

It is not new for the Israeli occupation to selectively reduce the standard of conditions of detainment for Palestinian prisoners. Such a limitation in the provision of basic services is utilized as a punishment against the prisoners, many times the prison authorities claim it to simply be 'regular procedure'. Despite such claims, the restrictions Israeli occupation authorities place on Palestinian prisoners are violations for several articles in both international humanitarian law and international human rights law.

In addition to these violations, the Israeli occupation authorities repeatedly carried out these restrictions to collectively punish prisoners for actions they did not commit. Article 33 of Fourth Geneva Convention and Article 50 of the Hague Regulations prohibits the punishment of any individual for a crime he/she did not commit, and a violation of this article amounts to a war crime.

This paper will tackle the issue of the continued limitation of the provision of services and restrictions for Palestinian prisoners in Israeli prisons and detention centers. The paper will focus on a new committee formulated by the Israeli occupation authorities in order to reduce the standard detention conditions as much as possible. For the occupation, such limitations are now referred to as the 'depriving of privileges' rather than as the denial of basic human rights.

### **General Detention Conditions**

Palestinian political prisoners are spread around approximately 17 prisons, four interrogation centers and four detention centers. All but one of the prisons are located inside the territory known as Israel, in direct contravention of Article 76 of the Fourth Geneva Convention. In most of these prisons, there is overcrowding, a lack of very basic amenities, poor hygiene, humidity and a significant lack of fresh air. In recent years, the average living space per prisoner has dropped from 3.4 to 2.9 square meters. Windows in prison cells are often covered by iron sheets, thus reducing the availability of natural sunlight. Prisoners held in al-Naqab prison live in unheated, threadbare tents that do not provide adequate shelter against extreme weather in the winter or summer.

Two Israeli Prison Service (IPS) policies with regard to Palestinian political prisoners deserve particular attention: the use of **isolation** for punitive purposes and **medical negligence**. Every year, dozens of Palestinian prisoners and detainees are held in isolation, for alleged reasons of state or prison "security." The length of time in isolation that prison officials may order can extend from 12 hours to up to longer periods of six to 12 months, with court approval. Prisoners held in isolation are held in a cell typically from 1.5 by 2 meters to 3 by 3.5 meters.

Israeli authorities also systematically neglect their duties to provide medical support to Palestinian prisoners in their care, as required by the Geneva Conventions. Medical problems are widespread, and range in severity from chest infections and diarrhea to heart problems and kidney failure. Although all prisons include a medical clinic, physicians are on duty irregularly and specialized medical healthcare is generally unavailable. Once they are examined, however, most prisoners are simply prescribed painkillers without any thorough medical follow-up. Transfers to hospitals for needed treatment may take place only after weeks or months.

Other than those two policies, the Israeli occupation authorities generally try to restrict many other basic services for Palestinian prisoners such as family visits and education. This has happened in wide-scale in 2008, 2011, 2014, 2017 and recently in the past weeks.

### **Some Past Instances of Deterioration of Detention Conditions**

Palestinian prisoner's detention conditions have gradually deteriorated over the years despite collective actions resisting such steps. Big changes in regard to detention conditions came in 2011 on the heels of a speech by Israeli Prime Minister Benjamin Netanyahu on 23 June 2011. During this speech, he announced a policy aimed at collectively punishing Palestinian prisoners for the continued incarceration of Israeli

soldier Gilad Shalit. Prior to this speech, Israeli Prison Services (IPS) were already punishing Palestinian prisoners in different forms and for the same reason.

Since then the IPS has:

- Cancelled all prisoners' access to university education, newspapers, and certain books from outside prison.
- Limited the number of TV channels available to prisoners to three Arabic-language channels.
- Started shackling all prisoners' hands and legs in transport to and from all visits and.
- In some prisons, the duration of family visits has been shortened from 45 to 30 minutes, with children under the age of 8 unable to have physical contact with incarcerated parents as they were before.

