



VIOLATIONS

Against Palestinian Prisoners
in Israeli Prisons and Detention Centers

2013



Violations against Palestinian Prisoners in Israeli Prisons and Detention Centers

Annual Report
2013

Addameer Prisoner Support & Human Rights Association
Ramallah – Palestine







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Introduction

This report examines the violations committed against prisoners' rights in Israeli prisons and constitutes a part of the continuous effort made by Addameer Prisoner Support And Human Rights Association, which ultimately seeks an unconditional release for all Palestinian political prisoners. Until this goal is met, Addameer carries on with its efforts in cooperation with international human rights organizations to advocate to ensure the female and male Palestinian prisoners their rights guaranteed by International Humanitarian Law (IHL), and International Human Rights Law (IHRL).

Through its annual reports, Addameer aims to shed light on policies of the Israeli Prison Service (IPS) that seek to break the spirit of the prisoners' movement. Namely, it aims to expose the Israeli authorities' strategic practices that violate prisoner's rights guaranteed by Public International Law, especially by International Criminal law, and IHL.

These annual reports are also an essential part of documenting the history of the Palestinian prisoners' movement and its struggle against the occupation's oppressive policies, notably by highlighting the efforts put forth by IPS to repress Palestinian prisoners' collective consciousness and, undermine the movement's potential.





Methodology

This report applies a descriptive analytical methodology. It is based on a collection of 100 sworn affidavits from prisoners collected by Addameer in 2013, along with 200 interviews with prisoners in Israeli prisons.

The violations perpetrated against prisoners and their families were examined and analyzed within the framework of IHL and IHRL regulating prisoners' rights. The report also reviews IPS regulations applied to Palestinian prisoners in order to compare them to relevant international standards.

In general, the report emphasizes the prisoners' cause as a collective one, based on Addameer's belief that all Palestinian prisoners, whether from the West Bank (including East Jerusalem), the Gaza Strip, or the 1948 Territories, are one people, who bear the same burdens and face common violations in their struggle for dignity and freedom.

Finally, this report provides a comprehensive overview of major developments in the ongoing confrontation between the prisoners' movement and the IPS. It is published following successful efforts by the prisoners' movement in obtaining some of their rights as enshrined in IHRL and IHL, including the Third and Fourth Geneva Conventions. The IPS has adapted a well-studied methodology that aims to suppress accomplishments achieved by the prisoners' movement, to turn its cause into a burden on Palestinian society. Furthermore, it has utilized the movement as a source of political pressure, seeking to gain political compromises from the Palestinian leadership.



Executive Summary

This report highlights the violations that Palestinian prisoners were subjected to throughout 2013, starting from the moments of arrest, and interrogation. It addresses violations during detention periods under inhumane conditions and degrading treatment. This report consists of 5 main chapters. Chapter 1 provides an overview of Palestinian prisoners and detainees in Israeli prisons in 2013 in terms of the number of detainees, main events, and cases of death that occurred during arrest. Chapter 2 addresses mental and physical torture of prisoners during arrest and interrogation executed by IPS's special units. These took place during transfer from detention centers to courts, transfer between prisons, and during raids of prisoners' rooms and sections in various prisons. During these times, IPS and its special units committed numerous violations, especially during individual and collective hunger strikes.

Chapter 3 focuses on Israeli violations, in its military judicial procedures, of minimum guarantees of fair trial. Chapter 4 addresses the detention of human rights defenders by highlighting violations committed against Addameer's staff members, which began with a travel ban imposed on the Chairman of the Board of Directors from travel between Jerusalem and other West Bank cities. In addition, Addameer lawyers have been banned from visiting prisons and meeting prisoners and detainees, followed by the arrests of Addameer's lawyers Anas Barghouthi and Samer Arbeid. The chapter also addresses the arrest of journalists. Chapter 4 addresses the force-feeding law, which is expected to be endorsed by the occupying state; it highlights its danger and violation of the hunger strikers' rights and specifies the life risks. The report will close by addressing individual hunger strikes and the deliberate medical negligence against the prisoners and detainees. Chapter 5 will present the conclusion and recommendations of the report.

Foreword

In 2013, Israeli Occupation Forces (IOF) arrested over 3800 Palestinians, almost 11 cases of arrest per day. The frequency of arrests can be seen as an indication of the continuing policy followed by the IOF that is aimed at the suppression of Palestinian society by carrying on with collective punishment policies. It also indicates the importance of working on developing the quantity and quality of documentation methods for these violations and arrests in order to hold the occupation forces accountable for their actions in the future.

In 2013, arrests by occupation forces frequently targeted children and Human Rights Defenders. Numbers of administrative detention cases have increased this year in addition to a rise in actions carried out against prisoners by the IPS, including night raids of prisoner's rooms and permanent transfer between prisons. In addition, IPS's deliberate policy of medical negligence continues and has led to the deaths of Maysara Abu Hamdiyeh and Hassan Turabi. The policy of torture in detention centers and during arrest, also continues, and has caused the death of detainee Arafat Jaradat in Megiddo Prison.

All these actions carried against the prisoners are well planned by the IOF, aiming to cause the highest level of harm to the detainee and all his or her social circles. These are exemplified by continued denial of family visits under the cover of "security reasons", by the fines imposed by the IPS, especially in case of children, in addition to threats made against family members.

The occupying state provides a "legal" cover for laws that aim to make it more difficult for the prisoners to defend themselves, providing sweeping permissions to the prosecution and prison services. All these procedures during arrest and interrogation aim to break down the prisoner's principles and beliefs in order to turn him or her into a defeated human being.

Imposition of the condition of the return to negotiations for the release of Palestinian prisoners who were arrested before signing the Oslo agreement with is considered to be part of the compromising the legitimate rights of the Palestinians. Releasing Palestinian prisoners and detainees is not negotiable and must not be connected to any conditions since their release is the responsibility of the occupying state.

Ayman Nasser,

Legal Unit Coordinator at Addameer Prisoner Support and Human Rights Association and an Ex-Prisoner who was released in 2013



Detention Conditions of Palestinian Prisoners and Detainees in Israeli Prisons in 2013





Incidents in 2013

- 6 January 2013: Prisoner Karim Younis (57 years old) from 'Ara, a village in the territories occupied in 1948, is serving his thirty-first year in prison. He is considered to be the longest-serving Palestinian detainee. On February 24th, Younis announced an open hunger strike from Jalbou' prison where he serves his sentence. His hunger strike aimed mainly to deliver a political message from long-serving prisoners who were detained before signing the Oslo accords directed at the Palestinian leadership. Specifically, it aims to prevent any attempts by the occupying forces to bargain their freedom for the non-negotiable Palestinian national rights.
- 21 January 2013: Medical neglect leads to the death of Ashraf Abu Dhra' (29 years old) from Beit 'Awwa in Hebron. Abu Dhra' passed away at Al-Mutala' hospital in occupied Jerusalem where he had been receiving treatment for several weeks prior to his death. Ashraf went into a coma after he contracted several illnesses including lung failure, immunodeficiency and a brain virus that eventually lead to his death. Ashraf spent six years in Israeli prisons despite his suffering from muscular dystrophy and as a result became wheelchair bound. He was released mid November, 2012.
- 4 February 2013: 3 Palestinian Legislative Council (PLC) members were arrested. Mohammad Al-Tal, Hatem Qafishes and Ahmad Atoun, each received 6-month administrative detention orders.
- 20 February 2013: Several lawyers filed a petition to the Israeli Supreme Court in Jerusalem regarding Article 186 in Military Order 1651 issued in 2009. Article 186 allows for a special Israeli military committee to sentence released prisoners to serve the remainder of their previous sentence based on secret evidence provided by the military prosecution, without disclosing this evidence to the prisoner or his lawyer. The petition was filed under the name of Ayman Sharawna, who was re-arrested on 31 January 2012. Ayman was released in a prisoner exchange deal on 18 October 2011.
- 23 February 2013: Arafat Jaradat (30 years old) from Saeir village near Hebron died from torture in Megiddo Prison where he was being interrogated, 6 days following his arrest.
- 2 April 2013: 64 year old Maysara Abu Hamdiyeh from Hebron died after he was denied cancer treatment. Maysara passed away in the Intensive Care Unit of Sarouka Hospital. Abu Hamdiyeh had been arrested many times by the IOF with the latest arrest taking place in 2002. He was serving a life sentence. During his imprisonment he was diagnosed with throat cancer months before his death. He was not provided with adequate treatment and his condition deteriorated, leading to his death.
- 13 August 2013: Occupation forces released the first batch of 105 prisoners who were arrested before signing the Oslo Accords. As part of an agreement between the Palestinian Authority (PA) and Israel to stop the PA from joining the UN. The batch included 26 prisoners, 15 from the West Bank and 11 from the Gaza Strip. No prisoners from Jerusalem or 48 were included.
- 20 August 2013: IOF killed 21 year old Majd Lahlouh, also known as Abu Shahla, from Jenin Refugee Camp and injured 3 others. This took place during a raid that was targeting the house of prisoner Bassam Al-Saadi.
- 26 August 2013: 23 year old Robin Fares, 22 year old Younis Jahjoh and 19 year old Jihad Aslan, were killed following clashes between Israeli soldiers and residents of Qalandia Refugee Camp in the early morning hours. 15 others were wounded with live ammunition and tear gas, with 6 of these injuries



described as life-threatening. IOF invaded the camp in an attempt to arrest Omar Al-Khatib, an ex-detainee from Qalandia Refugee Camp.

- 31 August 2013: 17 year old Karim Abu Sbeih, who was seriously injured by Israeli army gunfire during a raid on Jenin refugee camp on August 20, died. Abu Sbeih was injured in the waist when an army unit entered the camp to arrest Bassam Al-Saadi, an ex-detainee living in Jenin Refugee camp.
- 17 September 2013: Islam al-Tubasi, 19, died after being shot by IOF during a raid on his family home in Jenin Refugee Camp carried out to arrest him.
- 27 October 2013: Human Rights Watch issues a statement stating: “Israel’s military should stop harassing members of Addameer, a rights group that provides legal services and advocates for the rights of Palestinians in detention. The Israeli military has imposed severe restrictions and penalties on Addameer’s staff, either without even alleging any violent activity, or without due process.”
- 27 October 2013: Muhammad Assi, 28, was shot dead by IOF after armed clashes that lasted for hours in a cave between the villages of Bilin and Kafr Nima in northwest Ramallah on early Tuesday morning. Large numbers of Israeli military vehicles had raided the area. During the raid, IOF used tens of soldiers and a helicopter.
- 29 October 2013: The 2nd batch of Pre-Oslo prisoners were released. The deal included 26 prisoners, 5 from Gaza and 21 from the West Bank. No prisoners from Jerusalem or 1948 were included.
- October 2013: Administrative detainees escalate their protests to express their rejection of the policy of administrative detention.
- 5 November 2013: Hasan Turabi (22 years old), died in Afoula Hospital. The death of Turabi was the direct result of IPS’s policy of medical negligence. Turabi was arrested on 17 January 2013 from his home in Surra, near Nablus, with the Israeli military prosecution claiming at the time that he was affiliated with the Islamic Jihad. At the time of his arrest the IOF was aware that he suffered from leukemia. Physicians for Human Rights affirmed that while being held at Megiddo prison, Turabi suffered from internal bleeding caused by bursting blood vessels. He was subsequently transferred to Afoula hospital.
- 19 November 2013: Israeli Supreme Court denied an appeal filed by prisoner Samer Al Barq saying that he forms a danger to the security of the occupying state. Al-Barq, considered the longest-serving administrative detainee, was arrested on 11 July 2010. Since his arrest, he has received 7 administrative detention orders. He carried out 4 hunger strikes during 2012 and 2013 demanding his release and demanding an end to the policy of administrative detention.
- 18 December 2013: IOF killed 22-year-old Nafe Jamil al-Saadi from Jenin Refugee Camp as the army stormed the camp and the house of prisoner Jamal Abu Al-Hejja. The raid resulted in the injuries of 6 other Palestinians, one of whom was arrested after he was shot by the IOF.
- December 2013: The Israeli prisons and detention centers, especially Huwwara Detention Center and HaSharon Prison, witnessed harsh and degrading conditions due to the cold weather. Israeli prison services refused to allow covers or warm clothes into these places.
- 30 December 2013: The third batch of prisoners were released and included 26 prisoners, 25 of



whom were prisoners arrested before signing the Oslo accords. For the first time, the release included six prisoners from Jerusalem. It also included two prisoners from the Gaza Strip and the West Bank. The deal also included prisoner Naeim Shawamreh who was been arrested after signing the Oslo accords, due to his deteriorated medical condition. The batch did not include any of the 14 prisoners from 1948 territories. Karim and Maher Younis from 'Ara village are considered to be the oldest prisoners and have been in prison since 1983.

Arrests By IOF of Palestinians from the Besieged Gaza Strip

In 2013, IOF arrested 72 Palestinian from the Gaza Strip. 16 were arrested at Beit Hanoun crossing including patients, merchants and activists. Among the 72 arrested were 18 fisherman, including two children. Others were kidnapped near the eastern borders of the strip. 25 children were arrested while hunting birds or having a picnic near the borders. In addition, Wael Hussein Abu Rideh from Khan Younis (Southern Gaza), a citizen from Sina, was kidnapped in what was described as a “secret security mission”.

Statistics



Number of prisoners held in Israeli prisons (2010-2013)

	January	February	March	April	May	June	July	August	September	October	November	December
2013	4743	4812	4936	4900	4979	5058	5071	5068	5007	5046	4996	5033
2012	4567	4489	4637	4610	4563	4659	4706	4660	4606	4596	4520	4656
2011	5935	5834	5777	5716	5604	5554	-	5573	5374	5434	4937	4970
2010	6831	6794	6985	6981	6584	6508	6408	6257	-	6180	6089	5977

Number of PLC members held in Israeli Prisons (2007-2013)

Year	January	February	March	April	May	June	July	August	September	October	November	December
2013	12	15	12	14	13	13	14	13	13	13	14	14
2012	27	27	27	27	27	26	20	20	13	10	8	13
2011	12	12	13	13	14	19	19	19	22	22	23	23
2010	-	11	15	14	12	12	12	12	9	9	9	9
2009	34	34	37	37	37	36	35	35	25	24	18	17

Number of Administrative Detainees held in Israeli Prisons (2010-2013)

	January	February	March	April	May	June	July	August	September	October	November	December
2013	178	178	170	168	156	147	136	134	137	135	145	145
2012	309	309	320	322	308	303	285	250	112	184	156	178
2011	207	221	214	217	220	229	243	243	272	286	278	283
2010	264	264	259	237	222	215	200	190	190	212	214	207
2009	564	542	506	487	449	428	387	363	335	322	291	278
2008	813	788	766	790	776	738	692	649	604	583	569	546
2007	814	788	776	790	761	730	691	651	599	578	569	546

Cases by Category (2010-2013)

	Prisoners from 1948 Territories	Jerusalem Prisoners	Gaza Strip Prisoners	Pre-Oslo Prisoners	Members of PLC	Female Prisoners
Beginning of 2013	191	167	437	111	12	10
End of 2013	216	169	395	53	14	16
Beginning of 2012	180	161	462	112	27	8
End of 2012	191	165	439	111	13	11
Beginning of 2011	187	197	684	300	10	37
End of 2011	165	152	443	112	23	5
Beginning of 2010	200	198	726	300	12	36
End of 2010	191	198	686	300	9	39

Number of Systematic Raids and Searches in the Prisons by IPS's Special Intervention Units (2010-2013)

Year	2010	2011	2012	2013
Number	120	100	140	175

Fines Imposed By Military Courts

Year	2007	2008	2009	2010	2011	2012
Amount in NIS	9605743	13787242	15940910	15940910	13141813	13229170



Deaths from Prisoners' Movement between 2007 and 2013

The death toll of Palestinian prisoners in Israeli prisons has increased to 205 in 2013. 74 of the cases involved deliberate killing. 7 prisoners were directly shot by Israeli Forces and 73 were killed as a result of torture, in some cases due to force-feeding procedure. 53 prisoners died inside Israeli prisons due to medical negligence. In addition, several cases were documented in which prisoners died after their release, with medical reports indicating that their deaths resulted from medical negligence.





Palestinian Prisoner Deaths in Israeli Prisons (2007-2013)

Prisoners who died in Israeli prisons as a result of the IPS's policy of deliberate medical negligence	11
Cases of medical negligence that led to deterioration of prisoners' health and death after release	7
Cases of detainee deaths while in custody as a result of torture	3
Cases of deliberate killing during arrest	5
Cases of individuals killed during the arrests of others	7
Total	33

Prisoner's Movement Deaths while in Israeli Custody as Result Of Torture Since 2007

Number	Name	Place of Residence	Date of Death	Notes
1	Wael Yousef Al-Qirawi (34 years old)	Al-Tur, Jerusalem	9/3/2009	Death due to torture and beating directly after arrest by Israeli border police
2	Obaida Maher Abdel-Mutei Al-Dweik (25 years old)	Hebron	13/9/2009	Arrested following injury on 26/8/2009 and was denied treatment; subsequently died from torture
3	Arafat Jaradat (30 years old)	Saeir/Hebron	23/2/2013	Torture during interrogation in Megiddo Detention Center

Prisoner Deaths from Medical Neglect (2007-2013)

Number	Name	Place of Residence	Date of Death	Notes
1	Jamal Abdullah Al-Saraheen (37 years old)	Beit Ula, Hebron	16/1/2007	Medical negligence in Ansar Prison Camp in the Negev; he was an administrative detainee since 2006
2	Maher Atta Mustafa Dandan (38 years old)	Balata Refugee Camp	9/6/2007	Medical negligence led to a heart attack
3	Shadi Saeid Al-Sa'aideh (28 years old)	Al-Maghazi Refugee Camp	31/7/2007	Medical negligence in Nafha prison
4	Omar Ayed Salman Mlaweh Al-Masalmeh (42 years old)	Beit Uwwa, Hebron	25/8/2007	Medical negligence in Al-Ramla prison
5	Fadi Abed Allatif Abu Alrub	Qabatya, Jenin	28/12/2007	Medical negligence in Gilboa prison
6	Fadel Odeh Attiyeh Shaheen (47 years old)	Gaza City	29/2/2008	Medical negligence in Beir Sheva prison; he had been imprisoned since 15/10/2004 and was sentenced to 8.5 years.
7	Jumaa Ismaeil Mohammad Musa (66 years old)	Jerusalem	24/12/2008	Medical negligence in Al-Ramla prison hospital; he had been imprisoned since April 2008 and was serving a life sentence.
8	Raed Mahmoud Ahmad Abu Hamad (31 years old)	Eizariyeh, Jerusalem	16/4/2010	Died in a solitary confinement cell in Eshel Prison; he had spent 18 months in solitary confinement prior to his death

9	Mohammed Abdulsalam Mousa Abdin (39 years old)	Jerusalem	10/6/2010	Died in a cell in Ramleh Prison due to medical negligence; he was serving a 14-month sentence at the time of his death.
10	Maysara Abu Hamdiyeh (64 years old)	Hebron	2/4/2013	Medical negligence after being denied medical treatment for throat cancer
11	Hasan Turabi (22 years old)	Surra, Nablus	15/11/2013	Died in Afula prison due to medical negligence

Deaths Inside Israeli Prisons due to Torture and Assassination

Number	Name	Place of Residence	Date of Death	
1	Mohammad Safi Al-Ashqar (29 years old)	Saida, Tulkarem	22/10/2007	Shot dead in the head by Metzada Forces during a raid on Ketziot Prison
2	Fawwaz Awni Freihat (19 years old)	Al-Yamoun, Jenin	7/1/2008	Executed after his arrest
3	Ziyad Al-Joulani (41 years old)	Jerusalem	11/6/2010	Executed by border police
4	Amjad As'ad Shalbabehe (38 years old)	Nour Shams Refugee Camp, Tulkarem	17/9/2010	He was arrested and executed in cold blood
5	Ezz Al-Din Saleh Kawazbeh (38 years old)	Saeir, Hebron	2/10/2010	Arrested with a group of workers in Jerusalem; IOF executed him on the spot

Names Of Persons killed by IOF or Mustaribeen during their Arrest or Arrest of others in 2013

Number	Name	Date of Death	Age	Place of Residence
1	Majd Mohammed Lahlouh al-Shahla	20/8/2013	Years Old 21	Jenin Refugee Camp
2	Yousef Jahjough	26/8/2013	Years Old 22	Qalandia Refugee Camp, Jerusalem
3	Robin Fares	26/8/2013	Years Old 19	Qalandia Refugee Camp, Jerusalem
4	Jihad Aslan	26/8/2013	Years Old 19	Qalandia Refugee Camp, Jerusalem
5	Karim Subhi Abu Sbeih	31/8/2013	Years Old 22	Jenin Refugee Camp
6	Islam Tubasi	17/9/2013	Years Old 19	Jenin Refugee Camp
7	Mohammad Assi	27/10/2013	Years Old 28	Kufor Nimeh
8	Nafe'e Jamil Al Sa'di	18/12/2013	Years Old 23	Jenin Refugee Camp

Causes of Death inside Israeli Prisons from 1967-2013

Torture	71
Deliberate Execution	74
Raids carried out by Israeli special forces	7
Medical Negligence	53
Total	205



Cases of Palestinian Prisoner Deaths shortly following Release

There is a recent trend in the deaths of prisoners shortly following their early release from prison resulting from medical complications that had gone untreated during their detention. The majority of these prisoners suffered from chronic diseases with which they became ill while in prison, including cancer. Among those who died shortly following their release are Hayel Abu Zaid (7/7/2005), Saitan Al-Wali from the Occupied Golan Heights (24/4/2011), Fayez Zaidat (5/1/2010), Murad Abu Sakout (14/1/2007), Zakariya Issa (12/1/2012), Zuheir Lubbadah (31/5/2012), Ashraf Abu Dre' (21/1/2013).

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

10 December 1984

Article 1

For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Torture, and other Cruel, Inhumane, and Degrading Treatment during Arrest





In 2013, IOF arrested over 3780 Palestinians. These arrests included 1000 children and 21 women.

– Addameer statistics

Violations Against Prisoners and their Families during Arrest

Palestinian cities, towns, villages and refugee camps are often subjected to arrest campaigns by the IOF, with a lack of compliance with International Humanitarian Law and in particular, the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949.

During the second half of 2013, IOF killed eight Palestinians during arrest campaigns that were carried out in Qalandia Refugee Camp, Jenin Refugee Camp, and Kufor Ni'meh village. These arrest campaigns took place to arrest the Palestinians who were subsequently killed, or others. The murder of these eight Palestinians is a flagrant violation to the four Geneva Conventions, according to Article 85 of the additional protocol of 1977, and a war crime according to article 8-2 (a) of the Rome Statute of the International Criminal Court (ICC) which identifies torture, inhuman treatment and willful killing as war crimes.

Israel's ill-treatment and abuse of Palestinian detainees is widespread and systematic, and it typically starts from the moment of arrest. Testimonies collected from detainees confirm that IOF aimed to use these arrests as a form of collective punishment. It terrorizes the families and systemically is carried out in the process of arrests. Sworn statements by Palestinian detainees reveal that various methods of physical and psychological torture are used by the Israeli forces. These methods do not only aim to result in the loss of human dignity, but also in visible physical effects of torture, with methods that target unseen parts of the body—for example attacking the detainee with a metal stick in the armpit.

Israeli Forces have shown clear disrespect to human rights standards and international conventions (the Standard Minimum Rules for the Treatment of Prisoners of 1957 and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty of 1990 (Havana Rules) which affirm the necessity of prisoner medical check-up by examiners. Prisoners' testimonies indicate that medical check-ups are not adequate. They have stated that these check-ups involve general questions about the prisoner's health, and that most prisoners are simply prescribed painkillers without any thorough medical follow-up. Detainees are transferred to clinics or hospitals in severe cases to avoid death or hide signs for torture. The testimonies also revealed that the prisoner's doctor often shows aversion towards dealing with the prison's administration, as they cause severe stress upon making any requests and implementation of the requests, if they are acted upon.

Palestinians are most commonly arrested in the middle of the night from their homes with no arrest warrant. The family is not informed of the reason of the arrest or the place of detention. In some cases, IOF takes a family member as hostage to pressure the detainee to turn himself in. Tens of soldiers and officers take part in the detention process even if the target of the arrest is a child under 18. Often, they break down the doors using developed military techniques. The detainee is subjected to verbal and physical insults and death threats. This is often combined with damaging property and confiscating phones and computers under the pretext of house search. IOF deliberately humiliates the detainee or, in some cases, the detainee and his family, and subjects them to degrading treatment.

In many cases the detainee is subjected to physical beating. Sound bomb canisters and teargas grenades or rubber-covered metal bullets are also used. Sometimes, the detainee, whether male or female, is strip searched inside the house or the detention center.

In occupied East Jerusalem, IOF often employs Mustaribeen to arrest children, especially in neighborhoods such as Silwan, Issawiya, and the old city where they beat them up during arrest. Some of them lose teeth, some become unconscious for hours, and some require urgent medical intervention to save their lives. Below are a number of testimonies from detainees, who were subjected to serious forms of ill-treatment while being arrested by Israeli forces.

Arrest Of Activist Hassan Karajah

On 23 January, 2013, the Karajah family woke up to the sound of the front door of their home being broken down. The soldiers separated the family by gender into two rooms as they searched and ransacked the entire house including clothes, furniture and books. They photographed documents, letters, family photos and awards. The raid continued for three hours while the family was held in two rooms.

During the raid, female IOF soldiers attempted to strip search Hassan's mother and sister, Sumoud, who is a recently released prisoner who was freed in the prisoner exchange of 2011. Hassan was interrogated outside of the home, then arrested, shackled, blindfolded and driven away in military jeeps. The IOF did not inform the family of the reason behind the arrest or where he was to be taken. He is now being held in Jalameh interrogation center near Jenin. Hassan was subjected to a harsh interrogation that lasted for more than 30 days.



The Beating and Arrest of Thaer Halahleh from his house

Israeli Occupation Forces re-arrested Thaer Halahleh on 8 April 2013 after he was released on 5 June 2012. His release was a result of a long hunger strike along with prisoner Bilal Diab which lasted for more than 77 days. He succeeded to suspend his administrative detention which lasted for two years with no trial or charges.

As for his arrest conditions, Thaer Halahleh told Addameer's lawyer:

“During my arrest on April 8th, 2013, I was severely beaten in front of my wife and children. They blindfolded me and shackled my arms and legs. They also assaulted me before lifting me into the military vehicle. They then placed me in the military vehicle and took me to Beit El detention center. I arrived to Beit El around 2:30 AM and was thrown on the ground and left out in the cold until 7:00 AM. They also



subjected me to assault and threats at Beit El, telling me that they had been meaning to kill me for quite some time. One of them took a photo of me with his phone and sent it to his friend. That's what I gathered he was doing since I was blindfolded. After 7:00 AM, they transferred me to Al-Moskobiyeh detention center [Russian Compound] in Jerusalem. During the transfer, they would drive very quickly and stop all of a sudden in order to make me reel inside the car, causing me pain. My requests that they stop were met only with laughter and insults from the soldiers. When I reached Al-Moskobiyeh, the soldiers assaulted me yet again.”

