



Prisoner Support and Human Rights Association  
مؤسسة الضمير لرعاية الأسير وحقوق الإنسان



# Annual Violations Report

2018



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## Preface

In 2018, the Israeli occupation authorities continued implementing their main policy to enshrine the apartheid and racism regime against Palestinians, this policy is integrated within its laws, judiciary and practices. One example is enacting bills based on reactions to incidents, or as part of election campaigns and propaganda for their different political. Also, the occupation's judiciary continues with performing what could be seen as mock trials to serve political objectives without ensuring the minimum guarantees of fair trials. This is mainly shown through the issuing of administrative detention orders against all segments in the Palestinian society, or to prisoners whose sentences have ended or those who have received release orders.

In 2018, the Israeli occupation forces (IOF) arrested around (6500) Palestinians, including (1080) children, (133) women, (6) PLC members and (17) journalists. Additionally, they issued (912) administrative detention orders, (398) of which were new. In 2018, the IOF continued its policy of arbitrary detention of Palestinians. The year, 2018, ended with 5700 Palestinian detained in Israeli prisons, this number included (230) were children, (54) are females including one minor, approximately (500) administrative detainees, (19) journalists, (8) PLC members, and around (700) prisoners with health issues needing urgent medical attention. There are also (27) long-term prisoners who were arrested before the signing of the Oslo Accords in 1993; including the two longest serving prisoners, Karim and Maher Younis, who were arrested in 1983 <sup>1</sup>.

On an annual basis, Addameer Prisoner Support and Human Rights Association publishes a comprehensive report covers the violations against Palestinians from the moment of their arrest, to interrogation and then imprisonment. The annual violations report also details the daily living conditions in prisons, which are in violation of international treaties and conventions signed and ratified by the Israeli government, including the Convention Against Torture of 1984. The rules of protection for detainees provide a range of legal guarantees under international law, including: prohibition of the arbitrary detention, the prohibition of torture and cruel, inhuman or degrading punishment and treatment, the right to a fair trial, the right to visitation and other basic standards of living such as the right to health and access to education. Additional treaties also provide special protection for the violation of women and children's rights in detention.

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1. It should be noted that these figures do not reflect the full picture of intensive arrests throughout the oPt. There are cases that have not been monitored, for prisoners who were detained and interrogated for hours; some of them were released with or without conditions.



Israeli occupying state systematically violate all of these international treaties despite signing and ratifying them.

The 2018 annual violations report is published in conjunction with Addameer's ongoing efforts to free all political prisoners in the occupation's jails. As we work towards our goal of creating a world without political prisoners, we also continue our efforts in cooperation with international and local human rights organizations to ensure that prisoners have full protection and rights enshrined by international humanitarian law and international human rights law.

The annual violations report is a tool to detail and document the systematic violations of the prisoners' movement and to monitor the conditions inside the prisons. This report is also an essential component of Addameer's efforts to expose the IOF's practices and treatment of Palestinian prisoners on a wide scale. It is also a tool to document and track the changes in policy, procedures and legislation issued by the Knesset (Israeli parliament) regarding the rights of the prisoners and the Palestinian people as a whole.

The statistics, case studies and information contained in this report are based on the documentation, human rights monitoring and legal work of Addameer. This report also includes an overview of the changes in the regulations and systems within the Israeli Prison Service (IPS) in 2018 and makes a comparison to the international standards on the treatment of prisoners. This report covers Palestinian political prisoners as a holistic case despite various geographical, identification, and legislative fragmentations imposed by the Israeli occupation. It deals with the issue of the prisoners as a holistic case, based on Addameer Association belief that the prisoners of Jerusalem, the Palestinian prisoners from the 1948 territories and the prisoners of the Gaza Strip and the West Bank are united under the same oppressive structures of the occupation.

By presenting the major violations and incidents that took place in Israeli prisons in 2018, we urge the relevant authorities to immediately intervene and carry out their legal duty to hold the Israeli occupying state accountable until they halt the torture, ill-treatment and illegal detention of Palestinian political prisoners.

## Figures preface

Table1: Number of prisoners during the period between (2010-2018)

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
2018	6141	6119	6050	6036	5941	5900	5820	5781	5640	5554	5554	5500
2017	6500		6200	6160	6200	6020	6128	6279	6098	6198	6154	6171
2016	6900	7000	6700	6650	6500	6350	6400	6300	6350	6400	6400	6500
2015	6200	6000	5820	5800	5750	5850	5700	5520	5621	6300	6700	6800
2014	5023	5142	5224	5265	5271			6500	6200	6500	6500	6200
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	6985	6584	6508	6408	6257		6180	6089	5977

Table2: Number of PLC Deputies arrested during the period (2010-2018)

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
2018	11	11	7	6	6	6	5	5	5	6	6	8
2017	7	7	12	13	12	12	12	13	12	12	11	10
2016	7	6	6	6	7	6	6	6		6	6	6
2015	20	17	16	13	12	12	7	4	4	5	5	5
2014	12	11	11	11	11	23	38	36	29	28	25	22
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



Table3: Prisoner categories at the beginning and the end of each year (2010-2018)

Years	Female Prisoners	Deputees	Prisoners before Oslo Accords	Gaza strip prisoners	Jerusalem Prisoners	Prisoners from 1948 territories
Beginning of 2018	70	550	320	29	11	59
End of 2018	70	365	310	27	8	54
Beginning of 2017	70	510	350	30	7	53
End of 2017			320	30	10	58
Beginning of 2016	90	500	328	30	7	55
End of 2016	70	520	350	30	6	53
Beginning of 2015	100	380	371	30	20	22
End of 2015	90	520	352	30	5	60
Beginning of 2014	226	163	389	30	12	17
End of 2014	100	376	376	30	22	23
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



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Table4: Number of Israeli Special Forces incursions into prison sections and cells (2010-2018)

year	2010	2011	2012	2013	2014	2015	2016	2017	018
Number	120	1001	140	175			250	300	

Table5: Numbers of administrative detainees (2010-2018)

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
2018	450	450	427	431	426	442	446	456	456	482	482	480
2017	536		491	500	490	477	540	465	449	463	453	434
2016	650	700	700	750	715		700	700				536
2015	450	454	426	414	401	480	480	350	343	450	545	660
2014	155	175	183	186	192			480	500	500	530	465
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

Table6: Number of children prisoners 2010-2018

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
2018	330	330	356	304	304	291	270	270	270	230	230	230
2017	300		289	300	300	300	320	300	300	280	311	350
2016	450	406	438	438	414		350	340				300
2015	152	163	182	182	164	162	160	153	156	320	420	470
2014	154	183	210	202	196	200	192	200	201	182	163	156
2013	193	219	185	236	236	222	194	195	180	179	159	173
2012	166	166	183	203	218	192	220	210	194	189	164	177
2011	209	221	216	224	217	211		201	176	262	150	159
2010	318	343	342	355	300	286	281	280	269	264	251	225



Chapter I:

# Torture and Degrading Treatment in Detention

**All civilized peoples of this world have stood together to outlaw such abhorrent practices because, just as torture, they irreparably destroy the humanity and integrity not only of the victim, but also of the perpetrator and, ultimately of society as a whole.**

The Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Nils Melzer<sup>2</sup>

According to the Convention against Torture, the prohibition of torture of any kind or form is absolute, indivisible or non-derogable. It is not permissible to compromise on the fundamental rights of individuals, namely, their right to life, their right to bodily integrity and the protection of their dignity. The legal scope extends to the prohibition of torture from a perspective that transcends the territorial borders of States.

The Convention against Torture (CAT) was ratified by the occupying power on 3 October 1991, thereby signing on to the non-derogable prohibition in Article 2(2) in CAT that prohibits torture under any circumstance. Despite this, the Israeli occupation's practices reflect a different reality.

the IOF use torture systematically for extracting confessions from detainees under interrogation. The Israeli intelligence apparatus consistently violate the rights of individuals, including the right to their body integrity and dignity, while these authorities invoke the legality of such acts based on the 1999 Supreme Court decision.<sup>3</sup>

In 2017, the Israeli High Court issued a decision in the case of Asa'ad Abu Ghosh against the legal advisor of the government,<sup>4</sup> in which it legalized torture once again, and authorized the use of torture to obtain confessions, on the grounds of "security." This is also a confirmation from the Israeli High Court that interrogators have immunity.

In a new dangerous precedent, the High Court also reaffirmed in 2018 the exceptions to practicing torture and expanded the concept of the ticking bomb situation in its decision in the case of Firas Tubyesh against the Attorney General.

2. From the interim report submitted by the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Nils Melzer, in accordance with General Assembly resolution 72/163, that was submitted to the United Nations General Assembly on 20 July 2018. See the full report: <https://undocs.org/en/a/73/207>

3. Supreme Court Decision 5100/94, Public Committee against Torture in Israel v. Government of Israel, English Translation from Court: [http://elyon1.court.gov.il/files\\_eng/94/000/051/a09/94051000.a09.htm](http://elyon1.court.gov.il/files_eng/94/000/051/a09/94051000.a09.htm)

4. Supreme Court of Justice, Decision No. 12/5722; As'ad Abu Ghosh V. The Attorney General



## Supreme Court Decision 9018/17 Firas Tubayesh v. the Attorney General<sup>5</sup>.

In 2012, the IOF arrested Firas Tubayesh, 40 years old, and held him in interrogation at the Shikma interrogation center in Ashkelon Prison. During the interrogation, Tubayesh was subjected to physical and psychological torture, including violent physical beatings, particularly on his face, tying him to a chair (known as shabih)<sup>6</sup>, verbal threats, and constant sleep deprivation. During his interrogation, Tubayesh was prevented from his right to speak with his lawyer or family, thereby isolating him from the outside world.

In 2013, the Public Committee against Torture in Israel (PCATI) filed a complaint on behalf of Tubayesh to the “Mabtán” (Unit for the Interrogation of Complaints against the Shabak Interrogators), housed within the Israeli Ministry of “Justice”. The complaint detailed the torture that Tubayesh suffered from during his interrogation. PCATI’s complaint demanded that the interrogators be held accountable for the torture of Tubayesh in the court. The Israeli Ministry postponed the case until 2016, until it was submitted to the High Court. In 2016, the Unit Director responded by closing the complaint and stating that in the case of Tubayesh, the interrogators have legal immunity due to the alleged necessity of the use of torture.

Following this, on 19 November 2017, PCATI submitted a second appeal to the High Court to revoke the decision of closing the file and to take legal action against the interrogators. In the appeal, the PCATI Commission filed its claim that Tubayesh was tortured, using medical files as evidence, and claimed that the “necessity defense” does not apply during the interrogation period.<sup>7</sup>

On 26 November 2018, the High Court rejected PCATI’s appeal, thereby rejecting the absolute prohibition of torture and expanding the definition of a “ticking bomb” situation, thus a further legalization of torture.

The gravity of this High Court decision is not limited to legalizing torture, which the High Court had already sanctioned in previous rulings.<sup>8</sup> The Tubayesh case is the first case in which the concept of a “ticking bomb” situation was further expanded. As the judge in the ruling Amit explained, Tubayesh is not a “classic” case of a “ticking bomb,” situation, which threatens of impending attacks on the public’s security, particularly as the main accusations were possession of

5. To read the decision of the Supreme Court on Firas Tabish V. the Attorney General visit the link below:

<https://supremedeisions.court.gov.il/Home/Download?path=HebrewVerdicts%5C17%5C180%5C090%5Cj11&fileName=17090180.J11&type=4>

6. Shabih is an Arabic word that describes the several stress positions Israeli officers use against Palestinian detainees mainly during interrogations. When being in a stress position the person would be cuffed in a certain position usually to a chair and sometimes to the sealing.

7. See the website of the General Committee against Torture in Israel:

<http://stoptorture.org.il/%D7%91%D7%92%D7%A5-901817-%D7%A4%D7%90%D7%A8%D7%A1-%D7%98%D7%91%D7%99%D7%A9-%D7%95%D7%90%D7%97-%D7%A0-%D7%94%D7%99%D7%95%D7%A2%D7%9E%D7%A9-%D7%95%D7%90%D7%97/>

8. Supreme Court Decision No. 94/5100 and Supreme Court Decision No. 12/5722

weapons and membership of a “hostile” faction. In the case, the Court ruled that the “necessity” to torture applies to the following considerations:

The Court returned to its 1999 decision No. 94/5100, which considered that the applicability of the “necessity defense” in accordance with article 34 (a) of the 1977 Penal Code was linked to the immediacy of the act (the occurrence of impending operations or attacks) and not the gravity of the act. In this case, however, the judges considered that this concept should be broadened. In their opinion, to which they ruled in this case, the case of Tubayesh was a “complicated case” that combined the severity of the danger and the near certainty of the danger (because of the presence of weapons that could be used against the security of the occupation and public safety) and the inability of the interrogators during the interrogation period to act in an alternative manner to the existence of a critical situation related to “security.” Thus, the defense of necessity was enacted that made the Shin Bet interrogators protected and immune against criminal liability, despite the use of “special means of pressure” as they put it.

The High Court’s decision to broaden the definition of a “ticking bomb” situation is extremely dangerous and is a rejection of the occupation’s binding international obligations. This is an affirmation of the immunity of interrogators against criminal liability and the legalization of internationally prohibited torture for the interests of the intelligence authorities.

It should be noted that the 1999<sup>9</sup> HCJ’s decision ruled that extreme practices had already been carried out by the Intelligence Service. The court ruled then that these practices were illegal. However, the HCJ decision made an exception to what should not be excluded by giving the green light to the security services to exercise what it called “moderate physical pressure” in the case of necessity, as stipulated in article (34/1) of the Israeli Penal Code of 1977<sup>10</sup>. This is perceived as a very serious loophole which allows the Shabak to interrogate and torture suspects they accuse of possessing information about “military operations”, while protecting them from accountability for their actions.

Nineteen years since the HCJ’s decision was taken, the court reworded the justification for the use of torture to include charges that do not relate to immediate military operations, giving the interrogators broader powers and placing hundreds of Palestinians under imminent threat of torture, violation of their dignity, and their right to the safety of their body and life.

The occupation’s use of the “defense necessity” as a justification for torture recalls how France treated Algerian prisoners by pursuing “interrogation tactics” to

9. Supreme Court Decision 5100/94, General Committee Against Torture in Israel v. Government of Israel  
[http://elyon1.court.gov.il/files\\_eng/94/000/051/a09/94051000.a09.htm](http://elyon1.court.gov.il/files_eng/94/000/051/a09/94051000.a09.htm)

10. [https://www.nevo.co.il/law\\_html/Law01/073\\_002.htm](https://www.nevo.co.il/law_html/Law01/073_002.htm)



obtain “vital information”<sup>11</sup> and how the British used brutal interrogation tactics against Northern Ireland. The court’s use of euphemistic phrases in these cases, as in the case of Israel, are an attempt to alleviate the gravity of torture and ill-treatment in the interrogation rooms. However, even the use of euphemistic terms to cover-up torture does not hide the Shabak’s systematic use of these tactics since the establishment of the occupying state and the accumulative impact of such policy that over time has become the rule on the ground. Moreso, in addition to systematic physical pressure and torture, the occupation has also developed methods of psychological torture that are subtler and sophisticated, and not visible to the bare eye.

### **Inhuman and degrading treatment during detention**

Palestinian detainees are tortured and have their dignity degraded from the moment of their arrest.

Testimonies of detainees and their families confirm that the IOF use arrest as a form of deliberate and systematic collective punishment and as a means for intimidation and psychological and physical harm to both the detainees and their families.



11. Fardous Abd Rabbo. The Methods of Interrogation in Israeli Detention Centers between using Psychological and Professional Ethical Theories, Ramallah: The Commission of Detainees and Ex- Detainees Affairs, 2017, p. 32.

At 6:00 am on 5 June 2018, Israeli occupying forces raided 'Attiya al-Hassanat's home in Dheisheh Refugee Camp to arrest his son Mustafa 'Atiyya Jabrin al-Hassanat. Mustafa al-Hassanat, who was born in 1998, had already been arrested twice in his twenty years of life. He was released on bail after his first arrest, and the second time he was imprisoned for twenty months. Mr. Attiya Al-Hassanat described the details of the raid to Addameer's documentation team. According to Al-Hassanat, about 60 soldiers broke into the house screaming and threatening the family, and then broke the doors. The soldiers grabbed Mustafa and violently pulled him from his room. When Mustafa tried to take some clothes, they physically attacked him and beat him with their fists. His brother intervened to defend him, but one of the soldiers hit Mustafa on the face, which broke his teeth by the severity of their beating. The rest of the soldiers searched the house, then headed to his brothers' nearby homes, broke the doors and searched them as well.

Most prisoners are assaulted and beaten during the moment of their detention. Palestinian minor, Muhammad Mansour (16 years old) from Safa village was arrested on 8 January 2018. During his arrest, two Israeli soldiers assaulted him and threw him to the ground, hit him on the back of his head, cuffed his hands behind him with one plastic handcuff, and tightened it so much that it left marks on his hands for two days.

In another case, the Israeli soldiers assaulted the detainee Mohammed Shehada (21 years old) from Dheisheh refugee camp during his detention on 18 July 2018. The soldiers pinned him to the floor of the military jeep. One of the soldiers put his foot on the chest of Shehadeh. Another one hit him with his hands and weapon on his entire body. After arriving at a place that was not identified by the detainee, he met someone who he did not introduce himself, and forced him to sign a paper stating that he was not beaten, and when the detainee refused to sign, so he signed instead of Shehadeh.