Some of these restrictions stopped after some time and other restrictions are still ongoing until this day. For example, some of the ongoing restrictions are:

- The ban on education;
- Reduced TV channels for Hamas prisoners;
- limiting the amount of money spent in prisoner's canteens for Hamas prisoners (from 1200 NIS to 600/800 NIS a month).

This kind of increase in severity has reoccurred several times. Such instances include in 2014 after the kidnapping of three Israeli settlers in the West Bank and then the last Gaza war. In 2014 the number of Palestinian prisoners witnessed a major increase of around 1000 extra prisoners than the average. This did not only mean overcrowdings in prisons, but also major deteriorations in medical and educational services. During this period several other privileges and rights were also restricted, such as family visits, TV channels, ..etc.

Another example comes in 2017, when prisoners staged an open hunger strike as means to demand their basic rights and improve their detention conditions. The IPS collectively punished the prisoners through fines, isolating them, denying their family visits and banning them from meeting their lawyers.

### **Recent Deterioration in Detention Conditions: Suffocating Prisoners**

On 13 June 2018, the Israeli Minister for Public Security, Gilad Erdan, announced the formation of a special committee with members drawn from the Israeli Knesset, and the intelligence community. The purpose of such a committee is to evaluate the conditions for Palestinian prisoners being held in occupation prisons, and to determine ways in which conditions and can be reduced to a bare minimum, as stated by Gilad Erdan. The committee was meant to present its recommendations within 90 days of its founding.

The recommendations are not yet published for the public, but actions have been taken against prisoners in recent weeks. Those actions have focused on three main areas: economic (provision of food, Canteen), education (confiscation of educational books) and privacy, with the installation of cameras at the prison that holds Palestinian women, Hasharon. In addition to these three issues, Addmeer recently documented a lack of hot water in several prisons as well. Such sanctions are ongoing and will likely target other rights, such as family visits.

### **Economy**

The economic exploitation of Palestinian prisoners can be monitored through their purchase of food and hygiene products from the canteens. Initially, the International Committee of the Red Cross (ICRC) was responsible for providing prisoners and detainees with basic goods such as biscuits, coffee, tea, and cigarettes. Although there is no official documentation, according to prisoner testimonies, the prison

administration established the canteen around 1973 through which prisoners would begin to purchase these products at their own expense. The ICRC ceased providing these items.

In 1993, as part of a larger wave of Israeli privatization, the Israeli government opted to privatize a number of services in the prisons. At the time, the government awarded Shekem a 10-year contract to run the canteens. Nowadays, the supplier is a private Israeli company, Dadash Hadarom Distribution Dadash.

By request, three prisons (Naqab, Damon and Ofer) provided canteen price lists to Addameer's lawyers. While the canteen supplier, Dadash, is required to have uniform prices across all prisons, we found that there were discrepancies in cost of the same item in different prisons. Furthermore, the difference in prices of the same products between Palestinian cities and the Israeli prisons is significant<sup>1</sup>.

In addition to the canteens the IPS is required to provide meals/food for prisoners, as documented by Addameer, it mostly comes in an agreement between prisoners and IPS in each prison. So the provision of meals/food is different from a prison to the other, though it concluded that almost all prisons have to buy their own food as well, because of the bad quality and small quantity of the meals/food provided.

Despite these facts, with the recent escalation against prisoners, there is a limitation in the kind of food provided, for example, in both Hadereem and Hasharon frozen food is not provided anymore not from the IPS or in the Canteen. Furthermore, with new Erdan special committee, prisoners at Hedarem and Hasharon reported to Addameer's lawyers that the provision of food have been reduced to 3 kilos of meat and vegetables per-person per-month.

## **Education**

According to the IPS law about prisoner's education, adopted in 2004 and updated in 2006, prisoners are allowed to obtain higher education degrees in prisons. This was implemented through the IPS with cooperation with specific universities. The IPS specified what courses allowed and what courses are not, this also applies to books. Some of the banned courses and books are biology, chemistry, physics, IT, anything that requires a drawing lap and anything that can harm the security of 'Israel'. This meant that the allowed courses were limited to social sciences.

