

# VIOLATIONS

Against Palestinian Prisoners in Israeli  
Prisons and Detention Centers

**ANNUAL REPORT**  
**2008**



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in Israeli Prisons and Detention Centers**

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*Addameer Prisoner Support and Human Rights Association (Addameer) is a Palestinian non-governmental, civil institution that focuses on human rights issues. Established in 1992 by a group of activists interested in human rights, the center offers support to Palestinian prisoners and detainees, advocates for the rights of political prisoners, and works to end torture through monitoring, legal procedures and solidarity campaigns.*

*Addameer (Arabic for conscience) believes in the importance of building a free and democratic Palestinian society based on justice, equality, rule of law and respect for human rights within the larger framework of the right to self-determination. To this end, Addameer's work comprises four main program areas, namely: legal aid, research and documentation, advocacy, and the Training and Awareness Program.*

*Addameer is a member of the Executive Committee of the Palestinian NGO Network, the Palestinian Council of Human Rights Organizations, and works closely with international human rights organizations such as Amnesty International, Human Rights Watch, OMCT and FIDH to provide regular information on the situation of Palestinian political prisoners and detainees.*

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## 2008 YEAR IN PREVIEW

- 17 January 2008 Female prisoner Fatema Azzeq gives birth to her child, Yousef, under inhumane conditions in Meir Hospital in Kfar Saba, with her hands and feet shackled immediately before and after labor.
- 29 February 2008 Fadel Odeh Shaheen dies at Eshel Prison in Beersheba as a result of medical negligence by Israeli prison authorities.
- Two Palestinian prisoners, Israr Barghouthi from Ramallah and Rabee Ali from Salfit, contract an infectious viral disease during extended quarantine. The Israeli prison doctors refused to reveal the name of the disease or how it was transmitted. Both of the prisoners had been shot and wounded at the time of their arrest.
- June 2008 Palestinian female prisoners begin to be detained in Damon Prison near Haifa in addition to Hasharon Prison north of Tel Aviv.
- 5 June 2008 Cousins Salwa Salah, 16, and Sara Siureh, 17, both from Bethlehem district, are arrested. One week later, both are issued with administrative detention orders, marking the first instance of administrative detention of female Palestinians under 18 years of age.
- 16 July 2008 The Lebanese Prisoners' case was closed with the release of five prisoners, including Sameer Quntar, who had been held in Israeli detention since 1979.
- 25 August 2008 198 prisoners are released, including Said Al-Atabeh, then the longest-serving Palestinian prisoner, who had spent 30 years in Israeli custody.
- 2 November 2008 A fire breaks out in two prison tents in Section B4 of Ketziot Prison due to an electrical short circuit, resulting in the smoke inhalation of Palestinian prisoners.
- 15 December 2008 227 Palestinian prisoners are released under a so-

- called 'goodwill gesture' by the government of Israel.
- 20 December 2008 The Nahshon Unit of the Israeli Prison Service attack Palestinian prisoners at Ofer Prison using teargas and bullets, resulting in several injuries and causing fires in some prison tents.
- 24 December 2008 Juma Ismail dies at the Ramleh Prison hospital as a result of medical negligence by prison authorities. Ismail, who had been held in Israeli detention since 15 February 1993, spent ten years at the prison hospital where he died.
- Israel proposes to permit contact between Palestinian prisoners from Gaza and their families solely through video conference. The proposal is rejected by the prisoners, their families and all Palestinian legal organizations.
- 25 December 2008 The military court at Ofer Military Base sentences Popular Front for the Liberation of Palestine Secretary General and Palestinian Legislative Council (PLC) member Ahmad Saadat to 30 years in prison and PLC Speaker Aziz Dweik to 35 months in prison.
- 27 December 2008 Israel begins its 23-day military assault on the Gaza Strip, which results in more than one thousand Palestinian deaths, over four thousand injuries, and the arrest of hundreds of Palestinians, most of whom are civilians.

## TORTURE AND ILL-TREATMENT

### Torture and Ill-Treatment During Arrest

Violence against Palestinians during arrest by the Israeli Occupying Forces (IOF) is routine. Typically, the application of force begins at the moment of arrest, and continues during transfer to the detention center and even after arrival.

Addameer monitoring in 2008 has revealed that the use of violence and force by the IOF remains systematic, and that, in a majority of cases, detainees are subjected to one or more methods of torture or ill-treatment discussed below.

#### Some of these violations include:

1. **Beatings during arrest:** Prisoners arrested from their homes are often beaten in front of family members. The beatings target all parts of the body, particularly the back, abdomen, head and neck, and are perpetrated by soldiers using their gun, or by punching or kicking. This usually occurs immediately after the identity of the prisoner is verified. Sometimes other family members are beaten as well.
2. **Beatings during transfer to the detention center:** Many prisoners are beaten while they are in the military transfer vehicle. The soldiers are typically violent and rough and make verbal insults and threats to kill the prisoners, who sometimes are interrogated right in the military vehicle. This process may involve transporting prisoners to several places before arrival at the final destination and may take up to several hours.
3. **Handcuffing with painful plastic handcuffs:** Throughout 2008 Addameer received many reports about Israeli soldiers intentionally tightening the plastic handcuffs around prisoners' wrists, resulting in often severe pain and discomfort. In some cases, Addameer lawyers were shown the scars and wounds caused by the cuffs. Such cuffing is usually accompanied by blindfolding.
4. **Preventing prisoners from changing their clothes:** Palestinian prisoners are typically taken into custody in the clothing they were wearing at the time of the arrest. Since arrests often take place at night, prisoners are frequently detained in clothes worn while sleeping, which are often insufficient in cold or inclement weather, and can cause extreme humiliation for prisoners. In addition, this practice often means that prisoners go barefoot and without jackets.
5. **Beatings upon arrival to the detention center:** Many prisoners are beaten when they are taken into their final destination, a measure which is often accompanied by psychological abuse and humiliation by soldiers. Some prisoners are also left outside the military base or detention center prior to in-processing for hours, often in very cold weather.

**In 2008, Addameer documented 30 cases of torture or ill-treatment during arrest. Asem Hamatneh, a prisoner held at Petah Tiqva Interrogation Center who was subjected to abuse, reported:**

"At 1 a.m. on 21 January 2008, Israeli soldiers came to my house and arrested me from there, after they fired sound bullets inside the house and stormed it. One of the soldiers caught me by the neck in front of my family. They beat my mother and pushed her to the wall near the door. The soldier was pressing hard on my neck and throat, and later on they took me to the military vehicles and I was handcuffed to the back, as there were two soldiers beating me from behind with their hands and legs on my neck and leg. They were shouting loudly.

When we arrived at the military vehicle, there was an officer named Kobi. I told him that the soldiers beat me in front of my family and that they were firing bombs into the house near the gas cooking cylinders. They blindfolded me and took me in the military vehicle, where they started beating me 10 minutes after we started moving. The soldiers started beating me as one of them caught me by the blindfold and hit my head to the vehicle's wall. Sometimes they'd beat me with guns on the head. One of the soldiers stepped on my cuffed hands into my back while I was on the floor. I felt severe pain from this action for several weeks, and I later told this to the doctor at the Jalameh detention center. The pain was in the thumb of my left hand.

When we reached the Sheve Shamron settlement, I asked the soldier to handcuff my hands in the front instead of the plastic handcuffs cuffing my hands behind my back, but he refused. From Sheve Shamron, they took me to Huwwara. During the trip, the soldiers beat me on the neck."

**Another prisoner held at Huwara Detention Center, Dawoud Abdullah Dawoud, reported:**

"I was arrested on 12 November 2008 by the Israeli army. They handcuffed me with plastic cuffs and placed a black sackcloth bag over my head. During arrest and before handcuffing me, the soldiers started beating me, even though I cooperated with them. They placed me on the ground and started punching and kicking me, as they did to Amjad Mabrook and Samir Mabrook, who were with me. They beat Amjad with the back of a gun on the head. During the transportation, the soldiers tightened the bag around my neck so much I was about to suffocate, and at the same time they were also tightening the handcuffs around my wrists."

*(See Annexures 1 and 2 for full affidavits detailing cases featuring such abuse.)*



On 22 June 2008, the United Against Torture Coalition issued a report, to which Ad-dameer contributed, addressing the torture and intimidation of handcuffed and restrained Palestinian prisoners at the hands of the Israeli army.<sup>1</sup>

1

United Against Torture (UAT) Coalition, Phase Report, June 2008.

The report was published at a time when the IOF, Israeli Ministry of Justice and other departments responsible for investigating such violations were increasingly ignoring and becoming complicit in these practices, just as torture and abuse increasingly became daily and systematic military practices.

## TORTURE AND ILL-TREATMENT DURING INTERROGATION AND DETENTION

In its landmark 1999 decision in **The Public Committee Against Torture v. The Government of Israel**,<sup>1</sup> the Israeli High Court of Justice placed certain limits on the use of torture. However, the decision left gaps allowing room for abuse, most notably the “necessity defense”, which, under certain circumstances, exempts Israeli interrogators who use certain illegal interrogation techniques, including “moderate” physical pressure, from criminal liability.

Thus, despite the High Court’s 1999 decision, torture and ill-treatment by Israeli authorities continued to occur in 2008 with near total impunity. Moreover, reports from international, Israeli and Palestinian human rights organizations reveal that such abuse is not limited to occasions citing the “necessity defense” to counter so-called “ticking bomb” prisoners. To the contrary, reports indicate that torture and ill-treatment of prisoners and detainees is unofficial policy practiced against many Palestinian prisoners.

In his report issued on 25 August 2008, the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, cited this ongoing situation, stating that “the Palestinians are subjected to beating and are stripped of their clothes in an insulting way after they are arrested, when they are interrogated in a degrading and inhuman way that sometimes takes the form of torture.”<sup>2</sup>

In 2008, Addameer followed up the cases of 84 Palestinian prisoners who were subjected to torture or ill-treatment during their interrogation or detention.

### Physical Methods of Torture and Ill-Treatment

The methods of ill-treatment most frequently alleged to take place during interrogation include: prolonged constraint of movement in an uncomfortable position causing physical pain, (such as tying the suspect to a chair with the hands behind the back, throughout hours or days of interrogation); sleep deprivation; beatings and long periods of solitary confinement in small, windowless and, often, cold cells. Less common since the 1999 High Court ruling, but still allowed to continue, are the so-called ‘military interrogation’ techniques,

1 HCJ 5100/94 Pub. Comm. Against Torture in Isr. v. Israel [1999] IsrSC 53(4) 817.

2 The report of the UN Special Repertoire on Human Rights in the Occupied Palestinian Territories since 1967. August 25 2008.

which are applied in combination with the methods already mentioned above.

These techniques primarily involve the use of painful stress positions, shackling the hands and legs of the prisoner to the chair for prolonged periods and causing pain to the prisoner. Shackling can last throughout many hours of interrogation, sometimes from morning through evening. The shackling position causes severe backache, strain to arm and shoulder muscles, and a loss of feeling in the wrists because of the pressure of the cuffs. The interrogators also routinely beating prisoners' sensitive organs (*see the affidavit submitted by Asem Hamatneh No. 3*).

**Palestinian prisoner Majdi Qawareek recalls his ill-treatment at the hands of Israeli authorities in Petah Tiqva Interrogation Center:**

"During the first two days, the interrogator interrogated me from morning to evening. He'd leave me alone in the interrogation room with my hands tied behind me for long hours. I was placed in solitary confinement for about five days without being allowed to see any one and without interrogation".

Arrested on 5 June 2008, Mutaz Ismail was also interrogated at the Petah Tiqva Interrogation Center reports: "I was subjected to shackling in all its forms, and was deprived of sleep, in addition to being threatened, cursed, insulted and frightened from the first day of my arrest. They interrogated me from 11a.m. to 4 p.m. the next day. All the time I was tied by the hands and legs behind me over the interrogation chair and I was threatened with having to stay in the prison for a long period".

### **Psychological Methods of Torture and Ill-Treatment**

In addition to physical methods of abuse at Israeli interrogation centers, interrogators also employ psychological pressure against detainees, cursing, yelling and issuing threats against them in order to elicit confessions. Threats used by interrogators frequently include subjecting the detainee to military interrogation, long periods of incarceration, physical harm, house demolition, and arrest or violence against the detainee's family members. Israeli interrogators also try to 'break' prisoners during interrogation by protracting their incarceration.

tion in the interrogation center, and prolonging interrogation sessions by having several interrogators take shifts during the one interrogation.

Furthermore, Palestinian detainees are frequently subjected to the “collaborators’ cells” (known in Arabic as “asafeer”), in which Palestinian collaborators with Israel use deception, coercion, physical abuse and threats against prisoners’ lives to force prisoners to make confessions. These confessions are of basic importance for the interrogators’ work, and sometimes the prisoners are forced to write them down and sign them before the police.

### **Methods of torture and ill-treatment used by the collaborators include:**

- Severe beatings all over the body, particularly sensitive regions:

“...After beating me with a few punches he ordered me to stand up. At that moment he hit me on the testicles. It was a strong blow pushing me into the floor, where I was laying on my stomach and he was stepping on my back near the neck and at the same time was pulling both of my arms up and ordering me to confess. At that moment I felt burns near the left calf [the prisoner shows the lawyer traces of burns similar to that of cigarettes]. At that point I broke down into confessing.” – Yazan Sawalha, detained on 8 November 2007, Al Jalameh Interrogation Center.

- Threats of murder and threatening prisoners with sharp blades:

“...There was one [interrogator] behind me, he had a huge body and was named Saleh, he held my hand in a painful way and placed a blade on my wrist, then he cut my finger. On the left side there was another person placing a blade on my neck, while another person was to my right side holding a blade near my waist. That was when he injured my finger. The way I saw things, I became sure that they were going to do what they threatened to do and kill me if I didn’t confess to what they wanted me to confess to. At that moment, one of them named Abu Azzam started asking me questions while I was in a state of extreme panic, and I was answering and telling him whatever he wanted me to say...” – Ibraheem Salem, Petah Tiqva Interrogation Center.

## **Preventing the Prisoner from Meeting with His or Her Lawyer**

In 2008, Addameer documented Israeli interrogation sessions with Palestinian prisoners that lasted anywhere from eight to 60 days. According to the Israeli military orders that govern the occupied Palestinian territory (OPT), a Palestinian detainee can be held from 8 to 188 days in interrogation before being charged with an offense. Under Military Order 37, Israeli Security Agency (ISA) interrogators are entitled to prevent the prisoner from meeting with a lawyer under the pretext of either “security of the area” or “interrogation interest”. Such an order can be issued for periods as long as 15 days from the date of arrest, and is extendable by 15 further days. After the expiration of that order, a military judge can extend the prohibition on contact with a lawyer to 60 days. In 70 percent of the cases followed by Addameer in 2008, detainees were banned at some point from seeing their lawyer.

This order deprives prisoners subjected to its restrictions not only of his or her right to legal counsel, but also to other rights that would be ensured with the presence of the prisoners’ attorney. For example, it prevents the lawyer taking measures to ensure the client is not subjected to torture. Without the lawyer’s scrutiny torture may freely occur without preventative measures or legal ramifications.

Moreover, meeting with a lawyer, particularly during the interrogation period, is a basic right; any derogation must be limited to exceptional circumstances in cases of emergency and for the shortest possible period. In reality, the deprivation of the right to legal counsel is used arbitrarily against a large number of prisoners, many of whom have no prior experience in interrogation or those facing minor charges and who would benefit greatly from legal protection.

Prevention of meetings between Palestinian detainees and their lawyers also occurs outside legal means. On occasion, Israeli prison authorities transfer prisoners and detainees to another interrogation or detention facility prior to a scheduled meeting between lawyer and prisoner without informing the lawyer of the move. In other instances, lawyers arrive at a detention facility to meet their client only to be denied access without a prohibition order or other justification. Addameer documented several such de facto prohibition cases in 2008.

Palestinian prisoner Omar Dawoud Jaber's lawyer came to visit him on 10 April 2008 at the Jalameh Interrogation Center, near Haifa. Despite waiting at the prison gate for more than four hours and seeking the assistance of different parties, the lawyer was not permitted to meet with Omar, and was not given any written order justifying the prevention of the meeting. Five months after filing a complaint with the government's legal advisor and further follow-up, the general prosecution acknowledged that the lawyer was prevented from the visit without justification, but the prisoner was not prevented from meeting the lawyer, and thus no written order needed to be issued.

Addameer has observed that these provisions are tailored towards facilitating interrogation of detainees, often at the expense of the detainees' legal rights and physical and mental health. In many cases the goal of interrogation against Palestinian prisoners is to exert psychological and physical pressure on the prisoner in order to break their morale and to force them to submit to the will of the interrogators or to be able to play "interrogation tricks" that were legislated by the Israeli courts. Preventing the lawyer's visit provides the interrogator with a greater opportunity of breaking the prisoner's morale and eliciting a confession, which may in many cases be false.<sup>3</sup>

### **Coerced Confessions**

Palestinian detainees are routinely coerced under interrogation into signing confessions admitting guilt for an offense they may not have committed. This coercion may take the form of physical or psychological torture and ill-treatment, as discussed above, and typically includes beatings, threats against the detainee and his or her family, isolation from legal counsel and other abusive measures. Moreover, these statements will often be taken in Hebrew, a language which most prisoners do not understand, thereby inculpating him or herself against their will and without knowing to what they are confessing.

