



**Aggressions by Special Units of the Israeli Prison Service
against Prisoners and Detainees during Transfers and Raids**



Addameer Prisoner Support and Human Rights Association

Ramallah, Palestine

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Palestinian prisoners in Israeli jails feel debilitated by repression they experience, especially since the beginning of the Intifada in 2000. Repression and torture have become modernized and adapted to the human rights discourse. Now human rights organizations have to make special efforts in order to prove the violations, which the Israeli judiciary and media present as exceptions of an alleged rule of compliance with human rights for prisoners. The disclosure of certain facts seems to serve as a means to conceal the truth.

The modernized repression is concealed and masked, but represented as a response to human rights. It is oppression without a face, which cannot be captured in a full picture. It takes the form of hundreds of small and individual actions and thousands of details that, individually, do not suggest to be means of torture, unless if caught within the holistic view and logic behind this system.

(Tempering Alertness or Redefining Torture, by prisoner Walid Daqqa, 2010)

Introduction

Palestinian prisoners and detainees in the Israeli occupation's jails suffer from a multitude of violations of their rights enshrined in international norms and conventions, which are composed of International Humanitarian Law (IHL) and International Human Rights Law (IHRL).¹ They are subjected to physical and psychological torture and other cruel, degrading and inhuman forms of treatment and punishment. Palestinian and international human rights organizations have documented over 100 methods of torture used against them during interrogations by the Israeli occupation's military and security forces.

Affidavits by prisoners and detainees indicate the ill-treatment and torture practiced against them by the different components, elements and personnel of the Israeli Prison Service (IPS), as well as their poor living conditions due to the IPS' disregard of the provisions of IHL and IHRL that apply to them and its financial and legal responsibility towards them, denying them the legal status of prisoners of war and freedom fighters.

This report seeks to expose the aggressions by the IPS Special Forces against Palestinian prisoners and detainees during their transport and the raids of their sections and cells in prison over a period of three years (2009-2012).

The Special Forces use advanced special arms and weaponry. Their members go through specialized, intensive trainings on how to break into the cells and sections of detainees and prisoners and beat them, using various weapons, including stun guns, batons, sticks, toxic gas, tear gas, rubber-coated metal bullets, etc., in order to suppress their legitimate demands for better detention conditions and search them in degrading ways.

The Special Forces break into detainees' cells and sections frequently, almost on a daily basis. Data available to Addameer and other organizations concerned with prisoners' affairs indicate that these Special Forces have escalated their acts of breaking-in in the last years. In 2010, more large scale breaks were reported. This trend has continued over the

1. For violations of the rights of prisoners in the Israeli occupation's jails, see annual and quarterly reports published by Addameer on www.addameer.org/.

past years, with an evident increase during the prisoners' hunger strike in early 2011, reaching its peak in Ramadan of 2012, when 42 acts of raids and maltreatment of detainees and prisoners were documented.

These raids and the accompanying abuses cause hundreds of injuries among the prisoners and detainees, including severe ones, such as loss of sight, physical impairment, skull fracture, backbone injury, limb injury, as well as suffocation due to the inhalation of toxic gas or tear gas.

Significance of Report

This is the first report that captures a holistic review of violations and crimes against the Palestinian prisoners by the IPS Special Forces. Crimes committed by the IPS Special Forces against Palestinian prisoners and detainees have long been kept in narrative reports addressing them as individual incidents based mainly on affidavits made by victims of such aggressions to demonstrate the cruelty and murderous nature of the Special Forces.

Notwithstanding the importance of such reports, it is necessary to examine the role the Special Forces play in implementing the IPS policies against Palestinian prisoners and detainees, which go beyond physical abuse seeking to destroy their morale and demolish their dignity.

This report seeks to enhance legal efforts to defend Palestinian prisoners and detainees in the Israeli occupation's jails and confront the oppression practiced against them by the Special Units, which has become a daily practice that goes unchallenged.