Nevertheless, as mentioned before, in June 2011 the Israeli occupation forces banned higher education for Palestinians in Israeli prisons. This was preformed as punishment in response to the detainment of Israeli soldier Gilad Shalit, who was imprisoned by Hamas. Several attempts from civil society organizations were made to appeal the decision to ban higher education for Palestinian prisoners. The appeal reached the Israeli high court in 2015 and the decision was negative as the court ruled to maintain the ban.

As a result education stopped in all prisons for a while. Then, Palestinian prisoners unofficially presumed studying and gaining higher education degrees by having several educated prisoners teach the rest in organized classes. However, this unofficial education became limited to only one prison, Hadarem, for the fact that Hadarem had a number of educated prisoners who became the educators themselves. As N. A. S.. a prisoner at Hadarem, told Addameer's lawyer, "there are around 40 to 50 Palestinian students at Hadarem prison. Some of them are doing their BA degrees and others are doing their master's degrees."

With the new Special Committee, restrictions have increased on education and access to books. On 3 September 2018, in Hadarem prison, around 1800 educational books were confiscated. All educational

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<sup>1</sup> For further information read Addameer's report on economic exploitation of Palestinian.  
[http://www.addameer.org/sites/default/files/publications/final\\_report\\_red\\_2\\_0.pdf](http://www.addameer.org/sites/default/files/publications/final_report_red_2_0.pdf)

books were subsequently banned, meaning that families could also no longer bring them in for prisoners.

Prisoners M. S. reported to Addameer's lawyers that,

Last year, on 31 Dec 2017, an Israeli prison intelligence unit came to the prison [Hadarem] and took all of the books reviewed them and then after few days only returned some of them. Now it is happening again. We are only allowed to have novels but educational books are not allowed anymore. With the new special committee each prisoner is only allowed 7 books. Our library had over 5000 books one time, now it's empty; it's nothing. Those who want to learn or teach are dependent on their own knowledge and memory, because they don't have anything else.

Following on this, in 23 October 2018, Addameer's lawyer visited Hadarem again. The prisoners there reported that the IPS informed them of new decisions to be implemented in the prison. Prisoners at Hadarem were also informed that the female prisoners at Hasharon will be transferred to Demon prison before 5 November 2018.

In addition to food and education, the IPS have removed all chairs, tables, games such as chess, and all other recreational items. As a result prisoners stopped going into the yard to their recreational time and since 22 October 2018 they are returning their meals as a way to express their discontent to those new punitive measures. Furthermore, on 23 October 2018 few prisoners started a hunger strike, Ayman Salhab, Mahmoud Qawasmi and Samir Abd al-Latif are on hunger strike because of the new implemented measures, Kifah Hatab and Khalil Abu Eram are on hunger strike in solidarity with the female prisoners in Hasharon.

### **Hasharon**

As part of these punitive measures, the cameras in Hasharon prison for women began operating again after being shut off for years following an agreement between the prisoners and the administration in 2011. The female prisoners naturally rejected the imposition of the cameras, and since 6 September have refused to go into the yard for their recreational time. As part of their protest, the prisoners sent a letter explaining that all their recreational facilities are located in this area and are thus inaccessible to them while the cameras are operational. On 20 September 2018, the Israeli intelligence service made the suggestion that the cameras be turned off for two and a half hours, while the prisoners are having recreation time, but this was rejected as being insufficient. After the women rejected this suggestion, they were threatened with being transferred to another prison, Dimon, and were informed that even the two and a half hours suggestion was no longer there.

After visiting Hasharon, Addameer's lawyers added that female prisoners use the class room in their recreational time. However, after a year of having no teacher for minor prisoners, since 3 October 2018 a teacher comes every Wednesday and uses the class room for the whole day. In addition to this, the female prisoners reported that there is a shortage in the provision of food, specifically some kind of vegetables and bread. Also, the quality of the meals have dropped down as they reported receiving some meals uncooked, specially the rice. Other than this, the female prisoners stated that there is no provision of hot water since the beginning of September 2018, the IPS responds to the prisons inquiry about hot water by saying that they are looking into the situation.