The practice of coercing confessions violates the detainee's fundamental

<sup>3</sup> HaMoked and B'Tselem, *Absolute Prohibition: The Torture and Ill-Treatment of Palestinian Detainees*, May 2007.

right to freedom from self-incrimination, which is recognized in Article 14(3) (g) of the International Convention for Political and Civil Rights and Principle 21 of the Body of Principles for the Protection of all Persons Facing any Form of Detention. Those instruments also prohibit prison authorities from employing any inappropriate measures, including physical or psychological coercion for the purpose of extracting confessions. However, under the Israeli military orders that govern the OPT, there is no prohibition on taking confessions by force; instead such confessions are considered sufficient evidence for indictment and conviction, and constitute usual practice in the Israeli military courts.

In 2008, Palestinian detainee Asem Sbeih was one of dozens of similar cases documented by Addameer who were forced under pressure, coercion and beatings to give false information. As a consequence of his coerced confession, and despite a complaint submitted to the legal advisor by Addameer attorney Samer Sam'an on 23 June 2008, a charge sheet was issued against him. Although a follow-up letter was sent on 9 January 2009, no response to the complaint has yet been received.

Israeli interrogators also frequently exploit prisoners' injuries and their general health situation to pressure them to confess during the interrogation.

Interrogators often use coerced confession in cases of ill prisoners so that they confess.

Wisam Jameel was shot by the Israeli army in his right thigh at the Atara checkpoint on 1 March 2008 while participating in a peaceful rally in solidarity with the people of Gaza. In an affidavit to Addameer, he describes how, when he was arrested on 27 March 2008, medical reports stated that he suffers from nerves injuries amounting to permanent disability. Nevertheless, he was subjected to a violent interrogation, during which authorities took him from the Moskobiyyeh Interrogation Center in Jerusalem to the hospital while his legs were chained, despite heavy security arrangements and the fact that he uses crutches to walk. Moreover, during the interrogation, Wisam's interrogators exerted pressure on his injury. As it was, the interrogator persistently refused Wisam's request to lean over his legs on the chair which would have somewhat alleviated this situation, and, as a result, Wisam suffered a blood clot.

## ISOLATION FROM THE OUTSIDE WORLD

Throughout the interrogation period, detainees are prevented from contacting the outside world. They may not receive visits from their families and are not permitted to make phone calls or write letters. Detainees under interrogation are also typically prevented from watching and reading media. The structural isolation from the outside world during interrogation continued throughout 2008.

### **Deprivation of Basic Needs**

All Palestinian detainees are typically denied the right to basic hygiene products throughout the interrogation period. This situation can last for months. They are also prevented from changing their underwear or bathing in the first period of detention, which can last for weeks. Clothes and detergents are provided by the International Committee of the Red Cross (ICRC) on their first visit to the detainee, which is based on agreement between the ICRC and Israel. ICRC visits are usually conducted after the fourteenth day of the arrest, though sometimes they occur later. Addameer documented cases in 2008 in which the prison authorities have prevented the ICRC from visiting the prisoner. This may occur where the lawyer is also prevented from visiting, when the prisoner is transferred to another detention or interrogation center, or when the prisoner is detained on the day of the ICRC visit. Delays in ICRC visits often result in the deprivation a prisoner's basic right to personal hygiene for an extended period during interrogation.

During visits to Israeli prisons and detention centers conducted in 2008, Addameer documented 178 of Palestinian patients suffering from medical neglect compared with 63 cases in 2007.

Two Palestinian prisoners died in Israeli prisons and detention centers in 2008. In May 2008, Jerusalemite prisoner Juma Ismail Mohammad Musa, who had been imprisoned by Israel for 16 years, was attacked by the Nahshon Unit inside a military vehicle in which he was being transported. He was later admitted to Assaf HaRofeh Hospital for treatment of injuries sustained in this attack. However, a combination of medical negligence at the hospital and harsh conditions in Israeli prisons and detention centers caused and exacerbated his diabetes, prostate inflation, respiration problems and heart diseases, resulting in Juma's death.

On 29 February 2008, Gazan prisoner Fadel Odeh Shaheen died at Eshel Prison in Beersheba. At the time of his death, Fadel had served four years of his eight year sentence. Pathologist Dr. Saber Al Alool, who was selected by Fadel's family to attend the postmortem along with Israeli doctors from the Israeli forensic institute, stated the cause of death to be the result of a blood clot.<sup>4</sup> According to prison medical records, Fadel was not provided with proper medical care for this condition, and as such his death is considered a result of medical negligence.

The untimely deaths of Juma and Fadel in 2008 brings the number of Palestinian prisoner deaths due to medical negligence in Israeli prisons since the Second Intifada began in September 2000 to a total of 17.

Improper detention conditions, which include poor ventilation, extreme humidity, unbearably overcrowded cells and wards, shortages in detergents, and the poor quantity and quality of meals, continue to contribute to a daily increase in the number of medically ill prisoners. The decline in quality and provision of prison medical services exacerbates an already dire situation.

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4 The medical report is on file with Addameer.

## EXAMPLES OF MEDICAL NEGLIGENCE IN ISRAELI PRISONS AND DETENTION CENTERS

- The medical clinics in prisons housing Palestinians are utterly inadequate and lacking in the most basic equipment. According to statements made by the prisoners in 2008, there is no equipment in the clinic except for a scale, a blood pressure meter, and a stethoscope. The clinic also lacks specialized doctors; a general practitioner attends the clinic once or twice a week. A dentist attends once or twice per fortnight, and only performs tooth extractions or endodontic procedures, meaning that any prisoner suffering from a serious dental problem does not receive the necessary treatment. Furthermore, the clinics have no attending psychiatrists despite several cases of prisoners suffering psychiatric or neurological problems. As such, these prisoners typically remain untreated.
- Israeli prison administrators fail to provide necessary medication to prisoners. Instead, the use of the over-the-counter painkiller "Acamol" is widespread as a generalized 'treatment'.

On 13 March 2005, Ahmad Al Arda was beaten on the left side of his head at Jalameh Interrogation and Detention Center, causing hearing loss in his left ear. He repeatedly requested to be treated for his ear problem, but received only tranquilizers from the prison clinic. He submitted a complaint to the court against the prison administration for its medical negligence, but the court rejected the application, finding that the 'treatment' he received was sufficient. During a visit in the second half of 2008 by an Addameer lawyer to Ahmad in Shatta Prison, he reports that he has still not received treatment, is still suffering problems in his left ear and needs urgent treatment.

- The prison administration hinders visits from external doctors, despite repeated requests made by prisoners to the administration for external medical assessment and treatment.
- Prison authorities routinely delay sending prisoners to the prison clinic; usually the prisoner needs to repeatedly request medical treatment before even this insufficient action is taken. Prison authorities also delay in taking prisoners to hospitals despite doctors' recommendations

and despite precarious health situations. Palestinian prisoners are also made to wait for lengthy periods – sometimes as long as three months – before pathological tests are undertaken. Where prisoners are taken to hospital, they are handcuffed and shackled, and are transferred in military trucks unsuitable for transporting patients, which can exacerbate the prisoner's illness or injury.

- Prisoners who have medical conditions or who are undergoing medical treatment and require a special diet, such as prisoners with diabetes or blood pressure problems, usually are not provided with special food appropriate to their health situation. Instead, these patients are made to buy his or her own food at their own expense from the prison canteen.
- In January 2008, one female prisoner was forced to give birth while her hands and legs were chained and without consideration for the pain she suffered during labor. Immediately after the child was born, they were again chained and shackled.

In an affidavit given to Addameer, Fatema Azzeq, states: "Right after giving birth, I was chained by one hand and one leg to the bed and had to spend several hours in a special room before I was taken back to my room. On the second day, they chained me again by the legs and used to bring the infant twice a day for breast feeding".

- As a result of poor skills and training, the general practitioners engaged to visit patients are often unable to diagnose many of the illnesses with which patients present. The lack of specialized professionals engenders a state of uncertainty and distrust of all prison medical services among prisoners.

Throughout 2008 Ashraf Alawneh suffered from an 'unknown' disease which prison medical services have been unable to diagnose. He says:

“While I was held in Hasharon Prison, I was suffering internal bleeding and vomiting blood. At that point, the prison referred me to the Ramleh hospital. They placed me in solitary confinement for two years and they’d take me to hospital every now and then. After that, they told me that I suffered from TB, but then they told me that it could be cancer or perhaps the problem was in my liver (a tumor in the liver). Next, they took me to Section 4 at Gilboa Prison, where I stayed for nine months, during which time I underwent surgery in the spleen before they returned me to Section 1 in Shatta Prison. Now I suffer from pain in the liver. I asked for follow-up treatment for my health situation. At the prison administration, they suspect that I suffer a contagious disease, and so they keep me in solitary confinement for several months, where the conditions are really tough and are not suitable for any human being as prisoners are completely disconnected from the outside world. I felt tense and fearful as I wasn’t certain about what was waiting for me. When I was admitted to the Kfar Saba hospital, they’d tell me one thing in the morning and in the evening they’d tell me that I suffer from TB. I am in a difficult psychological state, particularly since they told me that I have cancer. I suffered a lot when they made lung tests, as they inserted a needle from the chest and another from the back without any anesthesia in order to make the cancer tests”.

In 2008, Palestinian prisoners Israr Barghouthi, from Ramallah, and Rabea Ali, from Salfit, contracted infectious diseases while in Israeli detention; Barghouthi with a blood virus and Ali with a virus in the urine. In addition, both prisoners had been shot and wounded by Israeli soldiers before their arrest and had spent long periods of time in prison hospitals, prevented from having any contact with other prisoners or receiving family or lawyer visits, and receiving poor treatment from prison doctors, who refused to disclose the nature of their illnesses to both while they were held in solitary confinement.

Syrian prisoner Sitan Al Wali received a conditional release from Israeli detention on medical grounds on 8 July 2008, after serving 23 years of a 27 year sentence. During his time in prison, he suffered from cancer and lost his right kidney as part of his treatment. His application for release was supported with medical reports submitted by his lawyer to the relevant committee, which decided to release him on the condition that the release order is reviewed every six months.

(See annexure No. 2 for a table of prisoner medical cases documented by Ad-dameer in 2008)

## Cleanliness, Hygiene and Access to Fresh Air

Most Israeli prisons and detention centers have very poor health and humanitarian conditions. Addameer monitoring and documentation throughout 2008 indicate that the year brought no improvement over the situation as reported in 2007.<sup>5</sup> Humidity and poor heating remain characteristics of most Israeli prisons and detention centers. The cells are small and crowded. In Ashkelon Prison, for instance, cells that measure 4 meters by 8 meters house at least 14 prisoners, while cells measuring 5 meters by 10 meters house as many as 18 prisoners. Cells in all facilities typically lack proper ventilation. In many cases, the sole window in a cell is no larger than 1.5 meters by 1.5 meters (as in Ramon Prison); in Shatta Prison, the window is only 1 meter by 1 meter and is completely covered with a grid and an iron sheet that prevents air and sunlight from entering.

During recreation time, known in Arabic as “forah”, prisoners are exposed to natural light, but this period is for less than three hours per day in all the prisons. Prisoners are permitted to engage in sports for one hour in the morning. The space used for the “forah” is very small in most of the prisons and is unable to accommodate all the prisoners. In Ashkelon Prison, for example, the “forah” space is no more than 100 square meters, but it must accommodate between 76 and 86 prisoners.

“There are 10 prisoners in a cell space that is 3 meters by 7 meters, with one window covered with an iron sheet sized 1.2 meters by 1 meter. The recreation time for the prisoners is three hours a day, where the prisoners spend that time in a yard that is just 6 meters by 20 meters.”

Marwan Faraj, Ayalon Prison

In addition, there is an endemic lack of proper hygiene in Israeli prison and detention facilities, since prisoners are responsible for the cleanliness of the prison rooms and wards but the prison administration does not provide the necessary detergents. Prisoners are therefore forced to buy these products from the prison canteen at their own expense. The shortage of cleaning products results in cells infested with insects whose presence encourages the spread of diseases. In Ketziot Prison, for example, one of the major hygiene issues is the prevalence of rats and insects in cells.

<sup>5</sup> For more details on the situation in the Israeli prisons, see Addameer Prisoner Support and Human Rights Association, *Violations Against Palestinian Prisoners and Detainees in Israeli Prisons and Detention Centers*, 2007.

## **Poor Food Quality and Quantity**

As in the past, inadequate food quality and quantity remains an issue for Palestinian prisoners in Israeli detention. Prison authorities provide the prisoners with food that is typically not well cooked, so the prisoners are forced to either re-cook it or throw it away. Often, they are forced to buy most of their food requirements, which are largely limited to canned food, from the prison canteen at their own expense. This adds a further financial burden to the prisoner and their family, one that is particularly onerous since the price of canteen goods is two or three times the price of the same good outside prison. For example, a kilo of rice that costs 6 NIS (about \$1.50 USD) in the occupied West Bank, but costs 12 NIS (about \$3.00 USD) in the prison canteen.

The provision of inadequate and inedible food constitutes a violation to Article 15 of the Third Geneva Convention and Article 81 of the Fourth Geneva Convention which require prison administrations to provide nutritional meals that are of good quality and preparation for each prisoner in the regular hours sufficient to maintain their health and energy.

## **Severe Restrictions on Clothing and Bed Linens**

Israeli prison authorities provide neither clothes nor bed linens for Palestinian prisoners. As a result, prisoners can obtain these items only through family visits, and only as often as once every three months. Prison authorities further restrict the clothing family members bring their detained relatives based on color; only brown clothes are allowed into the prisons.

Although certain clothing items are available at the prison canteens, as with food items, prices are much higher than outside prison. This became a particular problem in 2008, when the Israeli prison authorities prohibited families from providing shoes to prisoners, forcing them to buy shoes from the prison canteen, where basic athletic shoes were priced at 500 NIS (about \$125 USD). The same shoes outside prison would cost 200-250NIS (about \$52 – 65 USD)

## **Lack of Proper Access to Education**

Barriers persisted in 2008 for Palestinian prisoners seeking to continue their education.

In 2007, 3,000 Palestinian prisoners were prevented from taking the Tawjihi general secondary examination. In 2008, Palestinian prisoners were, in general permitted to sit this exam. However, some individuals were excluded from the test under a variety of pretexts, and other barriers remained.

- Female prisoner Wurud Qasim was prevented, without any justification, from sitting for the Bagrut examination, the official Israeli matriculation exam equivalent to the Tawjihi.
- Prison administrators prohibited the entry of some scientific textbooks required for the Tawjihi physics and chemistry examinations after the prison administration deemed that such material could assist prisoners in making explosives. As a result, scientific stream Tawjihi students had to sit for their examinations without the opportunity to revise the material.
- The Israeli Prison Service also placed obstacles before some families who tried to bring books to prisoners studying for the exam. In Gilboa Prison, bringing such books was prohibited altogether.

Further, in 2008, the Israeli Prison Service (IPS) continued to completely prohibit Palestinian prisoners from enrolling at any Arab university or institute for undergraduate or postgraduate studies. The IPS only permits prisoners to study at certain faculties in the Open University of Israel. Some faculties, such as physics and chemistry, are entirely prohibited. This policy is extraordinarily problematic, especially for those prisoners who don't speak Hebrew. As a further obstacle, the IPS monitors all correspondence between the prisoner and the university, including fee payments, and prison authorities hold absolute discretion to discontinue the prisoner's enrollment at any time. Addameer submits that this practice is unlawful in that it is arbitrary and discriminatory against Palestinian prisoners and detainees, and that the goal of this arbitrary and intrusive policy is to hinder any independent thought or cultural or scientific progress by the prisoners.

Jerusalemite prisoner Loai Odeh was studying political science at the Open University, but when he was transferred from Gilboa Prison to Shatta Prison in 2008, the administration prevented him from continuing with his studies without any declared justification and without setting any period for the prohibition on study. At that point, Loai had completed 10 out of the 18 cycles required to earn his first university degree, and he paid 1,700 NIS (about \$450 USD) for each cycle. He had already paid the fees for three cycles in advance

when his studies were terminated. The Palestinian Ministry of Detainees and Ex-Detainees Affairs submitted a complaint through its lawyer against the prison administration regarding Loai's prohibition and a similar prohibition against the prisoner Naser Issa, who was also prevented from completing his university studies. The IPS responded, justifying their unilateral action based on unsubstantiated and undisclosed classified information on the two prisoners that indicated they would incite the other prisoners into disobedience and cause problems in the prison.

On 10 December 2008, Jamil Darawi, held at Ketziot Prison, was also informed that he was not allowed to continue his university education for unnamed "security reasons" that were never revealed.

### **Restrictions Placed on Religion**

Although freedom of religion is a fundamental right recognized under international law,<sup>6</sup> Israel violates its obligations to protect freedom of religion for the Palestinian prisoners and detainees held in its facilities. None of the Israeli prisons or detention centers where Palestinians are held have dedicated space for performing prayers. In many of the Israeli facilities, group prayers aren't allowed at all, as is the case for adults in Hasharon Prison. Religious leaders and clergymen are also largely prohibited performing religious rituals, in a violation to Article 93 of the Fourth Geneva Convention, which provides that "Ministers of religion who are interned shall be allowed to minister freely to the members of their community".

In the prisons and detention centers where group prayers are allowed, they are subject to strict limitations. In these facilities, the IPS allows prayers to be performed in the prison yard, provided that the prayer speech doesn't discuss any political issues or anything related to the occupation. Such prayers are further conditional upon the prison authorities being informed in advance as to the identity of the person making the prayer speech and the content of the speech, and may even limit the speech duration to as little as 20 minutes.

