual interrogation, Ayed was told that he would be released, but mere moments after his release, he was assaulted by two IOF soldiers at the prison gates, shackled and re-arrested. He was eventually released on 21 March 1993 after enduring additional interrogation.

Six days after his release from detention, on 27 March 1993, Ayed's home was again raided by IOF soldiers. He was badly beaten and transferred to a detention center, where he was interrogated for 75 days and subjected to torture and cruel and degrading treatment. Eventually, Ayed was charged with forming a military cell and sentenced to a year in prison. He was released on 5 May 1994.

Ayed was again arrested on 19 July 1998 and interrogated at the Al Moskobiyyeh interrogation centre for 138 days on charges of harboring a fugitive; charges that he persistently denied. Ayed was nonetheless sentenced to 8 years in prison on the basis of testimonies obtained from other detainees. After an appeal,

however, Ayed's sentence was reduced to 7 years. Throughout his incarceration, Ayed was held in several prisons, including Ashkelon Prison, where his brother was also being held. Despite this, the brothers were denied permission to share a cell.

Six months after his release on 2 February 2005, Ayed was arrested once more, spending 22 months in administrative detention without charge or trial before being released on 19 July 2007. Despite spending almost two years away from his family, Ayed was unable to spend much of his new-found freedom with them; exactly 3 months after his release, he was rearrested on 19 October 2007 and once again placed in administrative detention. He remained in prison for a little under three years and eight months, making him the longest held administrative detainee at the time of his imprisonment.

AYED'S FAMILY

Ayed's detention did not shield his family from further pressures and harassment by the Israeli military. On the contrary, their home continued to be raided on a regular basis and family members interrogated. On 5 January 2010, for example, the IOF broke into the family home at 12.30 a.m., ransacked it and confiscated Ayed's laptop, which has yet to be returned. On 22 December 2010, Ayed's oldest son Hamza was also summoned for interrogation. The intelligence officer conducting the interrogation pressured Hamza to confess that his father's activities are threat to the family and told him that he is under surveillance and that the IOF knows everything about his studies, social life and movements. During the interrogation Hamza was also threatened with arrest, and repeatedly told that if he was hiding any information about his father, he would also end up in jail. On the night of Ayed's arrest on 9 August, the house was once again ransacked and various items confiscated including computers and mobile phones.

Ayed's repeated detention has significantly complicated his relationship with his children, who have only lived with him for a few months at a time. One of his sons, Izzedin, was only 50 days old when his father was first arrested and 8 years old when he first met his father as a free man, and consistently refused to visit his father in prison. Ayed's previous detention also took a toll on the children's education as visits took place during school days and the children reported being so exhausted from the visits – which require a long journey to the prison but can last no longer than 45 minutes - that they often had to skip school the next day.

The main burden of Ayed's repeated detentions, however, lie with his wife, Amal, who was a first-year university student when her husband was arrested for the first time. Soon thereafter, she was forced to discontinue her studies as a result of her husband's repeated arrests and the demands of raising their children. Nevertheless, Amal held on to her dream of completing her education. With her husband's encouragement, she returned to school in 2002 and completed her bachelor's degree in English literature from Al-Quds University, all the while single-handedly raising their six children. Amal currently works as a school teacher in her hometown of Dura near Hebron.

Ayed's mother died on 27 December 2010, months after being diagnosed with an aggressive malignant tumor. Despite medical documentation showing the severity of her condition, Ayed was repeatedly denied permission to visit his mother. After her death, he was also denied permission to attend her funeral.

Case Study: Human Rights Defender

AMEER MAKHOUL

Date of birth: 19 June 1958

Date of arrest: 6 April 2010

Occupation: General Director, Ittijah – The Union of Arab Community-Based Associations

Place of residence: Haifa

Place of detention: Gilboa Prison

Ameer Makhoul is a Human Rights Defender who on 30 January 2011 was sentenced by the Haifa District Court to nine years' imprisonment and a one year suspended sentence. Mr. Makhoul is a prominent political activist and General Director of Itijah, the Union of Arab Community Based Associations.