### **A brutal attack by the Israeli "undercover" Special Unit at Birzeit University**

On 7 March 2018, 25-year-old student Omar Kiswani was on the Birzeit University campus when a few individuals claiming to be journalists approached him and asked to interview him close to the university gate. He refused and insisted that they hold the interview where he was sitting. Then, one of those people dropped a bag, and





that was when Omar felt the danger and shouted “undercovers”, which means Israeli soldiers dressed as Palestinians. Seconds later, he was surrounded by them and they held him down for 2-3 minutes as they brutally attacked him, punched him, beat them with their guns and electric teaser.

Minutes later, they dragged him to the university gate, effectively kidnapping him, and forced him, facedown, into a black car. They continued to severely attack him by punching him, all while cursing at him. They continued to beat him for about ten minutes until they reached 'Atara military checkpoint, north of Ramallah. At the checkpoint, they tied his hands with plastic handcuff, blindfolded him, and held him for about 15 minutes in the open air on the ground. Then, they then took him to a military camp, and asked him only medical questions after he asked them to remove the handcuffs. They again handcuffed him, but this time to his back. Kiswani explained to them that he suffers from back problems. However, they kept him in a backless chair to support his back in the open air and cold weather. He remained like this for several hours until about 9:00 pm. After that, they transferred him to Beit El settlement and military base just outside of Ramallah, and then to al-Mascobiyya interrogation center.

### **Torture and inhuman treatment during interrogation**

The torture and degrading conditions experienced by detainees go beyond the arrest process itself and extends to the Israeli interrogation centers.

The dismal conditions of the cells in which detainees are held in and the constant intimidation and pressure on the detainee, aim, primarily, to gradually extract confessions from detainees and to create a state of helplessness in front for the absolute power of the interrogator. Such practices lead to accelerating the collapse of the detainee, especially after the series of physical attacks they suffer from starting from the moment of their arrest.





According to testimonies and affidavits of detainees given to Addameer, it is definite that despite the international prohibition of torture, it is being used by the interrogators without restraint, especially after Amendment No. 8 to the Code of Criminal Procedure of 2016. It in fact, exempts the Israeli intelligence services and police from documenting interrogations by video and audio for interviews with Palestinian detainees accused of “security”<sup>12</sup> cases. In addition, interrogators use various types of psychological torture that amounts to cruel, inhuman or degrading treatment.

Ghassan Karajeh (28 years old) from Safa village, Ramallah district, was interrogated at al-Mascobbiya<sup>13</sup> interrogation center. He was arrested on 1 September 2018 and spent 55 days in the interrogation center before being transferred to Ofer Prison, where he underwent an intensive and harsh interrogation. As soon as Ghassan arrived to Al-Mascobiyyeh interrogation center, he was interrogated, sleep deprived, shouted at, cursed at, and intimidated, such as threats of a high sentence. He remained in these harsh conditions for about eight days. On 10 September 2018, at around 5 am according to his estimate, the interrogators started to use more violent techniques. An interrogator who went by “Abu Tiger” threatened to put him through such a difficult interrogation that he would have

12. For details on the law, see the report on violations of the rights of women prisoners and male prisoners in Israeli jails 2016.

13. For more details on al-Mascobiyya Interrogation Center and the methods of torture practiced against Palestinian detainees, see Study: I Was There ... Torture and Inhuman Treatment at al-Mascobiyya Interrogation Center, Ramallah: Addameer Prisoner Support and Human Rights Association, 2017



nightmares about it. Then, Ghassan was transferred to a military interrogation.<sup>14</sup> He was taken into a room with six interrogators. Their stature and size were large and daunting. Ghassan is able to remember three of their names: Nisso, Na'im and David. The interrogation with Ghassan started by using the following methods:

**Tying him to a normal chair:** They tied his legs to the chair and handcuffed his hands to his back. One interrogator stood behind him and another in front of him who pushed his chair back at a 45 degrees angle and to the side. After a while, Ghassan could not keep his balance and fell to the ground. They repeated this method multiple time, for about thirty minutes, and then subjected him to another position.



**Squatting:** His hands are handcuffed on his back with being against the wall, and he was forced to bend his knees at a 90-degree angle, as if he was sitting on an invisible chair. This position caused his quadriceps muscles to seize, so that he could no longer stand. When he fell to the ground, interrogators (Nisso and others) beat him on his thighs where he was in pain, in addition to beating him on his face and forcing him to stand again. Throughout the session the interrogators shouted at him demanding information, and threatened that he would leave the military interrogation handicapped.

<sup>14</sup> The Intelligence uses the term "military interrogation" for interrogations that use grave psychological and physical methods of torture which may not be used in accordance with the decision of the HCJ except in cases of the so-called 'ticking bomb' cases, thereby relieving the interrogator of criminal responsibility for perpetrating acts of torture under the pretext of defense of necessity. From the testimonies collected by Addameer during many years, it is clear that the Israeli interrogators use psychological and physical torture methods to extract confessions from detainees.

About an hour later, Ghassan fainted and no longer knew who was around him in the room. This military interrogation, which began before 5:00 am, continued until 1:00 pm, as Karajah estimates, because when they carried him and put him in an isolation cell with surveillance cameras, and they brought him lunch which was inadequate in terms of quality and quantity. Then, they took him to the prison service doctor, who gave him a painkiller, before sending him back to the same cell where he stayed for an hour. He was after taken back to interrogation in the same room where the previous interrogation took place. There, they threatened him, and told him that if he did not say everything he knew they would bring him back to the interrogation. Hours later, they took him back to the isolation cell.

In the same context, Mustafa Awad (32 years old) was arrested on 19 July 2018, when he was coming to Palestine from Jordan through the Allenby crossing. Mustafa is a Palestinian born in Lebanon and has a Belgian citizenship since 2013. Upon his arrest, he was transferred to Petah Tikva interrogation center, where he remained in interrogation for 23 days, during which he was prevented from meeting a lawyer throughout the interrogation's entirety. Mustafa was subsequently transferred to Megiddo prison.

Mustafa was interrogated by more than 15 interrogators overall, and at some points was interrogated by seven interrogators at once. Mustafa was continuously interrogated for 20 hours at a time, with breaks only for eating and using the bathroom. He was only taken to solitary confinement at dawn between the hours of 3:30 and 4:30 am, during which he did not sleep because the prison guard would wake him up deliberately.

In addition to the continuous sleep deprivation, the interrogators used various techniques against him, including hurling curses and insults at him, threatening to give him an administrative detention order, holding him longer in the interrogation center, to withdraw his Belgian citizenship and tying him to a chair.



## The case of the prisoner Nasser Abed al-Jawad

### Al-Jalameh and Petah Tikva interrogation centers

Nasser Abdel Jawad, a 50-year-old member in the Palestinian Legislative Council (PLC) and a former lecturer at An-Najah National University in the Faculty of Sharia, was arrested on 1 January 2018 and taken to Megiddo prison. He was subjected to intensive military interrogation for around 45 days, which has had a serious debilitating impact on his health.



### Torture at Al-Jalameh interrogation Center

Upon Nasser Abdel Jawad's arrival at al-Jalameh interrogation center, he underwent an invasive strip search and then given a prison uniform. Before his interrogation commenced, he was taken to the prison clinic for a basic medical examination, such as testing for diabetes and blood pressure.

During the first week of the interrogation, Abed al-Jawad was tied to a plastic chair, and his hands were handcuffed to his back also tied to the chair during the interrogation. The interrogation sessions were from 9:00 am to 7:00 pm; for about 10 hours a day. He was only given one hour a day to eat and pray. The main interrogator responsible for his file went by Daniel, and sometimes other interrogators named Lewis and Pablo joined. In the course of the first week, Abed al-Jawad fainted three times because of the severity of the interrogation, and thus he was taken to the prison doctor who advised to end the interrogation because of Nasser's heart problems. The interrogation temporarily halted but the interrogators later returned him to it.

A number of physical and psychological methods of torture were used against Abed al-Jawad for two months. He was mainly interrogated at al-Jalameh Interrogation Center but also was transferred for one week to Petah Tikva interrogation center.

For 20 days, Abed al-Jawad was subjected to continuous sleep deprivation, and was held in an isolation cell near the main gate of the interrogation center where the doors made loud and disturbing noises when opened and shut, preventing him from sleep even after each interrogation session. Abdel Jawad was forced to

take a lie detector test twice, which caused a raise in his blood pressure, a problem in his stomach nerves and he fainted three times. Abed al-Jawad attempted to explain the reasons he fainted to the prison clinic, but they disregarded him and continued the interrogation.

At one point, the interrogator told Abed al-Jawad that he spent 350 hours tied to a chair during his 45 days of detention. During the interrogation, the interrogator screamed at him, especially at night, giving him headaches. The interrogators also cursed at him and his family and spat in his face. They threatened to punish his family, mess up their lives and harm them, in addition to threatening to confiscate his savings and take over his house.

After spending 45 days in interrogation, Abed al-Jawad felt pain in his chest while he was tied to a chair. He asked the interrogator to send him to the clinic to test his heart, including an echo exam. At the prison clinic, the doctor refused to sign a report that he is healthy enough to continue the interrogation. He was returned to his cell, and was given medicine with two cups of water, but he refused to drink the water. Three hours after the health examination, his condition improved, and he was accompanied by another detainee in the cell out of fear of his safety.

### **“Petah Tikva” Interrogation Center**

Abed al-Jawad spent his first twenty days of interrogation at the Al-Jalameh interrogation center, and then was transferred to Petah Tikvah interrogation center, where he spent one week. There, he was subjected to torture, psychological pressure, shouting, and insults. As a result, he was transferred to the clinic because of his deteriorating health. On the fourth day at Petah Tikvah, Abed al-Jawad was taken from Petah Tikva to Erez military checkpoint in Gaza, to deceive him of being deported from the West Bank.



Chapter II:

# Fair Trial Guarantees

### First: A series of racist laws in 2018

During 2018, the Israeli legislative arm, the Knesset, continued to issue and draft racist laws against Palestinians that curtail their rights and freedoms. This section addresses a number of legal measures that specifically target Palestinian prisoners and detainees as retaliatory and harassment measures. These laws include the following:

#### **Draft law on death penalty of Palestinian prisoners**

The IOF deprive Palestinians of their right to independence and self-determination. They also deprive them of their humanity, their most fundamental rights, such as the right to life, the right to self-determination, the right to not be subjected to torture, and the right to physical health and safety.

On 5 November 2018, the Occupying State's Prime Minister Benjamin Netanyahu endorsed and pushed forth a draft amendment to the Penal Code which alleviates the conditions to use the death penalty for those convicted of "terrorist killings" in 2017. The draft law was initially presented by the member of Knesset (MK) Robert Elitov of the Yisrael Beiteinu (Israel Our Home) party on 30 October 2017, and it was listed for a quick vote in the Ministerial Committee of Legislation before its endorsement by Netanyahu. It should be noted that this was not the first time that this bill was presented to the Knesset. The bill was first introduced in the Knesset's General Assembly in 2015, but was supported only by the extreme right-wing party Israel Our Home, while all other parties opposed it.

The most recent draft resolution attempts to justify invoking the death penalty due to a perceived escalation of what the bill terms as "terrorist killings." The bill claims that the death penalty will act as a deterrent, as those who commit such acts are released without completing their sentences through prisoner exchange deals. Thereby, according to the proposed bill, conditions for the application of the death penalty should be alleviated. First, the death penalty can be applied in a court decision with the consent of two judges (majority rule) rather than unanimous consent of all three judges. Second, the bill allows for the application of the death penalty to occur without the request of the military prosecution, and also to prevent replacing death penalty with other penalties instead. In addition, the new law allows for the application of the death penalty in civil courts, not only in military courts, in violation of international humanitarian law. The occupying state has no right to enforce legislation and amend military orders by its legislator "the Knesset", and cannot impose its parliament's legislations on the inhabitants of the occupied territory.



According to Israeli legislation, the death penalty is a legal penalty in accordance to the penal code of the occupying state but it is only legally applicable under the Accountability of Nazis and their Collaborators Act of 1950 and the Prevention and Punishment of the Crime of Genocide Act 1950. In addition, the death penalty exists under Israeli Military Law, but it requires both to be requested by the military prosecution and a unanimous decision by a panel of three judges. Although multiple life sentence is a common sentence handed to Palestinian political prisoners, the military courts have not employed death penalty so far. However, the occupying forces execute Palestinians through a systematic and widespread policy of extrajudicial killings regularly and often.

Article 6 of the International Covenant on Civil and Political Rights prohibits the application of the death penalty if the accused does not receive a fair trial. Military courts systemically prohibit Palestinian detainees from receiving a fair trial, but these courts do not meet international fair trial standards, and the death penalty is therefore illegal. In addition, the United Nations General Assembly has issued a number of resolutions calling for the restriction of the application of the death penalty, and the European Court of Human Rights has completely banned the use of the death penalty.



### **The law of depriving the PA allowances paid to families of martyrs and prisoners**

The Israeli Knesset approved on 2 July 2018 the second and third readings on a draft law to deprive martyrs' and prisoners' families from receiving allowances from the Palestinian Authority. The law was proposed by MKs from the Yesh Ateed and Likud parties and was approved by its first reading in February 2018<sup>15</sup>. Eighty-five members of the Knesset approved the draft law, and fifteen members opposed it.

15. From the website of Yedioth Ahronoth: <https://www.ynet.co.il/articles/0,7340,L-5302391,00.html>



Members of Knesset from the right-wing parties launched the bill by saying that “there will be no further encouragement of terrorism at our expense,” and justified the ratification of this bill as being one of their methods to “combat terrorism.”

The law provides for the deduction of the amounts paid by the Palestinian Authority to the prisoners and their families from the tax revenues collected by the occupying state and freezing them in a special fund. The ministerial Committee known as the “Cabinet” will be granted the right to return all frozen funds to the Palestinian Authority if it guaranteed to not transfer funds to the families of prisoners and martyrs.

The law obliges the Ministry of Finance to submit a detailed financial report to the “Cabinet” on salaries paid by the Palestinian Authority to the families of prisoners and martyrs. The bill claims that the Palestinian Authority paid an estimated 4 billion NIS to the families of Palestinian martyrs and prisoners in the past four years, and 1.2 billion NIS in the past year (2017). This law is another iteration of the Occupation’s racism in passing laws, and how the Israeli right wing ideology control the work of all the authorities of the occupying state including legislation of the Supreme Court. There is no justification for the occupation to evade its material and legal obligations towards the Palestinian people under occupation. The law became enforced at the end of 2018.

### **The law of preventing early release of Palestinian prisoners**

On 25 December 2018, the Knesset Committee ratified the anti-terrorism act in its second and third reading (Amendment No. 4, of 2018). The legislation was proposed by a group of MKs including Oud Dvorar and Anat Barko. The draft law was introduced on 3 May 2018 and was ratified in its first reading on 5 November 2018. The bill stipulates that a prisoner may not be released early on probation if they are charged with murder or attempted murder, which constitutes the convicted as a “terrorist” under the law.

It also states that prisoners cannot be released if the probation Committee (The Two-Thirds Committee that determines the early release of prisoners) finds that the prisoner committed an offense that constitutes a “terrorist act” by their definition. This bill applies to Palestinian prisoners convicted in both civil and military courts. This law has retroactive validity for prisoners convicted on charges of murder or attempted murder.



It should be noted that the probation committee studies appeals submitted by the prisoners to reduce the length of their sentence by one-third, hence the name “Two-Thirds Committee.” The court then either approves the prisoners request and releases them or denies the request and they must complete the remainder of their sentence.

### **Preventing documenting / recording of Israeli occupation soldiers<sup>16</sup>**

On 20 June 2018, the Israeli Knesset General Assembly passed a preliminary draft law prohibiting any documentation of soldiers’ practices during performing what they called “military tasks.” The bill was proposed by Knesset Member Robert Alitov, who stated in his introduction to the bill, “I have no intention to violate the freedom of expression, but this freedom of expression should not be chaos.” The Knesset General Board approved the draft penal code “Amendment to the Prevention of Documentation for Defense Soldiers 2018” which passed with a 45-42 vote.

The bill “prohibits photographing soldiers, whether by video, photography or sound recording, during performing their military duties, in order not to harm the soldier’s fighting spirit or to risk the State security.”

The law prohibits disseminating any of this documentation in the media or through social media. This gives a green light to the Israeli occupation army to freely arrest journalists, target them, and to prevent them from carrying out their work freely<sup>17</sup>. It also gives the occupation army a chance to accelerate its violations without the fear that its practices will be photographed or published or exposed to the international media.

### **Second: Arresting hundreds of Palestinians on “incitement” charges**

In 2018, the Israeli occupation rolled out a new punitive policy of arresting Palestinians for their posts on social networks such as Facebook under the guise of incitement. This punitive measure is used by the army in order to arrest as many children, women and young people. In 2018, 348 Palestinians were arrested for their posts on Facebook.<sup>18</sup>

16. The summary of the bill is available on the Knesset website in Hebrew, <http://main.knesset.gov.il/News/PressReleases/Pages/press200618-2.aspx>

17. See chapter on human rights defenders, arrest of journalists, p. 27.

18. A joint report issued by Aldameer Association for Prisoners Support and Human Rights, the Palestinian Prisoner Club, and the Prisoners and Editors’ Affairs Authority, issued on December 31, 2018.

On 29 May 2018, 24-year-old Fidaa Mohammed Damees from Beit Ummar village in Hebron<sup>19</sup> was arrested on charges of incitement. The Ofer Military Court filed an indictment against Fidaa a week after her arrest, which included incitement on her Facebook page. Prosecutors claimed that Fidaa has an “extremist” Facebook account and that she posts materials that incite terrorism and violence. The interrogation session focused on the posts and photographs posted on her Facebook page, which the prosecution claimed to stand out in support of the resistance and in honor of Palestinian martyrs. The indictment included details of the publications in terms of the number of comments and likes received for her posts. On 7 August 2018, Ofer Military Court sentenced Fidaa Damees to 95 days in prison and seven months suspended sentence for four years (i.e. parole). Suspended imprisonment means that Fidaa is on parole for four years and if she has any infraction with the law, she will immediately return to prison to serve seven months.

