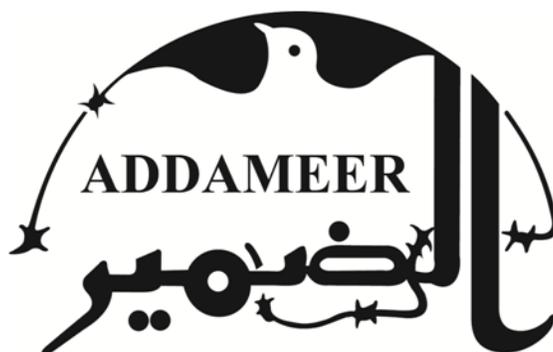


Palestinian Political Prisoners in Israeli Prisons

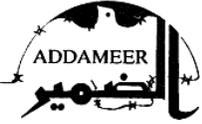


Addameer Prisoner Support and Human Rights Association

June 2016

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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 800,000 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 8,000 Palestinian children arrested since 2000.

As of May 2016, the number of Palestinian political prisoners and detainees is 7,000 whom are spread around 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, 70 are female and 414 are children. This figure also includes 7 Palestinian Legislative Council members, 715 administrative detainees (3 PLC members), held without charge or trial and 341 (1 under the unlawful combatants law) prisoners from the Gaza Strip who until relatively recently were largely 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.

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.

Interrogation, torture and ill-treatment

A Palestinian detainee can be interrogated for a total period of 75 days, during which he/she can also be denied lawyer visits for a period of 60 days.³ The interrogation period can be renewed for an additional 75 days. There is no maximum number of renewals, meaning that a Palestinian detainee can be interrogated indefinitely. During the interrogation period, a detainee is 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 20 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.⁴ The prohibition is absolute and non-derogable, and allows for “no exceptional circumstances whatsoever.”⁵

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 2013, the use of torture and ill-treatment against Palestinian prisoners by Israeli authorities is so widespread to be rightly characterized as systematic. Since 1967, 72 prisoners have died as a result of torture.

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 99 percent are convicted,⁶ and of these convictions, the vast majority is the result of plea bargains.⁷

³ Previously, a Palestinian detainee could be interrogated for a total period of 188 days, and denied lawyer visits for 90 days. The interrogation period was reduced to 90 days maximum on 1 August 2012, and then again in summer 2014 to reflect the current military law.

⁴ Article 2(1) of the United Nations Convention Against Torture

⁵ Article 2(2) of the United Nations Convention Against Torture

⁶ Official Report of the Work of the Military Courts in the West Bank, 2010 (Hebrew) (Military Courts Report 2010).

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. 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 60 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 four 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 60 days, which can be extended for another period of up to 30 days. They can therefore be held for a total of 90 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.

⁷ See *infra*. Of the 8,516 cases concluded in the military courts in 2010, full evidentiary trials (in which witnesses were questioned, evidence was examined and closing statements were delivered) were conducted in only 82 – or 0.96 percent – of them.

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 May 2016, there are approximately 715 Palestinians held in administrative detention by Israel including 3 members of the Palestinian Legislative Council, 2 women and 8 children.

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.

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. There are currently 24 prisoners held for security reasons. Approximately 25-30 prisoners are currently held in isolation out of personal choice or for health and other reasons.⁸ 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),⁹ 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

⁸ A main demand of Palestinian prisoners’ mass hunger strike in April 2012 was for Israel to end its policy of long-term isolation for “security” reasons. Following the conclusion of the hunger strike, Israel agreed to remove 18 out of 19 prisoners from long-term isolation, though one prisoner was kept in isolation and an additional prisoner received a new isolation order.

⁹ Formerly known as the General Security Service (GSS).

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.

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. Since 1967, 53 prisoners have died as a result of medical neglect.

Denial of Family Visits

Family visits are routinely, and often arbitrarily, restricted or cancelled. Moreover, many Arab-Israeli, West Bank prisoners and 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 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 and the capture of Israeli soldier Gilad Shalit, Israel 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. On 9 December 2009, the Israeli High Court of Justice rejected an appeal contesting the policy's legality.

During Palestinian prisoners' mass hunger strike in April 2012, one main demand of the prisoners was to reinstate family visits to Gaza prisoners. Though Israel agreed to resume the visits upon the conclusion of the hunger strike, as of 2016, these visits continue to be carried out inconsistently and at a maximum of one visit per month.

Women

As of May 2016, there are 70 female Palestinian prisoners held by the IPS mainly in Hasharon and Damon prisons. Both prisons are located outside the 1967 occupied territory, in direct violation of Article 76 of the Fourth Geneva Convention, which states that an Occupying Power must detain residents of the occupied territory in prisons within the occupied territory.