The Arrest and Beating of 16-year-old Ali Shamlawi

In a sworn testimony given to Addameer's lawyer Ali stated:

“My name is Ali Yassin Ali Shamlawi from Hares village near Salfit. I'm 16 years old. I used to be an 11th grade student. I used to live with my parents. On 13/03/2013, army forces came to my house, arrested me and handcuffed me with plastic cuffs. I was blindfolded. They took me to an army jeep and made me sit on the floor. The soldiers were kicking me with their legs. I was hit on the head more than ten times. For more than 8 times, one of the soldiers would push me and have my head bump into the knee of another soldier who was sitting in front of me in the army jeep.



One of the soldiers tried to sit on my head. During that time, the others were laughing and speaking in Hebrew while my hands were cuffed behind my back. I was thrown on the jeep's floor. One of the soldiers hit my fingers using his gun, which caused a lot of pain and a mild wound in my left hand middle finger from the middle node. One of the soldiers pushed my head to the back three or four times in order to hit a metal box that was placed on my legs. I felt that it was about 40 cm width and 20 cm height. The last time they hit my head was with this box. My mouth was hit from the left side of the jaw which caused a wound and I bled a bit. They put cotton to stop the bleeding. My mouth got swollen a bit.”

Female Prisoner, Rana Jameel Abdullah Abu Kweek

On 25/10/2013, IOF arrested Rana Abu Kweek (21 years old) after they stormed her house in Um Al-Sharayet neighborhood in Ramallah at 3 AM. She and her husband woke up to find IOF storming their house. At first the Israeli officer did not allow her to change her clothes. The soldiers searched the house, confiscated the phones, computers and personal documents. They tied her hands behind her back with plastic shackles, blindfolded her, and then took her to the military jeep where she was forced to lay down as she faced the floor all the way to the military base which she could not locate. At the military base they put her in a room and left her handcuffed and blindfolded for 3 hours then two female soldiers strip searched her.

After the strip search, she was handcuffed and blindfolded again and was not told where was she going. Several hours later (based on her estimation), she arrived to a military checkpoint, was transferred to



another vehicle, and then was moved to Ashkelon detention center. For about 17 hours, she was denied access to food or bathroom.

A Testimony from a Prisoner on the Detention Conditions at Huwwara Interrogation Center

Osaid Jaber Khaled Salameh (born on 13/9/1991) was arrested by IOF on Wednesday early morning of 18/12/2013 from his family house in Nablus. He said in his testimony to Addameer's lawyer:

"I was taken to Huwwara interrogation center around 2:30 AM. As we arrived, a doctor examined us and asked us general questions about whether we suffered from any diseases, but he did not perform a medical check. After that, the soldiers forced us to sit on the floor despite the cold weather. We were arrested during the snowstorm that hit Palestine at that time of the year. It was very cold. Snow covered everything.

We were a group of detainees, handcuffed. I managed to recognise several names: Anas Raddad, Saleh Amer, Said Baker Bilal. We could recognize each other by trying to look under the blindfold. We were sitting on the floor. The weather was freezing with not a single heating method. Some of the soldiers were watching us carelessly, whenever we asked for food or to go to the bathroom, they would insult us with curses. We remained with no food or permission to use the bathroom until it was the time for 'Asr prayers.

Our personal belongings, for example, hand watches, got confiscated. Then we were put into rooms. We were about 6 persons in a room with bad conditions. It was moldy. Sleeping mattresses were filthy. The blankets were old and unsuitable for use. We had five blankets only. Two were used as mattresses and a pillow, and the rest were used as covers.

Food was really bad and in tiny quantities. We had only the first meal which was two cans of yogurt for the whole room. This amount of food was not enough, especially since we had not eaten since our arrest. So, we protested and sent the food back. After two hours, they only brought us Yogurt and Labaneh.

The soldiers didn't allow us to use the bathroom. We would ask but get the permission to use the bathroom long after. We didn't have hot warm water for Wudu'. Also, we didn't have any clothes or other belongings as mentioned in the "Rights Paper" that we had been given."



Torture and Ill-Treatment in Interrogation and Detention Centers

The occupying state, along with its security forces, intelligence agents, and special forces have continued to practice physical and psychological torture against Palestinian detainees in every phase of the arrest, with the use of different methods for each phase. They have relied on research to explore the most efficient methods of torture in order to extract forced confessions from Palestinians, leading to their conviction and imprisonment.

In 1999, the Israeli Supreme Court issued a decision banning torture, but the ruling failed to explicitly forbid the use of torture, but rather allowed that interrogation methods may involve “moderate physical pressure”—widely deemed as torture. This did not put an end to the use of physical torture



as we witnessed in the case of Arafat Jaradat, who died under torture in an interrogation center on 23/02/2013, six days after his arrest. According to the preliminary autopsy report prepared by Dr. Saber Al Aloul, a specialist in Forensic Medicine and Director of the Palestinian Medico-Legal Institute, the cause of death was found to be nervous shock as a result of extreme pain from the intensity of the injuries, which resulted from multiple direct and extensive acts of torture. Since 1967, approximately 205 Palestinian detainees have died in Israeli detention.

Palestinian detainees and prisoners do not enjoy legal protection as codified by international humanitarian law, which outlaws torture and cruel and inhuman treatment, particularly in the Third and Fourth Geneva Conventions and other Human Rights treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Palestinian prisoners continue to be subjected to various methods of torture and other cruel, inhuman or degrading treatment despite the fact that the occupying state signed the convention against torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1991.

Torture of Palestinian prisoners during arrest or while in detention centers is a consistent Israeli policy. It aims to break the prisoners, force them to confess, change their political beliefs and cause them to lose solidarity.

Torture incidents takes place away from the monitoring of international organizations. The Israeli state bans visits to its prisons by professional, qualified and neutral human rights groups. IPS has claimed that these visits could pose an unnecessary load to the prison’s capacity, in a statement made by IPS Commissioner in 2008 to a delegation representing Physicians For Human Rights. A request by the UN Torture Commission has been awaiting approval to visit the prisons since 2002.

A Palestinian detainee can be interrogated for a total period of 90 days, during which he or she can also be denied lawyer visits for a period of 60 days. During the interrogation period, a detainee is often subjected

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

During interrogation, the detainee is asked to sign what is referred to as a “personal statement” listing the detainee’s rights during interrogation such as: receiving clothes, exercise, showers, 3 meals a day and the right for visits by lawyers. In case one of these rights is violated, the prisoner has the right to file a complaint. In most of the cases, the points listed are not respected. Some testimonies from prisoners showed that some of them were not allowed to shower for the whole interrogation period which lasted for a month. They were not given a toothbrush, toothpaste, were not allowed to change their clothes, and were denied lawyer’s visits for the whole interrogation period.

One method used by the Israeli security forces to extract confessions from detainees is the use of Asafeer where the detainees get tortured by Palestinian collaborators. These Palestinian “friends” have their conversations recorded and later taken to the GSS agents. Later the detainee is confronted with this “evidence”. These “friends” have an advantage over the GSS interrogators, they remain secret.

What is more dangerous is that doctors in detention centers do not document the physical or psychological torture cases, which affirms their complicity in taking part of the crime by providing a cover to the torture. Lawyers are denied access to the medical reports which deprive them of the chance of using these medical reports to prove that confessions were extracted under torture and therefore deprive detainees from the right to access a fair trial.

Arafat Jaradat dies while under Israeli interrogation, one week after his arrest

Arrest:

Arafat Jaradat (30 years old) was arrested from his home in the small town of Sa’eer, near Hebron at midnight on 18 February 2013, with claims that he threw stones at cars from a nearby settlement. Arafat was transferred to Jalameh Interrogation Center in the northern West Bank before being transferred to solitary confinement in Megiddo prison.

Arafat was born on 14 January 1983 and was a student at Al-Quds Open University. He was married with two children, four year old Yara and two year old Mohammad, and his wife was four months pregnant. Arafat’s family stated that he was heavily beaten by the IOF during his arrest at the entrance of Sa’eer and that he was screaming from the abuse that he was subjected to. His wife, Dalal Ayayda, added that the intelligence officer that accompanied the IOF during the arrest requested that they allow him to return to his home for a moment to say goodbye to his wife and children. She considers this to be an indicator that his death in the prison was premeditated.





Israeli Military Court is accused of Lack of Accountability for Torture of Palestinian Detainees

On 21 February, Ministry Of Detainees And Ex-Detainees lawyer, Mr. Kamil Sabbagh, reported that Arafat was suffering from severe pain in his back and appeared to be psychologically and physically weak after three days under interrogation. According to Mr. Sabbagh, Arafat also expressed strong fear at the prospect of returning to interrogation when his detention order was extended by 12 days. After a request from Mr. Sabbagh, the Israeli military judge ordered that a full physical and psychological examination of Arafat be carried out, the results of which were to be presented to the Israeli Security Agency (ISA) and the court. It is unclear whether or not this medical examination ever took place. If it did, the results of the exam should be disclosed. If it did not, the Israeli authorities should explain why this order was not complied with.

Autopsy Report:

The preliminary autopsy report on Arafat Jaradat following his death prepared by Dr. Saber Al Aloul, a specialist in Forensic Medicine and Director of the Palestinian Medico-Legal Institute revealed that the cause of death was nervous shock as a result of extreme pain from the intensity of the injuries, which resulted from multiple direct and extensive acts of torture.

The preliminary autopsy found that Arafat's body displayed the following:

- Bruise in the lower lip
- Severe bruising on the right side of his upper back
- Significant bruises on the right side of the chest
- Presence of bruises on the left elbow, back of the arm
- Presence of a bruise on the mid-backside of the right upper arm
- Presence of a bruise 4X9 cm on the top of his left shoulder, the bruises are under the skin, inside the muscles and along the spine at the bottom of the neck
- Presence of bruise 10X4 cm on the right side under the skin inside the muscles, 27 cm away from the middle line of the back and 53 cm from the top of the head
- Presence of fracture in the second and third ribs on the front left side of the chest with the presence of fresh bruise around the fracture

Dr. Aloul's report concluded that all injuries resulted from very recent, severe and direct torture. In her testimony for a Petah Tikva Magistrate Court hearing on February 2 2013, Dr. Sebnem Korur Fincanci, an internationally recognized expert in Forensic Pathology, provided her expert opinion to the Court. According to Dr. Fincanci's findings, Arafat Jaradat was severely beaten while in detention, resulting in Acute Respiratory Distress Syndrome, which caused his death in Israeli custody on 23 February 2013.

Addameer's Position

Addameer considers the death of Arafat Jaradat inside the prison a war crime as it violates the Geneva Convention IV, in which torture is considered a violation to Articles 50, 51, 130, and 147. According to Article 85 from the Additional Protocol I in 1977, practices of torture are categorized as war crimes.



European Parliament Delegation to conduct fact-finding mission on Palestinian prisoners

Following calls from official and legal Palestinian organizations, a delegation from the European parliament headed by Irish Minister Emer Costello visited the West Bank on 19 March 2013 to conduct a fact finding mission along with 4 parliament members. It was decided for the visit to take place on 19 and 20 March 2014. The Israeli authorities repeatedly announced their refusal to cooperate and allow the mission to visit any of the prisons.



Testimony of Rana Abu Kweek

Detainee Rana Abu Kweek stated in her testimony:

“I arrived Ashkelon detention center by the evening. Shortly after arrival, a long interrogation began. It lasted until the next day. I would be allowed to have short breaks in between, each break lasting less than 30 minutes, followed by a new round of interrogation. I was threatened to get deported to Gaza if I did not ‘confess’. They threatened to ruin my marriage by spreading rumors that would destroy my reputation.”

She added, “In the last four days of interrogation, I was moved to a cell near the men’s cells. The men spoke to me claiming to be political prisoners but later I found out that they were spies.”

Testimony of Maram Hassouneh

In her testimony to Addameer, 18 year old Maram Hassouneh from Nablus who was arrested on 30/11/2013, told Addameer’s lawyer that during arrest she was hit on her head and fell on the ground. One of the soldiers put his leg on her back to prevent her from getting up. When other soldiers came, she was handcuffed, blindfolded then moved to an army jeep. She was first interrogated by a field officer near the checkpoint. She was then transferred to a nearby military base, where they tied her on a chair outdoors while the passing by soldiers would kick her with their feet, or throw stones at her. She was strip searched by two female soldiers. She remained handcuffed through the whole interrogation. The interrogators screamed at her and threatened her.

68 Days of Non-stop Interrogation:

The Case of Ahmad and Mahmoud Zahran

Israeli Occupation Forces arrested Ahmad and Mahmoud Zahran on 24 March 2013 after the IOF raided the village of Deir Abu Masha'al, located northwest of Ramallah. Immediately after their arrest, the detainees were transferred to Al Moskobiye Interrogation Center in Occupied Jerusalem violating the Basic Principles on the Role of Lawyers adopted by the United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990). Intelligence also immediately issued a decree banning them from meeting with their lawyer from Addameer, who was representing them.

In his testimony before the judge during a court hearing held on 7/4/2013, detainee Ahmed Zahran explained that he fell unconscious three times during his interrogation and that he is constantly suffering from nausea and exhaustion resulting from sleep deprivation, extremely long periods in interrogation, and the harshness of the interrogation techniques. He also indicated that he had been tied to a chair for hours throughout interrogation, which lasted non-stop day and night, resulting in extreme sleep deprivation.

The interrogation with Ahmad and Mahmoud Zahran lasted for 68 days at Al Moskobiye Interrogation Center and the two were denied lawyer visits for 50 days. In his first lawyer visit on 14/5/2013, Mahmoud Zahran described the interrogation and the torture methods that were used against him. He stated:

“During the first 5 days of the arrest, the interrogation sessions would last for early morning hours until sunset. After day 5, they started following a new method of torture by depriving me of sleep completely. The interrogation sessions would last for 22 hours with a couple of bathroom breaks.

I lost consciousness three times. It started after the fifth day after I tried to get off the interrogation chair. I would wake up after they spilled cold water on me. The first time I lost consciousness was on the second day of non-stop interrogation. The second was on the 23rd day of interrogation on my way to the bathroom. When I woke up, I found myself in the clinic of the interrogation center. The doctor prescribed me some medicine and told me that I should rest and sleep. Then the non-stop interrogation became less intense. During the first 23 days of interrogation, my hands were handcuffed to the back. I was not allowed to sleep. The doctor would be allowed into the interrogation room to give me medicine through my mouth and give me some water without talking to me or tell me the name of the medicine or its effects.

I encountered many methods of physical and psychological torture during interrogation – as I mentioned earlier – they followed the method of sleep deprivation during the first three weeks. Along with non-stop interrogation sessions that would last for about 23 hours, my hands were handcuffed behind my back during the interrogation. Threats to get long sentences, threats to arrest others in an attempt to fabricate a indictment for them which indeed happened. A child was arrested and he was forced to confess with what would convict him, threatening to arrest the wife which also happened. For the whole 68 days I was locked in solitary confinement. I was not allowed to have any interaction with the outside world, nor to see a lawyer, not even a representative from the ICRC.”

Detainee Ahmad Zahran (36 years old) had been released in 2009 after spending 11 years in prison. He is married and a father of two children. Detainee Mahmoud Zahran (36 years old) had spent 4 and a half years in prison and was released in 2009.



37 Days of Non-Stop Interrogation and Torture, 3 Days Locked in the “Asafir” Cells, Threats to arrest Mother

Sworn Affidavit:

I, the undersigned,

Amir Abdul Rahman Mohammad Khaled, hereby declare that I am fully aware that signing this pledge requires telling the truth and only the truth and I am aware of the legal consequences in case I violate this pledge. I state the following:

My name is Amir. I'm 19 years old and I am from Jayyous village near Qaliqilya. I used to live with my family before the arrest.

On 5/27/2013, IOF came to my house and asked for me. I was staying at a friend's house studying for our Tawjihi exams. My brother called me and I came back to the house where the IOF arrested me from there at 3 am in the morning.

They tied my hands behind my back with plastic shackles and blindfolded my eyes. The soldiers walked me outside the house. One of the soldiers pushed and hit me on my head 4-5 times with his elbow and hand.

After ten minutes I was placed in an army jeep. They made me kneel on my knees while my hands were tied to my back and eyes blindfolded. In the army jeep the soldiers were cursing me and kicked my legs with their feet three times.

They took me to a military base and I was held in a room on the floor for long hours, maybe about 10 hours (handcuffed and blindfolded). After that I was transferred to Al-Jalameh interrogation center. I arrived around 2 am.

The soldiers refused to give me water despite my requests.

After the medical examination, I was taken to interrogation directly for two hours. I suffer from low blood pressure.

From day one, the interrogator (called Assaf) started asking me questions while screaming and threatening to bring my mother to the interrogation, to put her in a cell, and place her on the interrogation seat.

The interrogation lasted for 15 days, 12 of them, the interrogation would last with an average of two hours, after that it would last for about 4-5 hours, the interrogator Assaf would often bring his face close to mine and deliberately spit on my face while talking. He threatened to keep me on the interrogation chair until my “hemorrhoid” gets out of my behind.

This interrogator would often slap me on my face. The hard part was when he would strike me with his fingers between the chest area and the left shoulder. I don't know why it hurt so much, as if he was hitting a nerve or something.

After the 12th day I was transferred to Megiddo prison. Three days later I was sent back to Al-Jalameh.



It was the last Sunday when I returned there. The interrogator was “thrilled”. He said that I made a lot of confessions at the Asafir cells. I denied that.

The day before yesterday, the intelligence officers took me to my family’s house. They searched the place under the claim of “searching for weapons”. Although they turned the house upside down, they didn’t find anything. I saw the level of vandalism they did. I could hear the soldiers screaming at my family and we were not able to see each other.

Assaf, the interrogator is still threatening me with arresting my mother and bringing her to the interrogation and with bringing my friends here.

This is my name, this is my signature , the content of this statement is true.

In front of lawyer Samer Sama’an

12 June 2013

Second Statement:

I, the undersigned,

Amir Abdul Rahman Mohammad Khaled, hereby declare that I am fully aware that signing this pledge requires telling the truth and only the truth and I am aware of the legal consequences in case I violate this pledge. I state the following:

I, the mentioned above from Jayyous village, am 19 years old, and this statement is a follow up to a previous statement I provided to lawyer Sami Sama’an on 12 June 2013.

Aside from beating, torture and all the violations mentioned in the statement, I declare that on the Thursday that was before this date, 18 June 2013, I don’t remember the date clearly. I was under interrogation at Al-Jalameh by “Assaf”, the intelligence officer. The interrogation lasted for over 6 hours, during that period the interrogator got angry several times, yelled at me, cursed and called me an animal.

At the same interrogation session mentioned above, the interrogator pushed a chair near me. The chair hit my right knee. He slapped me on my face, pulled me from my hair to the back while screaming and cursing. The same interrogator hit me more than once after that incident at different interrogation sessions.

At the end of the interrogation period, after about 36-37 days of interrogation at Al-Jalameh, I was taken to be interrogated by an officer named “Shaii”. They confronted me with a man from my village named “Sa’d Nofal”. I mentioned to them that I have personal troubles with him.

During this confrontation, it turned out that the man from my village didn’t say anything about me, and I didn’t say anything about him either. I told “Shaii” the interrogator that he helped us fix our troubled relationship. After hearing this, the interrogator attacked me while being handcuffed, pulled me from my hair, hit my head into the wall and cursed me. He was in the room when the other man was brought and saw what happened.

In front of lawyer Samer Sama’an

31 July 2013

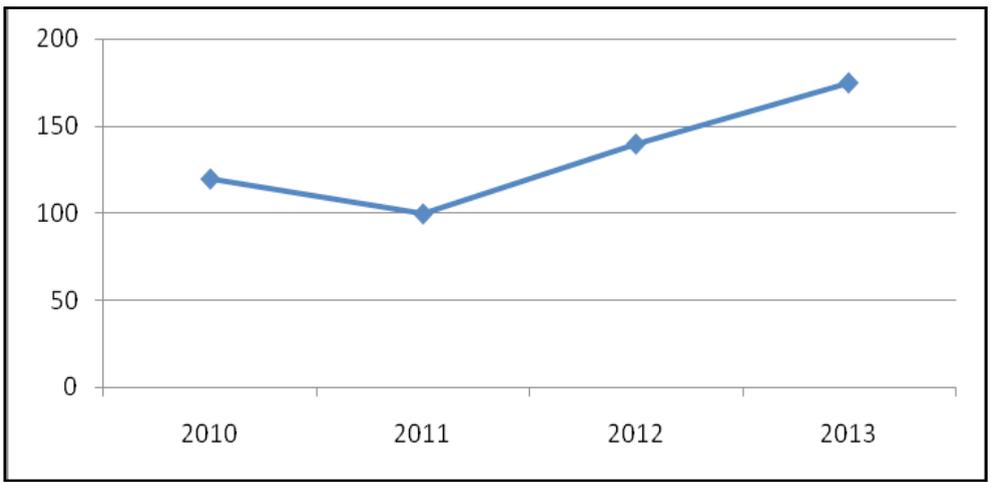


“Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.”

-Standard Minimum Rules for the Treatment of Prisoners, Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in 1955; Article 54 (1).



Number of raids to the detainee’s rooms and sections by IPS and Special Intervention Units between 2010-2013.





2013 witnessed a notable increase in the number of raids and searches in the prisons carried by IPS's special intervention units, the increase in number of raids is explained in the diagram above. The Research and Documentation Unit documented over 175 raids in 2013. This constitutes a 20% increase since 2012, and 75% increase since 2011. The raids targeted all prisons but were more concentrated in the following prisons: Ashkelon, Naqab, Nafha, Ramon, Eshel, Shatta and Gilboa' prisons. These raids were carried by the IPS's special intervention units, especially the Nahshon, Metzada, Drior, and Yamaz forces along with a new unit called "Ktir". The violations took place during provocative inspections of prisons.

These also took place during hunger strikes, including the administrative detainee's hunger strike and the Jordanian prisoners hunger strike, and following the wave of protests that involved all prisons after the death of Arafat Jaradat at Meggido prison on 22 February 2013, after he was tortured to death. They also took place following the death of Maysara Abu Hamdiyeh at Eshel prison on 2 April 2013 where he passed away at Soroka hospital due to deliberate medical negligence.

During raids, the prisoners were subjected to various kinds of physical and psychological torture methods, in addition to degrading and inhuman treatment. The raids were usually followed by a set of punishments against the prisoners and detainees, as individuals and as groups. Punishments include denial of family visits, isolation and the imposition of financial fines between 100-475 NIS, and denial of access to the canteen. These punishments are based on the IPS regulations (00/13/04) disciplinary orders for prisoners based on the IPS charts which, violate international standards, codified in the 1949 Geneva conventions and the Standard Minimum Rules Agreement For the Treatment of Prisoners (1977).

In addition to the punishments stated within the IPS's regulations and charts, there are also other forms of punishment against the prisoners, including denial of walks outside the cells, confiscation of belongings, vandalising personal belongings, confiscation of letters, and denial of lawyer visits.



Military Trials and Guarantees of a Fair Trial





Summary of Military Court Reports 2007-2012

The occupying state does not acknowledge the applicability of the four Geneva conventions with regards to its occupation of Palestinian land. Nevertheless, it practices authority to subdue Palestinian land and its inhabitants to military orders, persecuting them in military courts that are not in compliance with the international humanitarian law framework. The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, dated 12 August 1949 states in article 64 that:

“The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil 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”.

Article 66 also states that: “In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts”. The decision of occupation forces to ignore the stipulations of the Fourth Geneva Convention and the refusal for its implementation in the occupied Palestinian territory may be considered proof of the lack of legal legitimacy of the military courts of the occupation, which are provided for in Articles 64 and 66 of the convention.

This chapter will address the important components of the report on the military courts in 2012.¹ This comes within a context of highlighting the violations of Palestinian prisoners’ rights that are safeguarded in the fourth Geneva Convention and should be applied.

General Data:

The report shows a decrease in the number of files compared with the past five years. The year 2012 witnessed the opening of 7267 files, compared with 8635 in 2011, 8516 in 2010, and 8459 in 2009. According to the report, the number of criminal records for 2012 reached 7331.

Criminal records are categorized under the following: 1) “Security” reasons; 2) Traffic violations; 3) Being outside the occupied Palestinian territory, including Jerusalem, without a permit; and 4) “disrupting public security”. A decrease was noted in the number of closed cases in 2011, which reached 7331 files compared with 8011 files in 2011. The following table summarizes the criminal files that were opened in 2012:

¹ The annual report of the military trials is released in June of the consecutive year.

Criminal Files Opened in 2012

Court		Salem Court	Ofer Court	Total
Number of accused persons that were served with indictments	Repetitive terrorist" attack"	634	635	1319
	Subversion	281	580	861
	Felony	207	307	514
	Entry without permit	673	685	1385
	Traffic violations	1614	1610	3224
	Total	3409	3867	7267
Number of accused people whose files were closed	Repetitive terrorist" attack"	514	532	1640
	Subversion	206	568	774
	Felony	212	341	553
	Entry without permit	657	639	1296
	Traffic violations	1628	1430	3662
	Total	3217	4114	7331
Number of persons with suspended proceedings		29	234	263
Increasing period of detainment		4981	7559	12540
Different requests		48	4	52
Fines		5,132,300	8,096,870	13,229,170

Fines Imposed by Military Courts

Year	2007	2008	2009	2010	2011	2012
Total	9,605,743	-	13,787,242	15,940,910	13,141,813	13,229,170

Military courts impose heavy fines on the prisoners and detainees, regardless of the reasons behind their arrest, conviction, or release. Fines range between 1000-20,000 NIS. The imposition of these fines is considered part of a systematic policy used by the occupation to burden the Palestinian people with the cost of occupying their land, depleting their resources, weakening their resilience, and demanding of their legal rights.

Annual Comparison of Number of Submitted Files

Number of Files Opened by Year and Type

Year	2007	2008	2009	2010	2011	2012
Traffic violations	2605	2706	3559	3888	4904	3224
Entry without permit	1614	1771	1628	1887	1180	1358
Subversion	1048	593	662	707	721	861
Felony	567	666	648	629	707	514
Repetitive Terrorist Attack	2898	2584	1962	1405	1123	1319
Total No. of Files Opened	8732	8320	8459	8516	8635	7276

Number of Files Closed by Year and Type

Year	2007	2008	2009	2010	2011	2012
Traffic violations	2069	2752	3452	4126	4183	3662
Entry without permit	1489	1708	1655	1973	1232	1296
Subversion	976	867	738	763	697	774
Felony	383	730	727	664	702	553
Repetitive Terrorist Attack	2648	3029	2659	2016	1204	1046

Comparison of Security Files Opened and Closed between 2007-2012

Year	2007	2008	2009	2010	2011	2012
No. of Files Opened	2898	2583	1962	1405	1123	1319
No. of Files Closed	2648	3029	2559	2016	1204	1046

Traffic Violations

The report shows that a large number of the cases presented to military courts are related to traffic violations inside the occupied Palestinian territory. Jurisdiction over these violations was supposed to be transferred to the Palestinian Authority after the end of the interim period in 1999. This has allowed and continues to allow the occupation forces to collect large fines imposed by its military courts.

For instance, out of the 7267 files opened in 2012, the number of files on traffic violations reached 3224. It is worthy to note that the Israeli police imposes a number of police checkpoints on the roads used by the residents of the West Bank. They stop the vehicles, search them, and fine their owners.