On 16 August 2018, the night before Fidaa completed her sentence and was scheduled for release, the Israeli military commander issued an administrative detention order against her for 6 months. During the confirmation hearing, the military judge confirmed that there were suspicions that Fidaa manages an “extremist” Facebook page, and that she incites violence on that page. He also claimed that the intelligence material that were retrieved are more serious than just posting on her Facebook page, and that the material is confidential; that is, neither the lawyer nor the detainee can see it.

### **The occupation evidence for arrests upon posting on social media platforms**

#### **Arrests for “Facebook” posts in Jerusalem and the territories occupied in 1948**

The occupying state convict residents in Jerusalem and the Occupied Palestinian Territories in 1948, on items (B) and (E) (2) of Article (144) of the Penal Code of 1977 on “incitement to violence and terrorism” [2]. Article 144, paragraph (E) (2) (A) of the Penal Code states that incitement charges can be levied against anyone who “publishes posts about committing acts of violence or terrorism, or things that trigger sympathy or encouragement to acts of violence or terrorism. Or if the person shows support or sympathy for such acts (in this item - an inflammatory post) and if the contents of the publication and the circumstances of its post will be likely lead to acts of violence or terrorism, that he/she will be sentenced to a sentence up to five-year imprisonment.”

<sup>19</sup>. For details on the case of Fidaa Dams, see Annex 4.



Paragraph (B): For the purpose of this item, “acts of violence or terrorism” is a crime that harms a person’s body, puts the person at risk of death, or seriously injures a person.

By the Penal Code, the definition of incitement is loose and can have more than one meaning, allowing for the judge and the prosecution to have broad authority in interpreting these terms, thus leading to a wide array of Facebook posts labeled as incitement. For example, thousands of posts can be listed as using or including phrases like “encouraging, supporting, showing empathy”. Proceedings in recent years have shown that the occupation’s courts consider some of the things that Palestinians historically regard as part of national pride to be included as content that amount to incitement and requires conviction in accordance with Israeli law. For example, songs about martyrs, anger at the Occupation’s practices, the right to liberty and self-determination.

In practice, the occupation began to convict Palestinians on charges of incitement since December 2014 under the pretense of “urgent security.” From the legal files of those represented by Addameer, we found that the Court began to issue high sentences ranging from 6 to 24 months in prison plus exorbitant fines. The Israeli courts often considered that a single post constituted an offense. For example, if the accused writes six posts on his Facebook page, they are considered to have committed six offenses, and the court takes this into account, when determining the sentence. The number of Facebook friends, likes, comments, and shares for the same post are also taken into account in sentencing.

### **Arrests for “facebook” posts in the rest of the West Bank**

The occupation’s military prosecution bases the sentence of “incitement” in the West Bank on applied military laws. For instance, articles 251 and 199 (c) of the Military Order for Security Regulations No. 1651 of 2009.

Under the “incitement” term, the articles below detail the acts that can cause Palestinians to be convicted as “instigators”, which are summarized as follows:

- Trying to influence the public opinion in the region, by speaking, or by any other act, in a way that harms the safety of the public.
- Published posts in support, praise, or sympathy for an enemy organization with its actions or objectives.
- The disclosure or declaration of the identity of a hostile organization, through its actions, objectives or showing sympathy with it.
- Waving a flag, displaying symbol or symbols, playing/ posting related songs, or any similar act, that clearly shows sympathy and public pride.

### **Bill to delete content published on the internet which constitutes a violation of 2016 (Facebook law)**

On 3 January 2018, the Knesset approved the first reading of the draft law "Facebook", which had been proposed by "the Minister of Internal Security" Gilead Erdogan, and the Minister of "Justice" Elit Shakid. This was proposed within the draft law on 28 December 2017, which gave powers to remove contents that "incite terrorism", according to the text of the bill.

According to the draft law, a State representative or any other public official is entitled to apply to the Administrative Court for an order of deletion of content that is considered "inflammatory" on the grounds that it constitutes a criminal offense in accordance with the law. The judge of the Administrative Court is the authority to issue a decision to delete and remove content from personal pages on "Facebook", "YouTube" and "Google," if he/she is convinced that the publication constitutes a criminal offense, and that if it remained published it is likely to risk someone's security, public security, or state security. He/she has the power to take the decision in the presence of one representative of the government (or any other public official), without giving the other party that published the material an opportunity to defend him/herself and justify the publication. Article 10 (a) gives the plaintiff the right to present classified material to the court without the presence of the defendant and his representatives, without disclosing the nature of the material submitted to the court. Item (b) of the same article gives the court the right to consider these articles, and request the plaintiff if necessary additional details to issue the sentence without the presence of the defendant or his/her legal representatives.

On 18 July 2018, the Prime Minister of the occupying state, "Benjamin Netanyahu" ordered not to proceed with the law to vote in the second and third readings, according to the Hebrew newspaper "Yediot Ahronot". A spokesperson of the Likud Party declared that Netanyahu believes that the law in its current form is too loose, and can violate the right to freedom of expression for Israelis. He also said that the law must be returned and amended (before its final approval) in order to serve its ultimate purpose in removing content deemed to be incitement against Israel or the security of the Israeli public and to amend the law accordingly. Therefore, the failure to pass this law, by Netanyahu's orders, was to reconsider the law so it would not practice any prejudice for the rights of Israeli citizens, and to limit what the occupation defines as incitement and therefore to be directed against the Palestinians mainly to undermine the freedom of opinion and expression and to legalize their pursuit.<sup>20</sup>

20. See fact sheet issued by Addameer: Arrests for «incitement» on social media and the policies of the Israeli government. "Facebook as an example" <http://www.addameer.org/ar/publications>.



Chapter III:

# Administrative Detention

The IOF detain Palestinians without charges or undergoing fair trial. This prevents the detainee and his/her lawyer from knowing the reasons for detention, and prevents building an effective and strong defense. The administrative detention order is often renewed for multiple times, and it is issued through the executive not the judiciary authority, which violates the principle of a fair trial.

The number of administrative detainees in Israeli at the end of 2018 reached around (600) detainees, including five members of PLC and two children. Throughout 2018, the occupation authorities issued (912) administrative detention orders, including (398) new orders, this included new and renewed orders for four women, four PLC members and five journalists.

Trials in administrative detention are closer to Moot courts, even if all components of the court were present including a judge, a lawyer, a prosecutor and a detainee. No charges are filed, there is insufficient time for defense and witness discussion. During the hearing, a confidential file is presented that the detainee and his/her lawyer are not allowed to view. The decision to extend or cancel the detention order will remain the responsibility of the intelligence services. It also prohibits the attendance of the public or the family of prisoners, who are not allowed to enter courtrooms.

The case of young Tareq Matar has emerged as evidence of the arbitrary issuance of administrative detention orders and that it is based on sham procedures that has nothing to do with the guarantees of the detainee to a fair trial.

On 11 December 2018, the Judge of Ofer Military Appeals Court decided to cancel the last administrative detention order issued against the detainee Tareq Matar (29 years old) because of the illegality of the order. The Military Prosecution confirmed at the appeal hearing that the last detention order for four months issued on 30 November 2018 was a mistake and that it retracted it, which means that the detainee spent 11 days in administrative detention because of an error committed by the Military Prosecution and the Israeli Intelligence. Military judge "Ron Dalumi" on 5 December 2018, confirmed the order claiming that there is a "need to maintain this detention, although no new evidence was provided by the military prosecution and intelligence."

Ofer's Military Court of Appeal in 28 October 2018 decided to give a confirmation at the end of the detention order. While Matar was supposed to be released on 30 November 2018 after spending 16 months in administrative detention. On



the same day of his release, a new order was issued against him for an additional four months.

The issuance of a new administrative detention order against Matar after he obtained a confirmation of release reflects the disregard and indifference by the occupation intelligence and the military prosecution to the lives of the Palestinians. The military judicial apparatus also complies with them, and confirms their orders without any effective legal intervention.

The occupation often issues administrative detention orders after the prisoner has been sentenced based on a list of charges and after the sentence has been completed the prisoner would be issued an administrative detention order and thus stay imprisoned though without charges or trail. The Israeli occupying state gave the prisoner Tariq Adnan Jamal (26 years) from al-'Arroub refugee camp in Hebron and the prisoner Mohammad Daoud Namrouti (26 years) from Balata refugee camp in Nablus administrative detention orders after they finished their sentences.

The prisoner Mohammad Namrouti was supposed to be released on 3 April 2018 after serving a two-month sentence for his student activity at the university. However, he was issued an administrative detention order for six months. The prisoner Tareq Jamal was supposed to be released on 29 March 2018 after serving a seven-month sentence for his posts on Facebook. Nevertheless, he was issued an administrative detention for also six months. Until the end of 2018, he was still under administrative detention.

These procedures violate the provisions of the Fourth Geneva Convention, which are stipulated in articles 78 and 66. Accordingly, the occupying state's administrative detention of protected persons can only take place for imperative security reasons and in accordance with legal procedures determined by the occupying power. The courts must be formed legally, and held in the occupied country.

The widespread and systematic use of the administrative detention policy constitutes a form of torture, a grave violation of the Fourth Geneva Convention under Article 147, and a crime against humanity under article 7. It also constitutes a war crime under article 8/2 / a / 6 of the Rome Statute, which prohibits depriving any prisoner of war or protected person of his or her right to a fair and regular trial, and this is explicitly violated by the occupation, where no grounds for a fair trial exist. Moreover, in this type of detention, hearings are not made public, which



constitutes a violations of the right of the detainee to a public trial, as article 14 (1) of the International Covenant on Civil and Political Rights emphasizes “the right to open public trial”.

### **Administrative detainees in Israeli jails boycotting military courts by administrative detainees**

Administrative detainees in the Israeli jails announced on 15 February 2018 that they will begin to boycott military courts. The statement said that this step came out of their “belief that the foundation to resist the unjust policy of administrative detention lies in boycotting the Zionist judiciary. In other words, we will not let them prove lies about their adherence to the International law, and the existence of an independent judicial oversight.”<sup>21</sup>

On 12 April 2018, the committee of prisoners representing administrative detainees in Israeli jails declared its decision to suspend the escalatory steps of boycotting the clinics and ceasing to take the medicines initiated by the administrative detainees, when some were about to start hunger strike. The administrative detainees’ decision came after the prison services informed them that a meeting would be held soon between the committee of representatives of administrative detainees and representatives of the intelligence services, the occupation forces and the prison service, to discuss the administrative detention policy.



On 10 September 2018, the administrative detainees decided to pause the boycott of the military courts for four months, until 10 January 2019. The decision came after a meeting between the committee of representatives of administrative detainees and representatives of the intelligence service, the occupation forces and the prison administration. In the meeting the committee received promises that there will be serious changes and considerations to be made regarding administrative detention.

21. See Annex (2) Statement by the Prisoners Movement regarding boycotting the military court of administrative detention



## Administrative detentions of human rights defenders<sup>22</sup>

**“Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. ...”**

Article 11 of the Declaration on the Protection of Human Rights Defenders

Article 1 of the Declaration on the Protection of Human Rights Defenders, adopted by the United Nations General Assembly in 1998, states: “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”. However, the occupying state continued during 2018 to arrest and prosecute activists and human rights defenders.

The Israeli occupation forces arrested 17 journalists during 2018. They also violated the right to freedom of expression by breaking into the media institutions and issuing orders to ban the work of some media outlets. An example was when the occupation state “security” minister issued an order to ban al-Quds Channel, and to arrest four journalists who worked there. Those journalists confirmed at that time that they were detained by the occupation forces because of their work in media. They were interrogated for tens of hours regarding the contents of the media publications, editorial policy, and work in Palestinian media institutions. The number of journalists detained at the end of 2018 reached 19 journalists, including three female journalists. The occupation uses several pretexts to continue arresting journalists who expose the crimes of the occupation as part of their press work. Some of them are under administrative detention others are charged with incitement and they are therefore prosecuted for these charges.

On 30 July 2018, IOF arrested four journalists from the city of Ramallah, who were working for al-Quds satellite channel: Alaa Rimawi (director of the channel), Mohammed Alwan (reporter), Husni Enjas (photographer), and Qutaiba Hamdan (photographer).

In the early hours of the morning, the journalist Mohammed Alwan<sup>23</sup> was arrested by 18 Israeli soldiers who came to the house from the settlement built on the land of al-Bireh City (called Pasgout). They broke into the house and confiscated a phone, a memory card, a camera, a laptop, and all of the photographing equipment, which all belonged to Mohammad, and used in his work as a reporter and university lecturer. Then, around 15 minutes later, he was arrested and taken

22. See Annex 1: The case of the human rights defender Ayman Nasser.

23. Call between the Documentation Unit with the brother of the journalist Mohammed Alwan explaining the details of the arrest

on foot to the same settlement in front of his family house.

In the same context, on 3 July 2018, Avigdor Liberman, the Minister of Security, issued a decision to ban al-Quds Channel and prevented its activity and work in the occupied territory. The crew and members of the channel that provides production services inside the occupied territory were interrogated and released several hours later.

In January 2018, the IOF renewed the administrative detention for the journalist Osama Shahin, Director of the Prisoners Center for Studies for 4 months, who was arrested in May 2018. Journalist Mohammed Anwar Mona was arrested by the IOF in August 2018, and he is the director of "Hawa Nablus" Radio station, and his administrative detention order was renewed for six months.

### **Arresting PLC Members, a timeless policy**

The Israeli occupation forces targets PLC members and political activists by constantly arresting them in order to prevent them from carrying out their social and national role. The Israeli occupation authorities arrested six PLC members in 2018, and released one of them. The year 2018 ended with eight PLC members in detention.

In 2018, the administrative detention order against PLC member Khalida Jarrar was renewed for three consecutive times, the one was on 29 October 2018 for four months ending on 28 February 2019.

It is worth noting that the IOF arrested PLC member Jarrar from her home in Ramallah on 2 July 2017. She was in fact released from her previous arrest in June 2016 after 15 months of detention. Khalida Jarrar has been elected a member of the PLC in 2006 and has been appointed as the chairperson of the Prisoner Committee in the Legislative Council, and she is a leading figure in the Palestinian civil society and a mother of two daughters.

Arresting PLC members is a violation of the provisions of international law. However, Palestinian political leaders are constantly detained as part of the ongoing occupation policies to suppress Palestinian political efforts, which entail the suppression of the right of the Palestinian people to self-determination.<sup>24</sup>

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24. See Annex (3) The Case of the Member in the Legislative Council Ahmed Attoun.



Chapter IV:

# Arrest of Women and Female Minors

**Protected persons are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. Women shall be especially protected against any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault. Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion. However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.**

Article 27 of the Fourth Geneva Convention

Until the end of 2018, the number of female prisoners in the Israeli occupation prisons reached 54 prisoners, including a minor girl. While Four administrative detention orders were issued against female prisoners during the year, both new and renewed orders. During 2018, four women were held in administrative detention, two of them were released during the same year. In 2018, Addameer monitored prison conditions for female prisoners and their suffering. During the detention phase, female prisoners undergo difficult and inhuman conditions in violation of their right to physical integrity and privacy. The occupying state continue to violate the rights of female Palestinian prisoners and detainees in Israeli prisons, in violation of international, particularly the Convention against Torture, which prohibits inhumane and degrading treatment, and the United Nations Rules for the Treatment of Women and the Non-Custodial Measures of Offenders (The Bangkok rules).



## **Detention Conditions for female prisoners in 2018**

### **Operating cameras in “HaSharon” prison**

Following the establishment of a committee by the Israeli Minister of Internal Security “Gilad Ardan” to examine the conditions of prisons for Palestinian prisoners. The committee undertook field visits to the Israeli prisons, including “Hasharon” prison for female Palestinian prisoners. Shortly afterwards, cameras were re-operated in Hasharon prison, although the cameras had been closed since 2011 after female Palestinian prisoners reached an understanding with the administration to close them. Female Palestinian prisoners refused to have cameras in the yard. They refused to go out to the prison yard during recreational time. They protested by sending a message to the prison administration that canteen, the washing machine and kitchen are all in the yard, and this restricts their freedom and violates their privacy. An intelligence officer from al-Shabak proposed on 20 September 2018 that cameras are shut down for two and a half hours during the recreational time for female prisoners in the yard, and then to restart them later, but the proposal was rejected by female prisoners.

On 25 September 2018, Addameer lawyer filed a complaint to the Attorney General of the Prisons Service. The complaint stated that the yard is the place where women prisoners spend most of the time, including the laundry, the canteen and the kitchen. It is necessary for female prisoners who spend long periods of time in prison that they are exposed to the sun. This procedure -the installation of surveillance cameras - will limit the privacy of female prisoners and their freedom, and that there has been an understanding since 2011 between the prisoners and the administration about shutting cameras off. Since then, there was no emergency to re-operate them by the Prison Service. The response of the prison administration was received on 17 October 2018 as follows:

There are surveillance cameras in all sections of the prisons, which aim to maintain the security of the prisoners and maintain order and security of the prison. The section of the security female prisoners in Hasharon is not an exception, and it should have surveillance cameras like the other sections in all the prisons. In Nafi Tertsia prison for female prisoners imprisoned for civilian charges, there are surveillance cameras operating in the squares and sections.

This is why female prisoners protested and did not go out to the recreational time for more than two months until November 2018.