Addameer believes that such an aim requires research and legal work on crimes committed by these units. To do so, legal institutions concerned with prisoners' issues need to move to a higher level of defense and advocacy, where these crimes are considered forms of torture that amount to war crimes, and efforts are made to hold perpetrators accountable under the IHL and international criminal law (ICL).

Research Methodologies

This report is based on 100 interviews with a randomly selected group of prisoners and ex-detainees. The interviews address the conditions of their transfer, their accounts of raids and abuses, and punishments they personally or others have been subjected to during the transfer and raids.

The report is also based on over 100 testimonies and sworn affidavits made by prisoners and detainees in various prisons to the lawyers of the Legal Unit at Addameer between January 2010 and December 2012. Some of these testimonies give a detailed account on torture practiced by the Special Units when prisoners are transferred from one prison to another, while others give details on raids by these units to prisoners' sections and cells between 2009 and 2012.

The report also relies on prisoners' published studies and research in describing and analyzing the practices and purposes of special units. In particular, the report has benefitted from a distinguished research by the prisoner Walid Daqqa² "Tempering Alertness" or "Redefining Torture" (2010). This research provides an in-depth analysis of IPS policies seeking to temper the alertness of Palestinian prisoners and the role of Special Units in these policies.

For information on special units and their role and tasks, Addameer used information on the IPS website,³ which was translated from Hebrew and Russian to Arabic. We also used certain articles published in Hebrew newspapers on the work of these units, their role and the weapons they use. The IPS website does not provide detailed information on all units.

2. Walid Nimr Daqqa (52 years) is a Palestinian prisoner detained by the Israeli occupation for over 26 years. He is originally from the village Baqa Al-Gharbiyya from the 1948 occupied territories. He wrote a groundbreaking study "Tempering Alertness" analyzing the national prisoners' movement following Oslo Accords. The study provides the most comprehensive and in-depth analysis of IPS policies, which conform with the overall Israeli policies against the Palestinian people outside prison walls, particularly Operation Defensive Shield. Shaul Mofaz described the reoccupation of the Palestinian territories in 2002, or the so-called Operation Defensive Shield as pressing alertness or emotional resolution of the conflict. Former IPS director Yaakov Ganot expressed this desire to control at Gilboa Prison saying to the Minister of Public Security Gid'on Ezra in 2006, in the presence of prisoners: "Relax... you should be confident that I will make them raise the Israeli flag and sing "Hatikva" (the Israeli hymn). During his military service in the Intifada, the Israeli ex-Chief of Staff "Boogie" Yaalon stated that the Palestinian alertness should be re-tempered. Reference: "Tempering Alertness or Redefining Torture" by Walid Nimr Daqqa. Publisher: Al-Jazeera Center for Studies and Arab Publishing House of Science. Number of pages: 87. Year of publication: 2010.

3. www.ips.il.

Only two units are addressed, Nahshon and Massada, in terms of how they were established, their composition and role, as they were among the first units assigned with clear, specific tasks to oversee prisoners' transportation and control and to subdue their rebellions when necessary. IPS legal offices have failed to reply to requests by Addameer lawyers for information and facts about these special units.

In explaining the legal perception of these aggressions under IHL and ICL, the report relied on the principles of treatment of prisoners and detainees under the 1949 Geneva Convention III Relative to the Treatment of Prisoners of War and Geneva Convention IV Relative to the Protection of Civilians in Times of War, in addition to the definition of torture in the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁴ which states in article one:

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

This report also thoroughly examines the statements of political, security and military figures relative to Palestinian prisoners and IPS regulations on the treatment of what they call “security prisoners,” as well as relevant Israeli laws that provide the legal framework for treatment of Palestinian prisoners and detainees in the Israeli occupation's prisons.

In addition, a review of the decisions by Israeli judicial committees and courts was carried out with respect to the treatment of Palestinian detainees, particularly in relation to torture, against the provisions IHL and ICL.

4. Adopted and deposited for ratification or accession by G.A. res. 39/46, December 10, 1984. and entered into force on June 26, 1987 according to article 27(1).