Traffic Violations 2007-2012

Year	2007	2008	2009	2010	2011	2012
No. of Files Opened	2605	2706	3559	3888	4904	3224
No. of Files Closed	2066	2711	3461	4126	4183	3662

Extension of detention

Throughout 2012, 12540 extensions of detainment cases were heard, excluding administrative detention. This is an increase of 28.5% compared with 2011, reflecting the approach that is used in addressing these files before military jurisdiction, and the encouragement of the military judiciary system to forge deals and close the files. This compromises the rights of detainees to fair trial, including witnesses and discussion of data.

Number of Extension of Detainment Court Sessions 2007-2012

Year	2007	2008	2009	2010	2011	2012
Number	14,198	13,003	12,428	10,764	9,744	12,540

Categorization of security violations, subversion, and felony files by court

Occupation forces arrest and try thousands of Palestinians each year under pretences of violating military orders imposed on the residents of the occupied Palestinian territory since 1967, which have exceeded 1,700 orders. These orders impact all aspects of Palestinian life and criminalize the enjoyment of political, economic, social, and cultural rights that are inherent in International Human Rights Law, including the International Covenant on Civil and Political Rights of 1966, and the International Covenant on Economic, Social, and Cultural Rights of 1966.

Number of Security, Subversion, and Felony Files Opened by Court:

Year	2007	2008	2009	2010	2011	2012
Ofer Court	2851	1936	1862	1848	1682	1572
Salem Court	1698	1906	1409	892	869	1122

Detention Until the End of Legal Proceedings

The military court year 2012 saw the detainment of 1083 Palestinians, whose trial procedures were not fully complete, compared with 706 in 2011, 695 in 2010, and 1205 in 2009. This serves as an indicator of the slow completion of jurisdiction procedures on one hand, and the intensification of detainment raids in the last quarter of 2012 on another.

Number of Uncompleted Files between 2007-2012

Year	2012	2011	2010	2009	2008	2007
Files pending for 1 year	965	622	605	944	1378	1733

Files pending between 1-2 years	111	78	79	235	385	419
Files pending for more than 2 years	7	6	11	27	28	35
Total	1083	706	695	1205	1791	2187

Administrative Detention Court:

Military commanders issued 699 administrative detention sentences in 2012, some of which were newly issued orders and the remainder of which were extensions of detainment. This constitutes a decrease by 18.2% from the previous year, as 855 orders were issued in 2011 between new and renewal orders, compared with 714 in 2012. The hunger strikes that administrative detainees embarked on during 2012 arguably formed an important factor in decreasing the number of administrative detainees in general, and in the decrease in administrative detention orders and renewals.

Distribution of Administrative Detention Orders

Year	2012	2011	2010	2009
Number of issued orders	1307	714	855	699
Number of files since beginning of the year	54	42	23	37 ¹
Number of files verified by judge	715	413	539	506
Shortening of sentence by military ruler	159	70	4	10
Shortening of sentence by judge	633	236	272	182
Cancelation by judge	47	9	21	15
Cancelation or shortening by military ruler	14	1	5	10
Number of completed orders	1318	729	841	713
Insignificant shortening	366	214	246	155
Significant shortening	108	22	26	27
Conditional judicial review	91	40	9	57
Uncompleted files by the end of the year	42	23	37	15

There is a decrease in new and old orders.

New and Old Orders

There is an increase in renewal orders issued by the commander, as this year stands at 63% compared with 54% in 2010.

Year	2007	2008	2009	2010	2011	2012
New Order	1116	669	284	191	297	150
Renewal	1943	1553	1032	523	588	549

There is a slight increase in the number of orders canceled by budgets and a decrease in the number of orders verified with conditions, or insignificant limiting.

Distribution of Judicial Reviews by Type of Intervention 2010-2012

	Complete Judicial Review	Conditional Judicial Review	Insignificant Limiting	Significant Limiting	Cancellation by Judge	Cancellation by Military Ruler
2012	63%	8%	22%	4%	2%	1%
2011	63	1	29	3	3	1
2010	54	5	37 ²	3	1	0

Guarantees of a Fair Trial

The case of child Ali Shamlawi facing the possibility of more than 20 years in prison, before a military court signifies a lack of guarantees of a fair trial.



2 Two among these were forcefully transferred to Gaza.



Arrest:

Occupation forces arrested Ali Shamlawi (16 years old) from his house in Hares village near Salfeet on 17 March 2013 around 3:00 AM, along with four friends. The accusation was stone throwing on a settler's car on a bypass road that lead to an accident, resulting in critical injuries of an Israeli child.

Following the arrest and during transfer from his house to the detention center, Ali was beaten and tortured by the soldiers. Ali informed his lawyer that he was blindfolded and handcuffed, during which the soldiers hit him in the face using the heel of a rifle and their shoes, then put a heavy metal box on his feet, and later hit his face using the metal box, which led to resurgence of Ali's blood. A soldier was sitting on his head, putting his foot on Ali's neck, and applying pressure until Ali felt that his neck was going to break. Thereafter, Ali was taken to Al-Jalamah detention center, where he was subjected to physical and psychological torture. Ali was blindfolded, handcuffed, and tied to a small chair in a back-leaning position. The interrogators threatened Ali with the arrest of his mother and sisters, and the interrogation continued for 19 days that Ali spent in small and filthy cells. He was not allowed to communicate with his lawyer or family.

Indictment:

The military prosecutor submitted an indictment based on military orders enforced by the occupation upon the residents of the occupied Palestinian territory. The indictment included 26 articles, 20 of which constituted "attempted murder". This may subject Ali Shamlawi to 20-30 years in prison, according to his lawyer Labib Habib³.

The case is one in which a child that was coerced into a confession under torture and threats, a confession which the military prosecution then used in submitting an exaggerated indictment that included 20 articles to convict him of "attempted murder". It is worth noting that the child did not in his testimony convey any piece of information that may lead to interpreting that the rock throwing was with the aim of murder. In addition, the Israeli prosecution has never submitted an indictment that included attempted murder of any Israeli against stone throwing, be it Palestinian or Israeli.

The case of Ali Shamlawi reflects a lack of guarantees for a fair trial of Palestinian detainees, who are tried before the military courts of the occupation. According to defense lawyer, Labib Habib, the case of Ali Shamlawi presents substantial problems in two aspects of legal defense, and in essence of the procedures and guarantees to a fair trial inherent in international conventions and treaties. These are namely two aspects:

- **Aspect #1:** The prosecution is attempting to commence judiciary procedures from an advanced point (accusation of attempted murder) disassociated with facts and clues. The defense rejects this approach, and has asked the court to enforce the prosecution to respect the procedures and guarantees of a fair trial that assumes the innocence of the accused.
- **Aspect #2:** Even though the judge verified that the indictment is based on unproven hypothesis, he has not rejected the indictment nor has asked the prosecution to amend it. This is consistent with the position of the prosecution that seeks to sentence the child to the highest possible degree of punishment.

³ The family hired Labib Habib to be Ali's lawyer after the submission of the indictment.

Fair Trial Guarantees

Relevant conventions within International Human Rights Law emphasize the right of detainees and accused persons to guarantees of a fair trial in compliance with standards that are established by law. Article 14 of the International Covenant on Civil and Political Rights (1996) specifies the guarantees to a fair trial, stating that all persons shall be equal before the law, have the right to be presumed innocent until proved guilty according to law, should be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him, shall have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing, and should not be compelled to testify against himself or to confess guilt.

Jurisdiction before a Legally Established Court that includes Guarantees to a Fair Trial

Court Refuses Request of Defense to Change the Judge

The defense attorney Mr. Mahmoud Hassan submitted a request to the court, dated 18 March 2013, asking to change the judge that presided on Ali Shamlawi's case during his interrogation. This request was based on the idea that the judge had already formulated an opinion of condemning the child during the interrogation sessions, and before the start of the trial hearings. In addition, the accused has the right that a new judge preside over his case to discuss his indictments, and investigate the evidence and data.

The defense attorney considered the continuation of the trial under the judge who presided over the interrogation and detention period to be an impediment to guaranteeing a fair trial. After the judge examined the child's testimony that was given during interrogation, and accordingly extended the child's detainment, he thereafter expressed his conviction of the soundness and credibility of the child's statement, which were presented by the military prosecution, requesting an extension to the child's detainment, even though the judge was aware, through the child and his attorney's testimonies, that he was tortured during his arrest. This suggested that the judge had already made up his mind on convicting the child before the trial even began and before examining allegations of the prosecution.

The minutes of the session requesting an extension to the investigation, the judge proved the soundness of the attorney's allegations in that he had already formulated a legal opinion that convicts the child, as follows: "I have in front of me a request from the interrogation authorities to extend the detention of suspect Ali Shamlawi for 12 days who was arrested on the 17 March 2013 under suspicion of throwing rocks on 14 March 2013. The suspect is prohibited from meeting his lawyer. The interrogation authorities presented interrogation and a secret file that explains and clarifies the network of evidence and the interrogation steps that will be taken. Based on the testimony of the suspect, it is clear that the network of evidence establishes reasonable doubt that the suspect is connected to the allegations against him. As such, the interrogation is to be extended for 7 days". However, the court refused to replace the judge with another one on 11 July 2013. This directly contradicts Article 37 of the Convention on the Rights of the Child, which was signed and ratified by the occupation State in 1991. The article stipulates:

"No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person. Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority".



This case once again proves that the military court lacks the needed impartiality in fair trial principals, as the judges of the military court are subordinate to the occupation forces. This is in contradiction with Article 66 of the Fourth Geneva Convention, which stipulates that the prosecution of persons suspected with breaches of the penal law of the occupying State before their military, non-political, and legally formed courts in the occupied land.

Defense Challenges the Testimony

Defense attorney Mahmoud Hassan requested the cancellation of the session that was to be held on 2 April 2013 to look into the case of Ali Shamlawi, and to give the chance to present initial allegations on the testimony coerced from the suspect one day after his arrest. The court refused the request of the defense and held the session without allowing the defense to formulate his allegations to challenge the testimony.

The defense attorney considers the testimony coerced from Ali Shamlawi, by which the military submitted a 26-article indictment, 20 of which accused the child of attempted murder, to be a deprivation of the child to the guarantees of a fair trial guaranteed in numerous international conventions and treaties prohibiting torture and annulling statements and confessions obtained under torture, particularly Article 15 of the 1984 Convention Against Torture, which states: "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."

The statement of the defense attorney included that the interrogation with the four children accused of stone throwing (Ali Shamlawi and others) was carried out by the same unit. As such, a complete fabrication is a realistic hypothesis, based on previous experience when the interrogation units of the Israeli Public Security bureau fabricated the confessions of Palestinian detainees that led to the issuance of judicial rulings against them. This was the case of the detainees (Alik Shohat 2003) from Kufr Manda in the Galilee, who were convicted of murdering a soldier and were coerced into giving testimonies that convict them, and enacting the murder. Nine months later it came to light that they did not kill the soldier, and that their confessions were obtained against their will, were incorrect, and were fabricated by the interrogation unit.

The defense attorney also submitted complaints about the soldiers who participated in the arrest process of Ali Shamlawi at approximately 3:00 AM, and who tied him using plastic cords, blindfolded him, and forced him to sit at the ground of a military bus. During his transportation, the soldiers slapped the face of the child, kicked him with their feet, hit his face with their boots, and ridiculed him. The interrogation unit of army and police misconduct has not yet responded to the complaint, thereby setting a comprehensive integration of roles in the political and judiciary institutions, which allows military and security institutions to torture and abuse Palestinians, and provide impunity to the perpetrators. According to documentation carried out by the Public Committee Against Torture- Israel, Palestinians who were imprisoned submitted more than 700 complaints during the past 10 years; these complaints were not seriously investigated, and their perpetrators were not held accountable⁴.

The Need for a Testimony from an Independent

⁴ See article by attorney Bana Shoughry-Badame from the Public Committee Against Torture in Israel, entitled "Torture in Israel - A Question of Getting Away With It". The article is published in "On torture", published by Adalah- The Legal Center for Arab Minority Rights in Israel, Physicians for Human Rights - Israel, and Al-Mezan Center for Human Rights, June 2012.

Accidents Expert

During the court proceedings, and after hearing the testimonies of the witnesses of the prosecution, a significant contradiction surfaced between the testimony of the woman who was driving the car that hit the second car, which led to the injury of the child, and the testimony of the driver of the second car.

The woman said that she heard a loud sound associated with a body that hit her car, which left her without a choice except to hit the car driving in front of her. Alternatively, the second driver said that his car was stationed at the side of the road and was not moving, and that while he was leaving the car he felt and heard the crash between the other car and his.

The court also solicited the testimony of an accidents expert, who went to the scene to examine the accident following the alleged stone throwing. The report confirmed the testimony of the woman without providing conclusive points that explain the contradiction between the two testimonies. This indicates that the aim of the military prosecution is to convict the child without attributing facts and proofs obtained from independent resources. This prompted the defense attorney to question the credibility of the accidents' expert brought in by the police and prosecution, stating that the expert launched the investigation from the hypothesis provided by the occupation soldiers and the police. The expert also did not prove before the court that other hypotheses were investigated, including that a casual traffic accident was the cause of harm of the Israeli child. In this context, the defense attorney submitted a request to the court to hear the testimony of an independent accidents expert to examine the hypothesis that were dropped by the first expert.

Administrative Detention

Administrative detention is defined as depriving an individual from his/her freedom based on orders from



the executive authorities –instead of the judiciary- without submitting criminal or security charges against the administrative detainee.



Occupation forces practice administrative detention against Palestinians, in contradiction with Articles 42 and 78 the Fourth Geneva Convention, which clarify that administrative detention is illegal, unless the following is verified: that the administrative detention is an exceptional measure, and that it shall not be considered a substitute to a trial case⁵, in addition to the procedural aspects, which are also specified as follows:

- The right of the detainee to be familiarized with the reason of his or her administrative detention.
- Rights to registration and detainment in a recognized administrative detention facility.
- Separation of the administrative detainee from convicted and detained prisoners.
- Right to challenge the legality of the detainment.
- Examining the legality of the detainment by an independent and impartial body.
- Right of an administrative detainee to access healthcare.

The occupation state does not only deprive administrative detainees from the guarantees of a fair trial,⁶ but also deprives them of other rights; they do not serve them with special meals, allow them to wear their own clothes, and instead have to wear the uniform, deprive them of continuing their education, and deprive them of practicing religious, mental, physical, educational, and recreational activities as stipulated in Articles 93 and 94 of the Fourth Geneva Convention. The prison services also deprive tens of administrative detainees from receiving family visits.

In 2013, the IPS and its special units assaulted and abused tens of administrative detainees, and enforced a set of “disciplinary” penalties under pretences of violating the laws set by the prison service during their hunger strike, which was carried out to object their administrative detention, demand the improvement of their conditions, and to enjoy their rights guaranteed in the Fourth Geneva Convention, and even the regulations enacted by the Prison’s service (04/02/00) on the conditions of administrative detention.

In 2013, a number of administrative detainees continued their hunger strike in protest of their administrative detention, especially those who were arrested shortly after their release.⁷ By the end of October 2013, administrative detainees announced a set of protest measures that included refusal to attend their trials and abstaining from food one day each week, to be followed with refusal to go to the clinics of the prisons, and refusal to take medication.

The Commission of Administrative Detainees in Occupation Prisons delivered a letter to Palestinian human rights organizations, including Addameer, that called upon the Palestinian people, its organizations, and political parties to speak out against the policy of administrative detention, in addition to calling for transferring the file of prisoners and detainees to international organizations, including the International Criminal Court. The letter summarized the protest of the prisoners in the following: Firstly, their refusal to attend the military courts of administrative detention; secondly, gradual return of meals; and thirdly, an open hunger strike, including sick prisoners who would abstain from taking their medication.

In turn, the prisons’ administration met these escalatory steps with preventing administrative detainees from attending family visits, threatening to deprive them from procuring their needs from the cafeteria, reducing their break from five hours to one hour, and threatening to move them to a special section in

⁵ For more information and legal analysis on the practices of the occupation forces in using administrative detention against Palestinians, refer to various the studies on the website of Addameer Prisoner Support and Human Rights Association.

⁶ On 1 August 2013, the Israeli Supreme Court allowed the military prosecution to renew the administrative detention of Ahmad Qatamish, detained since April 2011, even though the 1st degree court decided that this would be the last detention period, and Qatamish was supposed to be released on the 29 September 2013. However, the occupation forces issued another 3-month extension, and he was released on the 26 December 2013, after spending 33 months in administrative detention.

⁷ For more information on the hunger strikes of administrative detainees, see individual strikes in the annex of this report.



Naqab prison, in addition to imposing collective confinement penalties on the majority of them, especially those on hunger strike.

The prisons' authority and military intelligence bargained with administrative detainees between signing a document that allows the military court to conduct a hearing, and renewing administrative detention in the absence of the detainee and in the presence of the defense attorney, or forcing them to attend.

The administration of Megiddo prison informed the administrative detainees of their decision to distribute them over several sections, which the detainees refused and informed the administration that they will announce an open hunger strike if the administration does not back down on their decision. The administration of Ofer prison punished administrative detainees by depriving them of family visits in December.

Administrative Detention of Palestinian Legislative Council Members

In 2013, occupation forces continued to detain a number of Palestinian Legislative Council (PLC) members administratively. At the beginning of the year 4 out of 12 detained PLC members were administrative detainees, namely, Mahmoud Ramahi, Yasar Za'arir, Fathi Kar'awi, and Yaser Mansour, who were arrested at the time of the naval aggression on the Gaza Strip on the 23 November 2012.

In mid 2013, 9 out of 14 imprisoned PLC members were administratively detained, namely: Mahmoud Ramahi, Yasar Za'arir, Yaser Mansour, Mohammad Al-Til, Ahmad Atoun, Mohammad Al-Natsheh, Abdul Jaber Al-Fuqaha', and Mohammad Abu Tair.

By the end of 2013, 10 out of 14 imprisoned PLC members were administratively detained, following the release of Yasar Za'arir, and the administrative detention of Nizar Ramadan and Mohammad Bader. It is worth noting that all imprisoned PLC members who are administratively detained belong to the Change and Reform Bloc.

Administrative detention also affected a number of prisoners released in the exchange deal of Gilad Shalit, and a number of ex-administrative detainees. The year 2013 witnessed the incarceration a number of ex-administrative detainees, as was the case of Mazen Al-Natsheh, who had been released on the 3 March 2013, following an administrative detention that extended for over 41 months. The occupation forces rearrested him on 26 August 2013, and issued an administrative detention order of 6 months. During 2013, administrative detention extended to include university students and two journalists.⁸

⁸ For more information about the arrest of journalists, see the next section and annex (4)



Administrative Detainee: Student Abdul Rahman Ishtayyeh

Date of Birth: 15 December 1984

Date of Arrest: 28 October 2013

Occupation forces arrested student Abdul Rahman Ishtayyeh from his house in Salem village near Nablus on 28 October 2013, and issued a 3-month administrative detention order that was extended for another 3 months.

Ishtayyeh studies engineering in Al-Najah National University since 2002, and is still a university student for more than 12 years due to his continuous arrest by both the occupation forces and Palestinian Authority security forces, due to his student activities as a representative of the Islamic bloc in the university, and a previous membership in the Student Congress. Before his current imprisonment, Ishtayyeh tried to travel abroad to continue his studies away from detainment and harassment, but the occupation forces would not let him leave.



Before his current imprisonment, Ishtayyeh was imprisoned and tried by the occupation forces four times. In 2013, he was imprisoned for nine months, while in 2007 he was sentenced to another 9 months. The occupation forces rearrested him in the beginning of 2012 and he was sentenced to 15 months, after which he was released on 19 April 2013. In his last arrest, he was sentenced to six months under an administrative detention order without charge or trial, and without determining an upper limit to the period of imprisonment.

Not only does the occupation forces continue to arrest Ishtayyeh due to his practice of internationally recognized rights inherent in the International Covenant on Civil and Political Rights, and International Covenant on Economic, Social, and Cultural Rights, but they also prevent him from enjoying family visits, through the refusal of the civil administration of the occupation authorities of giving any member of his family or his fiancé a visiting permit. Abdul Rahman Ishtayyeh suffers from lack of fluids and from migraines after his participation in the hunger strike of April 2012, which lasted 28 days.

Arrest of released prisoners in the Gilad Shalit Exchange Deal Under Article 186 of Military Order 1651

In 2013 occupation forces continued to arrest released prisoners in the Gilad Shalit exchange deal “Wafa’ Al-Ahrar”, completed on the 18 October 2011,⁹ under article 186 of Military Order 1651. These arrests included 23 released prisoners in the past two years.

By the end of 2013, and the release of Samer Issawi on 23 December 2013, the occupation forces would have released six out of the 23 arrested prisoners, and forcefully transferred the following four to the Gaza Strip: Hana’ Shalabi, Ayman Sharawneh, Iyad Abu Fanouneh, and Ayman Abu Daoud, following long

⁹ Palestinians designated the name “Wafa’ Al-Ahrar” for the exchange deal that took place in two installments, the first of which was completed on 18 October 2011, and the second in December 2011. The exchange led to the release of 1027 Palestinian prisoners in exchange for one Israeli soldier.

periods on hunger strike. The occupation forces are still holding 12 released prisoners, in addition to released prisoner Muna Ka'dan.¹⁰

On 20 February 2013, the Israeli Supreme Court reviewed a petition submitted by a group of lawyers on Article 186 (cancellation of limiting) of Military Order 1651 issued in 2009, which allows a special military committee (headed by officers in the occupation army) to re-arrest previously released prisoners in exchange deals to serve the remainder of their previous sentence, based on confidential material submitted to the committee in the presence of the representative of the military prosecution, without revealing the material before the prisoner or his or her lawyer.

The Israeli Supreme Court refused to respond to the petition of the case of Ayman Sharawneh¹¹, and considered that it was premature for the Supreme Court to issue a clear standing on the legality of Article 186. This stance of the Supreme Court was sufficient for occupation forces and intelligence units to apply Article 186 of Military Order 1651 in arresting more ex-prisoners who were released in exchange deals, in addition to enforcing forced transfer of prisoners who embark on hunger strikes —as a mechanism of protest of their arrest following their release in exchange deals, deprivation of a fair trial that is guaranteed in international conventions and treaties,¹² and forms a profound violation of the four Geneva Conventions, as clarified in Article 147 of the Fourth Geneva Convention¹³ —to the Gaza Strip

Occupation Forces Continues Detention of Palestinian Children

During the year 2013, an increase in the number of arrested children (below 18 years) has been recorded. The number reached 931 arrested children, representing 24% of the total number of prisoners, which is 3874. Children are arrested in accordance with military orders that disregard the rules of international humanitarian law and international human rights law.

Occupation forces have continued in the policy of arresting Palestinian children, despite the protection owed to them according to more than 27 international conventions. Since the second intifada, which broke out in September 2000, the Israeli occupation forces have arrested more than 11,000 Palestinian children. Arrests of children have been concentrated in the city of Jerusalem, especially the towns of Silwan and Issawiya, while in the rest of the West Bank arrest of children took place mostly in Beit Ummar,



10 Released: Ayman Sharawneh- exiled to Gaza; Hana' Shalabi- exiled to Gaza; Ayman Daoud- exiled to Gaza; Iyad Abu Fanouneh- Exhiled to Gaza; Samer Issawi; Ali Jum'a Zbeidat; Abdul Rahman Bahour; and Awad Hadoush.

11 Lawyers submitted a petition in the name of Ayman Sharawneh (38 years) from Hebron, who was released in the first installment of "Wafa' Al-Ahrar" deal after spending 10 years in prison, and was re-arrested on 31 January 2012 under Article 186, and presented before the military committee that emanated from Article 186, which was seeking to incarcerate him for the remaining 28 years that remained in his previous sentencing. Sharawneh announced a hunger strike on 1 July 2012, which extended for almost 260 days in a partial strike. The strike led to his release on 17 March 2013 and his forceful transfer to the Gaza Strip.

12 Article 14 of the International Covenant on Civil and Political Rights (1966).

13 The article states: "Grave breaches to which the preceding Article relates shall be those involving any of the following acts: willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person..."



Jalboun, Azzun and refugee camps in the West Bank, with an apparent lack of consideration to children's health or psychological conditions. Arrested children were exposed to torture and to degrading treatment throughout the various stages. Children were also arrested after being shot and injured using live bullets.

Torture of Children During Detention and Interrogation

A report published by Defense for Children International- Palestine in 2014 showed that maltreatment of Palestinian children during their detention by the Israeli occupation forces has increased on a large and systematic scale during 2013. According to data compiled by the organization last year from 98 children, it was found that there was an increase in the exercise of physical violence against Palestinian children by Israeli occupation forces, reaching a rate of 76.5% in the year 2013, compared to 74% in the year 2012. The testimonies gathered showed that the maltreatment and torture faced by the Palestinian children detained by the occupation forces, are exercised in a wide range and in a systematic manner, as follows:

Handcuffing took place in 100% of the cases, blindfolding was in 94%; physical violence during arrest and transportation, or interrogation in 76.5%; verbal abuse, humiliation and intimidation in 74.5%; strip search stood in 79.6%; not informing children of their right to silence in 92.9%; forbidding the presence of a lawyer or a parent during interrogation in 96%; use of solitary confinement for the purposes of interrogation in 21.4%; and children signing papers in Hebrew, a language they do not understand, in 21.4%¹⁴.

Financial Blackmail of Families

Israeli military courts persist in the policy of arbitrary detention of Palestinian children, and in imposing exorbitant bails and fines for their release, draining the Palestinian community resources and making it bear the burdens of the occupation. Addameer also notes that the Israeli police and military prosecutors use the arrest of Palestinian children as a method to intimidate and to deplete their families' financial resources.

Even though children are released due to the lack of evidence to convict them, release is accompanied with the imposition on their parents of exorbitant bails that may reach up to 4,000 shekels, without any regard to the financial situation of the family which may prevent them from providing the amount. The imposition of these sanctions is a long-term punishment for parents, because it causes them to borrow the money, and may deprive the family from certain basic needs in order for them to provide it. In addition, the fines may cause the parents to feel that their child caused them to pay the amount, despite his or her innocence.

For example, occupation forces arrested the child Qusai Issa Zahran, (17 years old) from Deir Abu Mesh'al on 29 September 2013, but after conducting the investigation it was found that the child was innocent of the charges of throwing stones and participating in a demonstration, so it was decided to release him on 9 October 2013, with a bail of 2,500 NIS. In spite of the difficult economic situation that the Zahran family

14 The report is available in Arabic at the following link of Defence for Children International, Palestine Section: <http://arabic.dci-palestine.org/documents/%D8%A5%D8%B3%D8%A7%D8%A1%D8%A9-%D9%85%D8%B9%D8%A7%D9%85%D9%84%D8%A9-%D8%A7%D9%84%D8%A3%D8%B7%D9%81%D8%A7%D9%84-%D8%A7%D9%84%D9%81%D9%84-%D8%B3%D8%B7%D9%8A%D9%86%D9%8A%D9%8A%D9%86-%D8%AE%D9%84%D8%A7%D9%84-%D8%A7%D8%B9%D8%AA%D9%82%D8%A7%D9%84%D9%87%D9%85-%D8%B2%D8%A7%D8%AF%D8%AA-%D8%A8%D8%B4%D9%83%D9%84-%D9%85%D9%86%D9%87%D8%AC%D9%8A-%D8%A7%D9%84%D8%B9%D8%A7%D9%85-%D8%A7%D9%84%D9%85%D8%A7%D8%B6%D9%8A>

suffers due to the death of the father six years ago, Zahran's mother who is the only breadwinner of the family, was forced to borrow the amount of 1000 shekels from the neighbors to pay for the release of her son Qusay. In addition to that, Qusay's eldest brother, Ahed, had been arrested about three months prior to Qusay's arrest.