In response to the protests made by female prisoners, Hasharon Prison Administration imposed some sanctions on the protester, including the harassment of their families during their visits. The Administration denied prisoner Khalida Jarrar's husband from getting a permit to visit her, and denied prisoner Safa Abu Sneineh's husband from visiting her, although the Red Cross issued a permit for him. For over a month, there has been no hot water available to women prisoners, and there were significant restrictions on going to the clinic and getting medicines.

### **Transferring female prisoners to al-Damoun prison**

Until the end of November 2018, the prisoners were distributed between al-Damoun and Hasharon prisons. The Prison Service suddenly decided to open a new section (section 13) at al-Damoun Prison and transfer women prisoners in al-Damoun and Hasharon prisons to the new section. The prisoners were transferred in three phases beginning in November, until the last phase in 6 November 2018.<sup>25</sup>

25. Al-Damoun Prison, located in northern Israel near Haifa, was established in 1953 by the Israeli police minister in buildings previously used as a tobacco and stable storehouse. Consequently, these buildings were specifically designed to retain moisture inside, and were never intended to be a place of residence for humans. Due



During Addameer's lawyer visit to the prison, the female prisoners told Addameer's lawyer about their suffering from al-Damoun prison conditions; which were summarized as follows:

- **The interference of the administration:** The Administration significantly interferes in many of the cases and determines the role of the prisoners' representatives. Female or/and male guards walk in to talk to women prisoners directly about their lawyers' visits among other issues. The Administration sometimes rejects the list of lawyers suggested by the prisoners. The women usually discuss the list before they submit it to the Administration.
- **Recreation hours:** Time out of cell ranged from 8:00 to 10:00 am, 1:00 to 2:00 pm, and 4:30 to 5:30 pm. Bathing time is deducted from these hours since bathrooms are located outside the prison's rooms. In addition, the prison administration's visit on Thursdays, which usually takes about one hour, is deducted from this time. Previously, recreation hours were 5 and a half at al-Damoun prison, and 5 in Hasharon prison.
- **Recreation yard:** There are two surveillance cameras in the yard overlooking the prisoners' rooms. The guards' office is opposite the prisoners' rooms, which also overlooks the yard. Consequently, women prisoners are unable to exercise and have limited exposure to the sunlight necessary for their bodies and hair, especially that most of them wear the Hijab.
- **Showers:** The showers location outside the prison rooms, they are in the yard which is a serious problem that prisoners face. Every woman must walk from the prison room which is far from the yard to the shower area in cold or hot weather. In addition, surveillance cameras follow each prisoner entering and leaving the showers. This is not only humiliating but also deprives women prisoners from their basic right to freely and privately shower whenever they need to.
- **Delays in providing medical treatments:** Delays in providing medical treatment is accompanied by delays in referring prisoners to hospitals when needed. As a result of this, cases which require hospital admission and surgery never make it, and therefore, the prisoners are deprived of access to proper medical treatments/tests.

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to the appalling conditions of detention, which are deemed unsuitable for human living, the Israeli Prison Service decided to close the prison in 2000. It reopened it in 2001 as a center for Palestinian "migrant workers" who entered the territories without obtaining the necessary permits, when the economic situation in the oPt began to deteriorate sharply. (From a fact sheet prepared by the Mandela Foundation, the Palestinian Counseling Center, and Addameer Association for Prisoner Support and Human Rights, July 2008).



- **The library and classroom:** Previously, there was no library nor a classroom at al-Damoun as there were not any minor prisoners there. As for now, there is one small classroom in Section 13 which is humid and restricted. Female minors are only allowed to study there once a week, and after that, it is immediately closed. Around 800 books have been brought from Hasharon prison but are still not given to the female prisoners. Even if these books are received, there is no sufficient room to store them.
- **Female detainees awaiting trial:** female detainees who are not in interrogation centers are frequently moved between al-Ramleh, al-Maschobiyya and HaSharon waiting under extremely harsh circumstances. They are not transferred directly to the prison until after one month from the arrest. This results in exposing women to inhumane conditions.
- **The lawyer visitation room conditions:** Lawyers visitations take place in one compressed room which barely fits two persons. There is also one waiting room for the prisoners who have to leave the section in preparation for the lawyer visit. This restricted space causes the prisoners inconvenience and distress.
- **Punishment:** The prison administration is constantly imposing punishment on women prisoners. In less than one month, two prisoners were deprived from seeing their families for one month upon their detention.
- **The visitation conditions:** During visitations, the prisoners are watched by male or female guards who often approach the prisoner or families. The prisons also lack safety conditions for children, as they are only allowed to enter from a high window and not through the door.
- **Conditions in prison cells:** Section 13 contains 11 rooms, five of which are relatively large and each accommodating 8 female prisoners. Until the end of 2018, there were 7 women prisoners. The rest of the rooms are smaller and can accommodate a maximum of five women. Most rooms are poorly ventilated, humid, and filled with bugs and insects. The prison building is old and some rooms have low inconvenient ceilings. The section has very few tables and not enough chairs. The wardrobe is rusty, very small, and most televisions are very old without remote controller. The floor is made of concrete, not tiles, and so it is difficult and uncomfortable for women to sleep on it with blankets.



- **Lack of safety measures:** The prison beds are very high which causes several prisoners to fall and hurt themselves. Besides, the prison yard is made of soft concrete that turns into a hazardous slippery floor once wet, which increases the risk of women tripping and falling.
- **Moving prisoners between prisons in the “Bosta” (prisoners transfer vehicle):** When moved from one prison to another, women’s hands are usually tied with two handcuffs. The occupation deliberately humiliates the prisoners, prevents them from going to the bathroom, and searches them in a degrading manner.<sup>26</sup>

### **Torture and inhuman treatment of female Palestinian prisoners during detention and in interrogation centers**

Addameer documented several violations committed by the IOF, their medical teams, and interrogators against Palestinian women prisoners in prisons as well in detention and interrogation centers. The prisoners informed Addameer that they have been deprived of their basic rights, including health services, food, and water. They have been subjected to strip searches as a punitive measure, detained under unhealthy conditions, and abused physically and psychologically. The insalubrious conditions of detention and inhuman treatment of Palestinian women in prisons and detention centers cause long-term health, psychological and mental damages.

Upon their arrival to interrogation or detention centers, Palestinian women prisoners are denied the right to know the reasons for their detention and are not told their rights during detention/arrest. They are often denied the right to speak to a lawyer and are held for several days or months in interrogation, where they are tortured and ill-treated. The interrogation methods include prolonged isolation from the outside world, inhumane detention conditions, blindfolding and handcuffing, deprivation of sleep, food and water, medical neglect and injuries during detention, and keeping them for hours without access to the bathroom. They are not allowed to change their clothes for days or weeks, tied to chairs, shouted at, verbally and sexually harassed, deprived of their right to privacy, and neglecting their biological needs.

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26. For more details on the conditions of women prisoners in al-Bosta, see Violations Report 2015, al-Bosta: A Long-Term Doom, p. 86.

### **The situation of prisoner journalist Lama Khater (42 years old) at Asqalan interrogation center:**

On July 24 2018, at approximately 01:30 am, IOF arrested the journalist Lama Khater from her house in Hebron. They searched the house and confiscated her personal belongings including a laptop and a mobile phone. The IOF did not show her an arrest warrant nor told her where she was to be taken.



During the arrest, Lama was placed inside a large vehicle with several male soldiers around her and only one female soldier. After she arrived at Kiryat Arba settlement, she was taken down in the open air and forced to sit on a chair, surrounded by a several male soldiers and one female soldier. As this lasted until 7:00 am, Lama had to pray while sitting on the chair. After that, she was then taken to the clinic and asked several medical questions. She stated that she suffered from anemia after the birth of her youngest son.

Lama was moved from Kiryat Arba settlement to Etzion detention center without being handcuffed or blindfolded. She was placed in a small room and forced to sit on a chair facing the wall for three hours with the presence of two soldiers, one female and one male. A female soldier then thoroughly searched her, while her hands and legs were chained with iron handcuffs and eyes were blindfolded. After that she was moved in a cold bus with a bad smell and loud music. After two hours, the bus arrived at the Asqalan interrogation center.

### **Asqalan Interrogation Center**

On the first night in Asqalan prison, Lama was searched, her personal information was taken and she was photographed. She was then transferred to the second floor for interrogation. The interrogation lasted until 3 am, during which Lama was pressured and threatened to force/extract confessions. An interrogator named Dov started the interrogation with her. He threatened her that if she continued to deny the charges against her, she would be placed in a narrow and dirty cell where there is no light. He also told her that she will be banned from using the bathroom and will be charged with military charges.

Once the interrogation finished, Lama was placed in a 3x2 meter cell with a dirty toilet and sink. The cell was cold, had dirty floor and rough walls, and did not have any windows.



The interrogation session continued on the second day for 12 continuous hours from 8:30 am to 8:00 pm without a break. This was repeated for a whole week. Lama was not allowed to go to the bathroom except during lunch and dinner times and was banned from praying in her cell. She had no choice but pray on the chair she was tied to.

As a way to intimidate Lama, the soldiers shouted repeatedly at her and threatened to arrest her family members. One soldier showed her photos of a televised report of her children and husband. The report showed her son, Yahya, sitting alone next to his toys. The psychological blackmail exercised also included telling her she was neglecting her children and showing photos of her husband crying in a TV interview.

Under these harsh conditions, the detainee suffered nausea and began to feel pain in her body, especially in her back and neck. She was moved to the clinic where she was given a painkiller. Lama only slept for 2-3 hour per night as result of the continuous screaming at night. In an attempt to break her, the interrogators promised her enough rest and sleep upon her confession.

14 interrogators, including 4 main ones, participated in interrogating Lama for 34 days. Each session included 1-3 interrogators where they shouted at her and insulted Arabs and Muslims, especially at night hours.

In the last round of the investigation, which coincided with Eid, the interrogators told her to confess if she wanted to see her children. They threatened to issue an administrative detention order against her and to prevent her husband and family members from traveling abroad for treatment. The interrogators threatened to arrest her children and physically abuse them using techniques such as "shabeh" if she did not confess. The interrogations were political and focused on her writings. The interrogators threatened to send copies of her writings to the court and assign a committee to examine her old writings to prove how dangerous she is. A previous arrest warrant to detain Lama was issued in August 2016. It turned into an interrogation at the Etzion detention center because she insisted on taking her newborn son with her.

Similarly, Fayrouz Na'alwa, 34-year-old woman with a degree in pharmacy and a lecturer at the university was arrested. Her brother Ashraf Na'alwa is a martyr who was accused at the time (before his death) of carrying out an operation against settlers.<sup>27</sup> Fayrouz was arrested on 11 October 2018 and subjected to an intensive interrogation at al-Jalameh interrogation center. She stayed there for 28 days, and was banned from meeting a lawyer for 18 days. The occupation forces took Fayrouz from her children and husband. Fayrouz explained to Addameer lawyer the difficult circumstances she experienced during the interrogation and inside the prison cells.

The first interrogation session lasted for about 20 continuous hours with short breaks (from 1 am to 9 pm). During this period, interrogators tortured her using Shabeh (stress position).

Several interrogators would surrounded her from each side and shout at her for long periods, saying that she is a criminal. One of the interrogators, who she described as short with a round face, was making suggestive comments and constantly yelling at her. He threatened her that she would not see her children, would remain in the cells for up to 100 days, no lawyer would visit her, and that they had arrested her father to interrogate him. After this session, they took her to the cell where she endured very difficult circumstance. As a result of these circumstances, she suffered stiffness in her shoulders, and the doctor only gave her a painkiller.

In addition, Fayrouz was held in a solitary confinement cell during the interrogation. This affected her negatively. After a period of interrogation, they made her take a lie detector test.

The details of the arrest and interrogation may differ, but the objective of the occupier remains the same. It aims to deprive women prisoners of their human dignity and break their morals and spirit. Ola Marshoud, 22 years old, was a university student studying media when she was arrested on 11 March 2018. At Petah Tikva interrogation center, Ola was strip searched, isolated, and subjected to harsh and intensive interrogation and irritation.

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<sup>27</sup>. See the Chapter on collective punishment, p. 55.



Upon her arrival at the Petah Tikva interrogation center, Marshoud was moved to a cell that had surveillance cameras. As the Israeli soldiers tried to search her in the cell, she cried and yelled refusing to be strip-searched. Although she was crying and shouting, a female soldier searched her by force in the same cell. She was then transferred to another cell where she spent most of the interrogation time. The cell was 2X2 meters and had a bathroom without a door. It had a shower that was not impossible to use as it was exposed. The cell was underground, so there were no ventilation holes. The light in the cell was orange and was lit all the time. The air conditioner was turned on most of the time at very low temperatures.

The interrogation sessions began half an hour after Ola arrived at the Petah Tikva interrogation center. They lasted for 17 days, with a ratio of three to four interrogation sessions per day, and each session lasted about two hours. During these sessions, around 10 interrogators interrogated Ola using a lot of provocative and humiliating methods. These methods included dancing in front of her and calling her names. They threatened to prevent her from going back to school. They also threatened her with administrative detention and to arrest her sister and brother. Other methods of psychological torture were also used.

After 15 days, the interrogator decided to punish Ola by transferring her to three different cells on the same day. On the seventeenth day, they brought a young man to the interrogation room next to her room. They forced Ola to look at him through a window and then told her that he was talking about her so she should confess of the charges she was accused of.

During these 17 days, Ola was transferred every weekend to Al Jalameh Prison or Asqalan Prison because there were no female soldiers at the Petah Tikvah interrogation center. The transfer was very tiring for Ola and included long waiting hours. After the 17 days ended, the list of charges against Ola was issued, which mainly included incitement through social media.

### **The Occupation's violations of the international guarantees to women**

The occupation does not fulfill the minimum standards that should be respected with regard to female prisoners. International law grants women the same protection as men, without discrimination. However, in response to their particular circumstances and needs, international humanitarian law grants women several special guarantees of protection and rights in international and non-international armed conflicts. These laws mainly considers women's needs and stipulates the separation of women from men and respect for women

dignity and privacy. It also prohibits violence against life, health, and physical and mental nature, as well as assault on personal dignity including degrading and humiliating treatment.

Article 14 of the Third Geneva Convention states that “Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favorable as that granted to men”. This requires the occupation to respect the privacy of female prisoners, not to use indecent behavior, and to take into account the physiological nature of women.

Women need special protection from all forms of sexual violence or threats to use it. However, women and girls who are deprived of their freedom are often subjected to verbal and physical sexual violence, as a form of torture, to humiliate, intimidate and extract confessions from them. Article 27 of the Fourth Geneva Convention states that Women shall be especially protected against any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault. The Additional Protocol I of the Geneva Conventions, in particular Article 75, prohibits outrages upon personal dignity, in particular humiliating and degrading treatment, and any form of indecent assault. United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders<sup>28</sup> that were adopted by the UN in December 2010, recognized the special needs of women. These rules are perceived as unique, important, and considerate to gender sensitivity in the criminal justice system. They also set standards that should be followed in regard to women in detention.<sup>29</sup>

28. For the Bangkok Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, see the United Nations website: [https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/65\\_299\\_Arabic.pdf](https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/65_299_Arabic.pdf)

29. See Rules: 5, 6, 10, 17, 19, 20 of the Bangkok Rules.



Chapter V:

# Arrest of Children: An Ongoing Policy of the Occupation



The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.

Declaration of the Rights of the Child, 1959



In 2018, Addameer monitored the details and conditions of the detention of children by the IOF. Addameer visited prisoners and gathered testimonies of children which indicated that the occupation did not hesitate to use excessive force when arresting and abducting children without revealing the place of detention to their families, but went beyond. The occupation forces raided children's houses at night to scare the children and their relatives without possession of arrest warrants. Children were insulted, cursed, humiliated, and sexually harassed and threatened in military jeeps. They were kept in the open air for long hours regardless of their health or harsh weather conditions. Most children were beaten, which resulted in causing serious physical and psychological harm.



H. R., a 16-year-old in the 11<sup>th</sup> grade from Silwan, Jerusalem, was arrested in December.<sup>30</sup> He was assaulted inside the interrogation room of al-Mascobiyya Interrogation Center. Three interrogators interrogated him and threatened him that he should confess within two minutes. When he denied the charges, one of the interrogators hit the chair on which he was sitting, with his hands tied to iron handcuffs to the back, so he fell to the ground. He was threatened that they will rape his mother if he did not confess. Another interrogator severely beat him on his left thigh, which caused his foot to twitch. The interrogator also punched the child repeatedly on his left shoulder and beat him with his foot on his head and body. In addition to psychological and physical torture, children are subjected to deliberate medical negligence. The health of sick children is aggravated by the conditions of their detention, interrogation or prisons in general. Yassin Shbeita, a 16 years old child from the village of Azzun, was arrested on 31 October 2018 at 2:30 am. He suffers from shortness of breath and chronic asthma. He told the soldiers about his health conditions when he was arrested, but they did not take this into account. On the contrary, they transferred him in the military jeep to Tzufim settlement, where they cuffed his hands and feet with plastic restraints and forced him to walk. It was cold and he fell to the ground whenever he tried to walk. After that, they took him to Kdumim settlement where they interrogated him at a police station there. The Israeli soldiers did not allow him to eat or drink, and he did not go to the bathroom for 15 hours. As a result, his health deteriorated and he fainted.

Yassin was then transferred to the hospital in Petah Tikvah where he slept until the morning. He woke up the next day to find himself wearing only his underwear, tied to the bed from his left hand. Yassin stayed in the hospital for two nights. On the second night, the occupation soldiers entered his room, cursed at him, and one of them hit him on the head while he was handcuffed to the hospital bed.