6 See, for example, article 93 of the Fourth Geneva Convention.



In March 2008, Palestinian prisoner Maher Al Khateeb was giving the Friday prayer sermon at Gilboa Prison. In it, he focused on the “humanitarian consequences” of the ongoing Israeli and Egyptian blockade of the Gaza Strip. Consequently, the IPS punished Maher with 21 days in solitary confinement, deeming that he had discussed a political subject in violation of prison regulations.

## DISCIPLINARY PUNISHMENT

Many punishments imposed on Palestinian prisoners by the IPS are for trivial reasons or are entirely arbitrary. The following are some of the punishments imposed on prisoners in 2008, as documented by Addameer during its prison visits throughout the year:

- Constant shackling: “Security” prisoners are often shackled with iron cuffs at the wrists and ankles during transfers to the visiting area and when moving between wards. Wurud Qasim, a female prisoner from inside the 1948 Palestinian territories, endured family visits in 2008 handcuffed and under tightened guarding because she sent a letter to her family telling them that she will be at the hospital and wishes to see them. She was also prevented from sending and receiving letters.
- Monetary fines: Heavy financial fines ranging from NIS 250-450 (about \$65-105 USD) are frequently deducted from prisoners’ canteen accounts, often for trivial offenses. For example, Ahmad Al Arda was fined NIS 200 (about \$50 USD) in 2008 because he let his hair grow. In April 2008, Hisham Kaabi from the Balata Refugee Camp near Nablus was fined NIS 150 (about \$40 USD) after prison authorities found a photo of a relative, killed by the Israeli forces, among his possessions. Such a punishment appears particularly arbitrary given that this photograph had been brought to him during a family visit meaning it had gone through multiple levels of searches and examinations before Hisham would have been allowed to receive the item.
- Open-ended prohibitions on family visits.
- Prevention from participating in the recreation period and morning sports.
- Closing rooms and confiscating electrical appliances. In Gilboa Prison, prison administrators closed cells seven and eight and prevented the prisoners detained in them from participating in the recreation period for several days on accusations that the prisoners had moved an oil bottle from room seven to room eight. In Rimonim Prison, one of the rooms in Ward 8 was late one night in going to sleep, for which they were punished by cutting off electricity and closing the room for days.
- Solitary confinement: Most of the Israeli prisons and detention centers contain specific cells designated for solitary confinement. In Megiddo Prison, for example, there are seven solitary confinement cells. Prison-

ers report that they contain only a mattress, without any bedframe or linens, and that they are permeated with an offensive odor. Insofar as the solitary confinement cells are kept dark and maintained in an improper manner, Israel is in violation of Rule 1 of the UN Standard Minimum Rules for the Treatment of Prisoners, which states that “corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences”. For example, after Palestinian prisoner Abed Al Naser Ateyani, held at Megiddo Prison in 2008, handed a letter to his family during a visit he was punished with a one month prohibition on family visits and five days in solitary confinement. The prison administration justified its decision by stating that the handing of letters during family visits is prohibited in IPS regulations.

- Prohibitions on continuing education.
- Prohibitions on performing religious rituals.
- Preventing prisoners from buying any items from the prison canteen.
- Collective punishments: Israeli authorities regularly levy punishments against large groups of Palestinian prisoners and detainees in their custody, in violation of fundamental international legal principles prohibiting collective punishment. For example, on the anniversary of the Palestinian “Nakba” on 15 May 2008, Palestinian prisoners in some prison wards decided to return any sweets offered to them that day by the prison administration. The prison administration considered this symbolic action to be a form of disobedience and punished everyone in the wards where prisoners rejected the sweets by depriving them of the outdoor break for five days and confiscating their electric appliances for nine days. These punishments are also imposed when prisoners are late, fail to attend the morning or evening count, or when performing the mass prayer in times other than the recreation time.
- Preventing prisoners from one family from staying together in one place of detention: Article 82 of the Fourth Geneva Convention requires the detaining State to hold members of one family in one prison throughout their detention period and to enable them, whenever possible, to live a family life. In practice, however, this provision is rarely observed by Israeli authorities. In 2008, detained brothers Shaher (held in Shatta Prison) and Maher Ar-Rai (held in Hasharon Prison) appealed several times to be placed in one prison, but their appeals were

ignored. Moreover, the IPS also refuses to allow members of the same family detained in Israel even to visit each other inside the prison. For more than two years, female prisoner Linan Abu Ghulmeh, held in Hasharon Prison has been trying to visit her brother, who is detained at the Hadarim Prison, but despite numerous requests has been unsuccessful.

## PRISONER TRANSFERS

The IPS frequently moves Palestinian prisoners between detention facilities in a practice that results in instability for prisoners and also causes obstacles for the family visits. Families and defense counsel are typically not informed of a transfer before planned visits to a prisoner or detainee, and often do not learn of the transfer until they are informed at the prison gates. Further, prison authorities typically fail to take into consideration the proximity of the detention place to the ordinary residence of the prisoner, such as when they take a prisoner whose residence is in the northern West Bank to Ketziot Prison in the Negev Desert, five kilometers from the border with Egypt.

The treatment of Palestinian prisoners during the frequent transfers is also problematic. Palestinian prisoners are transferred in shackles at their ankles and wrists in truck containers that have hard iron seats and lack ventilation or toilets. Moreover, prisoners are constantly subjected to intimidation during transport by the IPS guard units that carry out the transfers, the Nahshon and Metzada units. These units subject Palestinian prisoners to full body searches, and often beat, threaten and insult the chained prisoners throughout the transfer period. Members of the Nahshon Unit beat Palestinian prisoner Nael Yasin every time he was transported to the Salem Military Court for hearings in his trial in 2008. Although Addameer filed a complaint on Nael's behalf, based on an affidavit he provided Addameer, no response to the complaint had been issued at the end of 2008. Addameer has also documented cases in 2008 in which the IPS used police dogs in a threatening manner to search the prisoners as they left and returned to the facility.

Female prisoners and detainees are also subjected to full body search during transfer in which they are typically forced to remove their headscarf and have their hair searched, and sometimes also their mouths.

Former Palestinian female prisoner S.A., 23, from the Dheisheh Refugee Camp near Bethlehem, was arrested from her home at 3 a.m. on 1 February 2008. After her arrest, she was taken to the Etzion Detention Center and then to Hasharon Prison, where she was taken into a room with a female soldier and a female prison officer. The prison officer ordered her to take off all her clothes. When she refused to do so, the officer yelled at her and threatened to call the male soldiers and prison officers to see her naked. Hearing this, the male soldiers outside the room started threatening and shouting at S.A. as well. Terrified, S.A. submitted and agreed to take her clothes off. Once she was completely naked, the prison officer slowly searched each and every piece of S.A.'s clothing

and then ordered her to open her legs and squat, a process she found utterly humiliating. Similar procedures were repeated with S.A. when she was taken from Hasharon for court proceedings, and again upon her arrivals back at the prison.

Addameer submits that the transfer practices utilized by the IPS with Palestinian prisoners, particularly including the treatment by the Nahshon and Metzad units and the humiliating measures used against female prisoners, violates international legal provisions regarding human transfer practices.<sup>7</sup>

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<sup>7</sup> For example, Article 127 of the Fourth Geneva Convention provides: "The transfer of internees shall always be effected humanely... The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, ... Sick, wounded or infirm internees and maternity cases shall not be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands."

## CELL RAIDS

Palestinian prisoners in Israeli prisons and detention facilities are frequently subjected to surprise searches of their cells by the Nahshon and Metzada Units of the IPS. During these searches, the Unit officers are typically armed with weapons including clubs, teargas, rubber-coated bullets, water pipes and trained police dogs. They often scatter all of the prisoners' belongings throughout the rooms and deliberately ruin the foodstuffs purchased by the prisoners from the prison canteen. Addameer has also documented instances in 2008 when Unit officers have destroyed and damaged prisoners' property and confiscated private belongings of the prisoners, including personal photographs and family letters. After such an incident, prison authorities usually claim that the raid and damage was done in order to 'preserve security' or to conduct 'security training' for IPS staff. In reality, however, Addameer submits that these tactics are intended as hostile and discriminatory measures targeted at damaging prisoners' mental wellbeing.



**COLLECTIVE PUNISHMENT AT OFER PRISON**

At 11:30 p.m. on 22 March 2008, the Nahshon Unit at Ofer Prison entered Ward 3, where 100 prisoners were held. The Nahshon had stormed the ward on four previous occasions, each time confiscating prisoners' belongings and leaving behind destruction. On this occasion, 50 heavily armed officers from the Unit stormed the ward, broke prisoners' closets, confiscated books, electrical heaters and canteen materials and cuffed the prisoners with plastic cuffs painfully tightened behind their backs. During the raid, the officers took all the prisoners outside the ward where a number were beaten. Alaa Al Azeh from Al Fawar Refugee Camp was badly beaten on his back, and Ateya Abu Damous from Azareyah was beaten all over his body, particularly the legs, causing considerable bleeding. Samed Wlad Mhimid from Dura in Hebron district was beaten with clubs on his legs and back. Following the raid, all of the prisoners in the ward were held in punitive solitary confinement and prevented from receiving family visits for at least a month. The Nahshon Unit frequently conducts violent late-night searches as part of its routine exercises and operations. Given that no official reason was stated in this particular event, Addameer suspects that the raid was conducted precisely as part of the Unit's routine searches.

In another event, on 22 December 2008, the Nahshon Unit stormed Ward No. 5 in Ofer Prison without prior notice. They carried arms and had dogs with them. During the raid, Nahshon officers destroyed prisoners' food and copies of the Quran. They also attempted to use violence against a prisoner in the ward, but the other prisoners in Ward 5 and adjacent Wards 2, 6 and 7 resisted and defended the targeted prisoner. Nahshon officers responded by spraying the prisoners with water and teargas and firing rubber-coated bullets into the area, causing several injuries among the prisoners. Among those injured were Ali Jaradat who received an injury in the chest, and Shadi Zahran, Nidal Radaydeh and Shadi Said. The Nahshon Unit also hit the prisoners with sticks, causing injuries and fractures among prisoners Rafat Ata, Rami Jubail, Mohamad Qaisi and Jamal Zahran. Fires caused as a result of the raid broke out in some of the prison tents at Ofer, which prompted the prison administration to confiscate the prisoners' electrical appliances and bar access to the canteen. In addition, all prisoners in Wards 2, 5, 6 and 7 were punished with a ban on family visits for one month.

## PRISON UNIFORMS

In some prisons in 2008, the IPS changed prisoners' uniforms from brown to orange. Palestinian prisoners considered this change arbitrary, and believed the orange uniforms to be a direct reference to the uniforms worn by detainees held by the United States in Guantanamo Bay, Cuba, a color which they felt has become associated with the "terrorist" label. Palestinian prisoners also resisted the uniform change as a part of their underlying resistance to prison uniforms, which many feel are part of the Israeli authorities' effort to portray Palestinian prisoners as criminal, and not political detainees.

Israeli authorities responded severely to the prisoners' protest against the orange uniforms. After Allam Al Kabi, a prisoner from Balata Refugee Camp near Nablus, was transported from Nafha Prison to Hadarim Prison on 9 September 2008, the prison officer at Hadarim provided him with the new orange uniform, which he refused to wear. As a result, Allam, and his friend Ahmad Salah Al Azah from Bethlehem who also refused to wear the orange uniforms, were ordered to serve one week in solitary confinement and levied with a fine of NIS 200 (about \$50 USD). Allam's solitary confinement was extended as he was transferred to isolation sections among several different prisons, including Ayalon Prison southeast of Tel Aviv, Kfar Youna Prison in the north and Beersheba prison. In the affidavit given to Addameer, Allam recalls the conditions he endured during his period in solitary confinement, which was ultimately extended until 30 October 2008; describing how he was chained by the hands and legs for most of his time in solitary confinement, and was deprived of access to the canteen and the use of any electrical appliances. Several other prisoners were also punished with extended solitary confinement for the same refusal, including Ahmad Omar of Al Jalazoun Refugee Camp and Zaidan Sulaiman, Raid Subuh of Gaza and Iyad Sulaiman of Jenin.

Despite all the punitive measures, however, prison authorities failed to successfully introduce the orange uniform.

When Israel started withdrawing its military from area A of the occupied territory, in accordance with the Gaza-Jericho Agreement signed in 1994, instead of transferring the Palestinian prisoners and detainees in its custody to the custody of the newly established Palestinian Authority, as required by international law, it instead transferred the prisoners to detention facilities inside Israel. This transfer of Palestinian prisoners from the occupied territories to the territories

of the occupying state is an ongoing violation of international law, namely Article 49 of the Fourth Geneva Convention, and constitutes a war crime.

Moreover, Israel's unlawful imprisonment regime makes it difficult for Palestinian prisoners to receive family visits or meet with their defense counsel. Palestinians from the West Bank must obtain special permits issued by the Israeli security services to visit family members imprisoned in Israel through the International Committee of the Red Cross Family Visits Programme. These permits are required in order to enter the 1948 territories and the visiting area in the prison.<sup>8</sup>

Only first degree relatives, including the prisoner or detainee's mother, father, grandmother, grandfather, wife, husband, daughters, sons, sisters, and brothers above 35 years of age, are eligible for permits to visit imprisoned relatives. Prisoners' sons who are between the ages of 16 and 35 are issued permits once every six months, whereas a brother of the same age as the prisoner is issued a permit only once a year. Children below the age of 16 are allowed to visit without having to obtain any permit.

Thus, although international law also protects the right of prisoners and detainees to human contact and family life, Israel's detention practice and permit regime denies Palestinian prisoners that right. In practice, prisoners' families from the West Bank are regularly denied visit permits by the Israeli intelligence under the pretext of unsubstantiated 'security' concerns. 'Security' justifications have become a veil for collective and psychological punishment of prisoners and their families.

Furthermore, Palestinians from the Gaza Strip are still prohibited from visiting their relatives detained inside Israel. In 2008, 900 Gazan prisoners were held in Israeli prisons and detention centers. The prohibition on family visits for Gazan residents was implemented in 2007 a year after the capture of an Israeli soldier at the Kerem Shalom Crossing in the Gaza Strip. In 2008, the Israeli authorities, represented by the Israeli Prison Service, proposed to conduct 'visits' for Gazan prisoners through video conference technology. This constitutes a grave breach of the Fourth Geneva Convention, particularly Article 116, and a breach of the human rights principles that oblige States to protect and ensure the right of prisoners to receive family visits, and to communicate and correspond with their families by telephone and letters. The video conference proposal

<sup>8</sup> Even the prison at Ofer Military Base, which is located in the 1967 occupied Palestinian territories near Ramallah, requires families to obtain a permit in advance to be allowed to visit.

disregards and disrespects the feelings of prisoners and their families, and has the long-term aim of abolishing the family visits program entirely, replacing it with a technological process unable to transmit human emotion.

Finally, Palestinian families who receive permits to visit their relatives in Israeli prison and detention facilities face further obstacles in the form of complicated security measures, lengthy delays and numerous humiliations before reaching their incarcerated loved ones. They are made to wait long hours at the dozens of military checkpoint between West Bank cities, and then the checkpoint to cross into the 1948 territories, before they are allowed to visit for a mere 45 minutes twice per month. Visits take place from behind a glass barrier and an iron grid that almost eliminates contact between prisoners and their families, particularly in the case of young children. Oral communication occurs only through a telephone, and conversations are made difficult by the large number of visitors and prisoners in the visiting area. Furthermore, arbitrary measures against visitors throughout the visit, including full body searches, the prevention of bringing items to prisoners and long waiting times, are traumatic for family members and discourage them from visiting.<sup>9</sup>



9 For more details on the Israeli violations against the families of the prisoners during the prison visit, see Addameer Prisoner Support and Human Rights Association, *Violations Against Palestinian Prisoners and Detainees in Israeli Prisons and Detention Centers*, 2007.

## CHILD PRISONERS

Addameer followed the cases of 67 child prisoners and detainees during 2008 and documented numerous violations during their arrest, interrogation and detention.

The Convention on the Rights of the Child defines a child as anyone below the age of 18 years. Although Israeli civil law sets the age of majority for its own citizens at 18, under Israeli Military Order 132, Palestinians in the OPT are tried as adults at age 16. In addition, Palestinian children as young as 12 may be arrested, tried before the military courts and sentenced to terms of imprisonment for a maximum of six months.

### Arrest

In 2008, the IOF continued its policy of arresting large numbers of Palestinian children in what now appears to be a systematic policy on the part of Israeli authorities. The UN Convention on the Rights of the Child, to which Israel is a signatory, requires that arresting children be a measure of last resort and for the shortest possible period. However, while Israel accords with those obligations in relation to its own citizens, it flagrantly ignores its obligations to Palestinian children living under Israeli occupation.

#### *Number of Palestinian children arrested by Israel by month in 2008*

| Jan. | Feb. | Mar. | Apr. | May | Jun. | Jul. | Aug. | Sep. | Oct. | Nov. | Dec. | Total      |
|------|------|------|------|-----|------|------|------|------|------|------|------|------------|
| 42   | 43   | 64   | 50   | 48  | 29   | 30   | 25   | 32   | 29   | 30   | 28   | <b>450</b> |

The arrest of children occurs in much the same way as adult arrests. Children are often arrested from their homes in the middle of the night, at military checkpoints or on roads. They are routinely subjected to beatings, threats and insults by the soldiers during and after arrest, and are frequently handcuffed with plastic cuffs in painful positions (see Annex No. 2 Affidavit by child prisoner Muayad Qaq).