Many Palestinian families suffer from poor economic conditions, sometimes barely able to provide the basic needs of their children. Despite this, occupation forces and military courts increase the financial burden on the children's families by imposing fines, sometimes twice the salary of the family breadwinner, considering this an effective tool of punishment.

Violation of Detained Children's Health and Nutritional Rights

Sick Children

The Israeli Prison Service deprives detained children from healthcare and appropriate medical treatment. Usually painkiller tablets are given to them for different types of diseases treatment. Additionally, the prison service refuses to allow sick children visit the prison's clinic, and do not secure the presence of a permanent resident doctor in the prison's clinic. Delays and sometimes refusal to perform surgery for children with injuries that require immediate surgery is also a regular practice, in which children are in need of operations to remove splinters or bullets from their bodies. According to statistics of the Ministry of Prisoners' Affairs, about 40% of the diseases that affect imprisoned children are due to unsanitary conditions, quality of food provided to them, and lack of hygiene.

Case Study: Mohammed Al Azzeh

Israeli forces arrested Mohammed Al Azzeh (16 years old) from his home in Bethlehem on 16 November 2013. According to his father he suffers from pectoris, has to take his medicine on daily basis, and cannot tolerate closed spaces. Al Azzeh was immediately transferred to Ofer prison, and subjected to questioning for several days, then sent to court on 21 November 2013. In the beginning of December, the physician of the Ofer military prison Dr. Chakhman Yisrael presented a medical report which stated that the retention of Al Azzeh in prison does not pose any danger to his life, claiming that the prison is qualified to provide him with the necessary medical services. But the condition of Al Azzeh deteriorated on Wednesday, 18 December 2013, and he was not taken to the hospital. The prison administration accepted the request to be transferred to the prison clinic after two days, i.e. on Friday, 20 December 2013, where he was examined by the prison nurse who recommended to send him to the hospital, when he was in a very critical condition. Doctors were able to save his life using shocks to revive his heart upon his arrival to the hospital after his health conditions deteriorated in the Ofer military prison on Wednesday, 18 December 2013.



The Palestinian Ministry of Prisoners' Affairs indicated that 44 juveniles that are detained at HaSharon



prison suffer from an eruption of skin diseases, which cause a severe and disturbing itching, due to the old prison chambers in which there is no sunlight and little air, and a high degree of humidity. They demanded the closure of the juvenile section at HaSharon prison and to save them from the harsh situation in which they live.

The Israeli prisons' procedures contravene Articles 91 and 92 of the Fourth Geneva Convention. Article 91 of the convention stipulates that: "Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet." Article 92 also states that:

"Medical inspections of internees shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of internees, and to detect contagious diseases, especially tuberculosis, malaria, and venereal diseases. Such inspections shall include, in particular, the checking of weight of each internee and, at least once a year, radioscopic examination."

Living Conditions

Palestinian child prisoners in Israeli prisons and detention centers suffer cruel and inhuman conditions, including poor quality of food, lack of hygiene, propagation of insects, and the detention of a large number of children in one room, which leads to overcrowding. This is contrary to international standards for children's rights and the rights of prisoners. This is in addition to being detained with Israeli children who committed felonies, verbal abuse, torture, isolation, and sexual harassment to which they are exposed during interrogation.

Detained children in HaSharon prison suffered from cold due to the low temperatures in the Palestinian territories in December 2013. As explained by the representative of the juveniles in HaSharon prison Amin Ziadeh to the lawyer of the Palestinian Prisoners Club Association, Fawaz Al-Shaludi, the youth are unable to sleep because of the chilling cold, and cry from its intensity. Despite that, the prison administration refused to provide the child prisoners with coverlets, considering that the only solution was to purchase them from the canteen, which was not possible due to its very high price. Children also suffer from skin diseases as a result of humidity and lack of exposure to sunlight.

The suffering of detained children continues after their release from prison because they often find it difficult to integrate within the community, due to their difficult psychological state. They are haunted by nightmares during sleep, reducing their ability to control their emotions and ability to focus. Many suffer from bedwetting as a result of the fear that remains for a long period after their release from prison.

500 Cases of Jerusalemite Children Detained in 2013

The campaigns of arrests of children by occupation forces in the year 2013 were concentrated in the city of Jerusalem, where the number of detained children from the city's children reached about half the number of children detained in the West Bank. These arrests took place especially in Silwan, Issawiya, Sur Baher, Shu'fat Camp, Al Tur, and the Old City of Jerusalem.

These arrests coincided with continued confrontations of Jerusalemites with offenses by settlers, especially in Silwan and the Old City, in addition to the weekly raids of Al-Aqsa Mosque carried out by

fanatic extremist settlers under the protection of the occupation's army. Many children were arrested in the wake of demonstrations against the policy of house demolitions. Many other Jerusalemite children arrests occurred during their support of the prisoners' hunger strike,¹⁵ and their participation in the commemoration of national events such as Land Day, the Palestinian Nakba of 1948, and the occupation of the remainder of historical Palestine of 1967.



Addameer lawyers reported that Jerusalemite child arrests are not only limited to those carried out by the occupation police and army in daylight hours, during the dispersion of demonstrators or the removal of sit-ins, but that many of the children were taken from their homes during the late hours of the night, or in the early morning. These arrests are accompanied with violations of the rights of children and their families, and do not take into account the conventional protection for children.

The Israeli police and intelligence services have neglected the option of requesting that children come to investigation centers for interrogation during daylight hours and accompanied by their parents or lawyer. Children's homes are raided during late hours of the night with large forces of the army and police, heavily armed, and sometimes with the special unit forces who wear masks on their faces, and proceed with house searches, causing severe damage to its contents, filling children with horror and terrorizing their families. This could end up beating them with batons, or using pepper gas. These aggressions arguably come as efforts by the occupation to eliminate the awareness of children in particular, and the Palestinian community in general, making them pay a high price for their opposition to the occupation policies.

After their arrest, children are taken to interrogation centers, which are Qishleh, Post Office Police, and Al-Masqoubia. To coerce children to self-convict themselves, the intelligence and police squads have used several methods, including:

- Interrogation of children without the presence of their parents or lawyer.
- Exposing children to beatings and confinement in solitary cells, and depriving them from sleeping, especially in rooms in Al Maskobiyeh.
- Persuading children that their confession is enough to be released.
- Recording conversations and talks of the detainees while being transported during the arrest, or after gathering them during interrogation in the same room.
- Threats of torture and imprisonment for long periods, unless they admit the charges against them.
- Threats of arresting their parents, and the demolition of their homes, or to discredit them among their peers and social surroundings.

On these methods, Addameer lawyer Mohamed Mahmoud stated: "In the last three months of 2013, the Israeli police decided not to allow parents to attend the interrogation sessions of their children. This decision contradicts Article 9 (C) of the Israeli Juvenile Law, which explicitly states that the interrogation

¹⁵ Many children of the village of Issawiya were subjected to the continuous detention campaigns during their support of the prisoner Samer al-Issawi in his hunger strike.



of a minor is to take place in the presence of a family member, except in special cases, and based on the decision of an officer, and if the presence of the parents harm the investigation, or interfere with the investigation, providing that the officer explains in a report the reasons for the prohibition.”

Regarding torture of children and the position of the Israeli judiciary, lawyer Mohamed Mahmoud evoked the response of the judge Rafi Carmel to the lawyers claim that interrogators opted to torture a child from Silwan for the purpose of convicting him. He stated, “interrogation is not a picnic, and the prisoner is not in a hotel”.

Legal files of the children indicated that the time periods for which they were subjected to interrogation vary according to age and charge, and that these periods have been extended for children who ages 14 years and older, to 18-20 days, while for children arrested on charges of belonging “to an illegal organization”, the court agrees to extend their detention to 25 days.

Lawyer Mohamed Mahmoud stated that this procedure contravenes Section 10 (a) of the amended Juvenile Law (1960), which states that the detention of children is to be the last resort, and that the court should take into consideration the arrested child’s age, and the psychological, social, and physical impact of the detention. In accordance with this section, it is not allowed to extend the detention of a child for more than five days.

The Israeli courts condemn children accused of throwing stones to about 3 months and 1 day until the end of legal proceedings, or civil service between 4-6 months. Many of the detainees prefer prison over civil service, because the latter entails an insult to the child and his national identity. District courts condemn children over the age of sixteen found guilty, “according to the standards of the court” of throwing Molotov cocktails to between one and three years, if no injuries were recorded.

He added that, “in most cases of arrests of children, they are released, especially when the report of the conduct monitoring officer is positive, and in the absence of legal precedents, examination of the home place, and payment of a bail ranging from 1000-5000 NIS. Often, children are released under the condition of house arrest, while allowing them to continue their studies.”

The lawyer concludes by saying: “We are confronting two parties aligned together: prosecutors and judges, because the lawyers working on security issues in the Israeli courts, have to confront two parties allied together, and they are the prosecutors and the judges”.

“We are confronting two parties allied together: prosecutors and judges...”

Lawyer Mohamed Mahmoud

Undercover Units Assault and Beat a Teen with Special Needs During Arrest

Occupation forces (undercover units) arrested the teen Ahmed Daoud Obeid (19 years old) on 27 August 2013 from his village, Issawiya. Obeid suffers from mental disability, and from speech and hearing impairment. The undercover unit arrested and beat him in a brutal way, causing him bruises and wounds. As a result, he was taken for treatment in the Hadassah Ein Kerem hospital.

Obeid was released in September on a bail of 2500 NIS, and house arrest that was renewed for a period of six months. The prosecutor presented an indictment that included throwing stones, and assaulting a police officer, after a medical report from the psychiatrist hospital in Deir Yassin stated that Obeid does not suffer from any ailments. His lawyer Mahmoud requested his examination again by an expanded medical committee. In a subsequent hearing, the judge extended Obeid's house arrest until the 6 March 2014, in order to complete the legal procedures and present him to a psychiatrist again.

The judge of the magistrate court in Jerusalem, decided after more than six months of the trial and house arrest to release of Obeid, and to drop the accusations against him, after the medical report issued by a medical committee that examined the health and mental status of the detainee at the request of the lawyer and approval of the judge, stated that he suffers from speech and hearing impairment, in addition to a mental disability, and that he is disqualified for the trial.

Prosecution of Human Rights Defenders by Occupation Forces

In 2013, occupation forces arrested hundreds of Palestinian human rights activists and defenders, and activists in Stop the Wall campaign, including the coordinator of youth programs Hassan Karajeh, who was sentenced to 22 months in prison, and hundreds of activists who demonstrated against colonization and the Annexation Wall.

In Jerusalem, the Negev, and Haifa, occupation forces and police arrested hundreds of human rights activists and defenders, who demonstrated against land confiscation and against colonization in Jerusalem and isolating



the city from the remainder of the West Bank. In this context, the occupation forces arrested activists who erected the Bab Al-Shams village on the mountains of Jerusalem, and hundreds of demonstrators who took to the street to topple the plan to forcefully displace Arab villages in the Negev and Arakeeb, also known as the Praver Plan.



The occupation forces also arrested attorney Anas Al-Bargouthi and accountant Samer Al-Arabeed, prohibited three lawyers working in the Palestinian Prisoners' Club from visiting the prisoners and detainees, and renewed the travel prohibition on the Chairman of Addameer between Jerusalem and the remainder of the West Bank, in addition to a travel ban from leaving the country.

These arrests also extended to include tens of Palestinian journalists, two of which were administratively detained.

Arrest of the Coordinator of Youth Program in Stop the Wall Hassan Karajeh

Occupation forces arrested 30 year-old youth activist Hassan Karajeh on 23 January 2013, after raiding his house in the village of Safa, west of Ramallah. Karajeh was subjected to a brutal interrogation in Al-Jalameh investigation center that extended to 30 days. The lawyer of Karajeh told Addameer that he was subjected to intensive rounds of interrogation that continued for more than 22 hours per day, in addition to depriving him from sleeping, going to the bathroom, or taking a shower. The interrogation team also put the prisoner in the collaborator's cell to coerce him to admit to his charges, and he was blackmailed and bargained to accept alleged charges against him, instead of re-arresting his sister Sumoud, who was released in "Wafa' Al-Ahrar" deal, after spending 2 out of 27 sentenced years.

Hassan Karajeh is a well known youth activist, and was working for Stop the Wall, which was raided several times in recent years, and whose workers were arrested by the occupation forces in the past years.¹⁶

¹⁶ To view the profile of Hassan Karajeh, follow this link: <http://www.addameer.org/atemplate.php?id=294>



Arrest of Colonization and Apartheid Wall Activists



2013 witnessed the arrest of hundreds of Palestinians who participated in activities of building Palestinian villages on lands threatened with confiscation for purposes of settlement expansion. Hundreds of these were beaten by special forces that besieged and demolished the villages, while tens were tried before military courts that imposed fines and ruled for their deportation from the villages for six months. This commenced with “Bab Al-Shams”, when hundreds of Palestinian youth, in the beginning of January 2013, erected tents on the southern Jerusalem hills, in the area designated E1, in order to shed light on the gravity of Israeli settlement projects in the area, which may besiege Jerusalem and separate it from the remaining occupied Palestinian territory.

The occupation forces brutally oppressed the youth, and on 15 January 2013, 600 soldiers demolished the village for the second time, using rubber bullets and poisonous poison gas bombs. The members “Alimaz” special unit attacked the demonstrators, brutally beat them, and arrested 20 of them for violating the military order the designated area E1 is a closed military zone.

On 16 January 2013, Ofer military court looked into the cases of 18 of those arrested. The police and military prosecution demanded that the detainees swear that they will not move to or be in the area for a period of 180 days. The other two detainees, who hold Jerusalem identity cards, were tried in the Magistrate Court in occupied Jerusalem.



Later, Ofer military court ruled the release of the 18 prisoners, 15 of which were fined 1000 NIS each, and the remaining three on personal guarantees. Additionally, the release prohibited their entry into the village, which was declared a closed military zone, until 13 February 2013.

One week after demolishing “Bab Al-Shams”, on 21 January 2013, activists build the “Bab Al-Karameh” village on the mountains of Beit Iksa, northwest of Jerusalem. The village was raided by 300 soldiers who gave the activists a ruling of evicting the area.

On 24 March 2013, activists rebuilt the “Ahfad Younis” village on the mountains of Bethany. The village was demolished at the hands of Israeli special forces, while activists informed Addameer that occupation forces detained 50 of them, 12 of whom were journalists.

Addameer considers the erection of “Bab Al-Shams” village a practical embodiment of the exercise of the Palestinian people of their right to self determination, guaranteed in Article 1 of the International Covenant on Civil and Political Rights (1966).

Addameer considers all of forms of settlement a grave violation of the Geneva Conventions, which stipulates in Article 49 of the Fourth Geneva Convention: “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited”. Also, settlements are considered a war crime according to Article 8 of the Rome Statute of the International Criminal Court.

For the 5th time, Occupation Forces Renew the Prohibition of the Chairman of Addameer Mr. Abdul Latif Gaith from Travel between Jerusalem and the Rest of the West Bank

On the 10 September 2013, Israeli occupation forces renewed the prohibition of the Chairman of Addameer, Mr. Abdul Latif Gaith, from entering the West Bank for the fifth time in a row for a period of 6 months that end on 15 March 2014. The statement states that renewing the prohibition is necessary to ensure the security of the area (the West Bank), highlighting that any entry permits into the West Bank will be canceled. The Israeli intelligence issued a prohibition order against Gaith for the first time on 9 October 2011, a second time on 3 April 2012, a third time on 15 September 2012, a fourth time on 15 March 2013, and a fifth time on 10 September 2013.

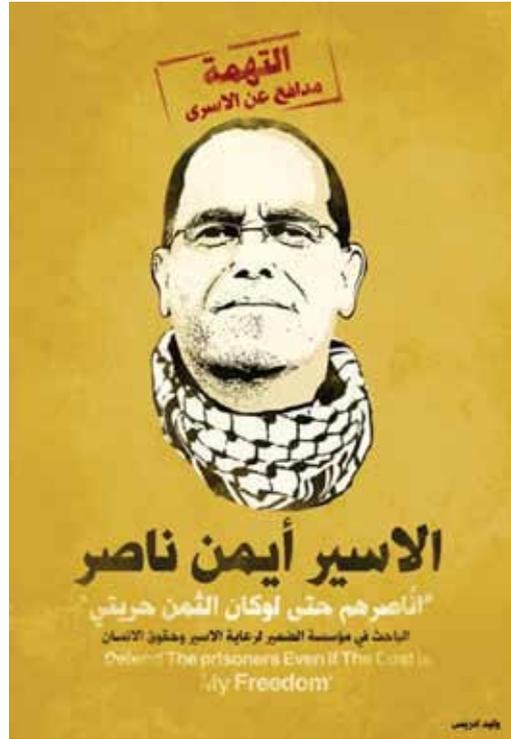
Mr. Abdul Latif Gaith is 71 years old and is a well-known national figure from Jerusalem. He is one of the founders of Addameer Prisoner Support and Human Rights Association since its establishment in occupied Jerusalem in 1992. He is currently its chairperson, in addition to his role as a human rights defender in Jerusalem and the West Bank. Gaith spent a number of years in administrative detention, the latest of which were in 2004-2005.

Addameer condemned the prohibition placed on Mr. Abdul Latif Gaith, as a blatant violation of his right to freedom of movement, and disregard to the UN Declaration on Human Rights Defenders, issued by the United Nations General Assembly in 1998, to protect human rights defenders. Addameer demands international human rights organizations and the United Nations take a stand that reaffirms the universality of human rights, and the effectiveness of the United Nations, and immediately put pressure on the occupation forces to lift the prohibition imposed on its chairperson to enable him to move freely inside the West Bank.

Ofer Military Court Sentences Legal Researcher in Addameer Ayman Naser for 13 months

In a reprisal framework against human rights activists who supported Palestinian prisoners and their hunger strikes, Ofer Military Court sentenced legal researcher at Addameer Ayman Naser (43 years old) to 13 months in prison and a fine of 4000 Shakels on the 26 August 2013. His charge was participating in demonstrations and marches, in supporting the struggle of the Palestinian prisoners. The occupation forces arrested Naser on 15 October 2012, and subjected him to intensive interrogation that extended on average to 20 hours per day for 39 days. His indictment included participation in marches and demonstrations as a member of a prohibited political party. Ayman Naser refused these accusations, emphasizing that he is a defender of the rights of prisoners and detainees.

Addameer considers that the decision of the military court against Ayman Naser reflects the complicity of military courts in the policy of the occupation state of criminalizing the work of human rights defenders, and incarcerating them using military orders¹⁷ enforced by the occupation forces on the occupied Palestinian territory.



¹⁷ The number of military orders enforced by the occupation forces on the occupied Palestinian territory since 1967 has reached more than 1,700, affecting political, economic, social, and cultural aspects of life. These military orders criminalize the exercise of many internationally recognized rights that are guaranteed in human rights law and international humanitarian law, including the International Covenant on Civil and Political Rights of 1966, and International Covenant on Economic, Social, and Cultural Rights on 1966. Palestinian prisoners who stand before military trials are deprived on guarantees to a fair trial, which are codified in numerous international conventions and treaties.

Arrest of Attorney and Human Rights Defender Anas Al-Bargouthi

Date of Arrest: 15 September 2013

Date of Birth: 23 February 1983

Place of Residence: Ramallah

Place of Detainment: Ofer Prison, Southwest of Ramallah

Profession: Lawyer and Human Rights Defender

Educational Background: B.A. Law, Mohammad Bin Abdallah University, Morocco, 2006

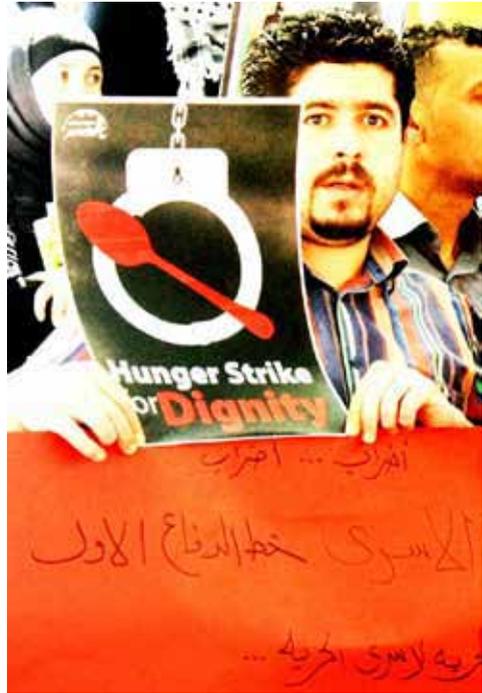
Social Status: Single

Anas chose to become a lawyer to defend Palestinian individual and collective human rights. Following his professional certification, Anas started to work in Addameer for four years, between 2009-2013, which he devoted to defend political prisoners before Palestinian courts. During that time, Al-Bargouthi litigated 572 political imprisonment cases, and succeeded in releasing tens of them by judiciary rulings from the Palestinian Supreme Court of Justice.

Despite the protection given to Palestinian lawyers as stipulated in Palestinian laws and International Law, particularly Declaration on Human Rights Defenders on 1998, Al-Bargouthi was harassed severely by Palestinian security forces and those who implement the law, to the extent of prohibiting him, systematically and continuously, from meeting with political prisoners.

As a Human Rights defender, Al-Bargouthi participated in marches and demonstrations in support of Palestinian prisoners in occupation prisons that demanded an end for Palestinian internal division. He also participated in popular demonstrations against unjust economic policies. Al-Bargouthi also played a vital role in mobilizing Palestinian and Arab public opinion to support the hunger strikes of Palestinian prisoners in 2011 and 2012.

Al-Bargouthi published several legal studies and political analyses articles in various newspapers and magazines, including the Lebanese Al-Safeer newspaper, the Journal of Palestine Studies, and Kan'an Magazine where he was a member of the editorial committee. Al-Bargouthi also prepared a number research papers that he was unable to publish, including »Palestinian Refugees in Light of International Law and Compromise Projects«, and a legal research publication, "Responsiveness of Accused Persons in Criminal Proceedings". Al-Bargouthi participated in numerous legal and human rights conferences in the occupied Palestinian territory, as a lawyer and human rights defender. He worked as a legal trainer and moderated numerous training workshops on principles of human rights and judiciary procedures. He presented many working papers in academic and legal conferences.



My natural place is the attorney's stand and not the accusation chair. I will not acknowledge your indictment, and will not recognize your judiciary. Every day your day of judgment becomes closer for the crimes you committed against my people.

-Anas Al-Bargouthi at Ofer Military Court, 18 September 2013.

Arrest

On Sunday, 15 September 2013, at 7:00 pm, occupation soldiers stopped the vehicle on a military checkpoint between Ramallah and Bethlehem that Anas Bargouthi was in with his mother and friends. Once they identified him, the soldiers stopped the vehicle on the side of the road, pointing their guns towards the passengers. The stopping of the vehicle continued for nearly two hours, and its passengers were prohibited from leaving it. The soldiers confiscated the mobile of the attorney Anas Al-Bargouthi, led him into the military barracks, informed him that he was under arrest, handcuffed him, and prevented his mother from saying goodbye to him. After nearly three hours, a military truck came and transferred Anas, who was handcuffed and blindfolded, into a military detention center south of Bethlehem in Etzion settlement. Later he was transferred to Ofer Prison, southwest of Ramallah, where the attorney was subjected to interrogation for two hours, as he later informed his lawyer Mr. Mahmoud Hassan, from the legal unit of Addameer.

Trial

On the third day of his arrest attorney and detainee Anas Bargouthi stood before the judge of Ofer military court. The judge had already granted the request of the military prosecution of extending Al-Bargouthi's detainment for another five days to enable the prosecution to submit an indictment. During this time, Bargouthi and his lawyer did not know the reasons behind his arrest or the charges pressed against him. Attorney Mahmoud Hassan was not allowed to visit his client and examine the details of the arrest and proceedings of the investigation due to the Jewish holidays. Also, his family was not allowed to visit in accordance with military orders that prevent family visits during detainment and interrogation.

Indictment

Eight days after the arrest of attorney Anas Al-Bargouthi, on the 24 September 2013, the military prosecution submitted an indictment that included two main items.

Item #1: Member of an illegal organization, pursuant of article 85 (1) (A) of the emergency regulations of 1945.

- A. Participating in the preparations of national and public events
- B. Providing logistical services to the participants in the events
- C. Providing information about interrogation methods and detainment conditions

Item #2: Holding a position in an illegal organization, pursuant of article 85 (1) (B) of the emergency regulations of 1945, based on facts mentioned in the first article.

Legal Analysis

The arrest of attorney Anas Al-Bargouthi is an example of the illegal detainment and trials that hundreds of Palestinian human rights defenders are subjected to annually. International human rights bodies have expressed awareness of violations committed against human rights defenders, including murder, threats of murder, abduction, torture, arrest, and arbitrary detention.¹⁸

¹⁸ 29th edition of Al-Wakee newspaper, issued by the United Nations, which was dedicated to the Declaration on Protection of Human Rights Defenders, paragraph II provides examples of acts committed against human rights defenders. The paragraph dedicated to criminal charges or otherwise to human rights defenders leads to their prosecution and conviction, saying "participation in peaceful demonstrations, submission of official complaints against ill treatment by the police, participation in meetings of human rights defenders to the benefit of the indigenous population, or raising a banner to commemorate human rights violations occasions, all have led to the prosecution of human rights defenders using a variety of charges, including incitement of public strife and vandalism."



Addameer Contests the Following:

I. Legality of the Arrest: Occupation forces arrested attorney Anas Al-Bargouthi on a military checkpoint without a warrant, and without specifying a clear reason, contravening international human rights law¹⁹; the arrest took place by means of military orders imposed by the occupation forces on the occupied Palestinian territory and its residents since 1967, which allow occupation forces to arrest and detain Palestinians without a warrant.

Legality may also be contested in the case of attorney Anas Al-Bargouthi, on the grounds of being a political arrest par excellence, as he holds a legal status as an attorney and human rights defender, and therefore he enjoys special protection made available in Universal Declaration on the Protection of Human Rights Defenders of 1998, which was ratified by the United Nations General Assembly Resolution 53/144 on 9 December 1998. The resolution defines human rights defenders as those whose daily work includes promotion and protection of human rights, including those who monitor human rights in their work with national human rights organizations, ombudspersons on human rights or lawyers who defend human rights.²⁰

Article 17 of the declaration stipulates that:

“In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others”.

As such, this clarifies the ways in which international human rights law provides protection to human rights defenders, in times of peace and armed conflict. International human rights law and international humanitarian law gives individuals the rights to struggle to achieve their rights, and in the forefront the rights of people to self determination through lawful means.

II: Indictment: Anas Al-Bargouthi was not subjected to an interrogation, but underwent short questioning by the police. In the questioning the police charged him with the indictment. Al-Bargouthi refused to accept the indictment, on the grounds that the motive behind his arrest and attempted conviction is purely political, and seeks to criminalize the work of human rights defenders, and delegitimize the legitimate struggle of Palestinians.