Female prisons also reported that medical services are lacking, they complained from the bad behavior of the assigned Doctor at Hasharon, also the only treatment the doctor provides is an advice to prisoners to drink more water. Thus, female prisoners filed a complaint against the Doctor and they are

currently waiting on the response. It is worth mentioning that there are 9 injured female prisoners and number of prisoner who suffer from several other medical conditions.

Finally, the female prisoners expressed their concerns about the new restrictions. They also expect more restrictions specifically regarding family visits since some of their relatives did not receive entry permits to visit this month.

Addameer filed a complaint against re-operating the cameras in Hasharon. However, in 17 October 2018 the prison administrators at Hasharon replied relatively by stating that most Israeli prisons include cameras and Hasharon should be like the others. This statement did not take into consideration the fact that Hasharon is a prison for females who are a vulnerable group and require special treatment.

### **Legal analysis**

As a starting point in regard to the conditions of prisoners, Article 10 of the International Covenant on Civil and Political Rights (ICCPR) states that “[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” Using the conditions under which an individual is being detained as a method of collective punishment is not in keeping with respecting the inherent dignity of the human person. Such forms of collective punishment are clearly prohibited under international law, as stated in Article 33 of the Fourth Geneva Convention law and Article 50 of the Hague Regulations.

Additionally, in regard to the standard of hygiene and food, Article 76 of the Fourth Geneva Convention states that prisoners and detainees should enjoy conditions of food and hygiene sufficient to maintaining good health.

In regard to adequate medical attention and treatment, Article 91 emphasizes that “every place of internment shall have an adequate infirmary...” and that “Internees may not be prevented from presenting themselves to the medical authority for examination.” In addition to this article, Article 92 asserts that “Medical inspections of internees shall be made at least once a month...”. It is evident that the withholding of treatment, or access to a medical professional, is a violation of these specific provisions, and therefore a violation of international humanitarian law.

As for operating the cameras in Hasharon prison, other than it being a violation of Article 17 of the International Covenant on Civil and Political Rights guarantees all persons’ right to privacy, this act is also a violation of the Bangkok Rules. In specific, Rule 41 states that the prison authorities should “Take into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects that high security measures and increased levels of isolation can have on women prisoners.” Also, Rule 43 states that official visits should be taken to prisons “to ensure their [women in detention] mental wellbeing and social reintegration.” In the case of the Israeli occupation authorities, they did make official visits to Hasharon prison, however it was not to ensure the wellbeing of women prisoners rather it was to restrict them and operate high security measures that harm their wellbeing.

Both International Humanitarian Law (IHL) and International Human Rights Law (IHRL) provide for the right of detainees to education. In particular, the right to education for all has been recognized in Article 26 of the Universal Declaration of Human Rights. ICCPR, ratified by Israel in 1991, emphasizes that “education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms”. Article 94 of the Fourth Geneva Convention urges the “Detaining Power” to “take all practicable measure to ensure the exercise” of “intellectual, educational and recreational pursuits”. It further stipulates that “all possible facilities shall be granted to internees to continue their studies or to take up new subjects.”

The Israeli occupation authorities are claiming that all of these listed rights are privileges rather than rights. However, as shown above prisoners have the right to be treated with humanity and dignity. They also have the right to enjoy sufficient conditions of food and hygiene, they have right to education and the right to receive adequate medical services. The Israeli occupation authorities systematically violate all these rights and conventions. Detention conditions are increasingly deteriorating a year after the other.

On 4 September 2008, the European Parliament adopted a resolution calling on Israel “to guarantee that minimum standards on detention be respected, to bring to trial all detainees, to put an end to the use of ‘administrative detention orders’, and to implement adequate measures for minors and prisoners’ visiting rights, in full compliance with international standards.” Addameer calls on the European Union to act upon their adopted resolutions and work towards holding Israel accountable for their continuous violations of international humanitarian law and international human rights law.

We also calls on the international community to advance their engagement through abiding to their responsibility as third states and ensure the rights of all 5,800 Palestinian political prisoners.

Addameer continues to monitor the work of this new special committee and will report on any new restrictions and limitations against Palestinian prisoners.