### Interrogation and Trial

Israel further violates its commitments under the Convention on the Rights of

the Child in its failure to provide suitable judicial guarantees. Palestinian children are processed in the military court system, which fails to meet minimum requirements of due process and natural justice. The court fails to take into consideration the circumstances and details of the charges against these children or the confessions they make, which are mostly elicited under threats and physical and psychological pressure. A report published by the Defense for Children International – Palestine Branch in March 2008, revealed that the Israeli intelligence uses psychological and physical pressure, including threats, and that in most of cases children are not informed of their rights before or during interrogation. Children are not allowed to contact a lawyer during the interrogation period. The report also revealed that 95 percent of juvenile cases in the military courts are brought solely on the basis of the child's confession. Moreover, when making its ruling, the Court considers the age of the detainee at the time of the trial instead of his or her age at the time of committing the offence.<sup>10</sup>

10 Defence for Children International – Palestine Section, *Palestinian Child Prisoners 2007* (available at: <http://www.dci-pal.org/arabic/publ/research/2008/PCPRreport.pdf>) (Arabic).



## DETENTION CONDITIONS

According to Defense for Children International – Palestine Section, 342 Palestinian children were in detention at the end of December 2008, of whom five were girls. Ten of these children, including two girls, were held under administrative detention orders.

In 2008, the majority of the child prisoners held by Israel were detained in two prisons: the juvenile section at Hasharon prison where 140 children were detained during the year, and Damon Prison. Hasharon Prison, located North of Tel Aviv near Hadera, dates back to the British Mandate period and was built as a center for the British cavalry unit. A room built to house horses in 1953 was later converted into a prison, and detention conditions there remain poor. Damon Prison was built in early 20th century to be used as a storehouse for tobacco. In 1953, the disused building was converted into a prison when it was observed that humidity was accumulating inside the building. In 2000, the Israeli authorities decided to close Damon down because of its unsuitable health conditions. In early 2001, however, the facility was reopened as a center of incarceration for Palestinian migrant workers who were found in Israel without valid permits. As of December 2008, 70 Palestinian child prisoners were detained there.

The cells in which Palestinian children are held are typically overcrowded and unhygienic, lacking proper ventilation and natural light. The food provided by the IPS is unsuitable for their physical growth. Child prisoners also suffer from severe clothing shortages and insufficient or no playing and recreational facilities. In addition, as is the case with adult prisoners, children's medical needs are neglected, partly because the prison administration doesn't employ a full-time resident doctor at the prison clinic. Statistics from the Palestinian Ministry of Detainees and Ex-Detainees Affairs, published in 2004, indicate that 40 percent of illnesses among child prisoners are a result of inadequate food, poor hygiene and other unhealthy detention conditions. Additionally, child prisoners also are subject to collective punishment, including deprivation of v and outdoor recreation time, and the imposition of heavy fines for 'behavioral transgressions'.

A number of child prisoners are detained in Ofer, Megiddo and Ketziot prisons, where children are not separated from the adult prisoner population, in direct violation of international law.

On 19 October 2008, Addameer submitted a complaint against the Israeli Prison Service in relation to the detention conditions for children at Ofer prison, where dozens of children are detained in conditions that violate international humanitarian law. The complaint was made in the context of Addameer's documentation of the cases of Mohammad Ibraheem Allama and Jihad Khalil Allama, both aged 14. Mohammad and Jihad were arrested on 10 October 2008 from their houses in Beit Ummar, Hebron district, on charges of throwing stones at military patrols. Addameer lawyer Mahmoud Hassan appeared for the children before the military court in Ofer. He was able to secure their release on bail on 29 October 2008 after submissions as to the unsuitability of the detention conditions for children. The Court gave the prison administration an opportunity to undertake to improve the detention conditions of the two children. However, both the prosecution and prison administration acknowledged the difficulty of doing so, and as a result the judge decided to release the child prisoners on bail.

## ACCESS TO EDUCATION

Palestinian children in Israeli detention in Hasharon and Damon prisons receive only a superficial education during four hour sessions conducted five days a week. Mathematics, Hebrew and English classes are conducted, as well as some very basic history. The children have no access to lessons about Palestinian history, culture or simply Arabic. Classes are arranged in shifts without regard to their age or education levels. In addition, Palestinian children receive no lessons specific to the Palestinian matriculation examination known as the Tawjihi, meaning they have to study for this exam entirely independently. In 2008, Palestinian children held in other detention facilities received no education or vocational training whatsoever.

By contrast, Israeli child prisoners are able to continue their regular high school education curriculum, in accordance with Israeli Prison Service regulations. Israeli child prisoners are taught based on a curriculum designed by the Israeli Ministry of Education. The curriculum includes four classroom hours per day as well as vocational and other educational workshops. They also have access to 33 full-time teachers hired by the Israeli Society for Social Centers. Israeli child prisoners sit for examinations at the end of each 12-week semester and the Ministry of Education endorses their grades.<sup>11</sup>

On 30 October 2008, at 10:15 a.m., the Israeli army stormed the campus of the Palestine Technical College in Aroub Refugee Camp, Hebron, and arrested students from some of the classrooms. The students were led outside, blindfolded, shackled and then repeatedly beaten, slapped and punched all over the body. They were then taken to Gush Etzion military detention centre. At 9:00 p.m., two of the boys were released while eight remained in detention in Ofer Prison. None of the boys were older than 16.



<sup>11</sup> Addameer Factsheet No. 3, Deprivation of Better Chances for Education, August 2008 (available at: [www.aseerat.ps](http://www.aseerat.ps)).

Hatem, a teacher in the Palestine Technical College and the only school official who was present in the playground area when the soldiers arrived that morning, told Addameer that one of the soldiers shouted at him, "Where are the boys that threw stones?" There had been an allegation that stones had been thrown at an Israeli civilian car by an individual wearing a black jacket near the refugee camp. Hatem told the soldier that the typical school day is from 8 a.m. to 2:30 p.m. so all of the children were inside their classes. The soldier then pushed Hatem to the ground and ordered the other soldiers to search the college. Around ten soldiers entered the college. They kicked open the doors and entered one of the classrooms where the children were in the middle of classes. They closed the door, and one of the soldiers started beating a physically disabled student that was sitting in the first row. The soldiers started yelling at the boys and then pushed one of the students, MD. One of the soldiers grabbed MD and shouted, "You are the boy that threw the stones!" MD was arrested along with six other boys from that room. The soldiers then entered the other classrooms and began randomly arresting students. They specifically targeted those who were wearing black jackets. The soldiers then took all of the boys to the playground area and prevented the teachers from talking with them.

The soldiers subsequently started to beat one of the students, RB, by slapping his face and kicking him on his head. Hatem tried to help RB, but the soldiers threatened to open fire. They then fired stun grenades and live bullets into the playground area. The soldiers continued to beat some of the other detained students. Hatem states that he could hear the students screaming from the beatings, however he was prevented from doing anything to help them. The director of the college called an ambulance, but it was delayed because the soldiers were blocking the entrance of the refugee camp. The soldiers then blindfolded and shackled 19 students and forced them to sit at the base of the military tower at the entrance of the camp. After fifteen minutes, the soldiers released nine students and took the rest into custody.

On 6 November 2008, the eight children were brought to Ofer military court. They had been detained for eight days with adults in an adult facility.<sup>12</sup> All eight boys were charged with throwing stones at a moving vehicle, even though the sole evidence against them were the testimonies of three Israeli soldiers.

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<sup>12</sup> According to Israel Military Law, a Palestinian can be detained for up to eight days without the Israeli military informing the detainee of the reason for his/her arrest and without being brought before a judge.

Addameer Attorney Mahmoud Hassan argued in their defense that detaining these children with adults in an adult facility is a direct violation of international law.<sup>13</sup> Less than two weeks previously, Adv. Hassan had successfully used a similar argument to secure the release of two 14 year-old boys who were arrested from their homes in Beit Ummar on 9 October 2008. Each boy in that case was released with a bail of 8,000 NIS (about \$2,000 USD). According to Addameer's experience, this marked a landmark decision, in that it was the first time that a military judge agreed to release children under the recognition that it is illegal for them to be detained with adults. On this occasion, however, the military judge rejected Adv. Hassan's argument and ordered that the eight boys were to be detained until the end of their trial. Adv. Hassan appealed this decision and called for the boys to be released on bail. The appeal was successful, and all eight were released on bail for the duration of the trial, which is now underway.

While securing the boys' release on bail marks a small victory for them, and for the rule of law in the military courts, it cannot overshadow the ease with which Palestinian children are subjected to ill-treatment and months of detention and stressful trials, often, as is the case here, based on no evidence at all.

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<sup>13</sup> Article 37(c) of the UN Convention on the Rights of the Child stipulates that "Every child deprived of liberty shall be separated from adults, unless it is contrary to the child's best interest to do so."

## ISRAELI MILITARY COURTS

The Israeli military courts remain one of the tools by which the government of Israel implements its policies in the occupied Palestinian territory. Military orders issued by the Israeli Military Commander have served since the 1967 Israeli military takeover of the West Bank, Gaza and East Jerusalem as the basis for the establishment and continued operation of the military courts. The Fourth Geneva Convention, in particular Articles 64 and 66, allow an occupying power to establish “non-political military courts” for the trial of “protected” (occupied) people.<sup>14</sup> However, these courts must operate under strict parameters and limited jurisdiction – boundaries that the Israeli military court system as currently constituted far exceeds.

In 2008, the Israeli Military Courts Unit issued its 2007 report assessing the activity of the military courts throughout the year. According to the report, the military courts issued 8,768 indictments in 2007, including:

- 2,898 indictments for ‘hostile terrorist activity’;<sup>As of 31 December 2008:</sup>
- 1,084 indictments for disturbance of public order;<sup>4 PLC members arrested under administrative detention</sup>
- 567 criminal indictments;<sup>7 PLC members detained pending trial</sup>
- 1,614 indictments of entering Israel without a permit; and<sup>22 PLC members sentenced to prison terms ranging from 20 – 50 months</sup>
- 2,605 indictments for traffic violations.<sup>15</sup>  
<sup>4 PLC members sentenced to prison terms ranging from 5 – 9 years</sup>

‘Hostile terrorist activity’ charges comprised 33 percent of the indictments in 2007, while disturbance of public order comprised 12 percent of indictments. In total, therefore, 45 percent of indictments in the Israeli military courts were based on security grounds, while 55 percent of indictments were for violations in the remaining three categories (criminal offenses, illegal presence in Israel and traffic violations) when are irrelevant to the security of the occupying state and therefore outside the permitted jurisdiction of the military courts as defined under international law.<sup>16</sup>  
<sup>1 PLC member sentenced to 30 years in prison</sup>  
<sup>1 PLC member serving a life term in prison</sup>

In addition, in 2007, 7,563<sup>16</sup> cases were closed before the military courts, either

14 See Fourth Geneva Convention, Article 64. “...The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfill its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.”

15 Israeli Military Courts Annual Report for 2007, Military Courts Unit.

16 Ibid.

with an indictment or an acquittal, distributed as follows:

| Category                      | 'Hostile terrorist activity' | Disturbance of public order | Criminal | Illegal presence in Israel | Traffic |
|-------------------------------|------------------------------|-----------------------------|----------|----------------------------|---------|
| <b>Number of cases closed</b> | 2,648                        | 978                         | 382      | 1,489                      | 2,066   |

Thus, 3,626 cases, or 48 percent of cases closed in 2007 – those falling under 'hostile terrorist activity or disturbance of public order categories – were ostensibly for "security"-related charges. All "security"-related cases are handled in the military courts at Salem and Ofer Military Bases, where only nine full-time judges sit. With two-day weekends and additional holidays during the year, it is apparent that the only a cursory amount of time was allocated to each case, suggesting that the soundness of procedures and their conformity with fair trial requirements (as stated by international agreements such as the International Covenant for Civil and Political rights of 1966) were deficient.

Overall, there were 11 percent fewer indictments in the military courts in 2007 (8,768) as compared to 2006 (9,800). However, the number of Palestinians held in detention until the end of legal proceedings in the military courts increased to 2,187 detainees in 2007 compared to 1,986 detainees in 2006.

Moreover, of the 7,563 cases closed in 2007, only 93 cases – 1.2 percent – had a full evidentiary trial. Of the 93 cases featuring full trials, 79 cases resulted in convictions and 14 in acquittal. This constitutes a 15 percent acquittal rate, which marks a small decrease in acquittals compared to 2006, when, of 127 cases, 20 cases – or 16 percent – resulted in acquittal.

The 2007 military courts report also demonstrates the increasing imposition of heavy fines against prisoners and detainees, indicating that the total value of fines collected by the Israeli military justice system from Palestinian prisoners and detainees amounted to NIS 9,605,743 (about \$2.54 million USD) in 2007.

Furthermore, in its examination of appeals in the Israeli military courts, the report revealed that the prosecution submitted 113 appeals related to convictions in 2007, of which 41 were upheld (36 percent) and 33 were rejected (29 percent). By comparison, defense counsel submitted 207 appeals, of which 74 were upheld (35 percent), and 84 were rejected (40 percent).

Concerning appeals relating to extensions of detention, the prosecution sub-

mitted 219 appeals during 2007, of which 208 were decided. Of the 208 appeals that received a decision, 107 were upheld (51 percent). By comparison, defense counsel submitted 408 appeals, of which 400 were decided. However, only 126 defense appeals (31 percent) were upheld.

### **Case Study: Fadi Badran Jaber**

Fadi Badran Jaber was arrested on 4 May 2006, taken into Israeli custody and detained in Etzion Detention Center. Shortly after, military prosecutors issued a six-month administrative detention order against him on the supposition that he was dangerous to the "security in the region". The order was confirmed by a military judge in the judicial review, and a subsequent appeal against the order was rejected. When the order expired, it was renewed for a further six months until 2 April 2007. During the judicial review for the second order, the judge reduced the detention period to two months. However, military prosecutors successfully appealed the reduced order and the original six month detention period was confirmed. On 2 April 2007, another six month detention order was issued. During the judicial review for the third order, the detention period was reduced to four months, setting the expiration of the order for 1 August 2007.

On 1 May 2007, however, Fadi was once again before the military court, this time for an extension of detention hearing under what prosecutors deemed was a "separate file". His detention under this 'second file' was extended pending preparation of an indictment until 6 May 2007. At this point, Fadi was being detained under two different concurrent detention orders, an ongoing administrative detention order for four months, and a five day detention order pending indictment. On 6 May 2007, military prosecutors issued an indictment against Fadi on charges of "acquisition of arms" in 2003 and "participation in a rally organized by the (PFLP)" in 2004. Fadi's 'second file' detention order was then extended until 13 May 2007 in order to determine whether his detention in relation to the second file should continue until the conclusion of his case. At the hearing on 13 May 2007, the military court judge ordered Fadi's release on bail of NIS 5,000 (about \$1,250 USD). Although Fadi paid the bail amount, he remained in detention under his 'first file' administrative detention order which would not expire until 1 August 2007.

On 13 June 2007, Fadi's appeal against a further extension of his administrative detention was rejected, and his administrative detention was extended for another four months, to expire on 30 November 2007. However, in the judicial review of this fifth administrative detention order, the military court judge reduced the detention to three months, but did not attach any conditions on potential future renewal of the order. An appeal by Fadi's defense counsel against this decision was rejected.

On 30 October 2007, Fadi's administrative detention was renewed yet again for a three month period until 29 January 2008. The detention order was endorsed by the Court for the full period, and a further appeal was rejected.

Meanwhile, the trial for Fadi's 'second file' charges began in the military courts. During military court reviews of the administrative detention orders against Fadi which incarcerated him for nearly two years, it was clear that the 'classified articles' that constituted the basis for his administrative detention were similar to the evidence forming the basis of the charges against Fadi. However, the military prosecution persistently asserted differences between the evidence in the two matters, referring to classified items submitted to the court to circumvent a proper appraisal of the issue. The prosecution based these charges on the statements of one witness, who was also a detainee; no external evidence supporting the witness statement was ever submitted.

On 28 June 2008, the military court acquitted Fadi of all charges on the grounds that the prosecution had not provided evidence enough to indict him. In the end, Fadi spent approximately 22 months in custody. The period that Fadi actually spent in prison equates to the sentence that could be expected had he been convicted of the charges before the court.

### **Case Study: Layth Yakub Abu Rumi**

Layth Yakub Abu Rumi is a 24-year-old student at Al Quds University and a resident of Al Ezareya. On 21 June 2007, he was arrested following an hours-long raid on his family home. Following his arrest, Layth was detained at the Etzion Detention Center. After eight days, a judge at the military court in Ofer granted an extension of his detention while military prosecutors prepared an indictment list against him.

On 5 July 2008, Layth was charged with "membership in a prohibited organization", for his involvement in a student organization banned for its association with the Islamic Jihad movement, and "assuming a position in an outlawed movement" related to his leadership role in the educational committee of the organization. No charges were issued against Layth relating to any activity outside the university campus; to the contrary, the indictment stated that the unlawful activity he was alleged to have undertaken was related solely to his involvement in the University Student Council elections.

Layth's defense lawyer, Addameer attorney Mahmoud Hassan, demanded that the court release Layth on the grounds that (a) the charges related to student activities inside the university; (b) his activities did not constitute a danger or threaten security; and (c) there were inconsistencies in the witness statements substantiating the charges.

In the first instance, the military court judge accepted Adv. Hassan's request for Layth's release on bail, and set the personal bail fee at NIS 20,000 (about \$5,000 USD), a third-party bail of NIS 1,000 (about \$250 USD) to be paid by his father, and another non-paid financial bail of NIS 10,000 (about \$2,500). The court also ordered Layth to report to the police station in Ma'ale Adumim twice a week pending the outcome of the legal proceedings.