The indictment against attorney Anas Al-Bargouthi emphasized the political nature of this arrest (membership and responsibility in an illegal organization and participating in national and public activities). In addition, it confirmed the role of the military orders imposed by the occupation forces on the occupied Palestinian territories, which have reached more than 1700 orders that control various aspects of Palestinian life and criminalizing the exercise of their political, economic, social, and cultural rights, and denial of individual and collective rights.

19 Al-Wakae newspaper edition 29, publications of United Nations, “Human Rights Defenders: Protection of the Rights to Defend Human Rights”, page 11.

20 Al-Wakae newspaper edition 29, publications of United Nations, “Human Rights Defenders: Protection of the Rights to Defend Human Rights”, page 11.



Treaties Signed with the Palestinian Liberation Organization

The Declaration of Principles of the Oslo Accords, did not recognize the Palestinian people and their rights explicitly, and merely included some references to internationally recognized rights without clarifying or framing these rights. The treaty did not make the human rights inherent in international human rights law and international humanitarian law a cornerstone to ending the conflict. Alternatively, the treaty recognized the Palestinian Liberation Organization as the sole and legitimate representative of the Palestinian people, which includes a vast number of Palestinian parties, including the Popular Front for the Liberation of Palestine, to which the indictment against attorney Anas Al-Bargouthi claimed his membership in its ranks.

The indictment against attorney Anas Al-Bargouthi reflects the noncompliance of Israel to treaties signed with Palestinians, be it the Declaration of Principles of 1993 or the Interim Israeli-Palestinian Treaty on the West Bank and Gaza Strip, signed in Washington on the 28 September 1995, which included a mutual recognition of internationally recognized political rights.

The indictment of attorney Anas Al-Bargouthi also contravenes Article 75 in the fundamental guarantees provided in Protocol I additional to the Geneva Conventions, and Article 15 of the International Covenant on Civil and Political Rights of 1966, which emphasizes, “no one shall be accused or convicted of a criminal offence on account of any act or omission which did not constitute a criminal offence under the national or international law to which he was subject at the time when it was committed”.

In its authority,²¹ in 2003, the Palestinian Legislative Council issued the Palestinian Basic Law, which emphasized in Article 26 respect of political rights and guarantee of their exercise, as follows:

Palestinians shall have the right to participate in political life, both individually and in groups. They shall have the following rights in particular:

1. To form, establish and join political parties in accordance with the law.
2. To form and establish unions, associations, societies, clubs and popular institutions in accordance with the law.
3. To vote, to nominate candidates and to run as candidates for election, in order to have representatives elected through universal suffrage in accordance with the law.
4. To hold public office and positions, in accordance with the principle of equal opportunities.
5. To conduct private meetings without the presence of police members, and to conduct public meetings, gatherings and processions, within the limits of the law.

Indictment and Universal Declaration on the Protection of Human Rights Defenders

When reviewing the indictment submitted against attorney Anas Al-Bargouthi, it becomes clear the charges lie at the core of the work of his human rights defenders and their activism, as stated in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by United Nations General Assembly Resolution 53/144 on 9 December 1998.

Comparing the indictment with the articles of this declaration, we can confirm that the indictment seeks

²¹ Provided for in Articles 9 and 18 of the Declaration of Principles.



to designate all forms of Palestinian struggle as terrorism, and forms a blatant violation to Articles 1, 5, 6, 12, and 16 of the Universal Declaration on the Protection of Human Rights Defenders.²²

The prosecution of staff members of human rights organizations that defend the protection of human rights defenders, like attorney Anas Al-Bargouthi, and the invalidity of his arrest and trial in accordance with military orders that contravene international human rights law and international humanitarian law, caused the adoption of numerous organizations of the case of Anas Al-Bargouthi, including Amnesty International²³, Human Rights Watch²⁴, Regional Forum to Monitor Places of Detention, and numerous Arab and international lawyers' syndicates, on the grounds that his arrest was a purely political arrest of a human rights defender.

III: Legality of the trial: The indictment submitted against attorney Anas Al-Bargouthi did not state that he committed a material act that poses a real danger to the security of the occupation forces, in contradiction with the Fourth Geneva Convention, Article 42, which states: "The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary". In addition the condition of security reasons is mentioned in Article 78, which states: "If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment".

²² Article 1: Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 5: For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 6: Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 12:

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 16: Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

²³ See Amnesty International, <https://www.amnesty.org/en/articles/news/2013/10/anas-bargouthi-released/> and <http://www.amnesty.org.jp/en/get-involved/ua/ua/2013ua276.html>

²⁴ To view the statement of Human Rights Watch, the prosecution of occupation forces of Addameer, and the arrest of attorney Anas Al-Bargouthi, follow this link: <http://www.hrw.org/news/2013/10/27/israel-military-harassing-rights-group-staff>

A Political Indictment before a Military Court

When reviewing the indictment against attorney Anas Al-Bargouthi, it became that the indictment was a political one. Despite this fact, he is tried before a military court, whose establishment and authority contravene international humanitarian law, and which lacks in its procedures the principles of a fair trial, as conditions in the conventions and principles of international human rights law. The Customary Rules of International Humanitarian Law stipulates that: “No one may be convicted or sentenced, except pursuant to a fair trial affording all essential judicial guarantees” (Rule 100).²⁵ Israeli occupation forces try Palestinians before military courts that were established following the occupation of the remainder of historical Palestine on the 5 June 1967.

Military Courts Contravene Fourth Geneva Convention

The occupying state does not recognize the applicability of the four Geneva Conventions in its occupation of the occupied Palestinian territory, and subjects the occupied Palestinian territory and its inhabitants to military orders, and tries them before military courts that are established outside the framework of International Humanitarian Law.

The Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War adopted on 12 August 1949 allows the occupying state in Article 64 to subject the population of the occupied territory to provisions, only if 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 of the establishments and lines of communication used by them.

The establishment and procedures of the military courts of the occupation contravene Article 66 of the Fourth Geneva Convention, which stipulates that “the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country.” Additionally, the military courts contravene the content of the criminal procedures paragraph in Article 71, which states: “No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial”, which is lacking in these military courts²⁶. The procedures of the military courts and its provisions that are based on military orders, deprive Palestinian detainees of their freedom arbitrarily and illegally, contravening Articles 42 and 76 of the Fourth Geneva Convention, and prevent them from enjoying the guarantees to a fair trial, which is emphasized in Customary International Humanitarian Law, particularly Rule 99 which prohibits arbitrary deprivation of freedom, and Rule 100, which stipulates that: “No one may be convicted or sentenced, except pursuant to a fair trial affording all essential judicial guarantees”. This is also emphasized in the International Covenant on Civil and Political Rights, and particularly Articles 14 and 15.

Release of Attorney Anas Al-Bargouthi

On 23 November 2013, and after 39 days of detention, Ofer military court decided to officially release attorney and human rights defender Anas Al-Bargouthi on a bail of 12,000 NIS (equivalent to 3,428 USD), pending trial. The decision came following the litigation of the Head of the Legal Unit in Addameer, attorney Mahmoud Hassan, who was able to refute the accusations of the general prosecution, especially

²⁵ “Annex. List of Customary Rules of International Humanitarian Law.” Available at: <https://www.icrc.org/eng/assets/files/other/customary-law-rules.pdf>

²⁶ For more information and legal analysis on how Israeli military courts contravene the Fourth Geneva Convention, view the paper of Addameer titled “Israeli Occupation Military Trials and the Fourth Geneva Convention” on the following link: <http://www.addameer.org/atemplate.php?id=198>



since they were built based on testimonies of their detainees on alleged activities that occurred more than a year ago, do not prove his identity, or that he poses a security threat. The prosecution did not appeal the release.

Addameer's Position

Even though Addameer considers the release of attorney Anas Al-Bargouthi a milestone in defending human rights defenders, it condemns his arrest in the first place, the continuation of his trial, and the chance of his conviction, committing to work for all charges against him to be dropped. Many other international human rights organizations support our position, including Amnesty International, which reaffirmed its initial position that it considers the arrest of attorney Anas Al-Bargouthi an arbitrary arrest against a human rights defender, and stated that if he is convicted it will consider him a “prisoner of conscience” imprisoned because of his peaceful expression of his political views.

Arrest of Samer Al-Arbeed



One week after the arrest of colleague attorney Anas Al-Bargouthi, the occupation forces arrested the accountant of Addameer, Samer Al-Arbeed, following his refusal to respond to a subpoena of the Israeli intelligence. The occupation forces arrested Samer on 23 September 2013, after invading his house in Ramallah and confiscating some papers. He was subjected to intensive interrogation for a period of 25 days in the Masqoubia Interrogation Center in Jerusalem. Following their failure to build an indictment, the Israeli intelligence directed the military ruler to issue an administrative detention order against Al-Arbeed, for a period of four months extending from 16 October 2013 to 25 January 2014.

During the so-called judicial review hearing, held on the 29 October 2013, the attorney at Addameer and the head of its Legal Unit Mahmoud Hassan contested the credibility of the secret file and the information provided to the court, clarifying to the judge that the detainment of the accountant of Addameer is a vindictive detainment, seeks to hinder his work in the human rights organization, and does not rely on any proof, demanding his immediate release.

The judge shortened the sentence to two months instead of four, deeming the sentencing non-extendable and set to end on the 21 November 2013, unless the military prosecution submits evidence. Validating the claims of the attorney, the prosecution did not submit any evidence that prove its assumed claims (secret file), and both parties (attorney and military prosecution) appealed the decision. The appeal session was held on 17 November 2013, and the appeal judge rejected the requests of both the attorney and military prosecution. Samer Al-Arbeed was released on 21 November 2013, after spending two months in administrative detention, without charge or trial.

This arrest was the third time Al-Arbeed was arrested at the hands of the occupation. The first time was



in 2003, when he spent 47 months as an administrative detainee, and was released on the 11 May 2006. The second time he was in administrative detention that lasted 17 months between March 2007 to August 2008.

Samer Al-Arbeed is from the city of Ramallah. He is married and has a 2-year old daughter. At the time of his arrest, the family was awaiting a second child.

Preventing Palestinian Attorneys from Visiting Prisoners and Detainees

The courts of the occupation in 2013 remained consistent with the policies of the occupation and the prison service, which restrict the work of Palestinian attorneys, and prevent detainees and prisoners from meeting them in the various phases of the arrest. Since the hunger strike of September 2011, the occupation authorities and prison service expanded their prosecution of Palestinian attorneys who defend prisoners and detainees in occupation prisons.

During 2011 and 2012, particularly during the hunger strikes, the prison services prevented the attorney of Addameer from visiting detainees and prisoners for periods extending between 3-6 months. Many times the prisons' administration hindered the attorneys' meetings with detainees and prisoners by announcing a state of emergency, claiming that the prisoner or detainee is refusing to come out to the meeting, or that he or she was moved to another prison.

On 13 August 2013, Al-Lud Central Court agreed with the decisions of the Israeli Prisons Service that prevent three lawyers of the Palestinian Prisoners Club Association from meeting detainees and prisoners, under pretences of security reasons. The court decided to prohibit the attorney Fawaz Al-Shaludi from visiting security prisoners in the occupation jails for a period of six months, starting on the 21 July 2013, under pretences of "secret information". The intelligence claimed in that Al-Shaludi breached the terms of his work as an attorney and provided services that are not within his work, particularly when visiting and following-up with Jordanian prisoners. When the decision was reviewed, the prohibition was shortened to 3 months.

Central Court Confirms the Decision of the Israeli Prison Service of Preventing Attorney Luai Akka from Visiting Detainees and Prisoners

Attorney Luai Akka (47 years old) works in the Palestinian Prisoners Club Association, and visits prisoners and detainees in Israeli prisons, interrogation centers, and detention centers. The attorney received a decision issued by the Israeli Prisons Service that prevents him from visiting prisoners for a period of six months, starting on 18 October 2013. In the judicial review hearing that convened in Lud Central Court on 28 December 2013, the prosecution did not present any clear reasons that justify the decision, claiming the presence of a secret file. The judge decided to postpone the decision for ten days for a final decision on the case.

On 9 January 2013, the judge issued his decision and ratified the decision that prevented the attorney from visiting prisoners and detainees for a period of six months, emphasizing his conviction of the validity of the allegations of the secret file. The judge also opened the opportunity to reach an agreement between the defense attorney of Akka and the prosecution, appointing the date of the second hearing on 20 February 2014. The gravity of such decisions is the similarities they share with administrative detentions,



that are renewed periodically without standing trial, based on secret files whose contents cannot be viewed by the defense, thereby making it an arbitrary punitive tool. The decision to prevent lawyers from meeting prisoners and detainees is not time-bound, may be renewed indefinitely, and is adopted by means of a “secret file” instead of tangible data or evidence.

Addameer considers the decisions of Israeli courts in this sense to be consistent with the decisions of the Israeli Prison Service that seeks to prevent access of Palestinian prisoners to protection from the assaults of their special units. In addition, the prevention of lawyers from meeting detainees and prisoners inside prisons is a dangerous development that is similar to and compatible with military orders that give the military prosecution the power to deprive detainees from meeting their lawyers during interrogation to a period of 90 days, thereby stripping the detainee from the guarantees to a fair trial, and the lawyer his or her right to play his or her role in legal litigation, contravening Article 115 of the Fourth Geneva Convention, which stipulates:

“In all cases where an internee is a party to proceedings in any court, the Detaining Power shall, if he so requests, cause the court to be informed of his detention and shall, within legal limits, ensure that all necessary steps are taken to prevent him from being in any way prejudiced, by reason of his internment, as regards the preparation and conduct of his case or as regards the execution of any judgment of the court”

Such practice also contravenes the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment of 1988, which stipulates that preventing a detained or imprisoned person from communication with the outer world, particularly his family or lawyer, for an extended period is prohibited.²⁷

²⁷ Principle 18-19. December 1988. Available at <http://www.un.org/documents/ga/res/43/a43r173.htm>



Arrest of Palestinian Journalists

Civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they are not taking a direct part in hostilities.

-Rule 34 of Customary International Humanitarian Law



Occupation forces intensified their targeting of Palestinian journalists during the year 2013, reaching 232 assaults that ranged from targeting them with metal bullets, poison gas bombs, detention, and arrest.

During the year 2013, Addameer documented the arrest of 10 journalists by occupation forces, bringing the total number of journalists arrested in Israeli prisons to 17 journalists, two of them under administrative detention without charge or trial. At the end of the year, the number dropped to 9 journalists, after 8 of them were released, including the journalist Yasin Abu Khader who spent 27 years in prison.

Following are journalists who were arrested in 2013:

Journalist Annan Ajjawi (28 years old) from the village of Ajja, Jenin: He was arrested by occupation forces on 16 January 2013 at Karameh border crossing, when he was returning from Egypt where he used to work as a journalist, without any charges or trial.

Journalist Mohammad Saba'aneh from Qabatiya, Jenin: He was arrested on 17 February 2013 at Karameh border crossing when he was returning from Jordan. He is a cartoonist and was sentenced to five months, and was released on 1 July 2013.

Journalist Musab Shawar from Hebron: He was arrested on 5 February 2013. He was working before his arrest as a news anchor in Hebron Radio, in a program about prisoners. He was sentenced to five months, and was released on 10 July 2013.

Journalist Baker Atili (27 years old) from Nablus: He was arrested on 6 March 2013, he was working before his arrest as an independent photographer and producer for various TV channels and satellite stations.

Journalist Tarek Abu Zaid from Jenin: He was arrested on 8 March 2013. Before his arrest, he was working as a reporter for Al Aqsa satellite station. He was sentenced to three months, and was released on 25 May 2013.

Journalist Walid Khaled from the Village of Skaka, Salfit: He was arrested on 10 March 2013. Before his arrest, he was working as director of the Palestine Today Journal.

Journalist Mohamad Awad from Ramallah: He was arrested by occupation forces on 12 August 2013. He worked as photographer and journalist for Watan TV, and was arrested from his home in Ramallah, shortly after he was released by the preventive security forces of the Palestinian Authority, who arrested him for 5 months under the pretext of belonging to the Hamas movement.

Journalist Mohamad Muna from Nablus: A journalist and reporter working for Quds Press Agency, he was arrested by the occupation forces on 7 August 2013, from his home in Nablus, after a raid on his house. The soldiers opened fire and threw poison gas bombs at his family, and wreaked havoc in the house. Immediately after being arrested he was transferred to the detention center of Huwara, and from there to the Megiddo prison. He was placed in administrative detention for six months, which was renewed again for another six months.

Journalist Mohamad Abu Khudeir from Jerusalem: He worked as journalist for Al Quds Newspaper, and was arrested by occupation forces in Al Lod airport on 7 November 2013, when he was coming back from Egypt. He was subjected to an intensive interrogation that lasted for a full month, and was released on 8 December 2013.

Journalist Bilar Abdulhay Dofesh: A journalist and producer of documentary films, he was arrested on 24 November 2013, at Karameh border crossing when he was coming back from Cyprus to film a documentary in Palestine.

The Arrest of Journalist Mohammad Muna

Name: Mohammad Anwar Muna

Date of Birth: August 7, 1981

Date of Arrest: August 7, 2013

Residency: Al Dahiyeh, Nablus

Legal Status: Administrative Detainee

Prison: Megiddo prison



Current Arrest

The journalist Mohammad Muna works as reporter for the Quds Press Agency. He was arrested by occupation forces on 7 August 2013 from his home, located in Al Dahiyeh in the city of Nablus, after they raided his house at 2:30 am. During the operation, occupation forces took Mohammad's uncle by force to his house, and started to fire metal bullets and poison gas bombs towards the family and people of the neighborhood.

Mohammed was taken after his arrest directly to the detention center of Huwara, and later on to Megiddo Prison. He was placed in administrative detention for six months without charges or trial, and without being allowed to receive family visits.

Previous Arrests

The journalist Mohammad Muna had spent 52 months in Israeli prisons before his recent arrest. His first arrest was in 2003, and most recently, he was arrested on 7 August, his birthday.

- His first arrest took place on 14 March 2003 for a period of 27 months. He was accused of trade union activism in Al Najah National University. The officer threatened that he would have him re-arrested before his graduation, and this is what occurred.
- The second arrest took place on 24 July 2007, a few weeks before his graduation, during final exams. He was in prison for 17 months, for the same charge given to him in the first detention.
- The third arrest was on 28 June 2009, 20 days after his wedding. He was kept in prison for 11 months under administrative detention, and his wife was only allowed to visit him every two or three months.
- The fourth arrest took place seven days after the birth of his first son, and he was released seven days later.
- The fifth and latest arrest was on his birthday, 7 August 2013.

Mohammad's family members said that the previous arrests included systematic attacks on the family and deliberate smashing of household belongings.

It is notable that the arrests of Mohammad often coincided with times of normally happy social occasions, such as his wedding, Eid al-Fitr, a new born, and his birthday. Mohammad is married and has one child named Hamza who is one year and a half old. The detainee's family suffers from the continuous arrest of the father.

Occupation Forces Arrest Activists against Praver Plan in Negev

The Praver Plan

The Praver Plan or Praver-Begin Plan, is an Israeli law adopted by the Knesset on 24 June 2013, based on the recommendation of the Israeli Minister of Planning "Ehud Praver" in 2011. The function of this plan is to forcefully displace the residents of tens of Palestinian villages in the Negev Desert and have them concentrated them in "concentration municipalities". A committee entitled "the Praver Committee" was established to commence in implementing the plan. This plan is a new face of the Palestinian catastrophe of 1948, where 800,000 dunums will be seized, 40,000 Bedouins will be displaced, and 38 "unrecognized" villages will be destroyed.



After its adoption in the Knesset, numerous activities were organized in rejection of the plan. These activities took place in many cities in the Galilee, West Bank, Gaza, the Arab region, and internationally, with the participation of human rights organizations, national committees, popular committees, politicians, and



activists. The most prominent activity was dated 30 November 2013 and came to be known as “Day of Rage”, in addition to two other activities on 15 July 2013 and 1 August 2013. Occupation forces met these peaceful activities with violence and aggression, using poison gas bombs, rubber bullets, and batons. They also arrested tens of participants and brought them to trial on various charges.

15 July 2013

On 15 July 2013, a number of demonstrations were held, called for by national figures and youth movements. In Ramallah, a march that included 300 demonstrators began from Al-Manarah square and moved towards Beit El settlement; the demonstration was stopped by Palestinian security forces, who prevented the demonstrators from continuing the march. In the Negev, about 800 protestors took to the streets in Beersheba; the demonstrators were stopped by the police and border police, and 15 demonstrators were detained until the end of the demonstration. In Sakhnin, 400 demonstrators went to the crossing of “Yuva Lin”; the demonstration was also met with brutality by the police, who assaulted the demonstrators using poison gas bombs, horsemen, and batons. 14 demonstrators were arrested, including 3 young women, whose arrest extended for days, and were then released conditionally. Lawyers were explicitly threatened by the police, when they were in the police headquarters attempting to hold the prisoners who were hurt as a result of the aggressions by police. In addition, demonstrations took place in other cities such as Um Al-Fahem, Yaffa, and Haifa.

1 August 2013

On 1 August 2013, a number of demonstrations took place in which youth emphasized their rejection of the Praver Plan. In “Triangle Villages”, large demonstrations that included hundreds of youth and members of popular national committees took place at the intersections of ‘Ara and ‘Arara. One the demonstrations began from ‘Ara towards the intersection. They were dispersed by sound bombs fired by the police in attempt to prevent their progress. The police also used gas bombs, which led to the injury of several demonstrators. They also arrested 18 youth.

30 November 2013

On 30 November 2013, a demonstration began in Haifa at 5:00 pm, when demonstrators gathered on the Ben Gurion Intersection in Allenby Street. Estimates indicate the participation of 1000-1500 participants. The demonstration started in the presence of a large number of Israeli special forces. After 15 minutes, the police started to fire sound bombs to disperse the demonstrators, immediately followed by a direct assault by the special units using beating, pushing, water spraying, and arrest. In light of this, numerous injuries were sustained, the most prominent of which was the injury of activist Shukri Jabareen from Fraydes, who sustained a ruptured spleen after slipping on water when he was fleeing arrest. In addition, activists Mamdouh Igbaryye and Lama Shehadeh sustained eye injuries, in addition to the arrests of 30 participants including: Ali Al-Zaybak, Haroun Shanak, Yousef Abu Goush, Firas Ali, Angi Omary, Rashad Omary, Sabreen Diab, Ala’ Taha, Sameh Dawaymeh, Suheir Asad, Khaled Anabtawi, Hisham Mahna, Ghassan Igbaryye, Omar Abdul Qader, Abdallah Abdul Fatah, Waseem Kheir, Mahmoud Shraim, Khaled Al-Sayed, Yaser Saleem, Ibrahim Hijazi, Rani Abu Goush, Rami Abu Ali, Hisham Nwaisri, Ashraf Anabtawi, Abdallah Baron, Waleed Farraj- injured, and Mahmoud Igbaryye. The prisoners were released on the 2 December 2013, some with conditions.



Occupied Jerusalem Demonstration

In Jerusalem, a demonstration started at 4:30 pm in front of Herod's Gate. Once demonstrators, estimated at 40-50 participants, started to gather, they were attacked by the special forces. After approximately half an hour, the demonstration started to move towards Damascus Gate. The special forces formed a human checkpoint to prevent the demonstrators from progressing, fired sound bombs, sprinkled water on the demonstrators, and chased the youth to arrest them. After several attempts to disperse the demonstration, the demonstrators regrouped themselves and the demonstration continued for half an hour. The demonstration resulted in numerous injuries and the arrest of activist Muath Misleh.

Occupied Ramallah

In Ramallah, a demonstration began on the entrance of the Education Suburb, next to Jalazon Refugee Camp, and headed towards the main street. The demonstrators reached the gate of Beit El settlement, where a congregation of settlers started throwing stones on the demonstrators. Two armed settlers arrived and started shooting bullets in the air, followed by large army units who closed the area, firing tear and sound bombs on the demonstrators, and pushing them. The number of demonstrators was estimated at 100 participants, and the majority started to retreat, leaving only a very small group of 20 participants who refused to retreat. This led to the arrest of 3 prominent activists, namely, Zaid Shuaibi, About Hamayel, and Ahmad Ziadeh.

Testimony from Zaid Shuaibi, Coordinator of BDS Campaign:

“When I was arrested 4-5 soldiers attacked me and hit me using their fists and guns. After that my friend About and I were led to the jeep, where we waited for approximately an hour. After that they removed me from the jeep and made me walk to the entrance of the settlement, where the soldiers wanted us to get inside, but the presence of the settlers who were threatening to beat us prevented our entry, and we were returned to the jeep. Then, About was losing consciousness, as a result of beating him up, so we asked them to bring him an ambulance to treat him. Then they put us inside barracks for army use for an hour or one hour and a half. Soldiers there shouted insults at us, and one soldier kept hitting each one of his with his foot. There, one soldier came and examined About, but did not give him any treatment, and after that they put us in the arrest vehicle and sent us to Benjamin Police center, where we were blindfolded and handcuffed. They took us out of the car and we stayed at the entrance for five minutes. And after that they put us in the car once again, where we stayed for approximately an hour, and they refused to let us go to the bathroom. After that they took us to the main street, and dropped me off the street near Silwad village, and dropped the other two in different areas.”

Negev Demonstration

The demonstration started at 3:30 pm with some 1000 participants from Palestinian cities extending between the Galilee and the Negev, in addition to foreigners. The demonstration started in the presence of large number of special police units, in addition to Mustaribeen. When they started to chant, the police fired sound bombs and sprinkled water on the demonstrators, and the Mustaribeen started to integrate with the demonstration. 23 participants were arrested: Ildad Tayson, Mustafa Al-A'sam, Obaida Al-Hawashla, Atef Abu Ayesh, Omar Al-Athameen, Atef Abu Al-Kay'an, Ra'ouf Abu Freih, Jamal Al-Sayed, Imad Abu Bader, Anas Al-Sayed, Mohammad Al-Talalqa, Ashraf Al-Sayed, Saleh Al-Sayed, Ibrahim Al-Sayed, Midhat Abu Jbein, Hamza Al-Sayed, and Raed Al-Sayed (child). These arrests persisted, as on the 2 December 2013, four Palestinians were arrested for participating in the demonstration.

Violations of Israeli Prisons Service of the Livelihood and Health Rights of Prisoners and Detainees





Violation of the Rights of Female Palestinian Prisoners

Israeli forces arrested 21 Palestinian women in 2013. Throughout the year there were 11 Palestinian women imprisoned serving a prison sentence and 6 detained waiting for trial. The rest of the detained were released in 2013, after the period of interrogation or arrest without charge, but were subjected to fees of bail and financial guarantees. No women were held under administrative detention after the hunger strike of Hana' Shalabi in February 2012.

Number of Women Arrested and Imprisoned in 2013

MONTH	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
2013	10	12	12	14	17	15	12	13	12	15	14	16
2012	8	5	5	6	7	6	6	6	7	9	10	11

Torture, Degrading Treatment, and Cruel Punishment

Prisoners' testimonies indicate their exposure to physical and psychological torture and maltreatment since the moment of their arrest, where they were painfully handcuffed during arrest, at the beginning of the detention, where subjected to strip search, and during interrogation, where threatened, beaten, and isolated.

