



military actions that eventually threaten the Occupying Power's security, the judge also claimed.

Such actions shed light on the Israeli military courts' role in convicting Palestinian detainees based on confessions extracted under duress or torture, instead of finding these confessions inadmissible. In addition to the Israeli occupation authorities' efforts to oppress the Palestinian people by criminalizing fundamental human rights such as the rights to participate in political life and freedom of association. These orders merge armed resistance with political participation and union activism.

Collective Punishment

Mais Abu Ghosh's family, originally from the forcibly-depopulated village of Imwas, takes shelter in Qalandia Refugee Camp north of occupied Jerusalem. Mais's family consists of five brothers and two sisters. On 25 January 2016, Mais lost her brother Hussein, who was murdered by the IOF for allegedly carrying out a stabbing attack in the colony of Beit Horon, an illegal settlement forcibly built on lands of Palestinian village Beit Awar al-Fawqa.

Ever since, the family has been subject to various forms of constraints and collective punishment by the Israeli occupation authorities. The body of Hussein was held for four days before being returned to his family for proper burial. Moreover, the IOF demolished the family's home two months after the execution of their son. This act was followed by an order preventing the family from reconstructing their home. The policy of house demolitions contravenes international law, which prohibits collective punishment under Article 33 of the Fourth Geneva Convention and Article 50 of the Hague Regulations. However, the Occupying Power exercises house demolitions as an administrative procedure carried out by military orders signed by the Israeli military commander in the West Bank, based on Article 119 of the Emergency Regulations of 1945.

By the same vindictive token, the IOF arrested Suleiman Abu Ghosh, Mais's younger brother, before the anniversary of Hussein's martyrdom. He was also re-arrested and brought to Mais's interrogation in order to exert further pressure on her. It should be noted that Suleiman was arrested again last year on 21 October 2020, he is still under trial. The hard-outlived experience of the Abu Ghosh family represents the collective suffering of Palestinian families under occupation, including but not limited to the refuge, detention, killing, and home demolition.

"They started military interrogation with a few questions. When I denied their claims, a female interrogator covered my eyes with a black blindfold and slapped me on the left side of my face. I felt my face going numb and an electric shock run through my body."

Mais Abu Ghosh



Name: Mais Mohammad Abu Ghosh

Date of Birth: 11 August 1997 (23 years old)

Address: Qalandia Palestinian Refugee Camp, Jerusalem

Profession: Journalism Student at Birzeit University

Date of Arrest: 29 August 2019

Date of Release: 30 November 2020

Prison: Damon Prison

Mais Abu Ghosh's case demonstrates how the Israeli judicial system is inherently bound up with the use of ill-treatment and torture against Palestinian detainees. It also displays various violations of Mais's right to a fair trial, right to dignified treatment, as well as her right to privacy and political expression.

Arrest

On 29 August 2019, the Israeli Occupation Forces (IOF), accompanied by military dogs, arrested Mais Abu Ghosh from her home in Qalandia Palestinian Refugee camp during a dawn raid. The soldiers ransacked her house and confiscated several electronics. The soldiers tightly and painfully cuffed Mais's hands behind her back with plastic shackles. On foot, Mais was taken to the entrance of Qalandia Refugee Camp. Halfway to the entrance, she was blindfolded, and a military jeep transferred her to Qalandia military checkpoint. Later, Mais was subject to an attempt of a strip body search. Upon her outright refusal, she was threatened to be searched by force and to be 'raped'.

Torture during Interrogation

Mais Abu Gosh was interrogated in Al-Mascobiyeh interrogation centre for 30 days, of which she was banned from meeting with her lawyer for 25 days. Throughout her interrogation, Mais endured extreme and cruel torture

techniques as she was subjected to military interrogation for three days, sleep deprivation, as well as threatened with banishment outside of Palestine and with demolishing her family house for a second time. Mais's personal information from her phone and social media accounts were used to threaten and exert pressure on her. She was forced into taking a polygraph test several times.

Blindfolded, Mais Abu Ghosh was subject to continuous severe slapping and various stress positions. She was forced into the 'banana' position, where a female interrogator forced her to sit on a stool with her back bent backward in a banana shape while another female interrogator is holding Mais's head to maximize the pressure on her abdominal muscles. Every time she dropped her head, the interrogator would lift it back up and threaten to slap her if she would fall again. This position, however, caused Mais to fall to the ground several times. Further, Mais was also forced, blindfolded, to squat without leaning to a wall by pressuring her shoulders to stay in such a position for an extended period. Although she lost consciousness and fell to the floor, the interrogator forced her to the same position again.



These positions were repeated over the duration of three-day interrogation. Being tightly cuffed with iron shackles, Mais's hands and legs badly bled. The interrogators deliberately made Mais hear the cries, howls, and groans of other under-interrogation detainees while she was at her cell. This technique was used for two nights to further pressure her.

After around one month, Mais was transferred to Damon prison and the military prosecutor submitted a list of charges

against her, which included participating in university activities and coordinating a summer camp.

Legal Analysis

For 25 days from the first moment of arrest, Mais Abu Ghosh was denied the right to consult with her lawyer due to seven consecutive ban orders from meeting with her lawyer. The orders constituted an obstacle to the defence lawyer to monitor and document Mais's torture during the interrogation. Addameer Prisoner Support and Human Rights Association lawyers filed two petitions to the Israeli High Court against the ban orders, but they were all overruled. Addameer lawyers also appealed the decisions to extend Mais's detention. However, they were also dismissed under the pretext of further interrogation.

At one of the detention extension hearings, which was held without the defence lawyer, Mais informed the military judge of the harsh interrogation conditions and the torture she endured. However, the lawyer was shocked that this part of Mais's statement was erased from the hearing protocol. Despite this, the military judge approved the military prosecutor's request to extend her detention. At the appeal hearing of the extension, the military judge claimed that the intelligence service had the right to keep the detainee's statement confidential for security purposes. Nonetheless, this request, together with the judge's decision on this request, should have been recorded in the hearing protocol.

The concealment of Mais's statement about the torment coupled with the infringement of her right to consult with her lawyer unmasks the Israeli intelligence's attempts to obliterate the torture crime committed against her and the endeavours to prevent her lawyer from monitoring and to document such violations.

Mais's trial lasted for over eight months. On 3 May 2020, she was sentenced to 16-month imprisonment and a fine of NIS 2,000 for her student activities and membership of the Democratic Progressive Student Pole, a student bloc at Birzeit University recently deemed unlawful under Israeli military orders. This was as a result of a plea bargain between the military prosecutor and Addameer lawyers, in which the military prosecutor took into account the circumstances of Mais's interrogation and torture to which she was subject to as well as other the detainees who were witnesses in her case. The military prosecutor acknowledged the difficulty in establishing a sentence based on such circumstances, and the legal implications for evidence extracted under torture.

The military judge noted that although the core of the activities, over which Mais is charged, is of civilian nature, such acts should not be tolerated, for they cement the status of banned and unlawful associations under Israeli military orders. Further noting that notwithstanding their civility, these activities also reinforce