Military prosecutors appealed the judge's decision to release Layth on bail. The Military Court of Appeals accepted the prosecution's appeal, holding that the charges leveled against Layth were of a serious nature, that he constituted an extreme dan-

ger to the safety and security of the public and that any discrepancies in the witness statements were insubstantial. Therefore Appeals Court judge cancelled Layth's conditional release and ordered that he be detained under the conclusion of legal proceedings.

Layth's subsequent legal proceedings before the military courts were characterized by lengthy delays and pressure from the court to plead guilty to charges in order to avoid further delay. The first hearing in Layth's trial, was set for 8 August 2007, but prison authorities failed to bring Layth to court that day so the session was rescheduled for 23 September, a delay of 46 days. After the hearing on 23 September, the next session was set for 21 November 2007; yet on that day, prosecution witnesses who were scheduled to testify were unable to because of overscheduling at the court that day. Layth's case was then deferred until 16 January 2010, a further delay of 56 days. Other similar delays continued until 6 July 2008. Meanwhile, the other defendants arrested with Layth – considered by prosecutors to be his 'accomplices' and who confessed against Layth – plead guilty to the same charges leveled against Layth, and were sentenced to prison terms ranging from 11 – 13 months. By July 2008, most of these detainees had served their plea bargain sentences already and were being released, while Layth languished in detention with his trial barely begun.

Fearing further extended delays in his case and reprisal from the military court prosecutors and judges for taking his case to trial instead of pleading guilty with his peers, Layth entered a false confession to the charges against him. On 6 July 2008, Layth requested to stop denial and to confess to the charges leveled against him. He was sentenced to 13 months imprisonment, in addition to a 12 month suspended sentence that may be invoked during the three years after his date of release in the event of conditional violations or further conviction and a fine of NIS 4,000 (about \$1,000 USD).

In the end, Layth, a law student, lost a complete academic year simply for his involvement in political affairs on campus, similar to those characterizing recognized universities around the world.

**THE GAZA STRIP****The Israeli Assault on the Gaza Strip (December 2008 – January 2009)**

On 27 December 2008, Israeli launched a ground, air and sea based military offensive against the Gaza Strip that lasted for 23 days and resulted in at least 1,400 deaths, of whom 111 were women and 281 were children, and injured more than 5,000 people. War crimes and crimes against humanity were committed by both Israeli and Palestinian actors.

During the offensive, Israel arrested hundreds of people from the Gaza Strip, the majority of whom were civilians. No information on the identities of those arrested was provided publicly, or even to the International Committee of the Red Cross. Official numbers were not released. Furthermore, during this period, the IPS deliberately obstructed the efforts of legal organizations who sought to ascertain the whereabouts of the detainees captured during the offensive in the Gaza Strip. When Addameer approached the IPS on 15 January 2009 requesting information on the place of detention of five prisoners, prison authorities refused to reveal their whereabouts.

Following their release, the detainees revealed that Israeli authorities subjected them to numerous human rights abuses during internment, including:

- being used as human shields by Israeli soldiers storming areas and entering houses
- being left for days at a time chained by the hands and legs, without food or water
- beatings, sometimes while shackled and/or blindfolded
- sleep deprivation
- humiliating full body searches
- detention in unsafe locations with extremely unsanitary conditions

A large number of detainees arrested during the conflict in Gaza were taken to Ketziot Prison where they were detained in wards separate from other prisoners under the control of the Israeli army instead of the IPS. The detainees transferred to Ketziot were deprived of basic necessities such as clothes, bed linens and food. Another large group of prisoners were taken to Ashkelon Prison in

the southern 1948 territories.

On 28 January 2009, seven human rights organizations submitted a joint complaint to the Israeli Military Prosecutor and the Government's Legal Advisor protesting against the detention conditions of the Palestinian detainees arrested during the conflict in Gaza. The complaint was based on statements provided by prisoners to lawyers of the Public Coalition Against Torture in Israel and a statement given to the Center for the Defense of the Individual. Taken together, the statements paint a horrifying picture of the humiliating, inhuman and harsh arrest and detention conditions to which the Palestinian prisoners were subjected during the first days of their detention. Amongst other brutalities, adult and child prisoners reported being detained in trenches and holes for several days, during which they were exposed to extreme cold and weather changes while being cuffed and blindfolded.

## THE 'UNLAWFUL COMBATANTS LAW'

The Fourth Geneva Convention requires that “[p]rotected persons who have been accused of offenses or convicted by the courts in occupied territory shall be handed over at the close of occupation, with the relevant records, to the authorities of the liberated territory”. However, Israel failed to respect its international law obligations in this regard when it withdrew its military from the Gaza Strip in 2005, and failed to release all prisoners who previously resided in Gaza. Instead, Israel utilized the Incarceration of Unlawful Combatants Law of 2002, which provides for the arrest and detention of anyone suspected – on the basis of classified information – of engaging in activity harming the security of the occupying state.

Originally enacted to legalize the detention of Lebanese prisoners detained during the Israeli occupation of South Lebanon, the Unlawful Combatants Law provides that a person can be arrested initially only for a short period, during which time he or she should be given the right to respond to the accusations against him or her, and he or she should be given the opportunity to respond to a proposal to the issue a permanent detention order against him or her. After meeting these procedural requirements, the Israeli Army’s Chief of Command, or the person he or she designates, may issue an open-ended permanent arrest warrant, the length of which is effectively indefinite.

The prisoner should then be brought before the judge of the central court within 14 days of the date of issuing the detention order. The central court judge is empowered to access classified materials held by the prosecution. The judge may then enforce the arrest order or reject it. The judge’s decision can be appealed to the Israeli High Court of Justice.

The basis of arrest under the “unlawful combatant” law is very similar to administrative detention: both rely on classified information and materials. However, an unlawful combatant order has no specific duration, whereas administrative detention order can only be issued for six months, which in practice can be extended indefinitely.

“Unlawful combatant” prisoners should be brought before a judge of the central court every six months for judicial review. These arrests are in flagrant violation of fair trial requirements and expose a judicial system that attempts to conceal and legitimate violations committed by the other arms of Israeli government. Furthermore, the detention of dozens of Palestinian prisoners from

the Gaza Strip under this law revokes their status as prisoners of war - another violation of rights under international law – and denies their right to a public trial.

Israel did not limit its application of this law to Palestinians it arrested from the Gaza Strip during repeated incursions or during its massive invasion on 27 December 2008. It also applies this law to hundreds of prisoners from the Gaza Strip who are serving prison sentences in the Israeli prisons. At the expiration of their prison term, Israeli military courts may decide to continue to detain them indefinitely based on the “unlawful combatant” law, in spite of the fact that they have served out the sentence imposed after their trial. The detention of prisoners on the basis of this law can only be considered a form of hostage-taking for the purpose of later political bargains.

Mohammad Abu Aoun, 36, from Jabalya in the Gaza Strip, was detained by Israel on 16 October 2003. On 13 December 2004, he was convicted for membership in the Popular Front for the Liberation of Palestine and was sentenced to five-and-a-half years of imprisonment and was ordered to pay a fine of NIS 15,000 (about \$4,000 USD). During his incarceration, Mohammad was transferred between several prisons including Ohalei Keidar and Nafha Prisons. On 21 January 2009 Mohammad was due to be released after completing his sentence. That day, his parents paid the fine in anticipation of his release. However, when Addameer lawyer Mahmoud Hassan called Nafha Prison where Mohammad was detained to ensure the fine payment had been received, he was told that Mohammad had been transferred to Ketziot Prison and that an “unlawful combatant” order had been issued against him. On 24 February 2009, the decision to issue this order was upheld at the central court in Tel Aviv. The court cited the statement submitted by the prosecution alleging that Mohammad’s original sentence had been inadequate, and “based on our estimations, he would be mobilized in the activities of the PFLP immediately after his return to the Gaza Strip”. Mohammad remains in detention without charge or trial in Ketziot, with no anticipated release date.

According to Al Mezan Center for Human Rights, 14 prisoners were detained based on the Unlawful Combatants Law during the 2008-2009 conflict. Some of the cases documented by Addameer include:

1. Hasan Abu Hlayel
2. Sameer Al Atar
3. Sameer Hamadah
4. Saleh Hamadah

5. Hamed Al Attar
6. Ammar Hamad
7. Hamdan Al Sufi
8. Mohamad Anwar Hamadah
9. Abed Al Kareem Saleh Abed Rabbo

## ARREST AND DETENTION OF PALESTINIAN LEGISLATIVE COUNCIL MEMBERS

Palestinian political leaders are routinely arrested and detained as part of an ongoing Israeli effort to suppress Palestinian political processes and civic engagement. In 2008, the arrest – and in many cases re-arrest – of dozens of Palestinian Legislative Council (PLC) members by Israel continued to have a catastrophic impact on the work of the PLC and on political life in general. Israel continued to detain as many as 39 PLC members during 2008, including PLC Speaker Dr. Aziz Dweik and PLC Secretary Mahmoud Al Ramahi, rendering the legislature unable to achieve a legal quorum and thus convene a meeting at any point during the year.

One of the PLC members held in Israeli detention in 2008 was former Popular Front for the Liberation of Palestine (PFLP) Secretary-General and elected PLC member Ahmad Saadat, the speaker of the third parliamentary block, who was sentenced to a 30 year prison term on 25 December 2008.

Following Israeli orders, the Palestinian Authority arrested Ahmad Saadat on 15 January 2002 on suspicion of planning and participating in the killing of Israeli Tourism Minister Rehavam Ze'evi on 17 October 2001 and was detained at the Muqata'a in Ramallah.

In March and April of 2002, the IOF laid siege to the Muqata'a where Saadat was being held. In order to end the siege, the United States and Great Britain demanded that Saadat and other PFLP members in detention on suspicion of involvement in the assassination of Ze'evi be transferred to the PA's prison in Jericho. On 1 May 2002, Saadat and four others were transferred to Jericho Prison and Israeli forces withdrew from their attack on the Muqata'a the following day. Jericho Prison remained under the ostensible control of the PA, subject to the supervision of American and British monitors.

Saadat appealed his detention to the Palestinian High Court of Justice, arguing that his arrest was arbitrary and, therefore, illegal. In a ruling issued on 3 June 2002, the High Court found in his favor, and ordered his immediate release. However, amidst demands from the United States, Great Britain and Israel that Saadat remain in detention, the PA refused to release him.

Throughout the period Saadat was held in PA custody, Israeli authorities main-



tained that they had unequivocal evidence that Saadat was involved in the killing of the Israeli minister. Israeli Prime Minister Ariel Sharon and Defense Minister Binyamin Ben-Eliezer publicly suggested that Saadat would only leave Palestinian custody when he died or if he was transferred to an Israeli prison.<sup>17</sup> Mr Sharon said: "We will take all the necessary steps so that it will not be possible to release a person who was involved in murder, who ordered murder, and whose organisation carries out murders to this day."

A spokesman of Ariel Sharon, the then Prime Minister, even threatened to assassinate Saadat.<sup>18</sup> Following the threat, Israel succeeded in killing Ahmad Saadat's brother, Mohammad Saadat, on 20 August 2002, by shooting him at close range.<sup>19</sup>

On 15 January 2003, the Israeli military arrested Saadat's wife, Abla, and issued, a four-month administrative detention order against her. Ms Saadat was eventually released after one month and a half, before the expiration of her administrative detention order. Addameer contends that Ms. Saadat's arrest and administrative detention was a clear case of exerting pressure on her husband. During interrogation, an Israeli intelligence officer told her: "We will [hold] you

<sup>17</sup> Many interpreted Binyamin Ben-Eliezer's quote as a death threat: "If the agreement is broken, Israel will be free of its commitments and will act in accordance with our own best interests.", 'Palestinians Ignore Court Call to Release Faction Leader', The Guardian, 4 June 2002, available at: <http://www.guardian.co.uk/world/2002/jun/04/israel>

<sup>18</sup> His spokesman was quoted saying that «if [Mr Saadat] is not brought to justice, we will bring justice to him», 'Palestinians Ignore Court Call to Release Faction Leader', The Guardian, 4 June 2002, available at: <http://www.guardian.co.uk/world/2002/jun/04/israel>

<sup>19</sup> Palestinian Sources: Brother of Palestinian group's leader killed, CNN, 21 August 2002, available at: <http://archives.cnn.com/2002/WORLD/meast/08/20/mideast.violence/index.html>

for three months and later we will release you, but here is a message to the man in the Jericho prison [Saadat]: this time we hit his brother but next time we will target his kids if doesn't desist from hostile activities against Israel".<sup>20</sup> After Abla was released from administrative detention on 7 March 2003, the Israeli military commander of the West Bank issued a house arrest order against her.

In January 2006, Saadat was elected to the Palestinian Legislative Council from behind prison bars.

On 14 March 2006, after American and British monitors left their posts at Jericho Prison, the IOF surrounded and stormed Jericho Prison where Saadat had been detained without charge or trial for nearly four years. Israeli bulldozers and tanks attacked the prison facility, which held Saadat and five other prisoners, demolishing large sections. Two Palestinians were killed during the assault and 23 were injured. Saadat and the five other prisoners were taken into Israeli custody and transferred to detention facilities inside 1948 territory. Saadat was taken to Moskobiyyeh Interrogation Center in Jerusalem, where he was detained for two months, during which time he was interrogated about his alleged role in the assassination of Ze'evi.

Shortly after Saadat's abduction from Jericho Prison, Israeli Attorney General Menachem Mazuz stated publicly that there was insufficient evidence to charge Saadat in relation to the killing of Israeli minister Ze'evi. On 28 March 2006, Saadat was indicted on 19 charges by related to his political affiliation and leadership position within the PFLP at the military court inside Ofer Military Base near Ramallah. The charges included membership in a prohibited organization, holding a leadership position in a prohibited organization, and incitement, in relation to a speech Saadat gave after his PFLP predecessor, Abu Ali Mustafa, was killed by Israel. Most of the charges against Saadat refer to alleged offences which took place many years before. None of the charges alleged direct involvement in crimes of violence.

Following the indictment, Saadat's military court trial before a three-judge panel was postponed several times, finally beginning in July 2008. However, from the beginning, Saadat refused to recognize the legitimacy of the courts and boycotted his trial, refusing to participate as a defendant in a judicial process within the military court system. Instead, Saadat submitted a written statement to the military court, stating his position on the illegality and illegiti-

20 Addameer Interview with Ms. Abla Saadat

macy of the military court system that acts only in the interests of the Israeli occupation and informing the Court that he refused to submit to their authority. The military court ignored his defense and ordered that the proceedings continue, without any discussion of the legality of the trial under international humanitarian law. The court also rejected a submission from Saadat's defense counsel that they be dismissed from attending the trial in light of Saadat's boycott. Therefore, the trial took place while Saadat and his defense lawyers listened silently.

On 25 December 2008, the military court sentenced him to 30 years in prison. The Chief Judge acknowledged that this was the first time the head of a Palestinian party was tried in the military courts, and reasoned that Saadat's leadership position within the PFLP justified the heavy prison sentence, despite legal precedent with defendants accused of similar activities sentenced to much shorter terms of imprisonment.

The arrest and detention of Ahmad Saadat and his discriminatory sentence clearly demonstrate the political motives behind the Israeli efforts to reduce all Palestinian political activity and organized opposition to the ongoing Israeli occupation of Palestinian territory. Israel's imprisonment of Saadat, along with other high profile civic leaders such as Marwan Al Barghouthi and members of the PLC, show clear intent on the part of Israel to destroy a legitimate Palestinian political party, and undermine the entire Palestinian political fabric.