Occupation forces prosecute Palestinian women prisoners before military courts that lack the integrity, credibility, and legitimacy required by the 4th Geneva Convention in Articles 66 and 71, and deny them the guarantees of a fair trial, in addition to preventing them from enjoying their legal rights that are guaranteed to them according to international conventions and treaties, specifically Article 14 of the International Covenant on Civil and Political Rights of 1966.

“My four children who are two daughters aged 14 and 16 years, and two sons 12 and 18 years old, visit me twice every month for only 45 minutes, and the visit is from behind a glass isolator through the phone, which is very hard for me. But despite this I try to show that I am strong in front of my children, although it is difficult for me to see them without being able to hug them, which makes me cry at every visit.

...

I prepare the words that I will tell them before every visit, but I always forgot them when they arrive. My kids send me letters from time to time, but it didn't reach me or were delayed significantly, such as a letter written last year in August 2013 reached me in January of this year 2014.”

Prisoner Intisar Al Sayyad to Addameer lawyer Awda Zubeidat

Prisoners who are mothers



In 2013, there were three prisoners who were mothers. These include Nawal al-Saadi (55 years old) from Jenin, the mother of eleven children, who was arrested on 11 May 2012 and sentenced by a military court to 20 months. Additionally, Rana Abu Kweik (26 years old) from the Amari Refugee Camp, the mother of four children, was arrested on 26 October 2013, and sentenced by the military court to 8 months in prison and a financial penalty of 5,000 shekels. Intisar Mohamad Al Sayyad (39 years old) from the city of Jerusalem and the mother of four children was arrested on 22 November 2013, and sentenced by the Israeli court to two years and a half.²⁸

Systematic and Continuous Violations of the rights of Women Prisoners

Addameer affirms that the Israeli Prisons Service continues to commit violations of Palestinian women prisoners, starting from treating them according to the regulations of the prison service and working rules regarding security prisoners (00/02/03), which contravene the obligations of the Occupying Power in accordance with its signature and ratification of several international conventions.

Palestinian women prisoners are exposed to the policy of medical neglect by the Israeli prisons service, which refuses to provide them with the necessary medical treatment, or to be transferred to civil hospitals in order to receive appropriate treatment, and does not allow the entry of independent physicians to verify their health conditions.

Female prisoner Lena Al Jerbouni suffers an acute inflammation of the gall bladder, and she does not receive a proper treatment. Female prisoner Nawal Al Saadi suffers from high blood pressure and severe pain in the back, and In'am Hasanat suffers from migraines. Ayat Mahfouz is losing her sight in the right

²⁸ During the first quarter of 2014, the number of prisoner mothers have increased to reach six. For more information see the following link on Addameer website: <http://www.addameer.org/atemplate.php?id=408>



eye and suffers sharp weakness in the sight of her left eye, while the prisoner Rasmiyeh Balawneh, a diabetic, has high blood pressure and pain in her head and feet. Her health condition is getting worse; she was examined by the physician only once since her arrest. It has been reported by the detained Muna Ka'adan that she has pain in the gall bladder, and she needs to go through surgery to remove it, but the Prison Service is postponing under the pretext that the hospital is busy, and they are only giving her injections and analgesic medications.

Prisons Service Continues Evading its Obligations Towards the Prisoners

The Prisons Service continues evading its obligations related to the rights of the prisoners. Meals provided to the prisoners contravene international standards of quality and quantity, and they are not allowed to cook their food by themselves, or to get their food from their families. In recent years, the prison administration has declined to provide many of the vital materials in its monthly allotment, which forces the prisoners to purchase at their own expense from the canteen that is managed by a private Israeli company (Dadash) at exorbitant prices, in order to fill the gap of their vital needs.

The testimony of one of the women prisoners revealed that the prison administration did not allow them to bathe except at specific times, and only within few hours of the day, without any regard to their private and specific needs. The Prisons Service also banned a number of prisoners from family visits under the pretext of security reasons, as is the case of the prisoner Rasmiyeh Balawneh and the detainee Muna Ka'adan, and imposes arbitrary punishments, as in the case when the women prisoners returned their meals as a sign of condemnation for the death of the prisoner Maysara Abu Hamdiyeh, and the prison's management banned them from family visits for a whole month.

Addameer expresses its deep concern regarding the general situation in which Palestinian women prisoners are held inside the Israeli prisons, and condemns all forms of cruel, humiliating, and discriminatory treatment against them, including physical and psychological violence, treatment degrading to human dignity, deliberate medical negligence, the policy of raids and provocative inspection campaigns, which are accompanied by the imposition of a set of sanctions on them, including denial of family visits, and the imposition of exorbitant fines. These practices constitute flagrant violations of the responsibilities of the Occupying Power in the Third and Fourth Geneva Conventions, the International Covenant on Civil and Political Rights, the United Nations Convention Against Torture, the Convention on the Elimination of all forms of Discrimination Against Women, United Nations Rules for the Treatment of Women Prisoners (the Bangkok Rules), UN Standard Minimum Rules for the Treatment of Prisoners, and other Human Rights Conventions. Addameer calls for the immediate and unconditional release of all detainees and prisoners from Israeli prisons.

Occupying Power Endeavors for the Endorsement of “the Law of Force-Feeding of Prisoners on Hunger Strike”



Hebrew newspaper Haaretz, published on Thursday 11 July 2013 that the Israeli Ministry of Justice of the occupation government supports the proposal of a law that allows the feeding of “security prisoners” on hunger strike by force, after a decision of the court is provided. The article stated that due to the continuation of the Palestinian prisoners on hunger strikes, the Ministry of Justice is preparing to propose a law “to feed” security prisoners by force, provided that a court decision based on a medical certification that confirms that the continuation of the prisoner or detainee on the strike represents a threat to his or her life, is obtained, and provided that the prisoner or detainee is allowed to be legally represented and is given the opportunity to present his or her allegation.

Addameer considers that the attempt to pass this law with the pretext of protecting the lives of the hunger strikers, is only a continuation of the policy of misinformation and deceit, a failed attempt that is revealed by the fact of its perseverance in the use of torture against Palestinian prisoners and detainees. Since 1967, more than 200 of them have been killed, 74 were premeditatedly murdered, 71 died under torture during interrogation, and 54 as a result of deliberate medical neglect, with the complicity of the medical authorities affiliated to the Israeli prisons services, as occurred when the Israeli prisons service opted to force-feeding (or what is known as “Al sonda”) the prisoners on hunger strike in the years of the seventies and eighties, which led to the death of three prisoners: Abdul Qader Abu Al Fahem who died during the hunger strike in Ashkelon prison on 11 May 1970, Rasem Halaweh, who died on the 20 July 1980, and Ali Al Jaafari, who died on 24 July 1980 during a hunger strike in Nafha prison.

This proposed law does not seek to save the lives of prisoners and detainees who are exercising their right to go on hunger strike, but is an authorization to Israeli Prisons Service forces to torture more Palestinian prisoners and detainees who go on hunger strike, in an effort to attain their legitimate rights enshrined in International Humanitarian Law Conventions, International Human Rights Law, particularly



the rights of the persons deprived of their freedom, the recognition of their status as prisoners of war and freedom fighters, their health, nutrition and education rights, their right to enjoy the guarantees of a fair trial, the right to family visits, and respect of their human dignity.

“This proposed law does not seek to save the lives of prisoners and detainees who are exercising their right to go on hunger strike, but is an authorization to Israeli Prisons Service forces to kill more Palestinian prisoners and detainees who go on hunger strike, in an effort to attain their legitimate rights”.

This decision completes a series of laws and judicial decisions, and internal regulations issued by the Israeli Prisons Service forces, that reflect the racism and bestiality of the occupation, and aim to break the will of prisoners and detainees, and to deny them their basic rights which are guaranteed in accordance with the International Humanitarian Law, specifically the protection of civilians in times of armed conflict and occupation. The Israeli supreme court previously issued a judicial decision that allows the forces of the Israeli prisons service to withdraw salt from the prisoners that are on hunger strike, during the first 14 days of commencement of the hunger strike. Moreover, the Israeli prisons service forces apply the specific command number 00/16/04 for hunger strike, which allows their special units to raid the rooms of the Palestinian prisoners and detainees that are on hunger strike, deny their basic rights and needs, often accompanied with beating them, isolating them in confinement cells, as well as forbidding family visits and meetings with the lawyers.

This decision constitutes a flagrant challenge to international norms and conventions, which prohibit force-feeding, and emphasize that the prisons authorities have to respect the freedom and dignity of the prisoners. The International Committee of the Red Cross has confirmed its opposition to force-feeding, and has stressed the need to respect the prisoners' choices and the safeguarding of their human dignity. This position of the International Committee is consistent with the position of the World Medical Association announced in the Declarations of Malta and Tokyo that were revised in 2006.

This last announcement states that artificial feeding should not be opted for in the case that the prisoner refuses the food, and when the physician sees that the prisoner is able to make a proper rational judgment in relation with the consequences of refusing food voluntarily. At least one independent physician should reinforce this decision concerning the prisoner's ability to make such a decision. The physician should explain to the prisoner the consequences of abstaining from food.

Addameer calls upon the International Committee of the Red Cross, all United Nations organizations and human rights committees, and the international human rights institutions, to exercise their role in preventing the occupation state from the endorsement of this dangerous law, to expose its dangerous implications to the health of Palestinian prisoners and detainees, emphasize their right to go on hunger strike as a legal instrument to ensure the attainment of their rights which are guaranteed by the peremptory norms of International Humanitarian Law, and stating their refusal of the occupation forces and its Prisons Service policies against them, particularly, the policy of administrative detention without charge or trial, the denial of guarantees of a fair trial, prohibition of their right to family visits, isolation, solitary confinement, poor prison conditions, and maltreatment.

Individual Hunger Strikes



The year 2013 witnessed the continuation of a wave of individual hunger strikes in protest against policies of the occupation forces and its prisons service, especially the policy of administrative detention. This was the main reason for many of the individual strikes carried out by 17 administrative prisoners. Some also were striking against detention under section 186 of the Military Order 1651, which allows the re-arrest of prisoners released in exchange deals, in addition to a strike by Jordanian prisoners, and the strike of Maher Younis, who is the second longest Palestinian prisoner. Below is a summary of the most prominent individual hunger strikes of administrative detainees, their demands, and results.²⁹

²⁹ For more details about the administrative prisoners' strike, the strike of the released prisoners that were re-arrested by the occupation forces, the rest of the individual strikes, and the strike of the Jordanian prisoners during the year 2013, please see Appendix No. 7 of this report.



Summary of Individual Hunger Strikes

- 38 Prisoners and detainees went on individual hunger strikes during the year 2013.
- 17 detainees went on individual hunger strikes as a rejection of their administrative detention.
- 4 prisoners went on hunger strikes in protest for their re-arrest according to section 168 of the military order 1651, after being released within the exchange deal “Wafa’ Al-Ahrar” and they are, Ayman Sharawneh, Samer al-Issawi, who started their hunger strike since 2012, in addition to Ayman Abu Daoud, and Abdul Majeed Khadairat.
- 5 prisoners holding a Jordanian citizenship went on hunger strike demanding their right to receive family visits, and the application of the Wadi Araba agreement that was concluded between the occupation state and Jordan in 1994, which allows for Jordanian prisoners in Israeli prisons to complete their sentences in Jordan’s Prisons, and they are: Alaa Hammad, Abdullah Barghouti, Mohammed Al Rimawi, Munir Mer’i, and Hamzah Othman.
- The prisoner Maher Younis who is the second longest Palestinian prisoner in Israeli prisons went on hunger strike as a political strike to confirm his commitment to the unity of the prisoners’ issue, and his refusal to use it as a bargaining element in order to pressure the Palestinian side to make further concessions.
- The prisoner Kifah Khattab announced his hunger strike in order to be recognized as a war prisoner, for the third consecutive year.
- 9 prisoners went on hunger strike during 2013 to demand better living conditions inside prisons, to receive necessary medical treatment, and their right to receive family visits.
- The prisoner Muna Ka’adan went on hunger strike in solidarity with the prisoners on hunger strike.

Hunger Strike in Prisons Service Regulations

According to the Israeli Prisons Service regulations, Order No. 00/16/04³⁰ in relation to hunger strikes, a prisoner is considered to be on hunger strike if she or he refuses to eat 4 consecutive meals “without legal justification/permission from the physician”, even if she or he has drunk water.

The prisons service regulations does not recognize the right of prisoners and detainees to go on hunger strike, but actually considers this to be a violation of the system and an infraction that deserves punishment, regardless of the causes and demands. The Prisons Service forces deal with the prisoners on hunger strike on this basis. Moreover, the regulations of the Prisons Service, Order No. 00/16/04 consider the strike of the “security prisoners” as a highly specific matter, so, when the prisoners start a strike, the prison administration is required to inform the General Chief of Staff, the Medical Officer in charge in the occupation army, and the International Committee of the Red Cross.

The regulations also require the prison administration to inform the Nahshon Unit forces and Metzada Unit forces, as part of its practical preparations to deal with the stages of the hunger strike, and as the parties that must be informed of the hunger strike, whether it is individually or collectively.

The appendix of the order, entitled “privileges that should be withdrawn from a prisoner on hunger strike”, allows the prison administration and special units to do the following:

- a. Immediately discontinue food distribution from the sales center (canteen).
- b. Remove food from the prisoner/detainee room.
- c. Reduce the length of the recreational time (fora) to just one hour.

³⁰ For more information related to Order 00/16/04, please see Annex 3.

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- d. Halt the distribution of newspapers and confiscation of radio and electrical appliances “recorders”.
 - e. Prohibit family visits.
 - f. Halt sending and receiving letters.
 - g. Remove electric appliances (except the fan) and store.
 - h. Remove educational books (except religious books) and keep them in the prison library.
 - i. Remove musical instruments, social games, and writing utensils.
 - j. Remove sports tools from the recreational yard (fora).

Hunger Strike in Instructions Oder No. 00/13/04 “Disciplinary Judiciary of Prisoners”

The above order considers that the refusal of the prisoner to take the daily food constitutes a violation No. 8 of the disciplinary rules of the prison, and there are two corresponding types of penalties:

- Light Punishment: severe warning, and/or a fine up to 50 shekels, and/or solitary confinement for two days.
- Maximum Punishment: severe warning, and/or a fine up to 150 shekels, and/or solitary confinement for seven days.

Sanctions that were Imposed on the Striking Prisoners

The sanctions that were imposed on the striking prisoners by the Prison Service included:

1. Fines that ranged between 250 and 475 shekels.
2. Sections were closed and isolated for the whole duration of the strike.
3. Deprivation of the canteen (sales center).
4. Deprivation of visits for two months.
5. Deprivation of meeting lawyers in some cases.

Addameer’s Position About Individual Strikes

These hunger strikes, both collective and individual, had a major role in imposing the issue of the prisoners on the Palestinian official level. They have revealed violations against the prisoners and detainees, which has led many international institutions and international political figures to direct sharp criticism, in addition to demanding the end of the policy of administrative detention, and to improve the conditions of Palestinian detainees and prisoners in its prisons. However, it is the time now for the prisoners and detainees to assess and evaluate individual strikes as a strategy to achieve their demands, especially since they have been ongoing for three years, and are losing the ability to mobilize support. This is due to their discrepancy from globally practiced hunger strikes, as they were mostly characterized as partial hunger strikes, causing lengthening and loss of the momentum in official national and international solidarity—a fact that has made it easier for the occupying state to deny the demands of the prisoners on hunger strikes, as well as succeed in the continuation of its forcible transfer policy to Gaza, and present this as the only solution to meet up the demands of the hunger strikers.



Medical Neglect Policy Against Prisoners and Detainees

The medical conditions and circumstances that prisoners and detainees in Israeli jails face are a direct threat to their lives. The policy of the Prison Service in deliberate medical neglect is one of the policies that subjects them to punishment that only deepen their suffering that results from deprivation of the guarantees to a fair trial, and the rights due to them under international human rights law and international humanitarian law conventions.

Articles 85, 91, and 92 of the 4th Geneva Convention reiterate Article 22 of the UN Standard Minimum Rules for the Treatment of Prisoners in terms of the stipulation that the occupying State take all necessary and possible measures to ensure that protected persons, from the beginning of their arrest, are sheltered in buildings that have medical conditions and safety guarantees, are completely protected of humidity, have sufficient heating and lighting, and that sleeping places are sufficiently spacious and ventilated. On health conditions and medical care, Articles 91 and 92 emphasize the need for the presence of an appropriate clinic, overseen by a qualified doctor in every prison, where detainees and prisoners receive necessary healthcare, in addition to running medical examinations of the prisoners at least once a month, in order to monitor their health and nutrition, and identify contagious diseases.

Article 22 of the UN Standard Minimum Rules for the Treatment of Prisoners of 1957 states: "At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers."

According to the findings of the Documentation and Research Unit at Addameer for December 2013, the number of prisoners reached 5033. According to the findings of the Center for Defense of Liberties and Civil Rights - Hurryyat, the number of sick prisoners inside the occupation jails exceeds 800 prisoners, which amounts to 14% of the total number of prisoners, 193 of which suffer from chronic diseases, 25 with cancer, and 85 with various impairments (physical, mental, psychological, and sensual). 16 prisoners permanently reside in the clinic of Ramleh prison, while findings state that 120 prisoners require urgent and necessary operations.

The year 2013 witnessed the death of 4 prisoners or detainees, some of which under torture, and some due to deliberate medical neglect during imprisonment or shortly after their release, following a deterioration in their health. Arafat Jaradat (30 years old) died on the 23 February 2013 in Megiddo interrogation center, as a result of being subjected to torture during interrogation since his arrest on 18 February 2013. Another three prisoners died due to the policy of deliberate medical neglect. On 21 January 2013, released prisoner Ashraf Abu Threir (27 years old) died in the Augusta Victoria Hospital in occupied Jerusalem, where he spent several weeks after his health deteriorated. He entered into a coma after suffering a serious infection in the lungs. Prisoner Maysara Abu Hamdieh (64 years old) died on 2 April 2013 in the intensive care unit in the Israeli Soroka Hospital, where he was suffering from throat cancer months before his death. Prisoner Hassan Al-Tarabi (22 years old), died on 5 November 2013 in HaEmek Medical Center (Afula Hospital). He was arrested in the beginning of 2013 and placed in administrative detention, even despite the fact that he suffered from cancer.

This also reflected in the work of human rights organizations, where numerous reports and findings were released that unveiled details about the deteriorating health conditions of prisoners, demanding the



need to create international commissions of inquiry to determine the health conditions of prisoners and detainees, and provide treatment for them. Human rights organizations also demanded that prisoners and detainees be treated in civil hospitals and the closure of the clinic in Al-Ramla prison. A report by Physicians for Human Rights on Palestinian Prisoners' hunger Strikes inside Israel prisons published in January 2013, revealed severe medical violations against prisoners and detainees in general, and those who participated in hunger strikes in particular, including:

- Decline in medical care provided to Palestinian prisoners.
- Decline in professional standards of medical care provided to Palestinian prisoners.
- Poor and insufficient medical follow-up.
- Procrastination of Prison Service in providing treatment, medical examinations, and consultation of specialized doctors.
- The majority of the doctors of the Prison Service are general doctors, without specialization and with a poor professional record.
- A significant number of the doctors are hostile towards Palestinian prisoners and detainees.
- Prohibiting the entry of independent doctors to examine and follow-up with Palestinian prisoners on hunger strike.
- Refusal of Prison Service to give medical information to independent doctors.
- Suspicion of corroboration of medical staff of the Prison Service in professional and ethical violations in not reporting torture and abuse of prisoners on hunger strike, including administrative detainee Thaer Halahla.

The following are medical cases of some prisoners and detainees:

Case of Prisoner Thaer Halahla:

Prisoner Thaer Halahla was on an open hunger strike for 76 days during his previous arrest in 2012, to resist the policy of administrative detention. He was released on 11 August 2012, following an agreement with the hunger strike committee, created by the prisoners movement, that allowed for his immediate release after the completion of the order.

He was re-arrested on 8 April 2013. During the visit of Addameer attorney in Ofer prison, on the 20 May 2013, Halahla confirmed that during continuous interrogations with him in Ashkelon prison, he suffered from pains between the chest and abdomen on the right hand side, particularly the kidneys, and pain in the back and teeth. While in Ashkelon, Halahla was met with a dentist after 15 days of interrogation to treat a nerve in one of his left teeth in the upper jaw. During the treatment, the doctor used unsterile equipment, as Halahla saw blood on them. When he was transferred to Ofer prison on 8 May 2013. He met the doctor who told him the results of the medical tests he underwent in Ashkelon prison. The doctor told him that he suffered from Hepatitis, and that if he was not treated it may lead to back and eye diseases or to his death. Halahla emphasized that he was never infected or took a blood test that could transmit the infection to him, except for the dental care he received during interrogation, where the doctor used unsterile equipment.



Case of Prisoner Hassan Al-Tarabi:

Hassan Al-Tarabi (23 years old), a resident of Sarra village near Nablus, was arrested on 7 January 2013, when he was suffering from Leukemia. During the visit of Addameer attorney to Megiddo prison on 27 November 2013, prisoner Loai Al-Ashqar, who lived with him in the same division emphasized “When martyr Hassan Al-Tarabi was brought into prison, the administration knew that he suffered from cancer, and that he finished his treatment, but needed to do check-ups every 3 months to ensure his safety and follow-up his medical condition.”

Al-Ashqar added that Al-Tarabi did not face any problems during the first 8 months, but two months before his death, his temperature started to rise unexpectedly, and he was transferred to the clinic, where he was given medicine to reduce his fever, and suppositories, but he was not checked properly, even though he suffered from severe abdominal pain.

He added, “one month before his martyrdom his face was very pale, and he stayed for one week; the nurse used to come and say that his immunity was weak, but he was not taken to the clinic. On the morning of Eid Adha, Al-Tarabi and myself were in another room to congratulate other prisoners on the occasion of the Eid. When he went down to his room, and during the noon hours, the other prisoners noticed blotting in his abdomen. After about half an hour he vomited a large amount of blood, and passed out. The administration immediately took him to the clinic and after that to Afoula Hospital.”



He continued, “One day later, an officer in the intelligence came and talked to the leader and said that the medical condition of Hassan was difficult and that they released him; after a few weeks, the news of his martyrdom reached us”.

Case of Prisoner Mansour Mowkadeh:

Prisoner Mansour Mowkadeh (41 years old), arrested on 1 July 2002, suffers from paralysis due to being shot with three explosive bullets in the abdomen, pelvic, and vertebrate after a shooting with the occupation soldiers at the time of his arrest. Since then, he is resident of the clinic of Ramleh Prison.

The prisoner suffers from numerous medical problems as a result of his injury and medical neglect policy, most importantly:

- **Disability:** He suffers from inability to move in the lower part of his body, and uses a wheelchair.
- **Abdomen:** After his injury and tearing in his abdomen, a skin graft was taken from his leg to sew his abdomen; he needs to transplant a net in an attempt to restore his abdomen to normal shape, and control his stomach and intestines. Doctors informed him that they cannot perform the transplant because it is dangerous.
- **Stomach:** The injury that tore his abdomen affected his stomach severely; after several medical operations, a large part of his stomach was replaced by prosthetic/medical parts. Now approximately 75% of his stomach is plastic.
- **Intestines:** His intestines were damaged and replaced with prosthetic/medical parts.

- Urination: His bladder was also damaged after his abdomen injury and he needs a bladder transplant. The doctors are ruling out the possibility of finding a bladder; however, they transplanted a prosthetic urination sack that collects urine without the control of the prisoner over it.
- Defecation: Following the injury that tore his abdomen, and damaged his intestines and stomach, they transplanted on the left side of his abdomen a “defecation bag”.

The Prison Service forces decided to close his medical file and suffice with the use of painkillers, and he was examined at the hands of many specialized doctors in prison and in hospitals outside of prison. None of them presented solutions to his treatment.

Following the visit of Addameer attorney Fares Ziad on 21 April 2013, he emphasized that not only is the situation of the prisoner not improving, but also that he is suffering from symptoms that are making his medical situation more dire. During his visit, it became apparent to him that the prisoner discovered a tumor in the lower part of his neck near his right shoulder two weeks before his visit. The administration of the hospital scheduled a specialized test for him, but the doctor did not come on time, and the prisoner has already been subjected to a medical error that could have led to his death. He suffered from a blocked artery in his right hand after being given a wrong injection in the artery, and the tip of the artery formed into a solid small ball that indicated the blockage in the artery and lack of function. A doctor informed him about the seriousness of the situation if he were to be given a future injection in the same artery, in that it may lead to serious damage or even death.

Mohammad Al-Azzeh (16 years old)

The child Mohammad Al-Azzeh was arrested on 16 November 2013, and he told Addameer, after his release, that he suffered from medical neglect during his arrest, as he was arrested while suffering from seizures, and his father had told the soldiers that he was sick, taking medicine, and needed special healthcare. Despite this, he was arrested and his interrogation took place under unsuitable conditions.



During his presence in the juvenile section in Ofer prison, he passed out due to his health circumstances. He stated:

“One week after my arrest and being inside prison in the night, I felt that I was facing a problem, as my breathing started to change, and I was facing a difficulty in breathing. They took me to the clinic, and the nurse put for me the ventilation system to help me breathe. At that time I returned to normal, but they did not run any tests; he only attached the device and gave me Ventolin, and a strip of medicine whose name I didn’t know, or what it was used for, a white colored pill. After that I went back to the division, 25 days after my first unrest, that day they was no electricity in the prison because of the weather and snow, and in the night I asked the other prisoners to take me to the clinic, and they asked the jailer but he said that there is no electricity, and so I endured the unrest for another day, but my condition deteriorated severely, and I couldn’t breathe at all. The jailers did not care for my condition, since the prisoners told them more than one time and asked them to take me to the clinic, but they refused, using the electricity as an excuse.

After the Friday prayer of the same day, the prisoners started slamming the doors and yelling at



the jailers to take me to the hospital, because my situation worsened further. After examining me and witnessing my difficult condition, the jailers took me to the clinic, and they transferred me to unventilated rooms, which worsened my situation. They told me to wait for the ambulance, and after about an hour an ambulance came, and they took me to it, but then removed me to bring another one. After 15 minutes the car moved, and in it was a nurse and 5 Prison Service soldiers. My hands and legs were handcuffed since the moment I left the division, and after that I completely passed out, and woke up in a hospital bed with my two legs handcuffed to the bed and also my left arm. At that time, there was a doctor in the room and he told me that I passed out for 4 days, and he explained to me my medical situation. He had with him 3 guards from the Nahshon unit; whenever an Arab nurse would bring me something to eat (juice, biscuits, etc.) they wouldn't let her enter and sometimes took the things from her and ate them.

Two days after being in the hospital, which is something I found out later, they informed my family and lawyer that I was in the hospital. After 10 days in the hospital they took me to trial in Ofer, and released me after procrastination.”

There are many cases of prisoners that are suffering from critical medical situations, and as a result of their deteriorating situation due to the policies of the Prison Service forces in deliberate medical neglect of sick prisoners and procrastination in delivering necessary treatment.