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 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 anemia, 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 May 2016, there are 414 children held in prisons by Israel. Of these 414, 104 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 prior to 27 September 2011 was 16 (applying to Palestinians). On that date, OC Central Command signed an amendment to raise the age of Palestinian minors in the military court system from 16 to 18 years. However, the amendment also contains a variety of stipulations that will not necessarily provide Palestinian minors with increased protection under the law, including a provision that states that minors over the age of 16 may still be held in detention with adults, which is contradictory to the requirements of international law. Furthermore, children are still 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.

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 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. By the end of 2011, there were at least 295 documented cases for the year of Palestinian human rights defenders held in Israeli custody for their involvement in protests against the unlawful construction of the Wall and the annexation of their land for settlement expansion.

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 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.

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 an Israeli soldier 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 May 2016, 7 members of the Palestinian Legislative Council (PLC) continued to be held by Israel, with 3 of them held 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 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;
- 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 all 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 (May 2016)

Type of Prisoners	Number of prisoners
Total number of political prisoners	7000
Administrative detainees	715 (3 PLC)
Female prisoners	70
Child prisoners	414 (104 under age 16)
Palestinian Legislative Council members	7
East Jerusalem prisoners	458
1948 Territories prisoners	70
Gaza prisoners	341
Prisoners serving life sentences	458
Sentence above 20 years	459
Prisoners serving more than 25 years	15
Prisoners serving more than 20 years	30
Prisoners before the Oslo	30

HAMZA HAMMAD

Date of birth: 20 January 2000
Place of residence: Silwad
Occupation: Student
Date of arrest: 28 February 2016
Place of detention: Ofer Prison



ARREST

On Sunday 28 February 2016, Hamza's mother woke up at approximately 2:00 am to the sounds of the house doors exploding. A few minutes later, the Israeli Occupation Forces raided the house and entered the bedrooms. They immediately pointed their weapons at the family members, including the children. They asked Hamza and his brother, Bilal, to get out of bed with their hands above their heads. 12-year-old Bilal was frightened and as a result, was unable to move. His mother immediately began assuring him that everything is going to be fine and told him to get out of his bed.

At the same time, two soldiers were taking Hamza to another room. A while later, the officer in charge came in and started talking to Hamza's mother about the reason behind the arrest, and it was mentioned that Hamza was arrested few months ago where he was subjected to interrogation and then released without charge. The officer stated, "Hamza should stay in prison since his father killed a number of soldiers."

PREVIOUS ARREST

This is not Hamza's first arrest; he was arrested on 28 August 2015 (six months before this current detention). According to his mother, he was interrogated for 20 days in Moskobiyyeh Interrogation Center where he was subjected to harsh interrogation conditions despite the fact that he is a child, and despite the fact that he should not be subjected to any form of torture or ill-treatment as stated by Article 37 of the Convention on the Rights of the Child.

Hamza's mother stated, "This detention had an impact on all of us. Starting from a huge force of soldiers raiding and ransacking our home and destroying our furniture... as well as entering dogs inside the house very late at night. In addition to the way they took and shackled Hamza and then torturing him during the interrogation. Hamza was put under great psychological pressure during the long hour of interrogation; he was put under a lie detector three times and was told that if he gives information and confesses he will see his father."

His mother reported to the Documentation Unit at Addameer that Hamza was beaten while being transferred from the interrogation room to the cell by the interrogation staff and guards; while Hamza was blindfolded, one of the interrogators put his foot in front of him causing him to fall. Immediately after falling, two interrogators attacked him and started beating him up all over his body. The interrogation ended after 20 days, and Hamza was not presented with any charges. The detention affected his health severely; he suffers from continuous backache because of all the beating, and stomach ache believed to be caused by the food he was given during the interrogation period.

ADMINISTRATIVE DETENTION AND LEGAL STATUS

The military prosecution claims that the child, Hamza Hammad, is active in an illegal organization and that he participates in activities, including military ones, affiliated with the same organization. Hamza was arrested six months before his latest detention and was released on bail after 20 days of interrogation, without any charges against him. A six-month administrative detention order was issued against him from 28 February 2016 and ending on 27 August 2016. On the order confirmation hearing, which was held on 9 March 2016, the judge reduced the order period from six months to four months. However, the judge claimed that there is dangerous information that requires Hamza's detention and that he imposes a threat to the security of the state.

Hamza's case exemplifies occupation authorities' use the policy of administrative detention against children to keep them in prison even when the prosecution fails to provide clear charges against them.

