

Quarterly Newsletter — October to December 2016

Throughout this quarter, from October to December 2016, Addameer has documented ongoing human rights violations against Palestinian prisoners and detainees amidst the current escalation, which began in the beginning of October 2015. Administrative detention continues as a policy which deprives detainees of trials, access to evidence, and the chance to defend themselves against any formal charges. Key issues persistently include the detention and ill treatment of women, child prisoners and ongoing detention of journalists, Jerusalemites and human rights defenders. Addameer holds that the fulfillment of human rights and humanitarian law standards is crucial, and that ill treatment, torture, and arbitrary detention are grave violations of those standards.

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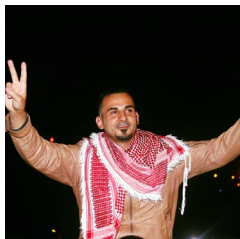
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Detention in Numbers

This quarter, from October to December 2016, arrests and detention continue on a large scale by Israeli occupation forces. At the end of October 2016, there were approximately 7000 Palestinian political prisoners, including approximately 720 administrative detainees, 400 child detainees, 64 female prisoners and 6 Palestinian Legislative Council member. Unfortunately, this quarter will not include November and December statistics due to Israeli Prison Service restriction on providing the latest Palestinian prisoners' numbers.

Hunger striker Bilal Kayed free after 15 years in Israeli jails



Hunger striking administrative detainee was released on 13 December 2016, after spending 15 years in Israeli jails.

Bilal was arrested in 2002 and sentenced to 14 and a half years. He had been placed in isolation in Rimon prison since September 2015 until his scheduled release. Bilal was set to be released on 13 June 2016 after completing his sentence. However, a 6-month administrative detention order was

issued against him on the same day, immediately after which he was placed back in isolation.

The administrative detention of Bilal Kayed exemplifies the arbitrary nature of the policy as practiced by Israeli occupation forces. Administrative detention is based on a "secret file" and is often used to detain Palestinians in the absence of adequate evidence or charges against them.

Administrative Detention of Addameer Media Coordinator Hasan Safadi Renewed



The Administrative detention of Palestinian journalist and human rights defender Hasan Safadi, the Media Coordinator for Addameer, has been renewed for an additional 6 months, from 7 December 2016 to 8 June 2017.

Safadi was initially ordered to six months imprisonment without charge or trial on 10 June 2016, and the order was set to end on 8 December 2016.

Safadi, 25, who has been imprisoned since 1 May while crossing the Karameh bridge between Jordan and Palestine's West Bank, was subjected to 40 days interrogation at Al-Moskobiya interrogation center, before being placed under administrative detention. The detention of Safadi is part of the continued attack on Palestinian journalists and media workers, some are held under administrative detention without charge or trial.

The detention of Safadi is part of the continued attack on Palestinian journalists and media workers, with many held under administrative detention without charge or trial. Administrative detention orders are indefinitely renewable and issued for one to six month periods at a time; some Palestinians have spent years in administrative detention, on the basis of secret evidence submitted by the Shin Bet.

Administrative Detention of Palestinian Circus Trainer and Performer Mohammad Abu Sakha Renewed



The Administrative detention of Palestinian circus trainer and performer Mohammad Abu Sakha has been renewed for an additional 6 months, from 12 December 2016 to 11 June 2017. Abu Sakha has been imprisoned in Israeli jails without charge or trial for more than a year.

Abu Sakha was arrested on 14/12/2015 while he was crossing Zaatara military checkpoint near Nablus to go to his work in Birzeit village, near Ramallah. The initial six-month administrative detention order was issued against Abu Sakha starting from 25/12/2015 and was set to end on 13/06/2016. However, it was further renewed an additional 6 months. Administrative detention is a procedure that allows the Israeli military to hold detainees indefinitely without public evidence, a charge and a trial.