Conclusions and Recommendations





I: Conclusions

- Palestinian prisoners and detainees continue to be subjected to various forms of torture, cruel, inhuman, and degrading treatment, during detainment and interrogation, and with pressure of coercion into confession. With regards to the torture of detainees and prisoners following sentencing, it serves to breakdown the awareness of the prisoners, break the concept of solidarity among prisoners, compromise their will, and push them to give up their rights guaranteed in International Human Rights Law and International Humanitarian Law. These assaults are considered grave violations of the four Geneva conventions, and its first additional protocol of 1977. They amount to torture, which is considered a war crime and a crime against humanity, as stated in the conventions International Human Rights Law and International Criminal Law, particularly the preamble of the Rome Statute, Article 7, which defines crimes against humanity, and article 8 which categorizes war crimes.
- The year 2013 witnessed the continuation of arrests of Palestinian children. Statistics show that approximately 1000 children were arrested the previous year. These arrests took place without due provisions for their protection inherent in international conventions and treaties, and the children were subjected to physical and psychological torture, crushing their self-esteem, making an example of them, and attempting to recruit them to enlist in the army.
- Occupation forces escalated their campaign in re-arresting prisoners released in “Wafa’ Al-Ahrar”, based on article 186 of military order 1651, which allows for their imprisonment in accordance with decisions made by a special military committee, and spend the remaining years of their previous sentencing, under pretences of violating the conditions of their early release.
- Occupation forces continued in the implementation of their policies that seek to target Palestinian human rights defenders, including lawyers, journalists, and human rights activists, in addition to criminalizing their work, and stripping them of the protection inherent in international law and conventions that are applicable in the occupied Palestinian territory.
- The year 2013 witnessed the continuation of hunger strikes by Palestinian prisoners and detainees, especially those under administrative detention, or who were re-arrested in the exchange deal. The number of prisoners and detainees on hunger strike reached 38, 17 of which were administrative detainees, 5 Jordanian prisoners, and 4 who had been released in “Wafa’ Al-Ahrar”, in addition the strike of Maher Younis, the second longest serving Palestinian prisoner.
- The occupation state continued the forceful transfer of Palestinian prisoners, who are West Bank residents, to the Gaza Strip. This affected 3 prisoners, who occupation forces re-arrested using article 168 of military order 1651.
- Occupation forces released 78 prisoners who were arrested before signing the Oslo Accords, as part of the deal to resume bilateral Palestinian-Israeli negotiations. The deal provided for the release of all prisoners arrested before 13 September 1993, in four installments, in exchange for the Palestinian Liberation Organization to not seek membership in international conventions and bodies. The occupation state refused to release the fourth and last installment of 30 prisoners, on 29 March 2014.
- For the 8th year in a row, in 2013, occupation forces continued to arrest and imprison members of the Palestinian Legislative Council. These arrests include, this year, 8 members of the Reform and Change Bloc, some of which are held under administrative detention.
- This year, occupation forces arrested 21 Palestinian woman and girls, and the arrests affected tens of academic and legal staff.
- The year 2013 witnessed a significant increase in the number of raids by the prison service and its special units, or the rooms of prisoners, compared with the last three years. The Documentation and Studies Unit documented more than 175 raids in 2013, a 22% increase from 2012, and a 75% increase



from 2011. These raids took place in all prisons, where prisoners were subjected to arbitrary sets of punishment that included deprivation of family visits, large fines, and solitary confinement. During these raids, more than 40 prisoners and detainees were brutally beaten.

- According to human rights reports, the number of sick prisoners inside the occupation jails exceeds 800 prisoners, which amounts to 14% of the total number of prisoners, 193 of which suffer from chronic diseases, 25 have cancer, and 85 have various impairments (physical, mental, psychological, and sensual). 16 prisoners permanently reside in the clinic of Ramle prison, while findings state that 120 prisoners require urgent and necessary operations.
- The year 2013 witnessed the death of 4 prisoners and detainees, some of which under torture, and some due to deliberate medical neglect during imprisonment or shortly after their release, following a deterioration in their health. This increased the number of deaths from the prisoners movement to 205 since 1967, 74 of which were premeditatedly murdered, 7 killed inside prisoners and detention centers as a result of directly shooting at them, 71 who died under torture, others who died following forced feeding, and another 53 who died inside prisons due to the deliberate medical neglect policy, in addition to tens of others who died shortly after their release from prison.
- Following resuming bilateral Palestinian-Israeli negotiations in July 2013, the occupation forces killed 8 Palestinians, after the army and Mustaribeen forces invaded Qalandiya and Jenin refugee camps, in an attempt to arrest them or others.
- The year 2013 witnessed an increase in the enactment of Israeli laws that affected prisoners and detainees, and threaten their lives. In July 2013, the occupation State attempted to enact the force feeding of prisoners on hunger strike, without due consideration to international conventions and treaties that guarantee the right of prisoners and detainees to hold hunger strikes to demand their rights and express their opinions.

II: Recommendations

Annually, occupation forces arrest thousands of Palestinian civilians, not in order to protect its security, as stipulated in the 4th Geneva Convention, but to fragment and subjugate the Palestinian society to accept the Zionist colonialist project on Palestinian land. The torture of Palestinian prisoners is a constant and ongoing policy that is used on a large scale, amounting to war crimes and crimes against humanity. Imprisonment of Palestinians takes place through military orders that criminalize all aspects of Palestinian life, in blatant violation of the four Geneva conventions. They are tried in military courts that lack the legality and independence that are conditioned in the 4th Geneva Convention and other international conventions and treaties, and are treated inside prisons in accordance with the regulations of the Prisons Service, which deprive them of their basic human rights.

Following Palestine's membership in international conventions, and particularly the four Geneva Conventions, the refusal of the occupation state to release the fourth installment of Palestinian prisoners, its continuous pursuit to make use of the political settlement that has been going on for two decades to buy time, impose a status quo, negotiate on actual rights and not their method of implementation, and use of the issue of Palestinian prisoners as a bargaining paper to political blackmail, an immediate and national strategy to defend and protect prisoners and detainees in accordance with the third and fourth Geneva Conventions and relevant international conventions should be adopted. As such, Addameer recommends the following:



I: Palestinian Liberation Organizations and its Institutions:

- Make use of the membership of Palestine in the four Geneva Conventions, and other international human rights and international humanitarian law conventions, and solicit an advisory opinion to the status of Palestinian prisoners and detainees, and the legality of the military orders that are enforced by the occupation authorities on the occupied Palestinian territory.
- Pursue accountability of the leaders of the occupation forces and Israeli Prison Service accountable before courts that take the principle of universal jurisdiction, for their crimes against prisoners and detainees.
- Condition negotiations with the occupation State with the immediate, full, and unconditional release of all Palestinian prisoners and detainees, and demand the termination of the policy of the imprisonment of Palestinians.
- Boycott and hold accountable the corporations that provide logistical and security services to the benefit of the Israeli Prison Service, in light of their complicities in torturing and abusing Palestinian prisoners.
- Stop exclusiveness in making decisive decisions with regards to prisoners and detainees, and establish a real national partnership that includes Palestinian political parties, civil society organizations, human rights organizations, and specialized personnel.
- Refuse Israeli categorization of Palestinian prisoners and detainees inside occupation jails.
- Integrate Ministry of Justice and Ministry of Foreign Affairs in the Palestinian Authority in activating the issue of prisoners on the international level, expose the violations and crimes committed against them, and work on holding the occupation accountable for the crimes that were and continue to be committed against prisoners and detainees.
- Take serious steps to provide the medical healthcare and psychological, social, vocational, and educational rehabilitation of released prisoners.

II. Ministry of Detainees and Ex-Detainees, and Palestinian Human Rights and Legal Organizations:

- Prepare and foster a comprehensive national dialogue that includes all Palestinian legal organizations and those who work on the issues of prisoners, regardless of their political affiliation, to boycott the military courts of the occupation.
- Activate joint and unified work on submitting international complaints through United Nations Instruments and Human Rights Committees.
- Promote joint action to expose the crimes of the occupation forces and special forces of the Israeli Prison Service in the session of the Human Rights Council, and following the sessions of the “Universal Periodic Reviews“ committees.
- Actively integrate and call for boycotting Israel, divesting from its Institutions, and imposing sanctions on it, locally and internationally.
- Unify the Palestinian legal and human rights discourse on the issue of Palestinian prisoners and detainees, and end discrepancies in data, terminology, and demands.



III. International Organizations:

- Addameer urges the United Nations, its committees, and human rights organizations to take serious steps to provide the necessary protection to Palestinian prisoners and detainees inside Israeli jails, create international commissions of inquiry to identify violations and crimes committed by the occupation against prisoners and detainees – particularly murder and torture cases that occur during interrogation and arrest, in addition to the crimes committed by the Israeli Prison Service, and medical neglect.
- Addameer urges the High Contracting Parties to the Geneva Conventions to uphold their commitment in respecting the Four Geneva Conventions, ensuring their respect, and demands they insist that the occupation state respect its obligations as an occupying force as specified under in the Four Geneva Conventions, and apply it to the occupied Palestinian territory and Palestinian prisoners and detainees.
- Addameer urges the Human Rights Committees of the United Nations to call upon the occupation state to allow international commissions of inquiry to enter their prisons, identify the situation of the prisoners, and investigate complaints in general, and those pertaining to the crimes committed by the special forces of the Israeli Prison Service in particular.
- Addameer calls upon the International Committee of the Red Cross to carry out its tasks in protecting prisoners and detainees in accordance with its mandate, and adhere to their rights to conduct monitoring visits to prisons, detention centers, and interrogation centers, which include identifying the status of the prisoners and detainees, their imprisonment conditions in accordance with the used mechanisms in monitoring visits. These include entry into divisions, rooms, individual meetings with prisoners and detainees, hearing their complaints and demands, presenting these complaints and demand to the administration of the Prison Service, and demanding immediate and serious action to fulfill their responsibility as an occupying power, in accordance with international humanitarian law. Addameer also demands the ICRC to follow-up the cases of ill prisoners, and determine the reality of medical services provided by the prison services.
- Addameer urges the ICRC to protect prisoners and detainees in general, and those on hunger strike in particular, safeguard their right to hunger strikes as one form of resistance to reach internationally guaranteed rights in human rights law and international humanitarian law, and to acknowledgement as prisoners of war.
- Addameer urges international organizations, and particularly the United Nations and diplomatic missions that uphold human rights, to put pressure on the occupation state to immediately release all human rights defenders and safeguard their rights that are inherent in Universal Declaration on Human Rights Defenders.

IV. National Prisoners Movement:

- The prisoners movement is invited to review and assess the feasibility of individual hunger strikes, and draft strategies that are based on rights guaranteed in the four Geneva Conventions, and other conventions and treaties.
- Palestinian prisoners movement is invited to contribute to the formulation of a Palestinian legal strategy that is based on the four Geneva Conventions and remainder of international conventions.
- Addameer calls upon the prisoners movement to refuse the policy of forced transfer and exile of prisoners and detainees, and any conditions imposed by the occupation forces to release them within the framework of their release deals.
- Persist in legal and demand-driven struggle, to pressure the acknowledgement of their legal status of



Palestinian prisoners and detainees as war prisoners, civilians, and protected persons, and treat them with the protection inherent to them in the third and fourth Geneva Conventions, and the remainder of human rights conventions pertaining to people deprived of their freedom.

- Addameer urges prisoners and detainees to document violations that they are subjected to with Palestinian and international human rights organizations, to seek accountability of the Israeli Prison Service, and for the provision of psychological rehabilitation of prisoners and detainees.



Appendices

Appendix 1: Mustaribeen ³¹ severely attack Mahmoud Sarhan during arrest

Appendix 2: Affidavit: Torture, intimidation, and treatment degrading of human integrity against the prisoner Mahmoud Amer Abed Al-Latif Nassar

Appendix 3: Names of released prisoners who were arrested in 2013

Appendix 4: Journalists arrested until 30/12/2013

Appendix 5: Journalists released from prison in 2013

Appendix 6: Female prisoners and detainees' in the occupation's prisons at end of the year 2013

Appendix 7: Administrative detainees who went on hunger strike in 2013

³¹ Mustaribeen: a term which refers to undercover forces dressed in civilian clothes that arrest Palestinians in demonstrations and elsewhere.



Appendix # 1

Mustaribeen Severely Attack Mahmoud Sarhan during Arrest

Affidavit

I, the undersigned, Mahmoud Jamal Mahmoud Sarhan, and after being warned to only state the truth, and that I will be exposed to penalties according to law if stating other but the truth, hereby declare the following:

I am the signer mentioned above from Silwan, Jerusalem, 18 and a half years old, working in the construction field and living with my parents.

On 5 January 2013, and while I was in the street around 7:00 PM playing with fireworks along with my peers, a group of Mustaribeen covered with masks and dressed in civilian clothes suddenly appeared, stepped out of a white car, and directly attacked me; they were 7-8 people. Later on, five of them caught me, while the rest caught my friend. A police force immediately came as well. The Mustaribeen started beating me with their feet while I was on the ground, and without any resistance, someone strongly hit me with the back of his pistol on the left side of my head, which caused an injury, while another guy started beating me with a likewise metal tool he was attaching to his hand, which has the shape of a pentagon. He hit me on my teeth breaking two of my front upper teeth. Another person hit me with the same tool on my forehead, right above my left eyebrow. Although I was bleeding, the punching and kicking did not stop.

After 4-5 minutes of severe beating, they took me into a jeep that has the Israeli Police logo on it. As I was stepping up, they made me lay down with my face facing the car's floor, handcuffed me with plastic handcuffs. While I was lying down, they started beating me all over my body with their feet which caused cuts on my face. I fainted inside the car; they thought I was dead. I woke up from my coma to find out that I was still on the ground with my face covered.

Minutes later I was at the Russian Compound, as they strip-searched me. After that they put my clothes on and sent me to Hadassah Ein Karem Hospital, where I received first aid medical treatment and x-rayed my head. It could have been a CT scan. They stopped the bleeding in my head and teeth.

After about 10-12 hours at the hospital, they sent me back to the Russian Compound's cells for interrogation. On the next day, I was sent to court, where the judge decided to extend my detention for five more days, neglecting the torture I was exposed to.

They made me stay for 28 days in the cells while being beaten, pressured, and threatened to arrest my family and bring them for interrogations, and being continuously tied to the interrogation chair.

After that, they sent me to Hadassah Ein Karem Hospital one more time, to make sure that I have no fractures, or internal bleeding, and that my nose tumor began to fade. They sent me back to the Russian compound, where they replaced my broken front upper teeth at the compound's clinic.

Appendix # 2

Affidavit

Torture, Intimidation, and Treatment Degrading of Human Dignity against the Prisoner Mahmoud Nassar

I, the undersigned, Mahmoud Amer Abed-Al Latif Nassar and after being warned to only state the truth, and that I will be exposed to penalties according to law if stating nothing but the truth, hereby declare the following:

1. I am Mahmoud the mentioned above, and I am 18 and a half years old, with six brothers and five sisters. My dad works as a merchant. I used to live with my parents before being arrested, also studying Tawjihi. I was supposed to have my final exams a few days after my arrest.
2. On 11/6/2013 at 1:00 AM, a military force came to my house, knocked the door in a savagery way and threw sound bombs. After they recognized that I am Mahmoud, they took me, and immediately handcuffed me to the back with plastic handcuffs, without giving me a chance to say goodbye to my parents. The officer was also shouting at me.
3. Outside the house, as one of the officers was insulting my God, they told me that they demolished the house, and I really heard the sound of a loud bomb at that same time.
4. In the military Jeep, I was thrown to the ground, with my eyes covered, sitting on my knees. They started interrogating me while I was on the ground and were asking me about a weapon, to which I answered that I did not have any. Here, they started insulting my mom saying that they will bring her and do inappropriate and shameful things to her.
5. At that time, I also told him that I will bring his mom and do the same thing, then he said an Arabic proverb, "You never forget your pain and sorrows". The officer also said that he will not allow me to finish my Tawjihi year, then left me and went away.
6. They pushed me on the Jeep's floor; my face was wounded and I started screaming. At that moment, someone came and started reprimanding the soldiers. They left me for half an hour on the Jeep's floor.
7. Later on, they took me to Howara's Military Outpost. Throughout the way, they were slapping me on my head and neck in an insulting way, and also cursing me, and screaming in my ear.
8. Because of sitting on my knees, I started feeling my legs getting numb, particularly my right leg. I couldn't stand up in Howara, so they threw me on the floor. In the beginning, my hands were handcuffed towards my back, but then they handcuffed my hand to the front.
9. They took me to the doctor for examination. He only asked questions. I told him that I have heart problems (posterior hole), mentioning that I am on medication and that my fourth breathing valve is palliated. I said I suffer from pain in the eyes and that I underwent a testicles operation.
10. They dressed me the "Shabas" [the administrative outfit], and in the morning they took me to the rooms. Few hours later the Nahshon Unit, took me to Petah Tikva; we arrived there at noon.
11. They did a medical and heart examination for me, saying that I have no problem. After that I was interrogated firstly by "Maker", who was the major.
12. 3-4 hours of interrogation and then I was sent to a cell that is 2*2 meters square with a hole to be used as a bathroom close to the cell's wall. I told them that my leg hurts me and I can't sit on the hole. At that time the detective Meller came and told me sarcastically, "do you think you are in a hotel?"
13. The next day they interrogated me from morning until afternoon with general questions, asking me to admit... and so on



14. The detective was the same everyday and the treatment was getting worse day after another. After five days, a detective called Michael came and told me that I am garbage, started to insult me and also shouting at me.
15. The serious interrogation started on the third day, and questions were about individuals, and about my detention with the Palestinian Authorities. I denied at this moment; there was a psychological pressure and they were switching detectives.
16. There were questions about Hamas, shooting fire, planning, weapons trade, and an offer to formulate a cell. After that they threatened me with administrative detention.
17. I wrote the police report, saying that I threw stones once. This was after I was convinced by someone who was brought to my cell claiming to be a prisoner, but my confession was not true. I only did it so they will not sentence me with administrative detention. I never through I could receive a suspended sentence, because I just wanted the interrogation to end without any administrative sentence.
18. They asked me about Mohammad Nassar, and I said I only know him from the school and the village (....)
19. This stage was almost a week after my arrest. They did not give me the chance to shower; there was a jailer called Wissam who I asked to call the director for me to complain about not being able to shower and that they do not provide me with clothes.
20. This jailer gave me food, but I refused to eat, then he stepped on the food. I was very angry because of this, and insulted him. The director then came, and I said that I do not want to eat, I am on a hunger strike because of the jailer's treatment and that he insulted the food and the grace of God.
21. This director gave me clothes, food to eat, and allowed me to shower.
22. At a certain time, I don't exactly remember when, but after 15 or 16 days of detention, a tall African bald jailer passed by at night, along with a guy called Shlomo and someone called Mo'men, and when I asked about the time, he did not respond.
23. I wanted to cover the cell's light with a towel, at the same time when Shalti the jailer passed. When he left, he called Shlowy and Erez who are jailers as well; they wanted to handcuff me but I refused and resisted. They handcuffed me with iron handcuffs in my hands and feet and sent me to the handcuffing bed. Then they released my hands from the shackles and ordered me to step on the bed, but I refused.
24. The jailers then started hysterically beating me up, punching and slapping me on my face, and also kicking me all over my body.
25. Then they handcuffed my hands and feet to the bed again; there was a camera, and it must have recorded the actions there. Of course I was insulting them and trying to defend myself.
26. After they handcuffed me to the bed, they weren't finished with beating me up, at that moment Shlomi sat on my chest and tried to strangle me, and I wasn't able to breathe. Mo'men the jailer kept him away from me, and brought me water. After that the African jailer came back and punched me on my face, which caused my lips and nose to bleed. Then they brought me water and forced me to drink it.
27. They kept me handcuffed until the morning, without the presence of any doctor. On the contrary, on the second day, the major detective came and he was thin. He started insulting me and saying that I was handcuffed like an animal, threatening me to keep interrogating me and to handcuff me again.
28. Later on, the director came and claimed that I wanted to commit suicide. The police then took pictures of me. There was blood on my shoulders but I did not know what from.
29. A week after this accident, I asked the jailer who is an Arab to bring me a lighter, but he refused, so I insulted him. At that moment they opened the door and said: interrogation. They handcuffed me again and took me to the handcuffing bed, after the jailer Al'ad said they will take me to interrogation, as I remember. They took me for interrogation and sent me back to the handcuffing bed.
30. They brought a psychiatrist for me, and before her one of the jailers called Madian, and another one who threatened me that if I told the psychiatrist anything, they will send me to the handcuffing room which they call the refrigerator. They asked me not to tell her about the beating, and to say that there

is a bruise on my left eye because I fell.

31. Seriously, I told the psychiatrist that I fell, she is a jailer like them, and refused to sit with her.
32. After that, the jailer Ra'ed asked me about what happened. They came back and threatened me. At that time, I told him that I fell off the stairs.
33. In summary, they handcuffed me and restrained by physical mobility for 3 hours before the interrogation and for 3 hours after the interrogation.
34. There was a fight and a verbal argument between me and detective Michael, then the jailer took me where there was a police detective along with a translator from Nassar's family at the director's office. He said that he will take my testimony about the old detention with the Nahshon Unit, and about the problem with Erez and Sholmer.
35. This detective tried to say that I wanted to commit suicide, in which another episode of tension took place. Then he claimed that I hit the Nahshon officer in the previous detention on his head, but I denied and said that I defended myself after they beat me up and that I hit him on his hand not his head.
36. Two days later, there was another fight with two jailers, Wissam and Rabi', as I asked for tooth paste and a lighter, in which they claimed that I initiated a fight here too.
37. Once and during the extension session at an interrogation in Petah Tikva, the Nahshon officer pushed me down and handcuffed me with too many shackles. Wissam the jailer said that I am Bin Laden. After that, the pushing and insulting from the Nahshon officer increased as they transferred me. I was not allowed to see a lawyer, and asked the judge about the many shackles during the trial as well, and they said it is because I start fights.
38. During the interrogation, the detectives told me, on the second or third day of Ramadan, that they will take me home to give them the weapon; although I denied having a weapon, I agreed to go out with them, and detective Morris. I accepted to go out with them, but I refused to wear any bullet proof. He promised that I can see my family.
39. They searched my house, without giving me any chance to see my parents. I could hear them crying. I told him that you will regret it if I will not see my family. When I was taken back in the military car, I was hit by the soldiers, even the Nahshon officer stepped in to stop them from slapping my head.
40. I stayed in the investigation period for about 53 days, then they took me to Salem's court, but kept me for 4 days in Megiddo's detention center. Here a fight with jailers happened, and while sending me back to Petah Tikva, they put me alone in the military car. I asked to use the bathroom, but one of the Nahshon officers insulted my mom while letting me off the car, maybe this was in Salamon's prison. I was hit there by many Nahshon officers. Many punching and kicking me all over my body, my nose and mouth were bleeding. Prisoners in the car saw the blood all the way to Petah Tikva.
41. After one day in Petah Tikva, they sent me to Megiddo to solitary confinement. On 4/8 there was a trial, and another fight happened with the Nahshon officer, who I asked to handcuff me slowly. At that time they tore my shirt apart, "the administrative shirt", and then the officer came and placed me with the prisoners and not solitary confinement.
42. I told Faris Abu Al Hasan, the lawyer, but he did not tell the judge. It was clear that I was exposed to physical violence.
43. They kept me in the cell for hours, then transferred me to section 6. After that there wasn't any problems or fights while living in the section.
44. I haven't visited my parents until now. They refused to give my mom a visit permit for the past 8 months, to visit my brother who was a prisoner, but released on 4/8.
45. This is my name and my signature, and the content of this statement is true.

Authentication: Samer Sam'an
on 26/8/2013



Appendix # 3

Names of Released Prisoners who Were Arrested During the Year 2013

Name	Date of arrest	Legal status	Comments
Ayman Al Sharawneh, Hebron	31/1/2012	Arrested in accordance with article 186	He was released within the exchange deal on 18 October 2011 as he was sentenced to 38 years, from which he completed 10 years. He was rearrested on 31 January 2012 based on a secret file and in accordance with article 186. A military commission in Ofer court is demanding the completion of his previous sentence, i.e. 28 years, so he declared a hunger strike on 1 July 2012. He suspended his hunger strike on 23 December 2012 and resumed it on 1 January 2013. He ended his strike on 3 January 2013 based on promises he received that a solution for his case will be found soon. He restarted his open hunger strike on 16 January 2013, and as a result of the deterioration of his health condition he was transferred to Soroka hospital. On 17 March 2013 an agreement was reached between his lawyer and the Israeli authorities, stating that he will be released but to the Gaza Strip for a period of 10 years instead of his family domicile in Hebron in exchange for stopping his strike. He was transferred to the Gaza Strip on the same day.
Hana' Shalabi, Jenin	16/2/2012	Administrative Detention	She started her hunger strike on the day of her arrest on 16 February 2012 to refuse her rearrest by an administrative detention order, after her release within the first installment of an exchange deal on 18 October 2011. She ended her strike on 1 April 2012, after her lawyer reached an agreement to transfer her to the Gaza Strip for 3 years.
Ayman Abu Daoud	14/2/2012	An indictment against him was presented (receipt of funds and provision of services to an illegal political party)	He was released within the first installment of the exchange deal. He was sentenced to 35 years, from which he completed 7 years. The occupation forces rearrested him on 13 December 2012, and he declared his hunger strike on 14 February 2013. The military prosecution presented an indictment against him and is requesting his re-imprisonment in order to complete his previous sentence. On 23 May 2013 he concluded a deal stating that he is released and transferred to the Gaza Strip for a period of 10 years in exchange for stopping his strike, and that the agreement shall enter into force after 3 months from its date. He stopped his strike on the same day, and was transferred to the Gaza Strip on 22 August 2013.
Yusef Ishtawi	21/2/2012	Arrested in accordance with article 186	The military committee derived from military order 186 decided to take him back to prison in order for him to complete the remaining period of his previous sentence of 5 years.

Iyad Ata Ahmad Abu Fanun	24/4/2012	Arrested in accordance with article 186	<p>He was released within the first installment of the exchange deal, completed on 18 October 2011, after he completed 8 years of his sentence of 29 years.</p> <p>He was arrested according to military order 186. He concluded a deal stating that he will be transferred to the Gaza Strip for a period of 10 years, and was released on 4 July 2013 to the Gaza Strip.</p>
Ibrahim Abu Hijleh	15/6/2012	Arrested in accordance with article 186	He was released within the exchange deal, after he completed 9 years of a 30 year sentence. His file has been transferred to the military court which condemned him to 28 months according to a deal between his lawyer and the military prosecution.
Samer Issawi	7/7/2012	Arrested in accordance to article 186	He was released within the exchange deal on the 18 October 2011 as he was completing a sentence of 30 years, from which he finished 10 years. The military committee is requesting that he is taken back to prison in order to complete the rest of his previous sentence. Samer started a hunger strike on 1 August 2012 that varied between an open and a partial strike. Samer suspended his hunger strike on 23 April 2013 after reaching an agreement stating that he is condemned to 8 months in prison starting from 23 April 2013, after which he will be released to his home in Jerusalem. He refused to accept any deal to be transferred to any place out of Jerusalem. He was released on 23 December 2013.
Ali Jum'a Zbeidat	1/8/2012	Completed his 6 months sentence and was arrested in accordance with article 186	He was released within the second installment of the deal on 18 December 2011. The occupation forces rearrested him, and he served 6 months in prison. He was released afterwards.
Abdul Rahman Muhannad Dahbour	4/2012	New indictment	He was released within the second installment of the deal. The occupation forces rearrested him, and sentenced him to 20 months in prison in accordance with a new indictment. After the completion of his sentence, he was released.
Muna Dar Hussein/ Qa'dan	13/11/2012	Detained for trial/ indictment	She was released within the second installment on 18 December 2011.
Mahmoud Jamal Mustafa Masalmah, Dura	2/1/2013	Detained for trial/ indictment	He was released within the second installment of the deal.
Issa Mohammad Issa Owaidi, Hebron	-	Detained for trial	He was released within the second installment of the deal.