# **ANNEXES**



## ANNEX 1

**Table of Cases of Torture During Arrest Documented by Addameer in 2008**

| No. | Name                   | Date of arrest | Place of residence               | Type of violation  | Violator    |
|-----|------------------------|----------------|----------------------------------|--|-------------|
| 1   | Abed Al Hakeem Ladadwa | 03/11/2008     | Al Mazraa Al Gharbeya, Ramallah  | Slapping on the face and chest; cursing the mother and sister  | IOF         |
| 2   | Mohammad Khalil        | 21/07/2008     | Hebron                           | Hitting his head with the back of the gun; cuffing the hands with tight plastic cuffs; cursing.  | IOF         |
| 3   | Ziad Duwayeh           | 17/06/2008     | Nablus                           | Shooting live ammunition at the house; blowing the house door before entering; using police dogs; arresting the brother and sister to interrogate them; detaining the family in one room and threatening them with death and terrifying the children; detaining all the families (neighbors) living in the building in one flat; beating the detainee on the head; destroying property in the house (glass, cabins and sofas) by detonating explosives in the house. | IOF and ISA |
| 4   | Baha Mislamani         | 18/07/2008     | Nablus                           | Beating with hands, legs and gun; death threats; firing sound bombs and bullets at the house before entering.  | IOF         |
| 5   | Ayman Al Umrain        | 13/07/2008     | Al Azzah refugee camp, Bethlehem | Use of sound bombs; death threats against the family; pointing guns at family members; beating the brother and sister; use of police dogs in conducting the search; destroying closets, heater and seats; damaging a computer; breaking bathroom tiles; mixing foodstuffs together.  | IOF         |

|    |                           |            |                                  |  |     |
|----|---------------------------|------------|----------------------------------|--|-----|
| 6  | Jihad Allama              | 10/10/2008 | Beit Ummar, Hebron               | Kicking and beating; using the detainee as a human shield when leaving his house to shield against thrown stones and any other danger until reaching the military jeep.  | IOF |
| 7  | Rawhi Badaha (A juvenile) | 30/10/2008 | Deir Amar, Ramallah              | Beating with hands on the face, neck and chest.  | IOF |
| 8  | Mohamad Zawahreh          | 07/10/2008 | Bethlehem                        | Beating the 58-year-old father with the back of the gun across the face causing bleeding from the nose and mouth; detaining the family for hours in a room.  | IOF |
| 9  | Sa'id Amer                | 10/07/2008 | Dura / Hebron                    | Firing sound bombs inside the house before entering which shattered glass in the house; thoroughly searching the house.  | IOF |
| 10 | Dawoud Mohammad Dawoud    | 12/11/2008 |                                  | Placing tight plastic handcuffs on the hands and a bag on the head; pushing detainee to the floor before soldiers started beating him all over his body. On the way to the detention place, soldiers tightened the cuffs around his hands causing injury to the wrists and hands; tightening the bag around his head causing breathing difficulties. | IOF |
| 11 | Mahmoud Zindiq            | 17/11/2008 | Nur Shams refugee camp, Tulkarem | Opening fire at the house before entering; beating on the head and the back during the transport from the house to the Military Liaison Office (duration of 15 minutes).   | IOF |

|    |                                  |            |  |   |                          |
|----|----------------------------------|------------|--|---|--------------------------|
| 12 | Muntasir<br>Abed Al<br>Jalil     | 21/08/2008 | Kufr Qalil,<br>Nablus                  | Firing sound bombs before entering; beating the detainee with the hands, legs and the back of the gun; dragging the detainee on the ground from his house to the military jeep; tightening the handcuffs in a painful way causing wrist and hand injuries. (The detainee showed Addameer lawyer bruises and traces of beating ) | IOF                      |
| 13 | Yahya<br>Ladadwa                 | 03/11/2008 | Al Mazra'a Al<br>Gharbeya,<br>Ramallah | Severe beating to the head.   | IOF                      |
| 14 | Ibrahim<br>Salem                 | 15/01/2008 | Balata refugee<br>camp, Nablus         | Beating during transportation. Beating increased whenever his mobile phone rang. Detainee threatened with keeping him in the cells and with arresting his family.   | IOF<br>special<br>forces |
| 15 | Ihab<br>Hamdan                   | 11/06/2008 | Ramallah                               | Interrogating the sister; searching the house; storming his work place.   | IOF                      |
| 16 | Hamza<br>Boziya (A juvenile )    | 30/07/2008 | Salfeet                                | Severe beating by 9 soldiers when he was taken outside the house; pulling the plastic cuffs in a painful way; kicked by soldiers inside the jeep; hitting on the head and back; threats.  | IOF                      |
| 17 | Rami<br>Aqel                     | 02/06/2008 | Beit Eba,<br>Nablus                    | Beating on the neck during arrest   | ISA                      |
| 18 | Tamer<br>Abu<br>Ayyash           | 23/07/2008 | Beit Ummar,<br>Hebron                  | Beating on the body of the detainee and pulling his hair inside the military jeep.  | IOF                      |
| 19 | Khalil<br>Allama<br>(A juvenile) | 30/10/2008 | Deir Ammar,<br>Ramallah                | Beating on the neck and face.   | IOF                      |

|    |                         |            |                             |  |     |
|----|-------------------------|------------|-----------------------------|--|-----|
| 20 | Asem Hamatneh           | 21/01/2008 | Aseera Al Shamaleya, Nablus | <p>Firing sound bombs inside the house before entering; beating him on the neck in front of the family; cuffing his hands and blindfolding him; the soldiers refused to allow him to change his clothes as he was arrested in his pajamas and without wearing shoes.</p> <p>The soldiers beat and kicked him all over his body during transport; gun used to beat him on the head. One of the soldiers stepped on his hands from the back while he was handcuffed.</p> | IOF |
| 21 | Muayed Qaq (A juvenile) | 31/07/2008 | Kufi Hares, Salfet          | <p>Slapped on the neck when he attempted to put on his clothes; prevented from getting dressed.</p> <p>Cuffed and blindfolded before soldiers beat him all over his body inside the jeep. After arrival at the military base, a soldier beat him with the back of his gun on his chest causing him difficulty in breathing because he didn't understand what the soldier was saying in Hebrew.</p>   | IOF |
| 22 | Mohammad Fahmi Zaaqiq   | 02/03/2008 | Hebron                      | <p>Pressing the cuffs on his hands while removing them with scissors, causing pain. Soldiers forced him to stand while bending over for half an hour until they finished searching the house.</p> <p>They refused to allow him to wear his winter clothes; after being brought to the Etzion detention center, one of the soldiers hit him on his left ear.</p>  | IOF |

|    |                            |            |                           |   |     |
|----|----------------------------|------------|---------------------------|---|-----|
| 23 | Mohammad Nassar (Juvenile) | 08/10/2008 | Tulkarem                  | Tightening handcuffs over his wrists. According to the statement provided by the lawyer after visiting him "there are bruises caused by the cuffs still visible on his wrist from the outside, and from the left side above the thumb".   | IOF |
| 24 | Samir Mabrook              | 11/11/2008 | Rafeedya, Nablus          | He was beaten and because he has an amputated arm, a soldier tied his only hand to his leg and held him by the neck during transfer.  | IOF |
| 25 | Mohammad Abu Al Haija      | 10/10/2008 | Jenin refugee camp, Jenin | Beaten on the back during transfer in an Israeli military jeep.   | IOF |
| 26 | Hammuda Amer               | 29/07/2008 | Hebron                    | Cuffed and blindfolded; arrested at midnight; taken to Majnuna military base near his house; kept on a chair in the yard outside cuffed and blindfolded until morning when they took him to the Etzion center.  | IOF |
| 27 | Mustafa Musleh             | 07/09/2008 | Nablus                    | Arrested in his underwear; refused to allow him to change his clothes; insults and cursing; handcuffed in painful way; blindfolding; humiliating curses during transport. At Huwwara center he stayed for three hours on the ground at the yard in the cold; again soldiers refused to allow him to change his clothes. | IOF |
| 28 | Ahmad Daragh-meh           | 10/11/2008 | Tubas                     | Blindfolded during arrest; forced to take off all his clothes at the military checkpoint; taken to Shavei Shomron settlement where female soldiers were cursing him. Denied water after he requested to drink.  | IOF |

|    |                      |            |                                 |  |     |
|----|----------------------|------------|---------------------------------|--|-----|
| 29 | Mohamad Yousef Bayud | 21/08/2008 | Al Mazraa Al Gharbeya, Ramallah | After arresting him, the soldiers put him in a yard at the Bet Eil settlement where he stayed from 3am until 9am while handcuffed and blindfolded.   | IOF |
| 30 | Omar Saleh ShrieteH  | 03/11/2008 | Al Mazraa Al Gharbeya, Ramallah | Cuffed on the front and blindfolded. When he told the soldiers that the handcuffs were very tight they beat and pushed him from behind; they also beat him on the legs and refused to allow him to use the toilet. | IOF |

**ANNEX 2****AFFIDAVIT**

I, the undersigned Muayed Raed Fayez Qaq, I.D. No. 853634061, after I was warned that I must tell the truth and that I'll be subject to the punishments stated in the law if I state otherwise, hereby state the following:

1. I, the aforementioned Muayed, am from Kufli Haris, and am 15 years old.
2. On 31 July 2008, the soldiers came to my house at 2:00 am, and after we opened the door, the army force entered and Captain Shukri was the one who asked me about my name, and when he knew that it was me, Muayed, he told me to put on my shoes. When I tried to put my shoes on, Captain Shukri caught me and slapped me, maybe four times, on the face. There were other soldiers with him. He also lifted me by the face from the ground. After handcuffing and blindfolding me, they put me in the military jeep. While transporting me, the soldiers were beating me with the back of the gun and with their legs on my back, hands and leg. They asked me about Hamza Bozeyya, and when I responded saying that I didn't know where he was at that moment, Captain Shukri returned and slapped me on the face and yelled at me saying that I was a liar.
3. After that, they took us to a military base whose name I didn't know, and placed us in a certain place under a container. The water was falling on me, and when I asked to go to the toilet, a soldier took me to the yard where he spoke with me in Hebrew, and when I told him that I didn't understand Hebrew, he kicked me and beat me with the back of his gun on my chest while I was blindfolded. At that moment, I couldn't breathe and was suffocating. At that moment, the soldier started hitting me on the back to save the situation. At that time, I felt severe chest pain, which lasted with me throughout the interrogation period. I was suffering from asthma before my arrest.
4. While I was at the military base, one of the soldiers came and took off the blindfold and pointed to himself saying that he was the one who beat me. He was a tall young man with a small beard. Later on, they

took us to another base near Zaatara, where they took me to a doctor. I told the doctor about my asthma and the beating on my chest. After that they took me to Huwwara, where we stayed on the street while we were blindfolded and handcuffed behind the back for about seven to eight hours until it was 19:00 at night. We slept on the ground while we were handcuffed. The traces of the cuffs remained on our hands for 30 days. After that, they took us to Jalameh Detention Center and placed each of us in a separate cell.

5. After two days, they took me for interrogation. After I told the interrogator, named Maymon, that I didn't know what he was talking about, he cursed my family, mother and sisters and threatened to bring my family for interrogation. He also threatened to behead me and play basketball with my head, and he pulled me by the hair and slapped me on my face. After two days, another interrogator, called Eldar, interrogated me, and when I told him that I felt a severe pain, he'd tell me that I was lying. Eldar interrogated me for around 20 interrogation sessions throughout 14 days, and he beat me around 10 times. I remember that he brought two persons to the interrogation room, and when he asked me questions and I responded that I didn't know, the two persons would slap me on my face. Once, while in the cell, I felt chest pain, and after the doctor came, he said that the pain was because I was afraid but I wasn't. After that, they brought me to a room where Hamza Bozeyya was there, and they brought me to the room to listen that Hamza has confessed against me. At that moment, he threatened to severely beat me if I said anything (because Hamza couldn't see that I was there).
6. Following that, and because of repeated beating and after I heard Hamza confessing, and since the interrogator said that I'll never finish interrogation until I confess to what they wanted me to confess, I confessed, so they took me to be detained with Hamza in one room for 35 days at Jalameh without any interrogation, and they'd just take us to court.

*This is my name and my signature, and the content of my Affidavit is true.*

*Date: 20 August 2008*

*Signature: Muayed Qaq*

I, the undersigned Yasmin Hamdi Saleh Al Duwayyeh, a resident of the old town of Nablus, after I was warned that I must tell the truth and that I'll be subject to the punishments stated in the law if I state otherwise, hereby state the following:

1. On Tuesday, 17 June 2008, while my husband, three kids and I were sleeping at dawn, we heard strong explosions, dogs barking and shouting when Israeli soldiers blew off the door of the fifth floor flat, which wasn't inhabited. They also blew off the door of the house below us in the third floor; our flat is on the fourth floor.
2. We waited for fifteen minutes and they didn't come to our house, so I went to my kids and found them crying. Then, I told my husband Ziad to bring them to our room, but he told me that the army was shooting at the house and the shrapnel was flying around and it was too dangerous. I told him that if they knock on the door, go and open it for them.
3. Shortly after, I was shocked by a strong explosion as the soldiers blew off the door to our flat, without knocking. We started crying and switched on the light, but they started shouting, asking us to come here, so we went to them. They asked me my husband's name and I told them that his name was Ziad Duwayyeh; the soldiers ordered us to return to one side of the room as the laser beams covered the body of my husband as they searched him. Then they took him outside in the cold without allowing him to put clothes on.
4. There were a lot of soldiers and they had several dogs with them. Another group of soldiers ordered me to leave the house and refused to allow me to put clothes on my kids as I requested. Then, they took me to the flat that they blew in on the third floor, as its owners weren't there that night. The flat was full of soldiers and no one else was with them. They ordered me to go into the bathroom with my kids, and although I refused at first, they started shouting at me and we went in and they locked us in the room. Every 10 to 15 minutes two soldiers would come to ask who was sleeping at our house; they continued doing that for around one hour. They were yelling, cursing and threatening to kill me.

5. Then, they opened the door and took us to the bedroom and started asking me the same questions and telling me that I was lying and that there was another person. One soldier threatened to kill me if he found anyone in my house, so I told him that if you found anyone in my house kill me, but in the building, I have nothing to do with that. This continued for around two hours. At around 3 a.m., after all that time, I was still requesting them to allow me to take the kids to the toilet and they were refusing.
6. Then, at about 3 a.m., two soldiers came to the room. They seemed to be officers, not soldiers. They greeted me by my name and did the same to my children. He asked me, "Will you recognize us if we introduce ourselves?", and I told him no, you are Israelis, so he said "I'm an intelligence officer and this is the area commander. Then he asked, "Do you want to go with us the easy way or not?" I told him that if I knew what they wanted, I'd answer them, and I asked him, "What fault did these kids commit to justify blowing the door down while our kids and we are inside?" He said that it was their father's and my fault, adding, "It's in your hands to have your husband remain with you and for you, he, Ayman and Iman if you cooperate, and it is your decision to destroy your house".
7. He asked me about the person he said slept in my house, and I told him that I didn't know him, so he told me that I was lying and that "your husband will remain away from you because of you". Then he told me, "I saw your flat and noticed that you invested a lot in that flat, so if you want it to stay as it is and if you don't want to destroy it and don't want to demolish it, and do you like your life? We have taken Ziad more than once and you were left to raise the children alone. Ziad's mother died and his brother was killed and his daughter died while he was in the prison, so do you like that?" When I told him that I thank God and that whatever God decides, it will be realized, he started yelling and cursing at me. I told him that "We swear by Allah, and I swore to you that I didn't know him, so what to swear for you?" He said, "You are lying and Ziad instructed you what to say".
8. Then, he asked my daughter Safa, aged 9, "What did the person who slept in your house bring for you?" She responded, while crying, "No one came to us and no one was with us except Mum and Dad", so he

said, "You don't want to speak, you will see what will happen to your house!", and he slammed the door closed and left.

9. After that, I heard explosions in my house and glass shattering. Then, he returned to me and said, "We will destroy your house. The sounds that you heard were in your house, we will damage and destroy it". So, I told him, "May God destroy your houses".
10. After around 15 minutes, the two soldiers who were yelling at us at the beginning, came to us and took a piece of cloth, so I thought that someone was injured. I learned later that they hit my husband on the head. Only after a lawyer visited him during interrogation in Petah Tiqva Prison did we learned about his injury.
11. After that, they took us outside the flat and sent us to the second floor; we heard nothing except soldiers' voices. They made me enter one of the apartments, and while my kids and I were entering I noticed a man and his wife and kids behind one of the doors, which reassured me a little. They put me in a room and put two soldiers to guard. They refused my requests to take my kids to the bathroom, and every ten minutes they would open the door and close it.
12. We stayed there for half an hour before the two soldiers who were yelling at me at the beginning and who were the ones who took the cloth came back and told us to close our ears because a strong explosion was about to take place in few minutes. After five minutes the explosion went off and they came back to see what happened to us. That was around four in the morning.
13. At that point, they were bringing people to a bathroom close to our room. I saw our neighbor Muntasir accompanying his kids to the bathroom, so I asked the soldier "Why allow others to go to the toilet but prevent us?" He didn't answer and, instead, started yelling at us and closed the door. After 10 minutes, they brought our neighbors from the first floor, a mother and her four kids, and put them in the room with us. I asked her if they did anything to her, and she said no. I asked them about my husband but they said that they didn't see him.
14. Later on, I started shouting and demanding to take my kids to the bathroom. Our neighbor also told him to allow us to go to the toilet. The

soldier said they would allow us to go, so I took my youngest daughter and then the elder one. After we finished, he made me return to the room again.

15. Around 15 minutes later, the same two soldiers were very unkind to me. They told me, "Come here and put your young daughter with her sister", and after told me come with them. At this, my kids started shouting. I asked him "Where are you taking me?", so he said "We have orders to search you". I told him that "I won't allow you a search except by a female soldier". He said that there was no female soldier and they would search me, and started yelling at me.
16. After that, they took me to a bathroom and closed the door, and when they tried to search me, I started shouting that I had nothing with me, and when I lifted the jacket, they saw my mobile phone, they took it from me and opened the phone and said "You are lying, what is this cell phone, this is Ziad's phone"! I told them that my husband and I shared it. They took the phone and gave it to the officer. They asked me if I had anything else and warned me that they'd search me once again, and I told him that I had nothing with me. Then, they took me back to the room with my children.
17. After around 15 minutes, the soldiers brought the neighbors from the roof to put them in the room as well, which was small and by then was crowded, as there were 13 people other than my two children and me. I asked my neighbors about my husband, and they told me that there was a person chained in front of my door. When I asked them about what he was wearing, it became clear that the person wasn't my husband, as my husband was wearing blue and the chained man was not. I asked the neighbors if the soldiers damaged anything at their house.
18. After a while, we tried to persuade the soldiers to allow us to open the window to allow for fresh air to enter, until finally they agreed.
19. In the morning, they opened the door and brought my brother-in-law into the room, I asked him, "How did they bring you here?" He said that they brought him, Ayman and Iman there. I asked him if he knew anything about Ziad, but he said that he knew nothing, adding that he thought that we were all killed at the moment the soldiers came after they blew off our flat.

20. After around 15 minutes, Iman called me on my cell phone. Although the soldiers had already taken my husband's phone, I'd managed to keep my phone with me. She said that she was in the flat upstairs and left to be surprised that the flat that we were in was full of people and they started coming out of all the rooms. After that she left outside the flat door and saw the destruction and met with Iman at the neighbors' door and started crying. I asked her about Ziad, so she said that she saw Ayman but didn't see Ziad, and she asked me what they did to me.
  