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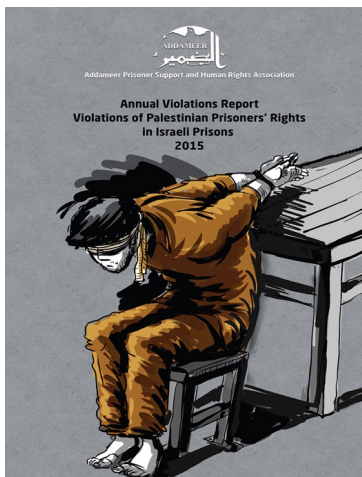
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2015 Annual Violations Report

Addameer published its [Annual Violations Report](#) in November 2016. The report examines the violations committed by the Israeli occupation forces and the Israeli Prison Services (IPS) against Palestinians prisoners and detainees throughout the different stages of their arrest and detention in 2015, including the violations following the October popular uprising.

The Israeli occupation continued its detention policy in 2015 as an integral part of its comprehensive efforts to destroy the Palestinian youth and disperse Palestinians families. This severely affected the fabric of the Palestinian community in all of its denominations on both short and long terms, with the number of arrests amounting to 6335 in 2015, translating into an average 17 arrests per day. Arrests targeted all groups of society as children, women, human rights defenders, Palestinian Legislative Council members as well as university and school students.



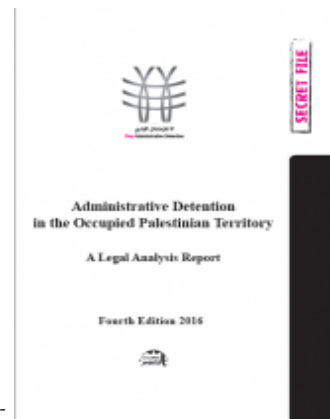
Arrests escalated in 2015 with the beginning of the popular uprising in various Palestinian areas in October. The Israeli occupation followed several unjust policies during arrests, including excessive force and live ammunition against detainees. This trend of disproportional use of force played a huge role in the field executions that killed 145 Palestinians and left dozens of injured detainees in Israeli prisons within the last three months of 2015.

The 2015 annual violations report is part of Addameer's efforts to archive the history of the Palestinian prisoner movement, monitor the conditions and effects of long stances, as well as document the Israeli occupation practices. Addameer also aims to expose the Israeli government violations of Palestinians' rights, particularly the prisoners, with its complete disregard of internationally-binding charters and treaties signed by the Israeli government as an occupying state. Another essential part of Addameer's message is to expose the Israeli occupation's failure to uphold signed agreements regarding prisoners, like the 2012 agreement and prisoners exchange deals.

Legal Analysis of Administrative Detention in OPT

Addameer's [legal analysis report](#) sheds light on the policy of Administrative detention, a procedure whereby a person is detained without charge or trial, by Israeli authorities. The report also provides a legal analysis of the practice as used in a systematic and widespread manner since the beginning of the second Intifada in 2000.

Administrative detention is a procedure where detainees can be held without any charge, trial or presented evidence. A judge decides the dates of the detention, and on or before the expiry it is frequently renewed. This process can be continued indefinitely and is often used by repressive regimes in an attempt to stop political opposition in a "legal way". Countries as South Africa under apartheid, Israel, the United States and North of Ireland have regularly used this system.



Administrative detention is permitted under international law, however it should be implemented with strict conditions. It should only be used as a last resort and on an individual, case-by-case basis. Only imperative reasons of security justify the use of administrative detention and it should not be used as a substitute for criminal prosecution when there is insufficient evidence. Based on these guidelines of how administrative detention should be used, it is clear that the Israeli way of practicing it is far off from the international standards. Here are the reasons why:

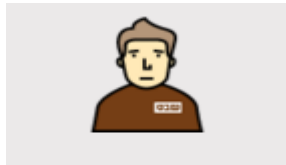
- (i). There is evidence that Israel widely practices the use of torture and corporal punishment;
- (ii). Israel deports and incarcerates administrative detainees outside the Occupied Palestinian Territory;
- (iii). There is evidence that Israel uses administrative detention as a form of collective punishment;
- (iv). There is evidence that Israel widely engages in humiliating and degrading treatment of administrative detainees;
- (v). Administrative detainees are usually not informed precisely of the reasons for their detention;
- (vi). There is evidence that Israel uses administrative detention as a substitute for criminal prosecution when evidence is insufficient or non-existent
- (vii). The process of making and reviewing administrative detention orders falls far short of what would be considered a fair trial Israel holds administrative detainees for prolonged periods in contravention of the 4th Geneva Convention, which mandates that administrative detention take place for a very brief period of time;
- (ix). Administrative detainees are not given the right to communicate with their families up to international law standards;
- (x). Administrative detainees are often denied regular family visits in accordance with international law standards;
- (xi). Israel regularly fails to separate administrative detainees from the regular prison population;
- (xii). The conditions of detention regularly fall below an adequate standard required by international law;
- (xiii). In the case of child detainees, Israel regularly fails to take into account the best interests of the child as required under international law.