Awad Munir Ahmad Hadoush, Sourif	17/2/2013	Detained for trial	<p>He was released within the second installment of the deal on 18 December 2011, after completing 11 months of his sentence.</p> <p>During his latest arrest on the 17 February 2013, the prisoner was brutally beaten during his transfer to Etzion detention center to the Russian Compound, where he was subjected to harsh interrogation that lasted for 27 continuous hours. He fell unconscious and was transferred to the hospital, where he spent 45 days. He was released thereafter in light of the deterioration of his health.</p>
Abdul Majid Khdeirat	15/5/2013	Detained for trial in accordance with an indictment	<p>The occupation forces arrested him in 2002, and the military court sentenced him to 14 and a half years. He completed 9 years before his release in the second installment on 18 December 2011.</p> <p>He went on hunger strikes more than once in protest of his re-arrest, the first of which was from 1 July 2013 until 3 October 2013. He stopped his strike after an agreement was reached with the military prosecution to release him in return for a short sentence, but the military prosecution evaded their agreement, and he is still detained until now.</p> <p>He announced a second hunger strike on 14 January 2014, in protest of his re-arrest and procrastination in his release. He is currently at the Ramleh prison clinic.</p>

Appendix # 4

Arrested Journalists until 30/12/2013

No.	Name	Date of Arrest	Legal Status	Place of Work	Place of Living	Additional Information
1	Yassin Abu Khdeir	27/12/1987	Sentenced to 28 years	Al-Quds Newspaper	Shufat, Jerusalem	Longest- serving Palestinian journalist in Israeli jails
2	Mahmoud Musa Issa	3/6/1993	3 life sentences and 41 years	Al-Haq and Hurriyeh Newspaper- issued in 1948 lands	Anata, Jerusalem	Highest sentenced journalist
3	Murad Muhammad Abu Baha'	15/6/2012	Detained awaiting trial	Journalist in the Legislative Council in Ramallah	Ramallah, Beitunia	-
4	Anan Ajawi	16/1/2013	Detained	Journalist with a number of organisations in Egypt	AjjeH, Jenin	Arrested on the Karameh border crossing without charge or trial, during his return from Egypt
5	Walid Khalid	3/10/2013	Detained awaiting trial	Office Director of Palestine Today newspaper	Sakaka, Salfet	Ex-detainee, spent time under solitary confinement
6	Mohammad Muna	8/7/2013	6 months administrative detention	Quds Press	Al-Dahia, Nablus	The occupation forces renewed his administrative detention for a second time days before the end of the first 6 months administrative detention
7	Mohammad Awad	8/12/2013	Detained		Ramallah	Arrested shortly after being released from the Palestinian Authority prisons
8	Ahmad Al-Saifi	19/8/2009	Sentenced to 19 years	Journalism student in Birzeit University		-
9	Baker Attili	3/6/2013	Detained	Independent producer and photographer	Nablus	-
10	Bilal Abdul Hay Dofash	24/11/2013	Detained	Journalist and director of documentary films	Hebron	Arrested on Al-Karameh crossing after returning from Cyprus to shoot a documentary film in Ramallah



Appendix # 5

Journalists released from prison during 2013

No.	Name	Arrest Date	Sentence	Place of Work	Place of Living	Release Date
1	Mosab Shawar	25/2/2013	5 months	Radio broadcaster on a programme about prisoners in Hebron Radio	Hebron	10/7/2013
2	Tareq Abu Zaid	8/2013	3 months	Correspondent of Al-Aqsa TV	Jenin	26/5/2013
3	Mohammad Al-Taj	19/11/2003	14 years	Political party media-Palestinian Liberation Front	Jenin- Tubas	18/4/2013
4	Mohammad Al-Saba'na	16/2/2013	5 months	Cartoonist in Al-Hayah Al-Jadeeda	Jenin- Qabatya	1/7/2013
5	Amer Abu Arafah	2/8/2011	Administrative Detainee	Correspondent of Shihab News Agency	Hebron- Old City	7/2013
6	Sharif Rjoub	3/6/2012	-	Sawt Al-Aqsa Radio	Hebron	-
7	Mohammad Abu Khdeir	7/11/2013	Detained for interrogation for a month	Reporter and editor in Al-Quds Newspaper	Jerusalem	8/12/3013

Appendix # 6

Female Prisoners and Detainees' in the Occupation's Prisons at the End of 2013

No.	Name	Arrest Date	Sentence	Social Status	City
1	Lina Ahmad Saleh Jarbounah	17/4/2002	17 years	Single	Arabet Al-Batouf
2	Inam Al-Hasnat	13/9/2012	2 years	Single	Dheisheh Refugee Camp, Bethlehem
3	Nawal Al-Sa'di	11/5/2012	Detained	Married	Jenin
4	Muna Qa'adan	13/11/2012	Detained	Engaged	Arabet Jenin
5	Alaa Abu Zaytoun	9/2/2012	2 years	Single	Aseera, Nablus
6	Intisar Al-Sayyad	22/11/2012	2 years and half	Married	Jerusalem
7	Naheel Abu Eisheh	13/3/2013	Detained for trial	Single	Hebron
8	Tahreer Youseh Mansour	12/5/2013	Detained for trial	Single	Qufir Qaleel, Nablus
9	Dunia Waked/ Haroun	25/5/2013	Detained for trial	Single	Tulkarem
10	Ayat Mahfouth	8/9/2013	Detained for trial	Single	Hebron
11	Lama Hadaydeh	14/10/2013	Detained for trial	Single	Tulkarem
12	Rana Abu Kweik	26/10/2013	Detained for trial	Married	Amari Refugee Camp, Ramallah,
13	Wiam Sameeh Jabri	11/11/2013	Detained for trial	Single	Til village, Nablus
14	Filisteen Nijem	20/11/2013	Detained for trial	Single	Nablus
15	Maram Radi Abed Hassouneh	30/11/2013	Detained for trial	Single	Rafidia, Nablus
16	Zainab Abu Mustafa	8/12/2013	Detained for trial	Single	Balata Refugee Camp, Nablus



Appendix # 7

Administrative Detainees who went on Hunger Strike during 2013

Jaafar Azzedine – Arrabeh, Jenin

The occupation forces rearrested Jaafar Azzedine on 22 November 2012 during the military aggression on Gaza. On 28 November 2012 an order of administrative detention for three months was issued, and he immediately declared himself on an open hunger strike.

He suspended his strike on 27 February, 2013 awaiting the confirmation of the decision on 6 March 2013, where his detention was extended for another three months starting on 22 February 2013. Upon the appeal, this period of detention was reduced two weeks, and he was released on 8 May 2013 according to an agreement to end his strike on the condition that his detention is not extended again.

It is worth mentioning that Jaafar had been previously arrested on 21 March 2012, and declared himself on an open hunger strike to protest against the four month administrative detention order. His hunger strike lasted from 21 March 2012 until 14 May 2012. He was released on 19 June 2012, according to the agreement that was concluded after the April strike of 2012. This led to the release of nine administrative detainees who had declared themselves on an open hunger strike before the collective strike on 17 April, immediately after the end of the administrative detention orders issued against them without renewal.



Tareq Ka'adan – Arrabeh, Jenin

Born on 27 October 1972, he was arrested on 22 November 2012 during the arrests campaign that involved dozens in the West Bank during the Israeli aggression on Gaza. On the same day he was given an administrative detention order, 28 November 2012, he declared himself on hunger strike. He was released from his first detention on 8 July 2012 after completing fifteen months of administrative detention during which he went on individual and collective hunger strikes, some of which were in solidarity with Khader Adnan and Hana' Shalabi, and the strike of April, summing up a total of 62 days on strike.



Tareq suspended his strike on 27 February 2013 awaiting the confirmation of the decision on 6 March 2013, where the detention order was renewed for another three months starting from 22 February 2013. Upon the appeal, this period was reduced to two weeks with a decision of non-renewal. He was released on 8 May 2013.

Yousef Shaaban Shafe' Yassin – Anin, Jenin

Born on 26 November 1982, he was arrested on 22 November 2012 during the arrests campaign that involved dozens in the West Bank during the Israeli aggression on Gaza. He declared himself on hunger strike on 28 November 2012 when an order of administrative detention was issued against him. He suspended his strike on 2 January 2013 due to the deterioration of his health condition. He was released on 22 February 2013.



Samer Hilmi Abdulatif Al Barq – Jayous, Qalqilya

Born on 13 December 1974, he was arrested on 11 July 2010. Samer is considered to be the longest administrative detainee in Israeli prisons. Samer had declared himself on an open hunger strike more than once during the years 2012-2013 demanding the end of his administrative detention. Samer went on four individual hunger strikes, the first of which from 17 April until 14 May; the second one was from 22 May until 21 September; the third one was from 14 November until 18 November; and his last individual hunger strike was from 27 February until 18 April 2013, when he suspended his strike without reaching any agreement.



Younis Odeh Hamdan Al Hurub (33 years old) – Kharas, Hebron

He was arrested on 10 July 2012. He started his hunger strike on 19 February 2013 to protest against his administrative detention in the Negev prison. He was moved to Soroka Hospital due to the deterioration of his health condition on 12 March 2013. He suspended his strike on 23 April 2013 based on the written agreement stating that he will be released immediately after the current administrative detention order against him ends on 9 July 2013 without being renewed. He was released on that date.





Mohamad Ahmed Al Najjar – Hebron

An administrative detainee, he started his hunger strike on 26 February 2013, and suspended it on 18 March 2013. He was promised to be released as soon as the administrative detention order ends on 30 May 2013 without being renewed. He was released.

Zakaria Awadallah Alhih – Hebron

He started his hunger strike because of administrative detention on 27 February 2013, and suspended it on 20 March 2013, when he was shifted to case detention. He is now in Ofer detention center.

Ibrahim Al-Sheikh Khalil – Jericho

An administrative detainee, he started his hunger strike in Ofer detention center on 27 February 2013, and suspended it on 18 March 2013. He was promised to be released as soon as the administrative detention order ends on the 30 May 2013 and was released on that date.

Hazem Al Tawil – Hebron

An administrative detainee who started a hunger strike on the second day of his arrest on 20 February 2013, he was in Ofer detention center and was transferred to Nafha prison. According to his father and released prisoners, he suspended his strike on 14 March 2013. It is not clear what the guarantees are, and whether or not he was actually transferred to Nafha prison as a punitive measure because of the strike.

Ayman Hamdan - Bethlehem

Born on 27 March 1983, he was arrested on 21 August 2012 based on an administrative detention order. He went on hunger strike on 28 April 2013 in protest against his administrative detention. An agreement was reached with the military prosecution stating that this administrative detention for a period of four months is the last one and will not be renewed, and that he is going to be released in the month of December 2013. He stopped his hunger strike on 4 September 2013 while he was in the Asaf Harofe hospital. He was released on 22 December 2013.

Imad Al-Batran - Hebron

He was arrested on 18 November 2011 and went on hunger strike on 7 May 2013 to protest against his administrative detention. He suspended his strike on 19 August 2013 at Asaf Harofe hospital after his lawyer reached an agreement with the military prosecution in Ofer that his administrative detention will not be renewed and that he would be released at the end of the administrative order on 15 November 2013. He was released on 14 November 2013.



Ayman Ali Suleiman Tbeisheh –

Dura, Hebron

He was arrested on 9 May 2013 and declared himself on hunger strike on 23 May 2013 after an administrative detention order of 4 months was issued against him. He was transferred to the Ramleh prison clinic. He ended his hunger strike on 4 September 2013 to give a chance to the military prosecution. It was expected that his last detention would end on 9 September 2013, but the prosecution renewed it for 4 months. He ended his strike in order for the prosecution to declare a position on this matter, concerning whether it would be the last administrative detention order.



Muhamad Ali Suleiman Tbeisheh – Dura, Hebron

He has been detained since 8 June 2012 and was sentenced to 18 months, after serving an administrative detention of two months and a half.

He went on hunger strike on 12 June 2013 in solidarity with his brother Ayman. His family reported that on 16 June 2013 he had been beaten by the jailers of Ofer prison to dissuade him from the strike, and has been sent to the Meggido cells, and then sent to the solitary confinement cells in Jalama prison. He was kept there until he ended up in Tel Hashomer hospital. He ended his strike on 4 September 2013 after his brother Ayman ended his strike, and it was agreed to reunite the two brothers in Ofer prison after his health condition settles down and medical treatment is provided.

Adel Salameh Rashed Hareibat –

Dura, Hebron

He was arrested in November 2012. Prior to this current detention he had spent ten years in prison, including three years in administrative detention. He announced his hunger strike on 23 May 2013 in protest for the administrative detention order, which was renewed for a period of six months, then was reduced to four months. He was transferred to Ramleh hospital on 6 December 2013 due to the deterioration of his health, and then transferred to Kaplan hospital. He ended his hunger strike on 4 September 2013, after reaching an agreement stating that the detention order will be renewed only once and for a period of three months, so that it ends on 20 September 2013. He was released on that date.





Akram Yusef Mohamad Al Fasasi – Idhna, Hebron

Married with four children, he is under administrative detention since 16 November 2012. He went on hunger strike on 29 September 2013. While he was on hunger strike his administrative detention order was renewed for the third consecutive time, and was confirmed by the Ofer military court on 19 November 2013 for a period of 3 months disregarding the deterioration in his health, which required his transfer to Asaf Harofe hospital. He suspended his open hunger strike on 26 November 2013 due to the deterioration of his health condition.



Islam and Mohamad Bader –

Beit Liqia, Ramallah

The two brothers were arrested on 28 October 2013, and an administrative detention orders were issued against them. They announced an open hunger strike on 15 November 2013 in protest of their administrative detention. They were transferred in Ofer prison to the solitary confinement cells. As a result of the deterioration of their health conditions, they were transferred to the clinic of Ramleh prison on 22 December 2013. They ended



the strike based on a deal reached by their lawyer stating that the administrative detention order will be cancelled and they will be presented with an indictment for prosecution.

Thaer Abdo – Kufur Ni'meh, Ramallah

He was arrested on 27 October 2013, and an administrative detention order was issued against him. He announced his open hunger strike on 15 November 2013 in protest of the administrative detention. He was transferred from Ofer prison to the solitary confinement cells of the same prison. After the deterioration of his health condition, he was transferred to Asaf Harofe hospital. Due to the severe deterioration of his health condition he ended his open hunger strike on 7 January 2014, and was later transferred to Ofer prison.



The Hunger Strikers

Prisoner Kifah Hattab (53 years old) - Tulkarem

The occupation forces arrested Kifah Hattab in 2003, and sentenced him to two life sentences. Hattab went on 13 hunger strikes during the years 2011 and 2013, demanding to be treated as a prisoner of war in accordance with the Third Geneva Convention.

In 2013, he went on hunger strike on 8 September 2013 for a period of 15 days, and as a result the Prisons Service accepted his demand of refusing to wear the uniform and to wear his personal clothes when meeting the lawyer and during family visits. A lawyer from Addameer visited him on 8 October 2013, and it was the first visit with a lawyer in over three years.



Akram Al Rikhawi (40 years old) - Rafah, Gaza Strip³²

Akram Al Rikhawi was arrested on 7 June 2004 and sentenced to 9 years. Since his arrest he has been hospitalized in Ramleh prison clinic due to suffering from several diseases. Al Rikhawi began a hunger strike on 12 April 2012 until 22 July 2012 demanding his release because of his health condition. He ended his hunger strike based on an agreement reached with the Israeli authorities, in which it was decided that he would be released on 25 January 2013, six months before his scheduled release.

Shadi Abdallah Mahmoud Al Rikhawi (28 years old) - Rafah, Gaza Strip

He was arrested on 5 April 2005 while on his way to Egypt, and was sentenced to 12 years. He went on hunger strike on 24 January 2013 in solidarity with his brother Akram Al Rikhawi, and to protest against failure of the occupation authorities in fulfilling their promise to release his brother. He ended his hunger strike on 7 February 2013 when his brother was released.

Husam Mahmoud Ali Matar (25 years old) - Jerusalem

He was arrested on 19 October 2007 and sentenced to life imprisonment, and is in a solitary confinement cell in Ashkelon prison. He went on hunger strike on 1 June 2013 to demand his release, and ended his strike on 28 August 2013, after reaching an agreement with the Prisons Service to improve his living conditions.

Maher Younis (55 years old) - Aarah, the Second Oldest Palestinian Prisoner

Detained since 20 January 1982, he is the second oldest Palestinian prisoner in the occupation prisons, after the prisoner Karim Younis, who was arrested on 6 January 1982. He started his hunger strike on 24 February 2013 in order to send a political message from the veteran prisoners to the Palestinian leadership calling for the need to respect their struggles and sacrifices and the indivisibility of their cause. He stopped his hunger strike on 6 March 2013.

³² For an overview of the prisoner Akram Al Rikhawi's profile, visit the following link on Addameer website: <http://www.addameer.org/atemplate.php?id=246>



Jordanian Prisoners' Strike

In 2013, five Jordanian prisoners went on an open hunger strike that lasted more than 100 days, after which four of them ended their strike upon obtaining some of their most important demands. The prisoner Alaa Hammad continued his hunger strike for more than 210 days.

The Basic Demands of the Strike

- To be released from Israeli prisons and complete their sentences in the Jordanian prisons according to the Wadi Ara agreement between Jordan and Israel.
- Disclosure of information about the 20 missing Jordanian prisoners.
- Exhumation of the dead prisoners from Arkam cemetery.

With the exception of Alaa' Hammad, they ended their open hunger strike on 11 August 2013, after reaching an agreement with the Israeli side that the Jordanian prisoners will receive family visits once a month, and are allowed to receive clothes, books, and newspapers.

Abdullah Bargouthi (42 years old) Beit Rima, Ramallah

Abdullah Bargouthi was arrested on 5 March 2003, and he has been sentenced to 67 life sentences, the highest sentence ever. He started his open hunger strike on 2 May 2013 when he was then in Gilboa prison. After he announced his hunger strike, the Israeli prisons service transferred him to the Israeli criminal prisoners section for 14 days. Then, he was transferred to a solitary confinement cell in Al Jalamah prison. On 15 May 2013, he was summoned for interrogation about starting his strike. As a result of the deterioration of his health condition, he was transferred on 19 May 2013 to Afula hospital for treatment.



Muhammad Fahmi Ibrahim Rimawi (46 years old) Beit Rima, Ramallah (Jordanian citizen)

“We treat you violently and brutally because of the absence of any international reaction, especially from the Jordanian side with your cause, what helps us to do whatever we want without any restriction”.

Military regional officer, “Ammnon” directing his words to the prisoner Mohammad Rimawi who is on hunger strike since 95 days. Soroka Hospital – Beersheba



He was arrested on 1 November 2001, accused of taking part in the killing of the Israeli minister of tourism, and sentenced to life imprisonment. Rimawi suffers from inflammation of the lungs and intestines, and Familial Mediterranean Fever. He declared himself on an open hunger strike along with the

rest of his Jordanian comrades on 2 May 2013 while he was in Ramon prison. After the deterioration of his health condition he was transferred to the prison clinic, and the physician there told him “that he does not guarantee his life for one minute, because he suffers from a deficiency of phosphorus, potassium, and calcium in the body”. After that, the prisons service transferred him to the Ramleh prison clinic, and then to Soroka hospital. Although his health condition was very critical, Rimawi requested to be sent back to the Ramleh clinic because of ill-treatment in Soroka hospital, where he is being handcuffed to the bed, and heavily watched over by the Nahshon Unit, well known for its crimes against Palestinian prisoners and detainees.

**Munir Abdullah Mir'i Mir'i (39 years old)
Single, a Resident of Zarqa, Jordan**

He was arrested on 2 April 2003 in Hebron, and sentenced to 5 life sentences on charges of killing 5 settlers. He went on hunger strike on 2 May 2013 for the above mentioned demands, and was then in Ramon prison. Following his strike, he was transferred between several prisons. When his health condition deteriorated, he was transferred to Soroka hospital, but because of the degrading treatment he suffered from the members of the Nahshon Unit he requested to be sent back to Ramleh prison clinic. He also extended his strike to the intake of water and vitamins for two days. When he arrived to the Ramleh prison clinic, the Prison Service detained him along with three of his colleagues in the section of psychological and mental diseases in Ramleh.



**Hamzah Yusef Mohamad Othman (30 years old)
Married with Two Children, a Resident of Amman,
Jordan**

He was arrested while crossing the King Hussein Bridge that separates Jordan and the West Bank on 11 July 2011, and was sentenced to 45 months of imprisonment for transferring funds to an illegal party. He started his hunger strike on 7 May 2013, in the Negev desert prison (Al-Naqab), where he was in a solitary confinement cell full of insects, rot, dirt, and humidity, which caused him skin diseases. The Prisons Service forces and their physicians tried to bargain the provision of necessary treatment to him in exchange for ending his strike. He was transferred to Ramleh prison clinic with the rest of his colleagues after the inhumane treatment he received in Soroka hospital like the rest of his comrades. He spent the days in the Soroka hospital handcuffed to the bed even during medical examinations, heavily watched over by the Nahshon Unit.





Alaa' Samir Yousef Hammad (35 years old)

Married, a Resident of Amman, Jordan

He was arrested on 24 November 2006 in the city of Jerusalem, and was sentenced to 12 years in prison for contacting an external enemy and considering to capture Israeli soldiers. He went on hunger strike on 2 May 2013 demanding the right to receive family visits and to be released after serving two-thirds of his sentence. He suspended his strike on 4 December 2013 until 8 December 2013, after reaching an agreement that allows him to receive family visits in Jerusalem, to undergo surgery in his eye, and to give his wife and children a visa to enter occupied Palestine in order to visit him. He went back to the strike on 8 December 2013, after the Israeli authorities' delay in fulfilling their promises, and suspended the strike again on 10 December 2013, after his family that resides in Jerusalem was allowed to visit him in Ramleh Hospital on 12 December 2013—an open visit that lasted for one hour and a half—and received promises related to the implementation of the remaining demands in relation to visits from his family in Jordan.

During his hunger strike, which lasted more than 7 months, he lost 18 kilograms of weight and suffered from allergy in the back as a result of being injected vitamins intravenously. He stopped sometimes the intake of vitamins and water in protest. He was subjected to a cruel degrading treatment by the jailers, in addition to continuous threats of forced feeding and humiliating searches during his strike.

The occupation forces continue the detention of 26 prisoners of Jordanian nationality in its prisons, depriving them of their rights and having them dispersed in various prisons³³.

Muna Ka'adan

A released prisoner of the Wafa' Al-Ahrar exchange deal who spent years in Israeli prisons under administrative detention orders, occupation forces rearrested her on 13 November 2012. She started her strike on 22 February 2013 in solidarity with her brother Tareq Ka'adan, and ended it on 27 February 2013.

Ammar Subhi Othman Moussa - Silet Adaher, Jenin

He was arrested on 19 August 2003, and sentenced to 21 years in prison. He is in Megiddo prison. He started his hunger strike on 16 March 2013, and continued until the 29 March 2013, to protest the prohibition of his mother to visit him, under the pretext of security reasons sometimes, and lack of kinship ties, other times. He ended his hunger strike on 29 March 2013 after receiving promises from the Prisons Service that his demand would be satisfied.

Awad Al Saidi (35 years old) - Nuseirat Refugee Camp, Gaza Strip

He was arrested on 12 February 2004, and was sentenced to 15 years. He went on hunger strike for 15 days from 20 June 2013 until 5 July 2013 to reject the continuation of his solitary confinement since April 2012. The Prisons Service forces have accused him of trying to stab one of the jailers, and the court sentenced him to an additional 5 years over his original sentence, in addition to a fine of 50,000 shekels, and another fine of 10,000 shekels in compensation for the jailer.

³³ For more information about the Jordanian prisoners, their demands and numbers, please see the following report prepared by the expert in prisoners' affairs, Abdunnasser Farawneh, published on the following link: <http://www.palestinebehindbars.org/ferwana17jun2013.htm>



Ali Fahmi Ibrahim Da'na (34 years old) - Jerusalem

He was arrested on 16 July 2003 and was sentenced to 20 years. He went on hunger strike on 3 December 2013 to protest being denied the provision of necessary treatment, as he suffers from urination constraints, constipation, and pain in the intestines. In June of 2013, he underwent a laparoscopic examination, which found that he suffered from an acute inflammation in the duodenum, has an unknown tumor, in addition to cramps in the legs, and hemorrhoids that cause persisting bleeding. He was transferred on 24 December 2013 to Ramleh prison clinic as a result of the deterioration of his health condition. He ended his hunger strike on 7 January 2014 after achieving some of his demands, including the provision of necessary treatment, as he remained in Ramleh prison clinic, in addition to an open visit from his daughter.



Addameer Prisoner Support and Human Rights Association

Addameer (Arabic for conscience) is a Palestinian non-governmental, civil institution that focuses on human rights issues. Established in late 1991 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 is surrounded by a group of grassroots supporters and volunteers, Addama'er, who share Addameer's beliefs and goals, actively participate in its activities, and endeavor to support Addameer both financially and morally.

Addameer is a member of the Palestinian NGO Network, the Palestinian Human Rights Organizations Council, the Palestinian Coalition for the Defense of Civil Rights and Liberties, and the Regional and International Coalition to Abolish the Death Penalty. Addameer is also a member of the International Network against Torture.

Addameer 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.

Addameer strives to:

- End torture and other forms of cruel, inhumane or degrading treatment or punishment and abolish the death penalty.
- End arbitrary detention and guarantee fair, impartial, and public trials.
- Support political prisoners by providing them with the legal aid and social and moral assistance and undertaking advocacy on their behalf.
- Push for legislation that guarantees human rights and basic freedoms and ensure its implementation on the ground.
- Raise awareness of human rights and rule of law issues in the local community.
- Ensure respect for democratic values in the local community, based on political diversity and freedom of opinion and expression.
- Lobby for international support and solidarity for Palestinians' legitimate rights.

Addameer's programs:

- **Legal Aid:** Addameer provides free legal counseling and representation to Palestinian detainees and their families. Services include legal defense; regular visits to prisons, detention and interrogation centers; submission of petitions and complaints against cases of torture, ill-treatment and other violations.
- **Research and Documentation:** Addameer documents violations committed against Palestinian detainees, monitors their detention conditions through regular lawyers' visits, and collects statistics and lists of detainees, providing the basis for the publication of research papers and reports.
- **Advocacy and Lobbying:** Addameer publishes statements and urgent appeals on behalf of detainees, submits alternative reports and complaints 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:** Addameer raises local awareness regarding prisoners' rights on three levels: by training Palestinian lawyers on the laws and procedures used in Israeli military courts to improve their efficiency; by increasing the prisoners' own knowledge; and 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 Prisoner Support and Human Rights Association

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