ARREST

Ameer Makhoul was arrested on 6 May 2010 at 3:10 a.m. when Israeli Security Agency (ISA) agents accompanied by Israeli police raided his family home in Haifa, northern 1948 territory/Israel.

After jumping the fence surrounding the home and banging loudly on the door until Mr. Makhoul answered, the 16 ISA agents and police officers immediately separated him from his family, including wife Janan and daughters Hind, 17 and Huda, 12, and began to conduct an extensive search of the home. They allowed Mr. Makhoul to change clothes and place some things in a small bag and took him outside for a period before escorting him back into the home to find keys for the home and the family's cars.

According to Janan, the police confiscated items including documents, maps, the family's four mobile phones, Ameer and Janan's laptops, the hard drives from the girls' two desktop computers, a camera and a small tape recorder containing not-yet-transcribed oral histories Janan collects as part of her work. The police also intentionally scattered Hind's study materials, even after Hind and her mother informed them that Hind was to sit for the "Bagrut" exam, the official Israeli matriculation exam, the following day.



At one point during the police search, Janan says, one officer violently restrained her, twisting her arm and pushing her when she attempted to leave the home's living room to observe the confiscations. The security forces also refused to identify themselves¹² and showed her a warrant authorizing Mr. Makhoul's arrest only after she repeatedly insisted. The order had been signed on 23 April 2010 and cited unsubstantiated

"security" reasons as the grounds for Mr. Makhoul's arrest.

Meanwhile, approximately 40 minutes after their arrival, a group of the security forces left with Mr. Makhoul in custody. At around the same time, the Israeli authorities raided the office of Ittijah – The

¹² One officer, just as they were leaving, gave Janan his name and ID number.



Union of Arab Community-Based Associations, where Mr. Makhoul serves as General Director, and confiscated documents and the hard drives from all of the organization's computers.

The police finally left the Makhouls' home at approximately 5:30 a.m. Before leaving, an officer presented Janan with a list purporting to document everything the security forces had confiscated and requested her signature. However, the officer refused to let Janan check the list or view what they had taken, so she refused to sign.

At some point after 8 a.m., Janan received a phone call from someone identifying themselves as a representative from the "international terrorism" section of Petah Tikva interrogation center and informed her that Mr. Makhoul was being detained there for interrogation and that she can contact a lawyer to follow up on his case.

At approximately 11 a.m. that same morning, a detention extension review in the complainant's case was held at Petah Tikva interrogation center.¹³ The judge at the hearing extended Mr. Makhoul's detention for six days and banned him from meeting with his attorney for at least the next four days.

On 17 May 2010, the Petah Tikvah Magistrate Court extended Mr. Makhoul's detention until 20 May. This court hearing was the first time that Mr. Makhoul was granted access to his lawyers.

On 27 May 2010, three weeks after his detention, Mr. Makhoul was charged with espionage, assistance to the enemy in a time of war, contact with a foreign agent, and other security charges. Ameer Makhoul vehemently denies the charges against him, and has stated before the Magistrate's court in Petah Tikva that he made a confession as a result of the harsh interrogation methods used against him. After the hearing, Mr. Makhoul was transferred to Gilboa prison, where he remains today.

At a hearing on 27 October 2010, Mr. Makhoul accepted a plea bargain, pleading guilty to espionage, aggravated espionage, contact with a foreign agent and conspiracy to aid the enemy in time of war. In exchange, the prosecution dropped the charges of assistance to the enemy in a time of war. Plea bargains are often entered into in similar cases because attorneys feel that conducting a full proof trial, including summoning witnesses and submitting evidence, usually leads to a much harsher sentence; a sort of "punishment" imposed by the court on a defendant who did not reach a plea bargain. On the 30 January 2011 Mr. Makhoul was sentenced to nine years imprisonment and one year suspended sentence - almost reaching the maximum sentence normally handed down for plea bargains and rejecting his lawyer's requests for a shorter sentence of seven years.