### **Torture, severe beatings, and sexual harassment: The Case of A. A, a 14 years old child from Silwan**

A.A. tells the details of the humiliation, torture and sexual harassment he experienced during the interrogation at al-Mascobiyya Interrogation Center.<sup>31</sup> An Israeli intelligence officer took A. A. into a room with three other intelligence officers, blindfolded with his hands tied up with iron handcuffs. One of the officers ordered him to kneel down and lower his head down, then punched him repeatedly on his face. The child could not estimate the number of slaps as they were so many. They also grabbed him by his hair and slammed his forehead

30. Some children's names will not be published in this report as per their families' request. This is due to the critical testimonies and as a safety measure. All details and names are documented by Addameer.

31. The name or details of the child's arrest or any information indicating his or her identity (such as the date and place of detention) will not be provided at the request of his or her parents.

into the drywall. One of the intelligence officers grabbed him by his hair while kneeling on his feet and pulled his head back. A. A. was ordered to remain in a stress position with his spine curved backwards. The officer left the room for five minutes, only to come back to beat him on the chest and drag him out by his hair. According to the child, he started laughing and told the interrogator to beat him again. The officer grabbed him from his handcuffed, another officer fixed his head down, while a third office hit him on his head and back using a cardboard folder full of papers. They verbally abused him and one of them threatened that he would rape his mother if he did not confess.

A. A. also experienced sexual harassment during the interrogation. Timor, one of the interrogators, removed the iron handcuffs from the child's hands and ordered him to take off his pants. As the child refused, the interrogator chained him again, actually lowered his pants down, and threatened to insert a wooden stick into the child's buttocks. The child screamed hysterically to keep the interrogator away. In the end, the interrogator did not do what he threatened to do to the child.

Through Addameer's work for many years - particularly from affidavits of Jerusalem's children who are interrogated in the so-called four chambers at al-Maschobiyya Interrogation Center-we know that the Israeli occupation intelligence officers and forces who arrest children have a clear policy to severely beat, humiliate and verbally and sexually threaten and harass them in most cases. This usually happens before the children arrive in the interrogation room so these violations go undocumented during the interrogation itself, and as a means to exhaust detained the children psychologically and physically. This makes the children more vulnerable and breaks their spirit during the interrogation.

### **Conditional Release**

The Israeli occupation courts have adopted several policies targeting Jerusalemites in general and children in particular. Children who were released did not enjoy freedom under the onerous conditions imposed on them, which prevented them from enjoying their basic rights to go to school, live with their families, or even interact with people around them as stipulated in international conventions.

### **Imposing house arrest, deportation, fines and financial bails**

House arrest is another side of imprisonment and restriction of liberty, which may range from one day to duration without a time limit. Such arrests lead to serious social, personal and cultural consequences. House arrest is a "conditional release until proceedings end" and the period of house arrest is not deducted from the sentence. The policy of house arrest is often accompanied by additional conditions such as deportation, defining the place of residence, and paying financial



guarantees. The most important repercussions of house arrest include the inability to go to school, isolation from the outside world, and the child's failure to practice his/her social life normally, which has a significant impact on children's psyche.

H. R. is a 16-year-old child from Silwan, Jerusalem, who was arrested in July 2018 and released two weeks later. The judge at the Magistrates Court in Jerusalem sentenced him to open house arrest, deported him to Kafr Aqab area, north of Jerusalem, to his sister's house away from his parents, school and social environment. He also had to pay a bail of NIS 10,000. Because of his arrest and deportation, H. R. did not attend school and could not finish the 10<sup>th</sup> grade.

T. A. is a 16-year-old child from Issawiya in Jerusalem studying in the 11<sup>th</sup> grade at the Issawiya Boys School. He was arrested in August 2018 and released one month after, he was sentenced to 10 days in house arrest and a bail of NIS 1,500 NIS. As a result, T.A did not go to school for almost 20 days spent between interrogation and house arrest. As a result of his long absence, the school moved him from the science stream to the social sciences stream.

The Israeli occupation courts' policy against Palestinian children in general, and children from Jerusalem in particular aims at destroying the Palestinian youth. It deprives them of their right to education and uproots them from their families and mothers, which violates Article 16 of the Convention on the Rights of the Child.

The IOF continue to breach its obligations under International law, including the Convention on the Rights of the Child.<sup>32</sup> The Occupation power does not comply with the standards contained in the aforementioned convention,<sup>33</sup> the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Universal Declaration of Human Rights. The occupation also violates all minimum standards for the protection of children in detention. The standards include that the child is entitled to prompt access to legal assistance,<sup>34</sup> must be treated with respect and dignity, must not be subjected to torture or degrading treatment,<sup>35</sup> and must be protected from all kinds of psychological and/or physical violence.<sup>36</sup> The child has the right to enjoy all rights related to social, economic, cultural and healthy life, including the right to housing, the highest attainable standard of health, the right to education and the right to grow up among his/her family members.<sup>37</sup>

32. The Israeli occupation ratified the Convention on the Rights of the Child in 1991.

33. The Convention on the Rights of the Child was adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990 in accordance with article 49.

34. Article 37(a) of the 1989 Convention on the Rights of the Child.

35. Article 37 (d) of the Convention on the Rights of the Child, 1989.

36. See the provisions of articles 2, 6, 19, 24 and 28 of the Convention on the Rights of the Child.

37. According to articles 25, 26 (1) of the Universal Declaration of Human Rights and articles 24 and 28 (1) of the Convention on the Rights of the Child



Chapter VI:

# Detention Conditions



Prisoners suffer from overcrowding in the prison rooms and lack of minimum living standards, contrary to the provisions of the Standard Minimum Rules for the Treatment of Prisoners, and in some cases contrary to the regulations of the Prison Service itself. They also suffer from narrow spaces, insects, and rats which causes infectious and skin diseases for many prisoners. In addition to the high prices in the canteen, the prisoners are not provided with all their needs, and the Prison Service delays in responding to their requests. There are repeated raids that humiliate the prisoners, and collective and individual penalties imposed. Hundreds of prisoners' families are prevented from visitation on "security" grounds preventing them from entering the 1948 territories. This violates Article 76 of the Fourth Geneva Convention of 1949, which explicitly prohibits "individual or collective transfers, as well as deportation of individuals from the occupied territories to the territory of the occupying power." Even prisoners' families allowed to visitation undergo difficult circumstances; they are humiliated, searched, and harassed upon arrival.

### **The occupation state's Supreme Court's decision on the living space per prisoner**

On 12 March 2014, the Association for Civil Rights in Israel, the Academic Center for Law and Business, and Physicians for Human Rights filed a petition to the Israeli Supreme Court of Justice on the issue of overcrowding in the Israeli jails and prisons. The actual space for the majority of prisoners and detainees in Israeli prisons does not exceed 3 square meters per prisoner including toilets, showers, and sleeping areas. This violates the fundamental right to human dignity. The petition stated that the space in the Israeli jails is far from the standards that democratic countries abide by in terms of places of detention. It does not even abide by the standards set by the official prison service regulations of six meters per prisoner, which violates the duties of the occupying country to prevent cruel, inhumane and degrading punishment inherent in international laws and conventions.<sup>38</sup>

On 13 June 2017, the Court responded by obliging the occupying state to make the necessary amendments under the petition in two phases:

**Phase One:** It shall be implemented within 9 months from the date of the judgment, in which the State shall provide each prisoner with a living area of 3 meters—excluding toilets and showers.

**Phase Two:** It shall be implemented within 18 months of the decision, that the actual living space is set to 4 meters excluding toilets and bathrooms or 4.5 meters including toilets and bathrooms.

38. From the website of the Association for Civil Rights in Israel, see <https://www.acri.org.il/he/30843>

### **The Prosecution requests a postponement and the court refuses**

One week before the set date to fulfill the first phase of the court's decision, the defendant (the occupying state) demanded that the application be postponed for 10 years until 2027. The occupying state claimed that adhering to the court's schedule required a 'mass release' of prisoners who are considered a threat to public safety. The occupying state submitted a plan for the next 10 years, which included the construction of 4,000 new places of detention and additional arrangements, potentially reducing the number of prisoners by almost 2,000. In response, the Citizens' Rights Association demanded the court not to respond to the Prosecution's request. The association's lawyers claimed that the state treats the decision as if it was not final, especially since it is making long-term plans to ease overcrowding. Besides, the plan currently being submitted to the court is a "conditional" program full of obstacles. The association's lawyer said: «It is particularly strange that the state had 9 months in which it could gradually execute the sentence and refrain from 'mass release' but it took no action. In fact, since the decision, there has been no improvement in the living space per prisoner.»

On 01 November 2018, the Occupation's Supreme Court rejected the Prosecution's request to postpone until 2027 and ordered the expansion of the space available to each prisoner to 4.5 square meters until 2020.

The judges decided that the Shabak should comply with the order to expand the living space in other prisoners' service facilities until 2021.

The Shabak's request to postpone the implementation of the decision to expand the area was rejected. The Shabak members claimed that the expansion of the space would harm their ability to prevent what they called "terrorist operations." The judges had pointed out in the ruling that if the state (the Prosecution) did not comply with the target and the decision set by the court, it could lead to several civil lawsuits by the prisoners.<sup>39</sup>

### **Isolation and Solitary Confinement of Prisoners**

The Occupation continues to implement a policy of isolation against all Palestinian prisoners. The number of isolated prisoners gradually increased after the prisoners' hunger strike stopped on 17 April 2012. In 2018, nine prisoners were held in isolation cells in extremely difficult conditions. The Occupation did not consider the 14 May 2012 agreement, which, in one of its articles stipulated the removal of all Palestinian prisoners from isolation.

39. See Violations of Palestinian Women Prisoners and male Prisoners' Rights Report 2017, p. 49.



There are different types of isolation/solitary confinement and the reasons behind using this punishment. The occupying state resorts to solitary confinement as a means of punishment in cases of violation of the Prison Service regulations such as hunger strikes. The isolation is also practiced as security isolation as per the recommendation of the intelligence services. The Prisons Authority Law (New Version/1971) allows isolation in cases of maintaining state security, prison security, and the safety and health of the prisoner and preventing real harm to the discipline or system of life in jail, and/or to prevent a violation. These criteria are broad and give the occupation the complete discretion to determine the type and extent of the punishment.

### **Physical Conditions of the Isolation and solitary confinement**

Prisoners live in solitary confinement in extremely difficult conditions of detention that do not meet the minimum standards of human dignity and freedom nor any of the international principles that have become a dead letter in front of the Israeli practices. It should be noted that the physical conditions of isolation are not limited to the conditions of solitary confinement cells, as prisoners are isolated during recreation time and in the transport vehicles. They are also denied the right to go to the bathroom or interact with other prisoners.



The isolation cell is usually 1.5 x 2 m, or 3 x 3.5 m, with the bathroom located inside the cell itself. The cell is closed with an iron door with a window at the lower part of the door for food. In other words, the prisoner is held for 23 hours per day in a room where he does not see anyone or even the sunlight. When the detainee goes out for the recreational time, to meet with a lawyer, or for family visits his hands and feet are handcuffed. Sometimes these hand or foot cuffs remain in place during recreation as well.

In general, an isolated prisoner is denied from family visits and is sometimes prevented from lawyer's visits. Depriving an isolated prisoner of family visits includes a range of penalties and restrictions on the exercise of his other rights, including the right to receive his basic needs including food, clothing, and books. Other penalties are also imposed on him on the pretext of violating the instructions and regulations of the Prisons Authority. These penalties include taking away papers, pens, and books.

### **The Case of Isolated Prisoner Mahmoud Nassar: Ramon Prison**

Isolated prisoner Mahmoud Nassar (23 years old) from Madama, Nablus, was arrested on 11 June 2013 and isolated since 1 February 2017. He had been moved between several prisons and describes the isolation conditions at Ramon prison as follows:



The rooms are generally larger than the rest of the isolation cells in other prisons. However, they remain small with difficult conditions. The cell area is approximately 3.5 x 2.5 meters with a window, TV, mini-fridge and a bunk bed. The isolated prisoner is allowed recreational time for one hour per day during which he should be accompanied by an officer when he leaves and comes back. No prisoner is allowed to be with him during that time. Nassar suffers from the food quality which he describes as very bad, and he is not allowed to have any purchases from the prison's canteen.



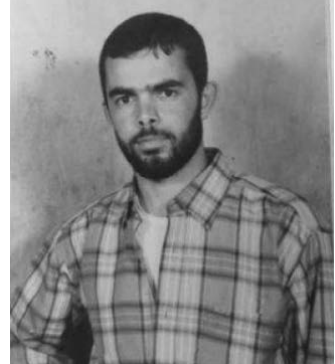
## The case of Isolated Prisoner Ibrahim al-Arouj: Magiddo Prison

Administrative detention since 24 January 2016 (this is his fifth detention)

Resident of Bethlehem/ Date of Birth: 2 July 1984/

Married

Student at Polytechnic University - Major in Electronics



Isolated prisoner Ibrahim al-Arouj spent 11 years in Israeli prisons, including 8 years under administrative detention. His current detention was renewed 10 times in a row, and it should end on 15 January 2019, by then he will have spent 36 months in prison. Al-Arouj was transferred to Magiddo Prison isolation on 31 January 2018 upon an order by the intelligence officer, claiming that he has a “confidential file.”

### Magiddo Prison Isolation

There is one isolation section in Magiddo Prison called section 12, with eight isolation cells. Al-Arouj describes the isolation cell as an area of 2.5 x 4 meters. It has a bed and a small cupboard. There is also a bathroom and a small shower, and remaining space for the prayer rug. Isolated prisoners in Magiddo prison suffer from poor ventilation in the cells and high humidity. The room has only one window inside, fully covered with an iron panel and has some holes to let air in. There is an iron net/window behind the panel. Inside the room, there is also a TV and radio, while the heating is placed outside the cell.

The walls of the cell are covered with old worn-out paint that falls occasionally. In the isolation cell, al-Arouj has blankets and a mattress, which are reserved for cells. The mattress is fireproof and very thin, causing him pain when he sleeps because it sits on an iron sheet placed on top of the bed.

The prisoner is not allowed to leave the cell unless he is handcuffed. It is also forbidden to open the door of the section without placing cuffs on the feet. As for recreational time, he is allowed to go out for an hour a day, where he can wash some of his clothes. During the recreational time, the prisoner should be alone, and that means it is not allowed to have more than one detainee at the recreational time together.

Restrictions are imposed on almost every aspect of an isolated prisoner's life. The cell is inspected 3-4 times a week. The prison services, sometimes special units, carry out the inspection which is often provocative. Prisoners' property may be vandalized and destroyed. Prisoner al-Arouj describes the quality of food provided to him in isolation as bad and insufficient. The prison administration intends to pressure isolated prisoners through the details of their daily lives. This includes not allowing them to have the clothes sent by their families and often returning them.

The occupation intentionally increases the suffering of the isolated prisoners during their transfer in the Bosta. The occupying state aggravates security measures against them and classifies them as "very dangerous". It isolates and ties their hands and legs during transport and prevent them from communicating with any other person or prisoner.

Due to the difficult conditions of the isolated prisoners during the transfer, al-Arouj refused to go to the hospital for tests despite his critical medical condition. He suffers from health problems in the kidneys and intestines as a result of the collective hunger strike on 17 April 2017.

### **Isolation under International Law**

Isolation is a form of psychological torture prohibited under Article 1 of the Convention against Torture of 1984. Inhuman and degrading treatment is also prohibited under Article 7 of the International Covenant on Civil and Political Rights. Besides, the conditions of isolation do not meet the minimum health standards for prisons and detention centers stipulated in Articles 91 and 92 of the Fourth Geneva Convention.<sup>40</sup>

The Israeli Occupations' Prison Service practice isolation policy that breaches international human rights law and international humanitarian law. The isolation and lack of contact with the outside world negatively affect prisoners and detainees' psychology and health. Isolation is a form of psychological torture according to the definition of torture in Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, and Article 7 of the International Covenant on Civil and Political Rights, which prohibit the practice of torture and cruel, inhuman and degrading treatment.

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<sup>40</sup> See the report of the violations against women prisoners and male prisoners in the Israeli occupation prisons, 2015, issued by Addameer Foundation, p. 66.



The prisoner's lack of contact with the outside world is a violation of the international standards that agree on the right of the prisoner to communicate with the outside world, in particular, his/her family. Conditions of isolation are a violation of international humanitarian law and do not comply with the health standards set out in Articles 91 and 92 of the Fourth Geneva Convention on the Treatment of Civilians in Armed Conflicts and Occupations.

## The Policy of Medical Negligence

**The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.**

Rule 24 of the Standard Minimum Rules for the Treatment of Prisoners revised in May 2015 - Mandela Rules

The occupation's policy of medical negligence against prisoners escalated in 2018. The number of sick prisoners in the Israeli jails reached more than 700 prisoners who require thorough health follow-up. Tens of prisoners suffer from serious and chronic diseases, in addition to 16 prisoners staying in al-Ramla prison clinic which lacks the minimal standards of proper medical care. The occupying power systematically targets the physical health of prisoners. This is done through torture which causes prisoners very serious diseases and injuries, the deliberate medical negligence, and delay in providing treatment, or providing insufficient medical care.

Prisoner Mahmoud Nassar suffered severe headaches after the prison guards had beaten him. He thinks that these headaches are a result of the assault. Nassar explained to Addameer lawyer during his visit to Ramon prison that he gets severe headaches that sometimes last for hours. He had not received any treatment until the end of the year when the prison administration only conducted a blood test.

Hassan Al Tamimi, an 18-year-old from Deir Nizam, is a victim of the crime of medical negligence. Addameer met with Hassan's father, Mr. Abed al-Khaliq to document the crime. Mr. Abed al-Khaliq explained that his son suffers from kidney and liver problems associated with deficiency in the absorption of proteins. This problem is a congenital disorder present from birth and so he follows a vegan diet free of protein and takes medication. Since his arrest on 7 April 2018, Hassan has not received the necessary treatment, and Ofer prison administration did not

adhere by Hassan's diet requirement. As a result, Hassan has lost sight and is still being treated even after his release.