21. After that we went upstairs to our flat on the fourth floor. We saw the bullets and glass on the stairs and when we arrived in our house, we saw the damage and destruction. There were no doors or windows, nor were there any curtains or seats remaining. At this point, I fainted and didn't regain consciousness for a long time. Eventually they brought an ambulance, because my blood pressure was very low. The house was full of people and media.

*This is my name and my signature, and the content of my Affidavit is true.*

*Date: 14 August 2008*

*Signature: Yasmin Duwayyeh*

I the undersigned Asem Taleb Rasheed Hamadneh, I.D No. 907979868, after I was warned that I must tell the truth and that I'll be subject to the punishments stated in the law if I state otherwise, hereby state the following:

1. I, the aforementioned Asem, am 28 years old, from Aseera Al Shama-leyya, Nablus.
2. I was working for the Palestinian police before I was arrested.
3. At 1 a.m. on 21 January 2008, the Israeli soldiers came to my house and arrested me after they fired sound bullets inside the house and stormed it. One of the soldiers caught me by the neck in front of my family. They beat my mother and pushed her to the wall near the door. The soldier was pressing hard on my neck and throat, and later on they took me to the military vehicles and I was handcuffed to the back as there were two soldiers beating me from behind with their hands and legs on my neck and leg. They were shouting loudly.
4. When we arrived at the military vehicle, there was an officer named Kobi. I told him that the soldiers beat me in front of my family and that they were firing bombs into the house near the gas cooking cylinders. They blindfolded me and took me in the military vehicle, where they started beating me 10 minutes after we started moving. The soldiers started beating me as one of them caught me by the blindfold and hit my head to the vehicle's wall. Sometimes they'd beat me with guns on the head. One of the soldiers stepped on my cuffed hands into my back while I was on the floor. I felt severe pain from this action for several weeks, and I later told this to the doctor at the Jalameh detention center. The pain was in the thumb of my left hand.
5. When we reached the Sheve Shamron settlement, I asked the soldier to handcuff my hands in the front instead of the plastic handcuffs cuffing my hands behind my back, but he refused.
6. From Sheve Shamron, they took me to Huwwara Detention Center. During the trip, the soldiers beat me on the neck.
7. During this transfer time and the beating, the soldiers were telling me that I was a Hamas member, and I was telling them that I wasn't a Hamas member and that I worked for the Palestinian Authority.

8. We arrived at Huwwara at 4 a.m. I stayed there for two hours before I was taken to the Jalameh detention center.
9. At Jalameh they took me to the doctor, who gave me no chance to speak and only wanted to know if I'd ever had any surgeries. I told him that I had my appendix removed.
10. On the first day at Jalameh, a number of interrogators named Nevy, Stein, and Major interrogated me from 11:00 p.m. through 4:00 a.m. the next day. During that interrogation, the interrogators were trying to pressure me through blackmail and cursing, as they continued their physical and psychological pressure on me and continued their threats. The interrogator named Major came and threatened to take me for military interrogation; he was threatening while stepping with his foot on my testicles and pressing hard. He also threatened to bring my father for interrogation.
11. After interrogating me for long hours, they brought me to a cell where there was a person aged around 45 years. He started telling me that this cell was for those who will be sent for military interrogation the next day, he also told me about the 'banana' and the 'frog' stress positions and the beatings employed under military interrogation. He also showed me his hand that seemed very swollen and told me that it was because of the interrogation. Later on, I came to know that he was a collaborator with the Israelis.
12. As a result of strong psychological pressure and isolation, I confessed to everything they wanted me to confess.

*This is my name and my signature, and the content of my Affidavit is true.*

*Signature: Asem Hamatneh*

## ANNEX 3

**Table of Prisoner Medical Cases Documented by Addameer in 2008**

| Prison    | Disease  | Prisoner's name | .No |
|-----------|--|-----------------|-----|
| Jalameh   | Prostate infection, respiration problems, diabetes, slipped disc | O. J.           | 1   |
| Jalameh   | Nervous breakdown and a state of shock                           | A. H.           | 2   |
| Beersheba | Problems with cartilage in his left foot, anemia                 | T. Z.           | 3   |
| Beersheba | Three operations in the lower part of the spine                  | R. D.           | 4   |
| Beersheba | Heart, blood pressure  | M. A.           | 5   |
| Beersheba | Beating in the face and wounds in the head                       | M. H.           | 6   |
| Megiddo   | Injuries all over his body, especially his heart (seven bullets) | M. H.           | 7   |
| Megiddo   | Burns caused by collaborators burning his legs, vomiting blood   | Y. S.           | 8   |
| Megiddo   | Bleeding from hemorrhoid and breathing difficulty                | A. H.           | 9   |
| Megiddo   | Wounded with several bullets in different parts of the body      | N. S.           | 10  |
| Megiddo   | Nervousness  | H. A.           | 11  |
| Megiddo   | Psychological exhaustion caused by detention and interrogation   | J. A.           | 12  |
| Megiddo   | Sinus and nasal polyps and difficulty breathing in some cases    | M. R.           | 13  |
| Megiddo   | Body injuries  | M. A.           | 14  |
| Hasharon  | Eyesight problems, corneal implantation                          | J. S.           | 15  |
| Hasharon  | Needs to undergo back surgery                                    | A. F.           | 16  |
| Hasharon  | Kidney stones, constant pain                                     | A. S.           | 17  |

|          |   |          |    |
|----------|---|----------|----|
| Hasharon | Fainting  | N. Z.    | 18 |
| Hasharon | A swollen fractured hand that healed up normally near the elbow.  | T. A.    | 19 |
| Hasharon | Wounded in the heart, lung, abdomen and suffers respiration problems  | M. R.    | 20 |
| Hasharon | Nerves  | U. A.    | 21 |
| Hasharon | Lung  | M. M.    | 22 |
| Hasharon | Nerves  | M. A. S. | 23 |
| Hasharon | Diabetes  | L. D.    | 24 |
| Hasharon | Eyesight  | A. S.    | 25 |
| Damon    | Continuous bleeding in internal organs, ulcer   | A. J.    | 26 |
| Damon    | Colon pain  | D. J.    | 27 |
| Damon    | Pain in the bowel   | T. H.    | 28 |
| Damon    | Blood pressure problem, and fast heartbeat, pain in the waist and abdomen.  | W.Q.     | 29 |
| Damon    | Depression and stomach problem  | L. G.    | 30 |
| Damon    | Inflamed caesarean operation wound  | S. S.    | 31 |
| Gilboa   | Ulcer   | B. O.    | 32 |
| Gilboa   | Due to an explosion: Palms amputated, shrapnel in the chest, cannot hear in the right ear, shrapnel in the left foot. | R. B.    | 33 |
| Gilboa   | Back pain   | M. G.    | 34 |
| Gilboa   | Back pain   | H. D.    | 35 |
| Gilboa   | Sinus problems  | M. A.    | 36 |
| Gilboa   | Swollen hands caused during interrogation   | M. H.    | 37 |
| Gilboa   | Severe headache and loss of feeling in the left cheek   | F. B.    | 38 |
| Gilboa   | Stroke and breathing difficulty   | B. M.    | 39 |

|   |  |       |    |
|---|--|-------|----|
| Hasharon  | Psychological disease  | H. M. | 40 |
| Hasharon  | Asthma and respiration problems  | B. B. | 41 |
| Hasharon  | Wounded in the hand  | M. K. | 42 |
| Hasharon  | Psychological disorder   | R. H. | 43 |
| Hasharon  | Heart problems and wounded in the foot   | M. H. | 44 |
| Moskobiyeh  | Fungi  | H. L. | 45 |
| Moskobiyeh  | Pain in the head   | M. L. | 46 |
| Petah Tiqva   | Ulcer  | M. A. | 47 |
| Petah Tiqva   | Obstruction in the right leg (amputation at the heel)  | S. M. | 48 |
| Petah Tiqva   | Inflammation in the joints (the legs)  | A. A. | 49 |
| Petah Tiqva   | Problems of nerves at the neck   | M. Q. | 50 |
| Petah Tiqva   | Appendicitis surgery   | H. A. | 51 |
| Ramleh (Hospital)<br>( He died in the prison on 24 Dec. 2008) | Respiratory Asthma, Diabetes, bone diseases, urinary problems, heart valve problems, itching in the body | J. A. | 52 |
| Ramleh (Hospital)   | Bacteria in the urine, kidney stone, wounded with explosive bullet                                       | R. H. | 53 |
| Ramleh (Hospital)   | Bowel cancer   | M. J. | 54 |
| Ramleh (Hospital)   | Blood infection  | I. B. | 55 |
| Ramleh (Hospital)   | Paralysis in the legs from the hips to the feet  | M. M. | 56 |
| Ramleh (Hospital)   | Clot in the brain, blood pressure, cholesterol, a problem in the head (seizures), loses consciousness    | Z. A. | 57 |
| Ramleh (Hospital)   | Paralyzed  | A. M. | 58 |
| Ramleh (Hospital)   | Loss of balance  | A. R. | 59 |

|                   |   |       |    |
|-------------------|---|-------|----|
| Ramleh (Hospital) | Diabetes + Asthma   | J. H. | 60 |
| Ramleh (Hospital) | Heart problems  | S. A. | 61 |
| Ramleh (Hospital) | Chest asthma  | A.S.  | 62 |
| Ramleh (Hospital) | Kidneys   | A.T.  | 63 |
| Ramleh (Hospital) | Heart problems, respiratory asthma, eye surgery   | H. J. | 64 |
| Ramleh (Hospital) | Open-heart surgery  | A.H.  | 65 |
| Hasharon          | Gallstones, salts, vitamin shortage, bone problems, headache, drop in blood pressure, hemorrhoids | I. F. | 66 |
| Hasharon          | eyesight problems   | R. J. | 67 |
| Hadarim           | Irregular heart beat  | A. B. | 68 |
| Ramon             | Ulcers in the stomach   | G.G.  | 69 |
| Ramon             | Allergy   | S. S. | 70 |
| Ramon             | Stomach Problems  | M. R. | 71 |
| Ramon             | Shallow breath, fatigue as a result of the interrogation  | R.R.  | 72 |
| Nafha             | Injury in the hand  | A.S.  | 73 |
| Nafha             | Piles   | M.R.  | 74 |
| Nafha             | Inflammation of the eyes  | S.Q.  | 75 |
| Nafha             | Urinary tract problems and the spine  | W. G. | 76 |
| Ashkelon          | Blood pressure  | I.B.  | 77 |
| Ashkelon          | Asthma  | S M.  | 78 |
| Ashkelon          | Heart blood pressure and diabetes   | M. R. | 79 |
| Ashkelon          | Mental illness  | M.S.  | 80 |
| Ashkelon          | Flu symptoms  | R. A. | R  |
| Ashkelon          | Head injury   | M. B. | 82 |
| Ashkelon          | Asthma  | M.A.  | 83 |
| Shatta            | Pain in the liver   | A.A.  | 84 |

|        |   |       |     |
|--------|---|-------|-----|
| Shatta | Broken rib  | N. Y. | 85  |
| Shatta | Pain in the ear, head and sinus                                       | .A. A | 86  |
| Shatta | Had an open heart surgery   | B. J. | 87  |
| Eshel  | Glands  | M. M. | 88  |
| Shatta | Diabetes, blood pressure, hernia                                      | H. J. | 89  |
| Shatta | Ear problems, aching limbs.   | Y. M. | 90  |
| Shatta | Ulcers in the stomach, vision difficulties                            | S. O. | 91  |
| Shatta | Stomachache   | L. O. | 92  |
| Nafha  | Cartilage infection   | A. A. | 93  |
| Nafha  | Stomach   | T. M. | 94  |
| Nafha  | Hemorrhoids   | R. F. | 95  |
| Nafha  | Leg problems caused by injury   | A. W. | 96  |
| Nafha  | Leg problems caused by injury   | A. R. | 97  |
| Nafha  | Left eye injury   | A. H. | 98  |
| Nafha  | Cartilage problems  | F. S. | 99  |
| Nafha  | Eyes and stomach  | M. G. | 100 |
| Nafha  | Laceration in the retina  | S. Q. | 101 |
| Nafha  | Stomach   | M. A. | 102 |
| Nafha  | Stomach, sinus, eyes  | A.H.  | 103 |
| Nafha  | Lymphoid glands   | I.Z.  | 104 |
| Nafha  | Nerves  | A.S.  | 105 |
| Nafha  | Inflammation of the intestines, stomach and weakness in the right eye | H. R. | 106 |
| Nafha  | Skin disease  | M. B. | 107 |
| Nafha  | Asthma, Cartilage infection   | A. H. | 108 |
| Nafha  | Injury in the left foot   | I.N.  | 109 |
| Nafha  | Nerves  | K.M.  | 110 |
| Nafha  | Ulcers in the stomach   | K.S.  | 111 |
| Nafha  | Retina problems   | Z.Sh. | 112 |
| Nafha  | Back injury   | M.B.  | 113 |
| Nafha  | Eyes  | M. W. | 114 |

|       |  |                             |     |
|-------|--|-----------------------------|-----|
| Nafha | Injury in the hand                     | N. N.                       | 115 |
| Nafha | Shortness of breath, eyesight problems | N. N.                       | 116 |
| Nafha | Varicose veins, eyesight problems      | H. S.                       | 117 |
| Nafha | Allergy, backache                      | O.M.                        | 118 |
| Nafha | Injury in the pelvis                   | I. B.                       | 119 |
| Nafha | Ulcers in the stomach                  | A.A.                        | 120 |
| Nafha | Ulcers in the stomach                  | H. J.                       | 121 |
| Nafha | Back injury                            | Saddam Gaber Ashour         | 122 |
| Nafha | Prolonged stomach pain                 | Mounir Mohamed Abu Al Dibaa | 123 |
| Nafha | Cartilage – Inflammation               | Thabit Azmi Merdadi         | 124 |
| Nafha | Foot amputation                        | Khalil Mohamed Abu Elba     | 125 |
| Nafha | Injury – bowel                         | Khalid Abdul Zak Sobh       | 126 |
| Nafha | Bowel                                  | Raid Jamal Midad            | 127 |
| Nafha | Heart                                  | Waleed Khammes Shaath       | 128 |
| Nafha | Sinus                                  | Ramiz Ismail al-Halabi      | 129 |
| Nafha | Migraine                               | Hadi Mohamed Mansour        | 130 |
| Nafha | Shoulder injury                        | Sarg Ayub Khaddora          | 131 |
| Nafha | Leg injury                             | Yasser Youssef Rabaie       | 132 |
| Nafha | Eyesight problems – Bowel              | Youssef Abdel-Latif Mahdawi | 133 |
| Nafha | Injury                                 | Jihad Amir Rammalah         | 134 |
| Nafha | Chronic headaches                      | H. H.                       | 135 |
| Nafha | Stomach                                | A.F.                        | 136 |

|       |                            |       |     |
|-------|----------------------------|-------|-----|
| Nafha | Stomach                    | B. B. | 137 |
| Nafha | Chest pains                | M. O. | 138 |
| Nafha | Diabetes, backache         | S. K. | 139 |
| Nafha | Varicose veins             | J. R. | 140 |
| Nafha | Blood pressure             | Y. M. | 141 |
| Nafha | Ulcer, cartilage infection | Z. K. | 142 |
| Nafha | Foot injury                | I. R. | 143 |
| Nafha | Foot injury                | M. S. | 144 |
| Nafha | Stomach                    | M. H. | 145 |
| Nafha | Broken back                | M. R. | 146 |
| Nafha | Heart                      | I. A. | 147 |
| Nafha | Stomach                    | A. T. | 148 |
| Nafha | Injury                     | H. S. | 149 |
| Nafha | Injury                     | M. Z. | 150 |
| Nafha | Injury                     | W. A. | 151 |
| Nafha | Foot injury                | M. K. | 152 |
| Nafha | Injury                     | M. D. | 153 |
| Nafha | Eyes                       | I. S. | 154 |
| Nafha | Back                       | M. H. | 155 |
| Nafha | Injured in the left foot   | N. O. | 156 |
| Nafha | Arthritis                  | I. Z. | 157 |
| Nafha | Skin disease               | R. M. | 158 |
| Nafha | Diabetes                   | K. A. | 159 |
| Nafha | Stomach                    | M. S. | 160 |
| Nafha | Stomach                    | A. K. | 161 |
| Nafha | Cartilage                  | E. D. | 162 |
| Nafha | Cartilage                  | M. T. | 163 |
| Nafha | Foot injury                | A. H. | 164 |
| Nafha | Liver, joints              | A. R. | 165 |
| Nafha | Injured right hand         | W. A. | 166 |
| Nafha | Heart                      | A. S. | 167 |
| Nafha | Eyes                       | M. I. | 168 |
| Nafha | Injury                     | A. A. | 169 |
| Nafha | Stomach and back pain      | O. A. | 170 |

|                   |  |       |     |
|-------------------|--|-------|-----|
| Nafha             | Inflammation of the amygdale                                     | F. H. | 171 |
| Nafha             | Throat   | Z. H. | 172 |
| Nafha             | Arthritis  | H. Z. | 173 |
| Nafha             | Foot injury  | M. H. | 174 |
| Ramleh (Hospital) | Shot by IOF; 20 bullets in the right leg and 10 in the left leg. | N. A. | 175 |
| Ramleh (Hospital) | Hip injury   | .M. N | 176 |

*\*Note: The location of the prisoners and detainees is accurate as of the most recent lawyer visit. There may be prisoners who have since been released. Names of some prisoners, particularly from Nafha Prison, are quoted from a study concerning medical negligence prepared by the prisoners themselves (Wail Jaghoub, Hamdi Quraan and Mohamad Yadak).*

## ANNEX 4

**Sample of Addameer Statements Published in 2008**

## Administrative Detention of Salwa Salah and Sara Siureh

*Date: 30 July 2008*

Salwa Salah was born on the 10 November 1991. On Thursday June 5, 2008, at around 2 a.m. Salwa Salah (16 and half) was sitting with her family in their home in Bethlehem. The family suddenly heard a loud banging on the door. Salwa's mother opened the door and was faced with soldiers and the Israeli Security Agency (ISA). A female soldier was present and told Salwa to get dressed. Meanwhile the other soldiers interrogated Salwa's mother and questioned her about her husband, son and daughter. After finishing interrogating Salwa and her mother, the female soldier handcuffed Salwa's hands, blindfolded her and forcefully took her to the military jeep.