GAG ORDER

Until 27 May 2010, a court-ordered ban had been in place on any publication by any entity in 1948 territory/Israel – whether NGO, media source or individual – of any mention of his arrest or any of the related circumstances or procedures. Addameer received many reports from organizations and media outlets of receiving phone calls from ISA officers after Mr. Makhoul was arrested warning them of the order and instructing those outlets that had already published news of his arrests to remove them immediately.

TRAVEL BAN

¹³ Israeli law provides that Israeli citizens can be held in custody for a maximum of 24 hours before being brought before a judge. An Israeli citizen accused of a security offense (almost always Palestinians with Israeli citizenship) can be held for four days before going before a judge

Ameer Makhoul's arrest came shortly after Israeli Interior Minister Eli Yishai signed an administrative order prohibiting Mr. Makhoul from exiting the country for a two month period.

On 22 April 2010, Mr. Makhoul arrived at the Sheikh Hussein Bridge terminal at the Jordan River, intending to exit Israel on his way to Jordan and then several additional countries for meetings with a range of civil society organizations and their representatives. After presenting his passport at the Israeli passport control desk, he was informed that the Israel Interior Minister had issued an order the previous day forbidding him to leave the country until 21 June 2010.

In the order, Israeli Minister of the Interior, Eli Yishai, states that "I have reached the conviction that the exit of Ameer Makhoul from the country poses a serious threat to the security of the state, and therefore I issue this order to prevent him from leaving the country until the 21st of June, 2010" according to article 6 of the 1948 emergency regulations. The order further instructs that a copy should be delivered to Mr. Makhoul and that he had 14 days to introduce any written argument in opposition.

PREVIOUS ARRESTS

These recent events are not the first times in which the complainant has been subjected to arrest, detention and harassment by the Israeli authorities in relation to his prominent human rights work. To the contrary, Mr. Makhoul has been subjected to ongoing measures of harassment and intimidation in relation to his human rights activism, particularly during and after the Israeli ground, air and naval offensive in the Gaza Strip, which took place from 27 December 2008 until 18 January 2009.¹⁴

On 8 January 2010, 10 days after Mr. Makhoul gave a speech in Haifa protesting the then-ongoing attack on Gaza, Israeli police demanded that he come for an interrogation. Mr. Makhoul refused, and was forcibly escorted from Ittijah's Haifa headquarters by two ISA officers to a police station where he was interviewed for three hours. The complainant recalls of this interrogation: "They told me I would be thrown in jail if I continued my political work and that they could arrange for me to be dumped in Gaza. Their main concern seemed to be that I was urging the younger generation to be more politically active".¹⁵ Indeed, these threats have to some extent been realized and Mr. Makhoul now faces a long period in prison, unable to continue his work as a human rights defender.

BACKGROUND

"Human rights defenders" are formally defined as persons who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights. Ameer Makhoul clearly falls within the category, in that his activities are peaceful in nature and aimed at the promotion of human rights.

Ameer Makhoul is a political activist and serves as the General Director of Ittijah – The Union of Arab Community-Based Associations, an NGO that holds consultative status with the UN. The complainant also serves as Chairman of the Public Committee for the Defense of Political Freedom in the framework of the High Follow-up Committee for the Arab Citizens of Israel. In this position, he engages primarily in monitoring the restrictions on the political freedoms of the Arab citizens of the state, including its leaders, denouncing these restrictions and voicing sharp criticism – openly and to all, in Israel and abroad.

¹⁴ As the UN Fact Finding Mission noted in its September 2009 report, this period was marked by widespread intimidation and humiliation by Israeli authorities of Palestinian community leaders. The Mission also recorded that at least 20 Arab leaders were forced to attend illegal interrogations by the ISA where they were asked about their political activities.

¹⁵ <http://www.paltelegraph.com/palestine/gaza-strip/2415-gaza-peace-protester-is-imprisoned-in-own-home>