As a result of the medical negligence policy against Hassan, he suffered from continuous vomiting for four days. According to his father, the clinic in Ofer Prison provided him with a painkiller only. Consequently, Hassan went into a coma on 28 May 2018 and was transferred to the intensive care unit at Shaare Zedek Hospital in Jerusalem.

Hundreds of prisoners, especially those wounded, are waiting to receive treatment or to be taken care of by their families. Moreover, prisoners who are ill were not spared from the attacks of the special forces, especially the occupation special force unit called Nahashon. During transferring the prisoners to the hospital, the Bosta became a mean for torturing or provoking them so that the Israeli soldiers can have an excuse to deprive them of treatment.

The IOF violate international laws and conventions, in particular, Articles 76, 85, 91 and 92 of the Fourth Geneva Convention. These articles stipulate the need to provide prisoners and detainees with periodical medical care, health clinics, appropriate detention condition, and treat any diseases they suffer from.

### **Recent Deterioration in Detention Conditions: The Erdan Committee's Harassment of Prisoners**

On 13 June 2018, the Minister of Internal Security of the occupying state, Gilad Erdan, formed a special committee headed by retired General Shalomi Katsavi and includes members of the Israeli Knesset and the Intelligence department. The purpose of this committee is to assess the conditions of detention of Palestinian prisoners in Israeli jails and to identify ways to minimize as much as possible. The committee aimed at visiting all prisons, collecting information on their conditions, and submitting a detailed report with recommendations within 90 days from the date of its establishment. After reviewing the minimum standards stipulated in international law, the committee should make recommendations on how to make the current prison conditions worse.<sup>41</sup> At the end of the year 2018, the committee had not submitted any recommendations although it conducted extensive prison visits and several changes have been implemented in several prisons.

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41. [https://www.gov.il/he/Departments/ministry\\_of\\_public\\_security](https://www.gov.il/he/Departments/ministry_of_public_security).



The formation of the committee with the above objectives is an indication of a serious escalation and public targeting of Palestinian prisoners. It is an attempt by the highest political authorities of the occupying power to dismiss the achievements of the prisoners' movement over many years through successive struggle. The occupying state and the Prison Services still consider that Palestinian





Chapter VII:

# Collective Punishment



**No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited...**

Article 33 of the IV Geneva Convention

In 2018, the Israeli occupation forces increased the use of the collective punishments policy that violates Articles 33 and 34 of the Fourth Geneva Convention. This policy is reflected in the increased mass arrests, raids, and searches during which the occupation forces carry out all forms of intimidation regardless of international law or its binding obligations. The occupation forces deliberately intimidate the families of prisoners or those 'wanted', destroy their properties, inflict great losses in their homes and harm them personally. These are all aspects of collective punishment aimed at repression, abuse, revenge, and deterrence.

### **Shweikeh town of Tulkarm District / Family of the Martyr Ashraf Na'alwa**



The IOF imposed a series of collective punishment measures against the family of martyr Ashraf Na'alwa (23 years old) from Shweikeh town in Tulkarm. Ashraf was accused of carrying out an operation against Israeli settlers in Barkan settlement on 7 October 2018. Ashraf's mother, father, brother and sister-in-law were arrested and indicted. His sister was also arrested and released after about a



month of interrogation. The detained family members were harshly interrogated in al-Jalameh and Petah Tikva interrogation centers.<sup>42</sup> The purpose of the arrest of Ashraf's family was to pressure him to surrender as he was still on the run. The arrests also aimed at pressuring the family to provide information about him and his whereabouts. His elderly father and mother, brother and sister-in-law were still in detention at the end of 2018. His house was demolished by an order of the Israeli High Court on 17 December 2018 at dawn.

The IOF raided the suburb of Shweikeh multiple times, harassed the people, and arrested many of them. The Israeli Forces also imposed strict security measures on Beit Lid town in Tulkarm, located nearby Shweikeh. These measures included installing military checkpoints, searching houses and buildings, placing soldiers at the town's entrance, stopping and searching cars, and checking citizens' IDs.

Besides, the IOF have tightened their procedures at checkpoints in the cities and towns surrounding the family's residence in Shweikeh. They conducted daily raids at night and day to search residents' houses in the area and tighten security measures against citizens at checkpoints and on roads between towns in northern West Bank. There were also other arbitrary measures within the Occupation's broader policy of collective punishment.

The collective punishment continued until the IOF assassinated Ashraf Na'alwa on 13 December 2018. The IOF raided a house at Askar camp in Nablus, assassinated Ashraf and kidnapped his body, and has been holding the body ever since.

These collective punishments directly and negatively affect the families and communities constantly. They create panic during the raids and searches accompanied by screaming, beating and breaking. They also cause financial damages and even house demolitions.

Eman Al Wahsh from al-Khader town described what happened when Israeli Forces broke into her house on 1 April 2018 at 1:20 am: "They flipped all the couches and tore them down from the bottom, broke the TV, took off the tiles on the kitchen walls, broke the cupboards and even searched the garbage bin. They barbarically searched the house one room after another breaking everything including the wardrobes after taking out all clothes on the floor".

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<sup>42</sup>. See the case of the sister of the martyr Fayrouz Na'alwa, p. 37.



And in Silwad, on 3 April 2018, the IOF searched the house of Amina Hamed (54 years old) and destroyed a small room she used for storage. They threw all the rice, sugar, and food on the floor. Amina says: "Their way of searching and communicating as provocative, and they threw all the things on the floor."

These collective punishment measures targeting parents and families do not only do harm to their personal property but also cause psychological damage. Such operations include verbal insults, screaming, and intimidation in the presence of a large number of masked soldiers and dogs. Enas Shteivi, 38 years old says: "My sister-in-law, who has a disability, and I were strip-searched. My mother-in-law refused to be strip-searched and so she was searched in a humiliating way." This happened when the Israeli Forces immediately broke into their house upon the arrest of Enas' husband, Mabrouk Jarrar, on 8 February 2018.

There is also physical harm, which is not limited to beatings and abuse during the raid, but also includes assaults that have long-lasting effects, like the use of dogs and excessive force. On the morning of 3 February 2018, dogs accompanying the IOF attacked the house of Jarrar family in Burqin village in Jenin. Mabrouk Jarrar, 40 years old, described what he had suffered: "A wild dog with no mask entered and immediately attacked my left shoulder. It started to bite my shoulder as I tried to push it away. The dog continued to bite my shoulder and left hand and legs. The more I tried to push it away, the more it bit me until it got to my fingers." The dog had bitten Mabrouk's shoulder, fingers, back, arms and left thigh. The dog dragged him from inside the room to the house inner door. He found 20-25 soldiers at the door who provoked him to confess to certain things. Mabrouk did not receive the urgent medical care he needed despite his bad health conditions. The Israeli soldiers transferred him to a military jeep covered in blood, and from there to Salem military camp where he stayed for two and a half hours without receiving any treatment or wound cleansings as he was bleeding. In fact, the soldiers there made fun of him. Mabrouk says: "They were nearby making fun of me and taking selfies (photos) with me."

The Shakarnah family was subjected to collective abuse when Israeli soldiers broke into their house. The soldiers arrested the father and his two sons. His son, Nour El Din, was injured by live ammunition, and other family members suffocated as a result of a gas bombs shot inside the house. At 2:30 am, the soldiers broke into the house and asked the family about their son Bahaa but he was not there. They left while screaming and threatening the family. At 4:40 am, the soldiers broke into the house again. The second raid was more violent, as

they bombed the door breaking it completely. Then, they immediately fired live ammunition; five live ammunition inside the house and 20 outside. After that, they went into the boys' room and shot Nour El Din. According to Nour El Din: I saw the soldiers leaving on the stairs. The house was destroyed and smelled like gas. I saw my brothers almost unconscious because of the gas. When I got out of the room, I saw my mother in the sitting room struggling to breathe. I also saw my brother Baha fainted on the floor. I could hear Ezzedine's voice but could not see him.

Nashat Hamed, a 17-years-old from Silwad, was arrested from his house on 18 January 2018. During the arrest, his family was subjected to all the above-mentioned forms of violence. His father, Anwar, 56, said, "The officer started cursing at me that I was helpless and made fun of my wife." His brother, Jumaa Anwar Hamed, 19-years-old, was severely beaten on his hand which was already broken as some form of torture. One of the soldiers handcuffed him and threw him to the ground on his face. Another soldier put his knee on Jumaa's neck and started beating him with the gun on his head. He ended up beaten by more than one soldier: "I do not remember the exact number." Their mother, Fatima, adds: "The worst was assaulting my son, Jumaa, as one of the soldiers beat him with firewood from the fireplace." It did not stop here, Jumaa continued to explain what he experienced: "One of the soldiers forced me to kneel on the ground and asked another soldier to step on my back from behind. This soldier dragged me until I arrived at the closet. He tightened the iron handcuffs more from behind and hit my hands into the closet. After that, the soldiers took me into the kitchen after they finished the search. My brother, Nashat, was handcuffed in the same way. They took him to the bathroom, which is located in the kitchen and asked us to turn our faces to the wall. Then, they kept hitting us".

In addition to this, the soldiers used indirect psychological threats by mentioning the names of martyrs from their town as a form of intimidation indicating their fate. "The soldier made me kneel on my knees facing the wall, grabbed my head, and hit it against the wall several times quickly. I screamed loudly out of pain."

### **Using Prisoners' Families as Hostages**

The IOF used 26-year-old prisoner Ashraf Zaghari's brother, from Dheisheh refugee camp, to pressure him to give himself in. His 17-year-old younger brother, Ahmed Zaghari, was detained in the Etzion detention center near Hebron. On 9 July 2018, the Israeli forces broke into the family's house looking for Ashraf. They searched the house and when they could not find Ashraf, they arrested



Ahmed and took him to the Etzion detention center. Soldiers and interrogators only asked Ahmed about Ashraf. They threatened him that he would remain in detention until Ashraf turns himself in. They, however, released him after three hours. The IOF continued to break into the house; almost 3 times in one week. Each time, they broke the door, searched the house, and threatened and pressured the family to force Ashraf to turn himself in. On 8 September 2018, the IOF arrested Ashraf from his house while he was sleeping.

Similarly, the IOF arrested Raafat Salah on 27 August 2018 from al-Khader to put pressure on his brother, Bilal, who was wanted by the occupation at the time. The soldiers took Raafat to the Etzion detention center and threatened him that he would not be released unless Bilal turns himself in. They forced him to call Bilal and tell him that. Each time he called, Bilal's friend answered the phone. Three hours later, Bilal turned himself in at the Etzion detention center and so Raafat was released.

According to Article 1 of the International Convention against the Taking of Hostages, a hostage is: "Any person who seizes or detains and threatens to kill, injure or continue to detain another person (hereinafter referred to as the "hostage" in order to compel a third party, namely a State, an international or intergovernmental organization, a natural or juridical person or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the crime of taking hostages ("hostage taking") within the meaning of this Convention"<sup>43</sup>

Although the Israeli Occupation State has acceded to this convention on 19 November 1980, it still considers itself above the law and practices the policy of detaining the families of prisoners. They arrest them to practice pressure on the person to turn himself in, or as a means of coercing the detainee to confess. Moreover, Article 33 of the Geneva Convention states: "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited." International humanitarian law prohibits taking hostages under the following articles: Article 34 of the Fourth Convention, Article 3 that is joint in all Geneva Conventions, Article 75 (2c) of the Additional Protocol 1, and Article 4 (2c) of Additional Protocol 2.

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43. The International Convention against the Taking of Hostages was adopted by the United Nations General Assembly on 17 December 1979.



Chapter VIII:

# Use of Excessive Force and Extrajudicial Killings During Arrest



The IOF use live ammunition and lethal force against Palestinians as its first defensive option. Both International and national laws state that live ammunition shall only be used as a last resort after exhausting all other available means including arrests, non-lethal weapons, and shooting on the legs without causing serious bodily harm. Even if suspects carry weapons, lethal force may not be used against them as international law allows the use of force to injure a suspect with the intent to arrest and not kill him/her.

### **Testimonies from the field on using live ammunition and excessive force during arrests**

As mentioned earlier, the IOF open fire during arrests to kill and not to arrest. Many Palestinian prisoners have suffered serious injuries and wounds that sometimes led to amputations and permanent and long-term disabilities.



Khaled Dodah, 51 years old, said in his testimony about the arrest of his son, Muhannad Dodah, on 5 November 2018 in Halhul, Hebron: "Minutes after the arrest of Muhannad, we began to see that the soldiers are standing 10 meters away from us and aiming red laser lights on our bodies. I told my sons to go inside, and there is nothing we could do about it. They arrested Muhannad and left. Then I heard one soldier saying to another soldier "Shoot him!" My sons and I were standing next to each other. I was telling myself that they might use sound or gas bombs, but I suddenly felt a bullet penetrating my left knee and coming out from behind".

Salah Barghouti was injured and arrested in Kobar, north of Ramallah, on 12 December 2018 during the raid on the town and after the news of the injury and arrest of Saleh Barghouti. Salah was arrested and injured while he was standing in the street near the house of the martyr Saleh Barghouti. Salah talked about the injury, saying: “The soldier lifted his M-16 weapon and fired at me in the lower part of my body. I heard several bullets, I do not know how many, more than five consecutive bullets. I fell directly on the ground and saw the soldiers attacking me. I realized then that I had been shot. When I tried to look at my feet, I saw my left foot bleeding. I did not feel my foot and there were more than five soldiers, while I am lying on the ground. It was raining and foggy”.

The day following the injury, Salah Al-Barghouti woke up to find himself on a bed in an unfamiliar hospital. His right hand was tied to the bed with iron handcuffs. Two soldiers stood at the door of the room. His foot that was injured the day before was amputated. During the three days he spent in the hospital, Salah had not met anyone. He was released without any charges or conditions. This violation left Salah with an injury that will remain with him for the rest of life. It has changed the course of his life completely.

In a similar incident, Nour Shakarneh, 21 years old, from Nahalin south of Bethlehem, reported that the Israeli soldiers fired live bullets against him from a one-meter distance on 30 September 2018. He said about the violent raid on his house to arrest him:

When I opened my eyes, I found one occupation soldier standing in front of me. I tried to get up slowly because I did not want to scare the soldier. When I got up from the bed, the soldier was about 1.5 meters away. He was pointing his gun at me and once I moved out of my bed trying to stand, I heard gunshot aimed at me then I fell off the bed.

### **Extrajudicial executions during arrests**

The IOF use the policy of field executions as a substitute for arrest. The number of Palestinian martyrs reached 295 in 2018,<sup>44</sup> which indicates that the occupation continues to deliberately use this policy.

In 2018, the IOF executed seven Palestinian young men during their arrest. Thus the number of martyrs increased to 220. They are as follows:

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44. Israeli Information Center for Human Rights in the Occupied Territories «B'Tselem»



The martyr Yassin al-Saradih from Jericho was killed after his arrest on 22 February 2018. A video revealed that the Israeli soldiers severely beat the prisoner al-Saradih. The autopsy revealed that he was killed by a bullet in the lower abdomen fired from zero distance.

Mohammed Zaghloul al-Rimawi, 24-years-old, from Beit Rima in Ramallah was killed during his arrest on 18 September 2018. Bashir Al Rimawi, the martyr's brother, informed the documentation unit of Addameer that at 4:00 am, a masked Israeli special force unit entered the house, it was joined later by large forces of the occupation forces. After they broke the door of the house, they attacked the martyr's mother and forced the family (the father, mother, and 3 sons) into one corner of the house. They took Mohammed to another room in the middle of the house and hit him with hands, legs and guns until he fainted. Then, they took him to another unknown destination. Two hours later, the Palestinians Liaison office informed the family of the death of their arrested son. His brother added that the martyr was shot two years ago by live ammunition in the foot during clashes in Beit Rima.

The martyr Saleh Barghouti from Ramallah was executed by the IOF after he was arrested by the occupation forces' special undercover unit on 13 December 2018. The Shabak intelligence service announced in a statement that Saleh was killed during the arrest. However, eyewitnesses confirmed that Barghouti was alive when he was arrested.

The martyr Ashraf Na'alwa, 23 years old, from Shweikeh was assassinated on 13 December 2018. Mohammed Marshoud, 30 years old, from Balata camp, north of Nablus, was killed on 9 April 2018 as a result of his injury. On 8 April 2018, he was shot, arrested, and notified about the extension of his detention. He died in Hadassah Hospital the following day. The martyr Mohammed Anbar, 46 years old, died on 8 April 2018 as a result of his wounds. He was shot on 2 April 2018 and died in Mair Hospital in Kfar Saba.



### The Case of the Martyr Ezzedin al-Tamimi

Age: 21 years' old

Date of Death: 6 June 2018

Address: al-Nabi Saleh village - Ramallah



Ezzedin al-Tamimi was killed on 6 June 2018. The IOF had stormed the village since that morning after 8:30 am. According to eyewitnesses, new reinforcements entered, and at the same time, they stormed the town of Beit Rima, adjacent to the village of al-Nabi Saleh.

The buzzing plane (surveillance) was hovering over the village, with a surveillance balloon over Halamish settlement which is built on part of the village's land. The occupation forces also deployed in an organized manner among the olive trees at the entrance to the village.

Mohammed Atallah al-Tamimi, an eyewitness, told Addameer that he saw Ezzedin walking on the street from the rooftop of his house. He saw him taking a sand side road with olive trees. 10 minutes later, Mohammed heard live ammunition.