Join Addameer's campaign to [#StopAD](#)

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Child Detention

In 2015, the number of Palestinian children detained in Israeli prisons reached 929 children from various parts of the Palestinian territories. This number was particularly effected by the events in the last quarter of the year. Addameer's documentation showed that each year around 500–700 Palestinian children get arrested. However, these statistics does not reflect the whole truth of the comprehensive framework of the excessive arrests carried out around the occupied Palestinian territories. Many arrests were not documented when Palestinians were arrested and interrogated for a few hours before their conditional or unconditional release.



Month	Number of Palestinian Children held
October 2016	400
November 2016	Not available
December 2016	Not available

The Convention on the Rights of the Child, ratified by Israel on 3 October 1991,

states in article 37 that "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment." The article also states that "No child shall be deprived of his or her liberty unlawfully or arbitrarily" and that detention, imprisonment or arrest should be used only as a last resort.

*UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations

Jerusalemite Prisoners



Israel's unlawful policies and practices in Jerusalem, including the arbitrary arrest of Palestinians, have had a devastating impact on the daily living conditions of all Palestinian Jerusalemites. Immediately following the end of the 1967 war and Israel's illegal annexation of East Jerusalem, the Israeli government proceeded to register Palestinians living there, providing them with the status of "permanent residents" rather than granting them full legal citizenship, as part of its unofficial "collective transfer" or "more land and less Arabs" policy. The rationale behind this policy was to slowly erase the Arab population of Jerusalem and replace the land with Jewish Israeli citizens. Furthermore, Israel's ideological and material motives were reaffirmed in 1980 when the Israeli Knesset passed the Basic Law declaring Jerusalem as the "whole and united [...] capital of Israel".

This quarter, Palestinians from Jerusalem continue to be subjected to arrest and detention by Israeli forces and police, including children who are subjected to night raids on their homes, torture, ill-treatment, in detention, as well as house arrests and penalties as terms of release.

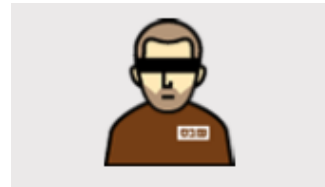
A bill which applies to Palestinian children living in East Jerusalem ap-

Month	Number of East Jerusalem Prisoners
October 2016	470
November 2016	Not available
December 2016	Not available

proved by the Israeli Knesset proposes custodial sentences for children, as young as 12, who are convicted of "nationalistic-motivated" offences.

Stop Administrative Detention!

This quarter, October through December 2016, administrative detention continues as a policy practiced by Israeli occupation forces.



Administrative detention is a procedure that allows the Israeli military to hold prisoners indefinitely on secret information without charging them or allowing them to stand trial. Administrative detention is used almost exclusively to detain Palestinians from the occupied Palestinian territory (OPT), which includes the West Bank including East Jerusalem. Additionally, the Internment of Unlawful Combatants Law (Unlawful Combatants Law), has been used against residents of the Gaza Strip since 2005, holding individuals without charge or trial for unlimited periods.

Administrative Detention this quarter in numbers

The following numbers are documented administrative detainees at the onset of each month:

Month	No. held under administrative detention
October 2016	720 (3 PLC members)
November 2016	Not available
December 2016	Not available

Case Study: Bahaa Najjar

On 2/11/2016, Baha'a Najjar's second administrative detention order ended. However, the administration of Naqab prison told him on the same day that his order is going to be renewed, but the prison did not receive any official orders to confirm the renewal. Baha'a and his family were anxious to know what would happen. Later that day, when it was very late and the courts closed, the prison's head officer approached Baha'a and told him to get ready to be released because they did not receive a renewal order. Despite the great news, Baha'a and his family did not get their hopes up, because dozens of administrative detainees are sent back to prison right after getting a release order.