THE YOUNGEST ADMINISTRATIVE DETAINEE

Occupation forces continue to target Palestinian children and practice arbitrary and suppressive measures against them. The occupation continues to instill fear and terror in the minds of children, inhibiting their development and intellectual growth within society. The policy of detention in prisons that lack minimum standards of living, as well as sentences of months or even years in prisons without taking into consideration the fact that they are children, contravenes international law, specifically that children should be detained only as a last resort. Additionally, in cases such as Hamza's, the use of administrative detention is based on secret information to which the child and his or her attorney do not have access.

There are currently eight children held under administrative detention, the youngest of whom is 16-year-old Hamza Hammad. It is clear that the occupation authorities have increased the use of administrative detention policy as a punishment since the escalation of October 2015. Targeting children and holding them under administrative detention gravely affects their lives, education and intellectual development. Hamza was in 11th grade and his education has been suspended due to his arrest. His mother says, "Hamza is a child with plans and ambitions. He is a hardworking student and everybody loves him. The detention will surely affect him, his education and life in general."

Hamza is currently held in Ofer military prison with other detained children, who that the occupation denies freedom and their right to education.

MOHAMMAD ABU SAKHA

Update: Mohammad Abu Sakha's Administrative Detention was renewed on 13 June 2016 for an additional 6 months.

Date of birth: 2 August 1991

Place of residence: Jenin

Occupation: Trainer and performer at the Palestinian Circus School

Marital status: Single

Place of detention: Megiddo Prison

Date of Arrest: 14 December 2015



ARREST

At around 4:00 pm on 14 December 2015, Mohammad Abu Sakha was arrested while crossing Zaatara military checkpoint near Nablus to go to his work at a circus school in Birzeit village near Ramallah. The bus that he was riding was stopped by the IOF and the soldiers started checking the IDs of the passengers. After identifying Abu Sakha, they asked him to step outside the vehicle pointing their weapons at him and threatening to shoot him if he tried to move.

He was searched in the surveillance room near the checkpoint. He was then left in the cold open air for three and a half hours before being blindfolded and taken to Huwara military base near Nablus. He stayed in the military base for 7 days. During that time, he was taken to Salem Court where his detention period was extended for 6 more days.

This is the second arrest of Abu Sakha. He was arrested 6 years ago when he was 17 years old for allegedly throwing stones. He received a one-month sentence and a 5000 NIS fine.

ADMINISTRATIVE DETENTION ORDER

The military prosecution claims that Abu Sakha is active in an illegal organization according to the occupation military orders. They also claimed that he has military activities without specifying the details of these activities, in addition to claiming that he is affiliated with other detainees without identifying the names of these detainees. A six-month administrative detention order was issued against Abu Sakha starting from 25/12/2015 and ending on 13/6/2016.

The military judge at Ofer military court confirmed the administrative detention order on 5/1/2016 without having adequate evidence or clear information, or even investigating the accuracy of the information that was filed against him by the military prosecution. The judge claimed that Abu Sakha poses a serious threat and that the general conditions in the area require keeping him in detention.

According to Abu Sakha's testimony that he stated to Addameer's lawyer who visited him in Megiddo on 18/1/2016, he was interrogated by the occupation police in Salem military base where they accused him of general acts without specifying any details. Abu Sakha denied all of the accusations and refused to sign any papers. This clearly shows that the occupation forces did not have enough information to incriminate him and all of the accusation were general and lacked a legal base. Abu Sakha was denied his most basic rights including knowing the charges that he was accused of in order to be able to defend himself.

The fact that the military prosecution and judge were content with the general accusations without reviewing its accuracy or the details of the claimed military actions, proves the complicity of the military judicial system with the intelligence forces. It also exemplifies the ways in which the occupation forces use the policy of administrative detention when they fail to obtain proper evidence against Palestinians. This confirms that the detainees do not actually pose any kind of threat and that the secret information is nothing more than an excuse to continue the detention of Palestinians.

This is a grave violation of international laws and standards, particularly Articles 78 and 72 of the Fourth Geneva Convention, which state that an accused individual has the right to defend himself. This also violates Article 66 of the Fourth Geneva Convention and the basic standards of fair trial. The judge's statement regarding keeping Abu Sakha detained because of the general situation in the area further stresses the fact that occupation authorities use the policy of administrative detention and detention in general as collective punishment against Palestinians

TRAINER AND PERFORMER AT THE PALESTINIAN CIRCUS

Abu Sakha first became involved with the Palestinian Circus School in 2007 and became a performer and trainer in 2011. He participated in many performances in Palestine, Europe and the United States. He was also supposed to participate in trainings outside of Palestine in March and June 2016.