Mohammed said that the IOF in the street did not move at the beginning, and remained in order. After less than two minutes, several Israeli soldiers began to move towards the olive trees in front of the house heading towards the sub-street taken by Ezzedin minutes earlier. At that moment, Mohammed heard a soldier talking in his radio set saying a word in Hebrew 'Betsoua' which means 'injured.'

Ezzedin had been injured lying on the ground. The village residents were prevented from approaching him or even providing him with medical assistance, while soldiers surrounded him from every direction. He was bleeding from the neck and other areas in his body. Shooting him at his neck confirms the occupation's deliberate use of lethal force against him.

The soldiers kept Ezzedin without medical care claiming a doctor was coming. After more than 10 minutes, he was transferred to the main street area. Then, a large military jeep arrived that does not have any indication that it is a medical car or appropriate for transferring a wounded person. It, however, looked very much like any familiar military vehicle. Ezzedin continued to bleed without medical care in the military jeep amidst the fired gas, sound bombs, and gunfire.



Mohammed watched the situation from the time Ezzedin got wounded and until he was pulled out of the village by a military jeep. During that time, he did not see any doctor, nurse, or soldier wearing any medical badges. After approximately 15 minutes of clashes in the village, the military jeep left through the village entrance.

The prolonged transfer of the wounded is conclusive evidence of targeting Ezzedin directly and deliberately. The soldiers shot Ezzedin with three bullets, one of which entered his neck causing severe bleeding. He was not medicated and nor were his village residents allowed to rescue him, thus, this incident constituted an intentional field execution.

The assassination of Ezzedin al-Tamimi followed a series of periodic incursions into his house since February of the same year. The IOF broke into the house on a weekly basis to ask about Ezzedin and search the house turn it upside down. Ezzedin's father, Abed al-Hafiz al-Tamimi, said that the officer threatened to arrest Ezzedin for a long time if he did not surrender, a threat that had always carried a death flavor. "Officer Diab always threatened us that he would kill Ezzedin sooner or later."

In March, Ezzedin's father was summoned to Ofer for an intelligence interview with the district officer, Diab. The interview was merely intended to threaten him while officer Diab kept cursing, screaming and threatening to kill Ezzedin. One day before the assassination of Ezzedin, on 5 June 2018, Israeli soldiers surrounded his house and asked his father about the house rooms until they reached Ezzedin and Amjad's. Ezzedin's father says: "At that time, the officer asked me about Ezzedin, and I replied that I did not know where he was. Then, the officer called officer Diab and they left after they had a conversation about Ezzedin."



# Conclusion and Recommendations



- The report showcase that the occupation uses both psychological and physical torture and degrading treatment as a means to conquer Palestinian prisoners. This start from the moment of his/her arrest and during the interrogation as a widely practiced systematic policy based on political decisions supported by the occupation judicial institutions. The Israeli public supports such practices, even though Israel has signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1991.
- In 2018, the IOF deliberately used excessive force during arrests. This included live and direct fire which exacerbated the poor prison conditions and increased the number of injured prisoners.
- The report revealed that the occupation forces committed war crimes by using the policy of extrajudicial killing and targeting Palestinians of all sectors. This has raised the number of Palestinian martyrs in 2018 to approximately 295, and the number of prisoners' movement martyrs to 220. Extra judicial killing amount to a war crime under the Rome statute.
- The occupation military courts continued to deny Palestinian prisoners the right to a fair trial, backed with multiple discriminatory laws aimed at placing the largest number of Palestinians in prison. The report revealed the explicit tendency of the occupation authorities, its various institutions, and official entities to enact a unified far right policies aimed at criminalizing to criminalize Palestinian civilians because of his/her nationality. The occupation authorities used 'security grounds' as a justification for all its discriminatory policies, laws and actions.
- In 2018, the Israeli Knesset passed legislation and introduced draft legislation that target Palestinian civilians in general and the prisoners' movement in particular. These include the death penalty against prisoners draft law, the law that bans the Palestinian Authority's allocations to the families of martyrs and prisoners, and the law which Prevents Early Release of Prisoners.
- The report documented an increase in arrests on the grounds of posts shared on social media, especially Facebook. The occupying power started such arrests at the end of 2014 until 2018. This violates one of the most important rights guaranteed in all international conventions and treaties and basic domestic laws, namely the right to freedom of expression and opinion. The report detailed a series of cases of persons arrested on these grounds.

- In 2018, the Israeli Occupation Prisons Service continued with the same policy of issuing administrative detention orders against all sectors of Palestinian society, including five women, five children, and several human rights defenders, including lawyers, journalists, and elected PLC members.
- The report monitors the deterioration of the conditions in all occupation prisons during 2018, especially after the formation of what is known as the Erdan Committee, which after, the occupation adopted a policy of deliberate medical negligence against prisoners. The Prison Service deliberately strives to maintain the deteriorated conditions in the prison clinics, which lack the minimum basic needs of providing medical treatments. The occupation also continues its violation of international law conventions and treaties by maintaining the practice of the policy of isolation against prisoners.
- The report showed that the Israeli occupation has adopted dangerous policies against Palestinian children and women. This is a comprehensive process aimed at harming the Palestinian youth and social fabric, without any respect to the special status of children or women provided for in the international law.



# Recommendations

- Addameer believes that the Palestinian national division significantly affected the prisoners' movement. It has undermined the prisoners' struggle in light of the Israeli Prison Service's persistence to evade its responsibilities towards the prisoners, and deliberate attempts to weaken the prisoners' movement. Addameer calls upon the Palestinian government and all Palestinian factions to develop one unified strategic vision to empower and strengthen the prisoners' movement against the occupation's discriminatory policies and institutions.
- Addameer believes that the occupying power should be prosecuted for the crimes committed against the Palestinian civilians, including arbitrary administrative detention within the definition of torture. There is an urgent need to criminalize the occupation authorities internationally for committing war crimes, particularly in 2018, in which they extrajudicially killed dozens of Palestinians in the field. It also should be prosecuted for practicing collective punishment, which is internationally prohibited, against the Palestinian occupied population, especially the families of the martyrs and detainees. This includes home demolitions and violent search campaigns and punitive arrest.
- Addameer calls on the United Nations, its committees and human rights bodies to pressure the occupation authorities to abide by its international obligations and provide the necessary protection for prisoners and detainees in occupation prisons. Especially the Protection against the risk of deliberate killing during detention, crimes of torture and ill-treatment during, arrest, interrogation and detention, the various crimes that are carried out by the occupation special force units of the Prison Service and the policy of medical negligence.
- Addameer calls on the Palestinian Ministry of Prisoners' Affairs and the Palestinian legal institutions to unify and intensify efforts to expose the various crimes that are committed by the IOF and the Israeli Prisons Authority. Addameer also recommends the ministry to utilize the available international legal bodies and for as to file complaints and hold the occupation accountable for its crimes.



# Annexes



### Annex (1): Arresting Human Rights Defenders

#### The case of the prisoner Ayman Nasser

Name:	Ayman Ahmed Nasser
Date of Birth:	20 June 1970
Date of arrest:	9 September 2018
Place of Residence:	Safa Village - Occupied Ramallah District
Marital status:	Married with four children, Amin (20 years old), Naji (18 years old), Nadim (15 years old), and Mohammed (10 years old)
Education:	Holds a master's degree in socio-educational psychology
Career:	Coordinator of the Legal Unit at Addameer Associating for Prisoner Support and Human Rights
Legal status:	Administrative detention
Prison:	Ofer Prison

#### The Arrest

The IOF broke into the house of Ayman Nasser, located in Safa village, west of Ramallah, on 9 September 2018 at 4 am. They searched the house and after the confiscation of the family's belongings including mobile phones and ID cards, Israeli soldiers returned what was confiscated except for Ayman's belongings. At the moment of arrest, the IOF took Ayman out of his house with his two sons, Amin and Naji, and interrogated them for half an hour. They allowed Ayman to take his medication. The administrative detention order against Ayman was issued on 16 September 2018 for 6 months ending on 8 April 2019.



#### Previous Arrests

The IOF arrested Ayman Nasser from his house in Safa village, west of Ramallah, on the night of 15 October 2012 at 1 am. The soldiers knocked at the door with their machine guns and shouted. When Ayman opened the door, the soldiers broke into the house with their police dogs. The soldiers immediately searched the family's bedrooms, including children's rooms, and the dogs searched the kitchen and guest and living rooms.



The soldiers detained Ayman's wife, Halima Karajeh, in one of the house rooms and threatened her using their machine guns. They asked her not to move and prevented her from staying with the children in their room. The four children remained in their room behind a closed door, listening to the noises of soldiers and dogs. The house was searched for two hours, during which the intelligence officer in charge of the arrest interrogated Ayman for one hour inside the house after being asked to open his personal computer. The intelligence officer told the soldiers to confiscate Ayman's computer and mobile phone, and messed with his children's computer and confiscated some of its parts.

Ayman was also arrested on 18 September 2014, and an administrative detention order was issued against him for 3 months. The administrative detention order was renewed for the third time in a row and the detainee was released on 13 September 2015. It is worth mentioning that this is the second arrest of Ayman Nasser, as he was arrested in February 1992 and sentenced to six years' imprisonment spent in several Israeli prisons. He was released on 27 October 1997.

### **Professional and Educational life**

As a result of the multiple years Ayman has spent in prison, he was prevented from pursuing his university education immediately after receiving his high school diploma. Ayman has spent his detention years in reading and self-education in various literary and scientific fields. He showed a special interest in humanities.

After his release in 1997, Ayman joined al-Quds Open University, and continued his studies despite all of the obstacles and earned a bachelor's degree in social work. His professional and family life did not discourage him from continuing his university education until he achieved his ambition and received a higher degree.

Ayman received his master's degree in 2010 from the Faculty of Social Work and specialized in psychology and educational counseling. He is known for his passion for reading, and his strong skills in dialogue and rhetoric due to his wide knowledge in cultural, social and political fields.

### **Ayman's Career**

At the beginning of 2008, Ayman joined the Addameer Association for Prisoner Support and Human Rights to work as a researcher in the documentation and studies unit. He undertook several tasks including human rights research

concerning Israeli arrests, violations, and crimes against detainees and prisoners in different stages of detention. Ayman also represented Addameer in several local human rights organizations and coalitions, including the Coalition Against the Death Penalty and the Coalition Against Torture. He is also a member of the secretariat of the Higher Committee for the Follow-up of Prisoners and Detainees Affairs, which consists of a group of human rights institutions, the Ministry of Prisoners' Affairs and political parties and it is concerned with prisoners' and detainees' affairs in the Israeli jails.

In addition to his active and important role as a human rights defender, which he dedicated to the justice of Palestinian prisoners and their freedom, Ayman played a major role in empowering the cultural life and spreading the principles of justice and freedom. In 1999, he established the Handala Cultural Center in Safa as an artistic, educational, and athletic center based on volunteerism to serve the entire village of Safa. Ayman has headed the center since its establishment by periodic elections.

Ayman was elected as a president of Safa Sports and Social Club twice since 2003. He was a candidate in the Joint List for Safa Local Council elections. He succeeded to become a member of the village council after the elections took place while he was in prison. The Joint List considered that the arrest of its candidate as a shameless violation of the democratic process and an arbitrary arrest of a well-known activist for his positions in defending freedom and justice.

### **Health Conditions**

Ayman suffers from several diseases since his previous arrest, including infectious irritable bowel syndrome in addition to back and aches and pains. Before his last arrest, Ayman was being treated by doctors who supervised his conditions. Today, he needs constant medical follow-up and he takes five different medications per day. The interrogation team at al-Mascobiyya Interrogation Center did not allow Ayman to take his medications. In his recent visit, Ayman told Addameer lawyer that he was taking only two types of medicines, which posed a danger to his life. This is an attempt by the Israeli intelligence service to exhausts Ayman physically and put more pressure on him.

### **From the cells of al-Mascobiyya to isolation in Magiddo in the 2012 arrest**

Ayman was subjected to several violations during the 39 days he spent in interrogation in Al Maskubiyya cells. These violations included isolating him from the outside world and interrogating him for long hours during the day lasting



for 22 hours. The purpose was to exhaust him physically and psychologically. He was also denied access to necessary medical treatment. On the 39<sup>th</sup> day of his arrest, on 22 November, he was transferred to Magiddo's isolation prison in terrible living conditions that are not suitable for humans. Ayman was jailed in a small 2x1.5 m solitary confinement, without windows or any holes to let the sun and air in. The isolation section of Magiddo Prison is intended for prisoners who are sentenced to disciplinary penalties by the Prisons Service.

The only chance for Ayman to see sunlight and breathe fresh air was during recreational time, which was barely one hour per day. He is allowed to take the break alone and is prevented from meeting or talking with any other detainee. He is only allowed to use the bathroom in his cell only twice a day; the first for 5 minutes and the second for 10.

Whenever it was time for Ayman's trial, he was transferred from the cell to the court by a private car and prohibited during the transfer from meeting or talking with any other prisoner.

On 17 November, the military prosecutor at Ofer Court filed an indictment against the human rights defender Ayman Nasser. The list contained five items; all of them are related to his support of the cases of prisoners and detainees in Israeli jails by participating in protests calling for dealing with Palestinian prisoners per international human rights laws.

Annex (2): Statement issued by the Committee of Administrative Prisoners in Ofer Detention Center

### **In the name of God, the Most Gracious, the Most Merciful**

Brothers, and comrades from administrative detainees:

We, as administrative detainees, suffer from the unfair policy of administrative detention, yet have achieved a lot through our struggle over the past years whether collectively or individually. The struggle has been through different phases, the latest of which was boycotting the unjust courts. Within this boycott, each milestone shall be assessed based on the latest updates. Thus, the Committee of Administrative Detainees communicated with the brothers in the senior leadership bodies representing all factions. Several discussions and consultation took place, as well as meetings with the competent authorities that have an impact on the issue of administrative detention. We had an open dialogue where we identified the purpose of the action which was to restrict administrative detention and see concrete steps towards its restriction felt by the administrative detainees who wish to resort to courts again. We informed them that as long as the courts endorse the Shabak decisions, then there was no need to go there. After this discussion with the Administrative Detainees Committee and with the senior leadership bodies, we agreed to reassess the step of boycotting the courts within the controls, standards, and determinants set by the senior leader bodies, organizational committees, and the Committee of Administrative Detainees authorized and representing all factions. The following points were agreed upon:

1. The boycott shall remain in force in its current form, and detainees shall not go to the courts in any way until 10 September 2018. Then, the step of suspending the boycott of the courts shall commence and continue until 10 December 2018.
2. The suspension of boycotting the courts will be viewed as an assessment period starting from the 10 September until the 10 December 2018. This will give the detainees sufficient time to go to all courts (confirmation session, appeal, supreme). The suspension is for all without any exception. This means that all detainees should head back to courts without any exception. The assessment will be for a specific group that meets the real criteria for the type of detention we are talking about. The criteria for detainees included in the group to be assessed should at least have one of the following criteria:
  - A. He/she was previously detained at least twice, then a third time. The



duration between these detentions do not matter, even if he/she was arrested between his/her administrative detention for other cases.

- B. The current detention and the one before must be administrative for less than one year.
  - C. Focusing on detainees in items (a) and (b), where the current detention is not more than 18 months. When detainees spend more than 18 months, they have a positive position regarding going to courts.
3. This group mentioned above receive 70% in the assessment, and the remaining administrative detainees receive 30%. This group represents the real sample that contributes to the decision because of what happened to them in the courts, in terms of the decision to go to courts or not.
  4. The assessment body will be comprised of Ofer Administrative Detainees' Committee representing the administrative detainees, the leading bodies and organizational committees. The assessment will be objective and based on a database of all administrative detainees. The assessment will be completed ten days before the boycott resumes.
  5. If the decision is to continue the suspension and appear in front of the courts, and if the results are positive, then going to the courts also will be limited by a timeframe and subject to assessment.
  6. If the assessment is negative, the courts will be boycotted and administrative detainees shall not appear before confirmation session, appeal or supreme courts. The lawyer representing the detainee or his/her representative also will not appear in front of different courts. This means a complete boycott until further notice.
  7. This will be a binding decision of the leader and organizational bodies and shall not be violated in any way. Failure to comply with this decision will have organizational consequences followed by holding those who violate this decision accountable.
  8. There will be an agreement between representatives of the Administrative Detainees Committee in Ofer and the leadership and organizational and leadership bodies on the group that we talked about earlier. The group will get 70% in the assessment assuming that the size of this group is 200 prisoners. After that, we need to determine how many need to go to the courts and this will be agreed upon as soon as possible.
  9. The purpose of this assessment is to establish the argument against the competent authorities which is entrusted in the occupation departments of the unjust administrative detention and allow them an opportunity to review their work in these courts. The administrative detainees agreed to allow reviewing the positive and negative sides of these courts, to try and

listen to each other's point of view, whether those who think we should go to the courts or those who said we should not. This is perceived as a logical and acceptable way of proper assessment.

10. The step of boycotting the courts is related to its context and does not necessarily bring about dramatic changes. Its purpose is to say to the occupation that there is no point in appearing before your court and we will not help you sugar-coat your unjust administrative detention against us.
11. Administrative detainees who want to go on hunger strike or take any action to help improve their detention conditions are free to take such a decision and no one will prevent them from doing so. However, before starting such actions, they must inform their factions two weeks before announcing the strike and inform the occupation so that we can help them and defend their case as much as we can.
12. The suspension of boycotting the courts does not in any way mean doing anything without the agreement of the Committee of Administrative Detainees in al-Naqab, Megiddo, and Ofer prisons. We will continue to struggle against this detention by all legitimate means at all times which is not linked to the decision to continue or suspend the boycott.