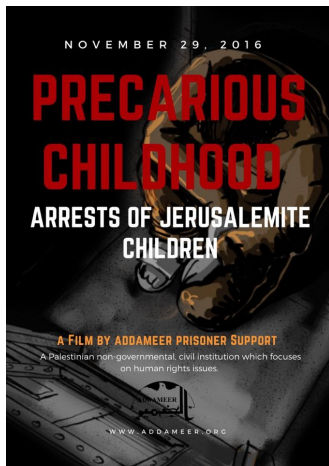
Baha'a was released at Al-Thahriya checkpoint in Hebron with his family waiting for him there. He arrived home happily with his family and friends waiting for him. Baha'a returned to his normal life routine and was set to go back to university on 19/11/2016. However, his moments of freedom were short-lived.

On 9/11/2016 a large unit of Israeli soldiers violently raided his home. After ransacking the house for half an hour, the military commander told Baha'a and his family that they have an arrest warrant against him. He was taken outside, shackled and blindfolded. The family was not informed about where Baha'a was being taken. The lawyer later found out that he was being held at Atsion detention center near Bethlehem. A few days later, Baha'a was transferred to Ofer prison.

Baha's case is an example of how the Israeli occupation uses psychological torture against Palestinians, as suggested by the UN Working Group on Torture. The occupation's practice of the policy of administrative detention systematically and denying the detainees fair trials is a grave violation of the Fourth Geneva Convention according to Article 147.

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War On Words: Targeting of Palestinian press by Israeli forces



On 29 November 2016, (international day of solidarity with the Palestinian people), Addameer Prisoner Support and Human Rights Association released a documentary short film produced by Odeh Film titled "[Precarious Childhood: Arrests of Jerusalemite Children.](#)"

The film addresses the process of arrest, interrogation, and the policy of house arrest and their effects on children. It provides accounts of children who were arrested in order to highlight a larger policy of persecution and targeting of Palestinian children in Jerusalem.

The video depicts the lives of several Jerusalemite families whose children are taken by force, arrested and imprisoned by Israel. The children narrate their experiences of arrest, interrogation, and treat-

ment by Israeli forces.

The film has received worldwide support and has been screened in different events and conferences in Europe, the US and Latin America.

The film is available on Addameer's [YouTube Channel](#) in three languages: Arabic, English and Spanish.

Take Action: Demand release of longest serving prisoner Nael Barghouti



Addameer Prisoner Support and Human Rights Association and Samidoun Palestinian Prisoner Solidarity Network are joining in this urgent call for action to pressure Israel to release [Nael Barghouti](#), being held as a political hostage by the Israeli government.

Palestinian prisoner Nael Barghouti, 59 has been imprisoned for 36 years in Israeli jails, and he is the longest-held Palestinian political prisoner. Today, on the basis of so-called "secret evidence," he is threatened with the re-imposition of life imprisonment with no charges and no legitimate trial.

TAKE ACTION:

1. Sign and share the Change.org petition to urge international officials to take action for Nael Barghouti's release: <https://www.change.org/p/international-officials-pressure-israel-to-free-nael-barghouti>
2. Organize a protest, demonstration, speaking event or banner drop in your city, community or campus calling for freedom for Nael Barghouti and his fellow Palestinian prisoners.
3. Write to Israeli officials to demand Nael Barghouti's release.

Addameer's Director Sahar Francis Addresses European Parliament



On 17 November 2016, Addameer director Sahar Francis addressed the European Parliament on the issue of Palestinian child prisoners and detainees. The talk specifically focused on the issue of the increasing use of administrative detention, detention without charge or trial.

The practice has alarmingly increased against Palestinian children since October 2015, with an estimated 20 administrative detention orders issued against children and approximately eight children currently under administrative detention. Adv. Francis also called upon the European Union to address the protracted occupation and its violations against the Palestinians, including lack of fair trial in military courts and prolonged detention without trial under administrative detention.

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