In addition to his involvement as a performer with the circus, Abu Sakha also works as a trainer and coordinator of a program for people with mental disabilities in the circus, a great humanitarian effort to integrate and rehabilitate this group in the society. Abu Sakha has been responsible for training 30 mentally disabled Palestinians for two and half years now. This program has been on hold since the day of his arrest. Abu Sakha has always aspired to help the people enrolled in this program to become circus performers.

HASSAN SAFADI

Date of Birth: 23 October 1991

Date of arrest: 1 May 2016

Residence: Jerusalem

Marital Status: Single

Occupation: Journalist and Media Coordinator at Addameer Prisoner Support & Human Rights Association

Place of detention: Moskobiyyeh Detention Center



ARREST AND INTEROGATION

Occupation forces arrested journalist and Addameer Media Coordinator Hasan Safadi while he was crossing Al Karameh Bridge on 1 May 2016, where he was detained at around 4:00 pm. Safadi was stopped at the bridge after being identified by a soldier. He was searched in a surveillance room on the bridge and was then transferred to Al Moskobiyyeh Interrogation Center. Safadi was on his way back home from an Arab Youth Conference in Tunisia, which tackled various human rights and social issues in the region.

During the forty-day interrogation, Hasan Safadi was subjected to sleep deprivation, long interrogation sessions, being placed into stress positions with hands tied throughout the interrogation, threats, shouting, and lack of adequate food. Additionally, he was denied access to an attorney for 10 days (12 – 22 May 2016) as well as family visitation. As a result, his family was unable to see him until 7 June 2016 during a court hearing.

During interrogation, occupation authorities issued a gag order against the case of Safadi and conducted closed hearing sessions. The prosecution inflated accusations against Safadi, despite the fact that it was evident there was no adequate evidence to keep him detained.

ADMINISTRATIVE DETENTION AND LEGAL STATUS

A six-month administrative detention order against Safadi was issued on 10 June 2016 and ending on 10 December 2016.

Safadi was set to be released on 10 June 2016 based on a decision from the Magistrate Court in Jerusalem, on a bail of 2500 NIS and third party guarantees, which had already been paid. Later on the same day, Israeli Minister Avigdor Lieberman signed an administrative detention order against Safadi, which effectively overrode the court's decision for his release.

The public prosecution claimed that Safadi is affiliated with an illegal organization and has visited an enemy state (Lebanon) more than one time. It also claimed that he has illegal activities without specifying the details of these activities, in addition to claiming that he is affiliated with other detainees without identifying the names of these detainees.

Hasan Safadi's administrative detention order is issued under the Emergency Regulations Law (1979), which applies to Israeli citizens and Palestinian residents of Jerusalem. Administrative detention is a procedure that allows the Israeli government to hold detainees indefinitely on secret evidence without charging them or allowing them to stand trial.

The administrative detention of Hasan Safadi exemplifies the practice of issuing administrative detention order in the absence of adequate evidence and charges against the detainee to keep him or her in detention.

If Safadi's administrative detention order is confirmed, he may be detained indefinitely due to the possibility of renewal every six-months. Safadi, like other administrative detainees, will not be informed of the reasons for his detention; neither will his attorney. At the judicial review of a detention order, which is held in a closed hearing before a judge, the judge can uphold, cancel or shorten the order.

This practice of arbitrary detention is a grave violation of international laws and human rights standards, particularly Articles 78 and 72 of the Fourth Geneva Convention, which state that an accused individual has the right to defend himself. This also violates article 66 of the Fourth Geneva Convention and the basic standards of fair trial.

WORK

Safadi has been working as the media coordinator at Addameer Prisoner Support for three years. Safadi holds a Bachelor degree in Media and Journalism with a minor in political science from Birzeit University in Ramallah. He has participated in many conferences and trainings, including a training on the documentation of torture.

Safadi's arrest came as part of a collective arrests campaign that targeted Palestinians, including journalists and civil society activists since the beginning of the popular uprising, which began in October 2015. This campaign is a systematic policy and a method of collective punishment. This constitutes a violation of Article 19 of the ICCPR (sub-articles 1 and 2) that stress the individual's right to have and express his or her opinions in any means (whether written or spoken) without harassment.

FAMILY LIFE

Safadi's family lives in in Beit Hanina, Jerusalem and is the oldest amongst 5 siblings (3 sisters and 2 brothers). Safadi's family was prepared for his release and paid bail of 2500 NIS and third party guarantees. The family was shocked after being informed that an administrative detention order was issued on the day of his scheduled release. This unexpected turn of events is likely to cause psychological issues for the detainee and his family members, associated with the inability to foresee his release.