Yours,

The Committee of Administrative Detainees and its leadership bodies



## Annex (3): Administrative detention of PLC members

### Case of the PLC Member: Ahmed Mohamed Ahmed Attoun

Date of birth:	24 January 1968
Residence Location:	Sur Baher – Jerusalem (exiled to Ramallah)
Date of arrest:	12 April 2017
Legal status:	Administrative detainee
Current prison:	Ofer Prison
Academic degree:	MA in Contemporary Islamic Studies from Al Quds University
Career:	PLC Member
Marital status:	Married and father of five children

#### Last Arrest

On 27 November 2018, Israeli forces broke into the house of PLC member, Ahmad Attoun, in al-Bireh city and arrested him. The prisoner Attoun was transferred then to Ofer prison for interrogation by the Israeli police. After that, he was sentenced to 4 months of administrative detention.



#### Previous arrests

The IOF arrested Attoun several times, and the total number is more than 15 years as follows:

First arrest: 4 years' sentence (1988 - 1992)

Second arrest: 3 years' sentence (1994 - 1997)

Third arrest: Administrative 6 months (1998 - 1999)

Fourth arrest: Sentenced 3 and a half year (2006 - 2010)

Fifth arrest: Administrative 20 months (2013 - 2014)

Sixth arrest: Administrative (12 April 2017 - 9 March 2018)

His last arrest was on 21 November 2018. He was then transferred to administrative detention for four months.

#### Social Activism:

Ahmed Attoun has a great influence in his community and is considered one of the most prominent figures in Jerusalem at the social and political levels. This was one of the main reasons for deporting him from his city of Jerusalem and



preventing him from exercising his political and social roles. This occupation policy aims at fragmenting the Palestinian society and hindering its political, social and economic development.

Attoun began his life as the preacher of the Omari Mosque in Sur-Baher from 1997 until his deportation from Jerusalem in 2005. He was an Imam at the al-Morabiteen Mosque in Sur-Baher but stopped because of his deportation. He was the managing director of the Zaid Center for Quran Memorization in Sur Baher and served as President of the Cultural Forum Association in Sur-Baher. After 2006, he was elected to PLC and served as a member of the Jerusalem Committee and the Internal Security Committee of the Legislative Council.

### **Health Conditions:**

The administrative detainee Ahmad Attoun suffers from heart problems and had a cardiac catheterization survey about a year before his last arrest. He also suffers from stress and diabetes and has a kidney stone.

### **Deportation from Jerusalem:**

On 29 May 2006, the Minister of Interior handed over a decision to revoke the right of residency in Jerusalem from PLC members from Change and Reform bloc. The members include Ahmed Atoun, Mohammed Abu Tair, Mohammed Totah, and Engineer Khaled Abu Arafa; the former Minister of Jerusalem. This will be applied if they do not resign from their position in the Legislative Council. One month later on 29 June 2006, Ahmed Atoun was arrested and sentenced to three years of imprisonment. Following his release from prison on 3 June 2010, the Israeli police handed him a decision to deport him from the city of Jerusalem which must implement before 3 July 2010.

On 30 June 2010, the Israeli Occupation authorities arrested Mohammed Abu Tair. Before the arrest, Ahmed Attoun, Minister Khaled Abu Arafah, and Mohammed Totah resorted to the International Red Cross to protest the decision of the Israeli occupation to deport them. On 26 September 2011, a special unit of the IOF broke into the headquarters of the Red Cross and kidnapped Ahmed Attoun, arrested him and transferred him to the al-Mascobiyya interrogation center in Jerusalem. The occupying state pressured Ahmed Attoun to sign the deportation order or remain in prison. He refused to sign the deportation order. On 6 December 2011, the IOF forcibly displaced him to the West Bank.



The IOF deported the PLC members and the minister from their hometown away from their lives and families. Until now, they continue to suffer due to their deportation away from their families and hometown.

Under international law, Jerusalem is an 'occupied city' and the occupying power shall not displace its indigenous inhabitants from their place of residence nor shall they be separated from their families and children under any circumstances. The provisions of the Fourth Geneva Convention on the rights of civilians under military occupation apply to them. The decision of the occupation authorities to expel PLC members and the minister is a flagrant violation of international law and humanitarian agreements and is collective and discriminatory punishment.

Addameer considers that the decision to deport Jerusalemites PLC members and the minister violates international law, specifically Article 42 of the Fourth Geneva Convention applicable to the Occupied Palestinian Territory, which states that: "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". The provisions of Article 49 also state: "The occupying power shall not deport or transfer parts of its own population into the territories it occupies." This decision constitutes a grave breach under Article 147 of the Fourth Geneva Convention and a war crime under Article 85 of Additional Protocol I thereto.

### **Legal Analysis:**

The origin of Administrative detention is the British Mandate Emergency Law of 1945. Today, administrative detention is governed by the Emergency Act (Arrests) 1979 (Emergency Law), which applies only when the state of emergency is declared by the Knesset and the state of emergency has been declared since the establishment of the Occupying state in 1948. This law applies to citizens of the Occupying Power and to settlers in the territories occupied in 1967. This measure is used by the occupying forces in the Occupied Palestinian Territory in accordance with Military Order 1651. In particular, Article 28 gives the commander of the military zone the right to detain a person or persons for up to six months.

Administrative detention is linked to the political situation in the Occupied Palestinian Territory and the Palestinian protest movement against the prolonged occupation of the Palestinian territories occupied in 1967. It is a punishment and a political measure that reflects the official government policy of the occupying power by using administrative detention as a collective punishment against the Palestinians. Administrative detention used by the occupying forces is

prohibited under international law. However, the occupation continues to issue administrative detention orders against various segments of Palestinian society in the West Bank, including human rights activists, workers, university students, lawyers, prisoners' mothers, and businesspersons.

Addameer affirms that the detention of Ahmed Attoun violates international fair trial standards. Administrative detention orders are based on confidential material that prevents Attoun or his lawyer from knowing the reasons for the arrest, details of the allegations against him, and building an effective defense. Addameer condemns the detention of Ahmed Attoun and considers it part of the systematic targeting of Palestinian political symbols. This targeting aims at criminalizing political figures' work to silence their voice and prevent them from exercising their role and duties in support of its just cause and freedom. Addameer considers administrative detention as practiced by the occupation as illegal, arbitrary, and a war crime. Article 8 (2) of the Rome Statute describes war crimes as deliberately depriving a prisoner of war or other protected person of his/her right to a fair and regular trial.

### **The Attoun Family**

PLC member Ahmed Attoun is married to Mrs. Nisreen Dwayat, and the father of five children: Mujahid (19 years old), Mohammed (18 years old), Maryam (17 years old), Mahmoud (16 years old), and Batoul (8 years old). The eldest son Mujahid studies law and Mohammed studies accounting.

On 3 December 2013, the IOF arrested the children of Attoun Mujahid and Mohammed after breaking into their house in Sur-Baher. The IOF released Mujahid, who was then 16 years old, after interrogating him for several hours. He was then sentenced to two years in prison and released on 1 October 2015 from Magiddo prison. Muhammad was re-arrested on 1 December 2016 and sentenced to six months in prison and released on 11 May 2017.

### **Palestinian Legislative Council**

Although international law and the laws of occupation particularly prohibit the detention of individuals based on their political views, the occupying forces regularly and systematically detain Palestinian political leaders to suppress the Palestinian political process. This aims at restricting the sovereignty of the Palestinian Authority and denying the Palestinian people from their right to self-determination.

In the period that preceded the Palestinian legislative elections in January 2006,



the occupation targeted PLC members in particular through its repressive policy. During the second half of 2015, the number of PLC members in the Israeli prisons decreased to 5. However, it soon increased to 10 detainees and prisoners in December 2017. Currently, there are 11 PLC members in Israeli jails, 7 of whom are sentenced to administrative detention.

The IOF continue to harass the PLC members since 2006 and arbitrarily arrest and prosecute them in military courts that do not meet the standards of a fair trial. They also prevent PLC members from traveling outside the occupied Palestinian territory. The Israeli occupation authorities also revoke the residency permits of PLC members holding Jerusalem ID cards and forcibly transfer them to the West Bank.

### Annex (4): Arresting Palestinian women prisoners

Name:	Fidaa Mohammad Yousuf Da'mas
Date of Birth:	15 September 1994
Age:	24 years old
Address:	Beit Ommar/ Hebron
Marital status:	Single
Career:	Third-year accounting student at al-Quds Open University
Date of arrest:	29 May 2018
Prison:	al-Damoun Prison
Legal status:	Administrative Detention

#### Last arrest

On 29 May 2018, the IOF broke into Fidaa Da'mas' house in Beit Ommar in Hebron at 5 am. The Israeli soldiers requested that the family members stay in their rooms. According to what Fidaa told Addameer lawyer, two female soldiers headed to her room to conduct a strip search. After she refused, the two female soldiers pushed her to the wall and beat her with a weapon on her left shoulder causing her severe pain. She immediately informed the officer that she refuses to be strip searched. After arguing with the officer, he agreed to search Fidaa while she is wearing her clothes. After that, he asked her to prepare herself to be interrogated and be released later. The soldiers led Fidaa to a military Jeep without informing her or her family where she was heading. After handcuffing her with plastic handcuffs, she was blindfolded and pushed to hit the military jeep floor.



#### The Interrogation

Fidaa was taken to the Etzion detention center near Hebron and transferred from the military jeep to the clinic. Her blood pressure was checked and she was asked some questions. After that, the soldiers put her while handcuffed and blindfolded in a room for about 4 hours with male and female soldiers trying to provoke her by turning on loud music and singing loudly. According to what Fidaa told Addameer's lawyer, soldiers prevented her from going to the bathroom except with her hands handcuffed on her chest with iron handcuffs, although she requested to remove them. After being searched thoroughly, Fidaa was told that she was going to be transferred to Ofer. The soldiers tied her feet with iron cuffs



and transferred her to Ofer. She told Addameer's lawyer that upon her arrival in Ofer, she was placed in an iron Caravan with a small window and an iron bench. She was kept there for two hours before being interrogated. Fidaa underwent a seven-hour interrogation then had a lunchtime break during which she was intimidated, threatened and insulted. The interrogation focused on personal posts on her Facebook page. After the interrogation was completed the same day, she was transferred to the Hasharon Prison.

### **Legal Status**

A list of charges was filed against Fidaa about a week after her arrest which included incitement on Facebook. The prosecutors claimed that Fidaa owns an "extremist" Facebook page and that she publishes material that incites terrorism and violence. The interrogation sessions focused on posts and photos posted on her Facebook page. According to the prosecution, those posts indicate support of the resistance and glorification of the martyrs. The indictment detailed each posts' number of likes and shares.

On 7 August 2018, the Military Court in Ofer sentenced Fidaa to 95 days of actual imprisonment, and seven months of suspended prison for four years from the day she is released. The court said that the verdict came after considering the statements of the military prosecution and the prisoner's lawyer. After reviewing the circumstances of the case, the court decided that this incitement was minimal and accepted the deal with the prosecution. Although the military prosecutor said that the incitement was minimal, it stressed that this ruling did not affect the possibility of issuing an administrative detention warrant against Fidaa later on; which happened. This is an example of how the military prosecution of the occupation handles incitement cases. It does not only stop at the penalties imposed by the court, but also uses administrative detention as another mean of punishment. This is an abuse of administrative detention procedures and contradicts the requirements of international humanitarian law.

### **Previous Detention**

Fidaa was previously arrested on 28 January 2015 while she was walking on the street near Etzion settlement. The Israeli soldiers claimed that she was carrying a knife. After the interrogation, she was transferred to Hasharon Prison and sentenced to six months in prison by the military court for the possession of a knife.

### **Administrative detention on the day of release**

After completing her sentence and on the day scheduled for Fidaa's release, the so-called military commander issued an administrative detention order for six months against Fidaa on 16 August 2018. During the confirmation hearing, the military judge confirmed that there are suspicions that Fidaa was running a "radical" Facebook page and that she was inciting violence. He claimed that the intelligence evidence he received was more than just posts on her Facebook page and that such material is confidential. This meant that neither the lawyer nor the detainee could access it. The judge continued that Fidaa was previously arrested for possession of a knife and sentenced to six months of imprisonment. According to the judge, this all indicates that her release may be dangerous and therefore six-month of administrative detention is reasonable and appropriate relative to the risk she imposed. He confirmed that her administrative detention for 6 months ending on 15 February 2019.

The defense lawyer appealed to the judge's decision to confirm the administrative detention. The judge, however, rejected the appeal and claimed that the decision to confirm the administrative detention depends on the danger imposed by the detainee. The judge said that in the case of Fidaa, the danger is not due to her incitement via social media, it rather stemmed from her intentions before being arrested which indicated current and immediate danger. Her previous conviction for the possession of a knife did not deter her from remaining dangerous. The military judge confirmed that her continued detention is being examined by the military commander who determines the total period of detention. Fidaa's administrative detention expires on 15 February 2019 and this does not mean that she will be released since the administrative detention order can be renewed indefinitely.

On 10 February 2019 and before the end of the first administrative detention order that was issued against Fidaa, the Israeli occupation authorities renewed her administrative detention for an additional 4 months ending on 14 June 2019. This with the possibility of extending her detention for an additional indefinite period. At the confirmation hearing, the judge claimed that there was no new classified material indicating any danger that Fidaa impose. He, however, pointed out that the classified material he could not disclose include reasons, other than incitement, to convict her. He claimed that the occupation authorities fear that if released, she would pose a threat to the security of the area. Thus, he approved her detention for 4 months.



By the end of this period, Fidaa would have spent 13 months in detention solely for exercising her right to freedom of opinion and expression. There is still a possibility that her arbitrary administrative detention may be extended indefinitely.

### **Freedom of opinion and expression, criminalizing a fundamental right**

The occupying state systematically seeks to restrict the fundamental rights of the Palestinians in various ways through military orders. This includes those which the occupation forces pledged not to violate under international law convention and treaties. In the case of Fidaa, the violation of the right to freedom of opinion and expression by the occupying power is evident. International treaties and conventions guarantee the freedom of opinion and expression since the issuance of the Universal Declaration of Human Rights, which is also enshrined in the International Covenant on Civil and Political Rights signed by the Occupying Power. Article 19 states that: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

The Israeli occupying power continue to prosecute Palestinians for incitement under military laws. Such laws are in no way in line with international obligations regarding the right to freedom of opinion and expression. The Israeli occupation bases its decisions against Palestinians in the West Bank, where military laws apply, on Articles 251 and 199 (c) of the Military Order for Security Instructions (Unified Version) Judea and Samaria No. 1651 of 2009.

The clause used by the occupying state to prosecutes Palestinians shows that the right to freedom of opinion and expression in any form is prohibited and subject those who practice it to prolonged prosecution and detention.

### **Administrative detention double punishment**

The principle that a person should not be prosecuted or punished for the same act twice is an established principle of fair trial guarantees. The International Covenant on Civil and Political Rights (ICCPR) states in Article 14 (7) that: "No one shall be liable to be tried or punished again for an offense for which he/she has already been finally convicted or acquitted in accordance with the law and criminal procedure of each country". What happened with Fidaa shows the extent to which the occupying state violates basic principles adopted when the occupying power signed the International Covenant on Civil and Political Rights.



The military prosecution did not stop at the verdict issued against Fidaa even though it was issued as a result of the deal reached with her. It went beyond that when it confirmed that this verdict does not prevent issuing an administrative order against her. This indicates the prior intention of the prosecution to keep Fidaa in prison and to punish her for the same act for a second time. This undermines the established principle in the laws. The fact that the military judge confirmed the administrative detention order against her and claimed having a confidential file against Fidaa explains that the judicial system was still unsatisfied with the time Fidaa was sentenced for. It also shows that resorting to administrative detention is a mean used to punish prisoners just for the mere suspicion that the prisoner may have intentions that pose danger, which require keeping him/her in prison.

The Fourth Geneva Convention and the fair trial guarantees have prohibited the use of administrative detention as a substitute for trial. This ensures that the administrative detention, as used by the occupation, is arbitrary and contrary to international laws. Addameer considers administrative detention as implemented by the occupying power to be illegal, arbitrary, and may amount to a war crime. Item 6 of Article 8 (2) of the Rome Statute describes War Crimes as intentionally depriving any prisoner of war or any other protected person of his/her right to a fair and regular trial.

## **ADDAMEER (Arabic for conscience) Prisoner Support and Human Rights**

Association is a Palestinian non-governmental, civil institution that works to support Palestinian political prisoners held in Israeli and Palestinian prisons. Established in 1992 by a group of activists interested in human rights, the center offers free legal aid to political prisoners, advocates their rights at the national and international level, and works to end torture and other violations of prisoners' rights through monitoring, legal procedures and solidarity campaigns.

**Addameer's Vision:** 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's work is based on a belief in the universality of human rights as enshrined in international law.

### **The Programs of Addameer :**

1. **Legal Aid Unit:** Since its founding, Addameer's legal aid work has formed the backbone of the organization's work, with Addameer's lawyers providing free legal representation and advice to hundreds of Palestinian detainees and their families every year.
2. **Documentation and Research Unit:** Addameer documents violations committed against Palestinian detainees and monitors their detention conditions through regular prison visits, and collects detailed statistics and information on detainees.
3. **Advocacy and Lobbying Unit:** Addameer's advocacy work is aimed primarily at the international community, with the unit publishing statements and urgent appeals on behalf of detainees, bringing international delegations and the media, and submitting reports and individual complaints to the United Nations.
4. **Training and Awareness Unit:** Addameer raises local awareness of prisoners' rights on three levels: by training Palestinian lawyers on the laws and procedures used in Israeli military courts; by increasing the prisoners' own knowledge of their rights; and by reviving grassroots human rights activism and volunteerism and working closely with community activists.

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