Sara Siureh was born on the 20, November, 1991. On Thursday June 5, 2008, at around 1:30 a.m. Sara Siureh (16 and a half) was in her house with her husband in their family home in Bethlehem. They were suddenly startled to hear a loud banging on the door. Sara's husband opened the door and was confronted with soldiers and the ISA. They stormed into the house and a female soldier shouted at Sara to get dressed. Sara was dragged out to the military jeep.

Both girls are relatives (cousins) and one of the girls is still at school. The ISA claim that the girls are involved in militant activities<sup>21</sup>. They were taken to Telmond (Hasharon) Prison and then taken to Ofer Prison where they were interrogated for one hour. In the interrogation they were asked about what they were doing and if they had any relations with any political group. The girls did not confess to anything. After one hour the girls were taken back to Telmond where they spent a couple of days. On the night before going to the Military Court the girls were taken to Ramle prison. There was a female police officer escorting them. Later during a meeting between the girls and Addameer's lawyer the girls claimed that the female police officer was extremely abusive and was pushing them inside the military jeep. The girls also claim they were searched in a very humiliating way. Both girls are now in Addamoun prison in Israel and are being held with the other Palestinian adult female detainees. Neither of the girls has been allowed any contact with their families since their

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21 Their Uncle was involved in the siege on the Church of the Nativity in 2002. However there was no indication from the Court that this was one of the reasons for their arrest.

arrest on the 5th of June 2008. This is the first time that girls under the age of 18 have been put in administrative detention. Their administrative detention orders have been set for four months, with the possibility of an up to 6 month renewal at the end of that period. Administrative detention orders can be renewed indefinitely. An appeal against this decision was lodged and subsequently rejected. The twin principles of proportionality and the duty on a state to take into consideration the child's well being underline much of the detail found in international law concerning the aims, restrictions and prohibitions on the sentencing of children. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice requires that any reaction to the juvenile offenders should 'always be in proportion to the circumstances of both the offenders and the offence'. Another fundamental principle of sentencing is that the deprivation of liberty, if used at all, should only be used as a measure of last resort and for the shortest appropriate period of time (Art. 37 (b), CRC). Clearly this is not the case for these two young girls. The Court did not abide by these legal standards laid out for all detained minors. This is the first time that both girls have been in prison.

#### What is Administrative Detention?

The Israeli authorities can hold people in "administrative detention" without charge or trial, for as long as they wish. They have no intention of bringing such detainees to trial, saying they are a "security risk". They do not inform the detainees or their lawyers how they have decided these detainees are a security risk. Administrative detention orders are issued by the Military Commander for terms of up to six months, and they are frequently renewed shortly before they expire. This process can be repeated over and over again. The mental suffering caused by not knowing the grounds for detention can amount to torture as defined under the UN Convention Against Torture and such lengthy detentions without charge or trial also constitute 'arbitrary detention' which are a violation of the International Covenant on Civil and Political Rights (Article 9(1)) and the Universal Declaration of Human Rights (Article 9). Currently, there are approximately 750 Palestinians now in administrative detention. Of these there are approximately 10 Palestinians under the age of 18 years old.

## **Addameer organizes a meeting between the prisoners' families and an EU delegation**

*Date: 2 November 2008*

Addameer Prisoner Support and Human Rights Association conducted a meeting between several prisoners' families and a parliamentary delegation from the European Union and the Palestinian Legislative Council. The delegation was chaired by the Member of the European Parliament and the Vice-Chair of the Delegation for relations with the Palestinian Legislative Council, Mr. Kyriacos Triantaphyllides. The delegation also included prominent parliamentarian Luisa Morgantini, Vice-President of the EU Parliament, and a group of members of the Inter-Parliamentary Union. Addameer and the families briefed the delegation on the abuses to which prisoners and detainees in the Israeli prisons are subjected.

The mother of female prisoner Salwa Salah was one of the speakers. She reflected on the suffering that her daughter faces after the military judge extended her administrative detention for the second time. PLC Member Mariam Saleh discussed her experience in detention and interrogation, and used that experience to reflect on the detention experience of all incarcerated PLC members. Nisreen Hamdan, the daughter of the female prisoner Zuhoor Hamdan who is in her sixth year of an eight year sentence, also spoke. Salwa Jaradat, the wife of writer Ali Jaradat, discussed her husband's experience in administrative detention where he was held for twelve years months. Ali Jaradat has spent a total of 12 years in administrative detention; the longest continuous period was six years. Salah Abu Al Soud talked about his father's experience in detention, the family's difficulties in contacting him, as well as the conditions he is facing during a detention period that has already exceeded 20 years.

Abla Saadat, the wife of Ahmad Saadat, the Secretary General of the PFLP, discussed the conditions surrounding her husband's kidnapping from the Jericho prison and American and British involvement in that operation. She also discussed the circumstances surrounding his trial, particularly the fact that the prosecution has failed so far in submitting evidence that can inculpate her husband. She also stressed that the court was a political forum, and spoke about the role that can be played by parliamentarians from Europe and elsewhere in supporting the issue of the Palestinian legislators. She encouraged them to use all their influence in supporting the detained representatives.

The head of the delegation, Mr. Kyriacos Triantaphyllides, stressed that they are working hard in widely publicizing the issue of Palestinian prisoners, and

particularly the issue of detained elected representatives, and expressed understanding of the difficulties prisoners face, adding that: "we know the position of Israel in the international arena and know who supports it, and we also understand your feelings very well".

The parliamentary delegation also went to the Hadarim prison to meet with incarcerated PLC Members, specifically PFLP Secretary General Ahmad Saadat, PLC Speaker Aziz Dwiek and Fatah Secretary-General Marwan Al Barghouthi, but the prison administration refused to allow the meeting.

### **Israel Storms Hebron College and Arrests Seven School Boys**

*Date: 11 November 2008*

On the 30th October 2008, at 10:15 a.m. the Israeli army stormed the faculty of the Palestine Technical College in Aroub Refugee Camp, Hebron and arrested students from some of the classrooms. The students were blindfolded, shackled and then repeatedly beaten, slapped and punched all over the body. They were then taken to Gush Etzion military detention centre. At 9:00 pm two of the boys were released, however, seven of them are still in detention. None of the boys are older than 16.

Hatem is a teacher in the Palestine Technical College. He states that on the 30th October 2008 at approximately 10:15 a.m. the Israeli soldiers arrived at the college in four military jeeps. Hatem was the only teacher present in the playground area at that time. One of the soldiers shouted at him, 'where are the boys that threw stones?' Hatem told the soldier that the typical school day is from 8:00 a.m. to 2:30 p.m. so all of the children were inside their classes. The soldier then pushed Hatem to the ground and ordered the other soldiers to search the college. Around ten soldiers entered the college. They kicked the doors and entered the classrooms where the children were taking their practical classes. They closed the door and one of the soldiers started beating a physically disabled student that was sitting in the first row. The soldiers started yelling at the boys and then pushed one of the students, MD. One of the soldiers grabbed MD and shouted, 'You are the boy that threw the stones!' MD was arrested along with six other boys. The soldiers subsequently entered the other classrooms and began randomly arresting students. They specifically targeted those who were wearing black jackets. They took all of the boys to the playground area and prevented the teachers from talking with the students.

After fifteen minutes the soldiers released twelve students. They started to beat one of the students, RB by slapping his face and kicking him on his head. Ha-

tem tried to help him, however, the soldier threatened to open fire. They then fired stun grenades and live bullets into the playground area. They continued to beat some of the other detained students. Hatem states that he could hear the students screaming from the beatings, however, he was prevented from doing anything to help them. The director of the college called an ambulance; however, it was delayed due to the soldiers blocking the entrance of the Camp. The soldiers then blindfolded and shackled 19 students and forced them to sit at the base of the military tower at the entrance of the Refugee Camp.

Testimony from 16 year old student taken by Addameer Attorney Firas Sabbah on 3 November 2008

My name is RB. I was born on the 26th of October 1992. I'm a 10th grade student at the Palestine Technical College where I study agriculture. On the 30th October 2008, as usual I went to school. At around 10:30 I was terrified when I saw soldiers entering the classroom. They started randomly arresting my classmates. Then the soldier told me to get out of the class. I was taken to the playground area of the school. When the soldier saw me looking at him he grabbed my head and slapped me on the face. He told me to keep my face to the ground. After that he made all of us stand in one row and we were forced to walk one after the other towards the military tower. I lost my place in the row and the soldier hit me on my legs and kicked me. Another soldier beat me until we reached the gate of the Refugee Camp. After that, the soldier laughed in my face and when I laughed back he slapped me and hit me so hard on the chest that I felt it was difficult to breathe. I fell to the ground where I continued to be beaten. After about three hours I was blindfolded and shackled and pushed into the military jeep. My blindfold slipped in the process of getting into the jeep so I was beaten again.

#### Initial Court Hearing

On November 11th 2008, the seven children had their first hearing at Ofer Military Court. They were represented by Addameer Attorney Mahmoud Hassan. In their defence Adv. Hassan argued that these children are being detained with adults in an adult facility which is in total violation of international law. On the 28th October, 2008, Adv Hassan used this similar argument to secure the release of two 14 year old boys who were arrested from their homes in Beit Ummar on the 9th October 2008. Each boy was released with a bail of 8,000 NIS (Approx \$2,111). Indeed according to Addameer's experience, this is the first time that a military judge has agreed to release children under the pretense that it is illegal for them to be detained with adults. On this occasion, however, the military judge rejected Adv. Hassan's argument and sentenced

the boys to another one month of imprisonment until December 14th, 2008. A review of the case will take place next week, however, it is not certain that the boys will be released.

#### Addameer Statement

Addameer is appalled at the collective punishment of these school boys and at their continued detention without sufficient evidence. The Convention on the Rights of the Child sets up universally recognised principles and norms as minimal standards for children's rights. It should be emphasized that, in accordance with the Convention, every Child without exception whatsoever, has the right to benefit from these standards. According to Israeli military order 132, Palestinian children age 16 and older are treated as adults and are tried and sentenced by Israeli military courts as adults. Israeli military orders are applied to Palestinian children, even as juvenile legislation defines Israeli children as age 18 or younger. Addameer urges the international community to demand that Israel abide by international law and treat those under the age of 18 as children. All seven boys should either be promptly charged with a recognizable offense or be immediately released.

#### **Ofer military court extends the detention of the Aroub school students**

*Dated: 12 November 2008*

The Ofer military court extended the detention of eight children arrested from the Aroub School of Agriculture at the end of last month until December 14 for the purposes of completing their trial proceedings. The detained children are: Rawhi Badha, Ziad Hasasneh, Abed Al Salam Nuirat, Khalil Al Alami, Ashraf Al Sahuri, Nasir Jabir and Mustafa Awaidat. The court rejected appeals to release them on bail, as requested by Addameer lawyer Mahmoud Hassan, who denied the charges against them. He further stressed that detaining the children would prevent them from continuing their schooling. Mahmoud further emphasized that the detention conditions for children in IPS prisons fall short of the minimum humanitarian requirements required by law. The judge decided to reconvene court the following week to discuss the detention conditions. If the authorities did not improve detention conditions, the children's bail applications would be reconsidered. The court based its decision to extend their detention on a statement provided by one of the soldiers, who said that the children were throwing stones and that they were arrested from the street.

Based on statements provided by the detained students, the school admin-

istration and teachers, Addameer found that the children were arrested from inside the classrooms after storming the school and firing live bullets and gas and sound bombs in the schoolyard by the soldiers. This clearly contradicts the justifications for the extension of detention contained in the soldier's statement.

Addameer submitted an appeal against the unfair decision by the court, which also failed to take into consideration the age of the detained children, their detention conditions or the context of the arrest.

## **Addameer statement on the death of Palestinian prisoner Jumaa Ismail Mohammad Mousa**

*Date: 24 December 2008*

The death of the prisoner Jumaa Ismail Mohammad Mousa at Ramleh prison is symptomatic of the systematic policy implemented by the Israeli Prison Service against Palestinian prisoners of deliberate ignorance of the unsuitable conditions in IPS prisons in terms of ensuring a healthy and dignified life.

The detention conditions to which the prisoner Jumaa Mousa was subjected, lasting 16 years, cause him to develop a number of diseases including diabetes, prostate disease, respiration asthma and problems in the heart valve. These were all the result of deliberate medical negligence practiced against hundreds of prisoners.

Jumaa was arrested in 1993 and sentenced to life term and ten years in prison. He is from Jerusalem's Shufat neighborhood and is the father of ten. He was transferred between different prisons, including Ashkelon where he spent three years before being taken to Ramleh prison where he spent 13 years.

Last May, Jumaa was attacked by the Nahshon Special Unit. He was beaten and terrified. When he was being transferred to the Assaf Harofeh hospital, his attackers travelled with him inside the ambulance vehicle.

Jumaa was the second prisoner in 2008 to die as a result of medical negligence. Fadel Shaheen died in February 2008 at the Beersheba prison. These two deaths bring the total number of prisoners who have died as a result of medical negligence to 49.

The conditions under which the prisoner Jumaa Mousa was detained along with thousands of other prisoners contribute to deterioration in the general health of the prisoner. However this is not the only international law violation which prisoners must endure. What happened at Ofer prison is clear evidence of the nature of assault that the prisoners face. This requires taking a strong stance, both at the official and civil levels. Consequently, Addameer calls for the following:

1. The need to work on formulating a clear national vision for dealing with the issue of the prisoners in the Israeli prisons;

2. Organize a popular solidarity campaign in support of the prisoners in facing the prison administration and its attempt to take their rights.
3. Urge international human rights organizations to Israel to release Palestinian prisoners and respect their human rights, and to hold Israel responsible for the lives of Palestinian prisoners and the conditions in which they live.
4. The PA must accept its responsibility towards prisoners, politicize the plight of Palestinian prisoners, and make their humane treatment a non-negotiable condition at any peace negotiations, instead of leaving prisoners' wellbeing in the hands of 'Israeli goodwill'.

## **Addameer Prisoner Support and Human Rights Association (Addameer)**

is a Palestinian non-governmental, civil institution that focuses on human rights issues. Established in 1992 by a group of activists interested in human rights, the center offers support to Palestinian prisoners and detainees, advocates for the rights of political prisoners, and works to end torture through monitoring, legal procedures and solidarity campaigns.

Addameer (Arabic for conscience) believes in the importance of building a free and democratic Palestinian society based on justice, equality, rule of law and respect for human rights within the larger framework of the right to self-determination. To this end, Addameer's work comprises four main program areas, namely: legal aid, research and documentation, advocacy, and the Training and Awareness Program.

**Legal Aid Program:** Addameer provides free legal counseling and representation to hundreds of Palestinian detainees and their families on an annual basis. Services include legal defense before mainly Israeli but recently also Palestinian courts; regular visits to prisons, detention and interrogation centres; submission of petitions against the extension of the detention period, trials and punishments imposed on detainees; and, submission of complaints against cases of torture, ill-treatment and other violations.

**Research and Documentation:** Addameer documents violations committed against Palestinian detainees and monitors their detention conditions through regular lawyers' visits to Israeli prisons. In 2007, Addameer started documenting violations committed in Palestinian Authority prisons against political prisoners as well. The research and documentation unit also compiles monthly statistics and lists of detainees, which, combined with the information gathered through the unit's visits, and the information gathered through Addameer's legal work, provides the basis for the publication of the association's research papers and reports.

**Advocacy and Lobbying:** Addameer regularly publishes public statements and urgent appeals on behalf of detainees, submits alternative and shadow reports to the United Nations and other international forums, and briefs international delegations as well as the media on the situation of Palestinian prisoners. The advocacy and lobbying unit also works towards building local, Arab and international solidarity campaigns to oppose torture and arbitrary detention while supporting the rights of Palestinian prisoners.

**Training and Awareness:** In 2007, Addameer established its Training and Awareness Unit to raise local awareness regarding prisoners' rights by working on three levels: First, by training Palestinian lawyers on the laws and procedures used in Israeli military courts to improve their efficiency; Second, by increasing the prisoners' own knowledge; and, third, by reviving grassroots human rights activism and volunteerism and working closely with community activists to increase their knowledge of civil and political rights from an international humanitarian law and international human rights perspective.

Addameer is a member of the Executive Committee of the Palestinian NGO Network, the Palestinian Council of Human Rights Organizations, and works closely with international human rights organizations such as Amnesty International, Human Rights Watch, OMCT and FIDH to provide regular information on the situation of Palestinian political prisoners and detainees.

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