This report consists of four parts:

- **Part One:**

This part is dedicated to aggressions of special units against prisoners and detainees during their transfer.

- **Chapter one:** The chapter starts by a preface on the situation of the occupied Palestinian territory (OPT) between the rules of international law and the position of the occupying power, seeking to explain the legal status of prisoners and detainees and rules governing their transfer under the IHL and IHRL. the legal status of prisoners and detainees and rules governing their transfer under the IPS regulations for the so-called “security prisoners”.
- **Chapter two:** The chapter addresses the establishment and development of IPS special units with a detailed description of the Nahshon unit, along with presentation of crimes committed by this unit against prisoners and detainees during their transfer. The chapter also includes a detailed description of IPS policies on transfer of prisoners, followed by a thorough description of the transportation process, including timeframe, treatment of prisoners and detainees.
- **Chapter three:** This chapter presents testimonies by prisoners and detainees from various prisons (2009-2013). The chapter reveals how they are subjected to torture, cruel and degrading treatment by Nahshon units during the transportation to prison or court. Other testimonies reveal the role of special units in the abuse of detainees on hunger strike, by beating them and threatening to kill them as a retaliatory tactic.

- **Part Two:**

Part two consists of three chapters, addressing the aggressions against prisoners and detainees by special units during their repeated raids of prisoners' sections and cells.

- **Chapter one:** Here we address the legal framework regulating the treatment of Palestinian prisoners and detainees between the provisions of IHL and IHRL as well as IPS regulations related to the so-called "security prisoners" and their implications on how special units treat prisoners and detainees.
- **Chapter two:** This chapter is dedicated to the description of IPS special units assigned to conducting raids of prisoners' sections and cells for various reasons, as well as detailed description of such raids.
- **Chapter three:** In this chapter, we present testimonies from prisoners and detainees on aggressions by special units during raids over the period 2010-2012 under various acclaimed justifications and pretexts, such as search for mobile phones, forcing prisoners to provide specimens for DNA testing and repressing them during hunger strikes.

- **Part Three:**

This section provides a statistical and legal analysis of aggressions by special units during transfer and raids:

- **Chapter one:** This chapter includes an analysis of a table of 60 major incidents of aggression committed by special units against prisoners and detainees during transfer and raids between January 2011 and January 2012 (see annex) and punishments imposed by the IPS on prisoners and detainees following aggression by special units.

- **Chapter two:** The chapter provides legal analysis of special units' aggressions against prisoners and detainees during transfer and raids. In this chapter, we discuss the definition and criteria of torture and its application to special units' aggressions detailed in the attached table, as well as in prisoners' testimonies. The discussion also attempts to challenge torture and IPS methods and policies to subdue this challenge. The chapter also explains why torture practiced by the special units constitutes a war crime and a crime against humanity under both IHL and ICL. Next, we address the Israeli position towards prisoners' torture, providing a legal cover for those who commit such crimes against Palestinian prisoners and detainees.

- **Part Four:**

This section provides conclusions, recommendations and annexes. Here we present major conclusions of the report and Addameer's recommendations to all stakeholders concerned with ending the policy of torture against Palestinian prisoners and detainees in Israeli prisons and holding perpetrators accountable.

Preface: The situation of the OPT between international law provisions and the position of the occupying power

Following the occupation's takeover of the remaining Palestinian territories on June 5, 1967, the military commander Haim Hertzog issued military order No. 3, which stated in article 35: "The military court should apply the provisions of Geneva Convention IV dated August 12, 1949 relative to the protection of civilians during war and occupation, stressing that the military court should comply with the implementation of the provisions of Geneva Convention IV in its judicial procedures. Whenever there is a conflict between this Order and the Convention, precedence shall be given to the provisions of Geneva Convention."

However, the military leadership of the occupying power soon disavowed the commitment to abide by Geneva Convention IV and treat Palestinian civilians under its occupation according to the provisions of this Convention in terms of military procedures to ensure a fair trial.

On October 10, 1967, The military commander of the Gaza Strip and North Sinai issued Military Order No. 107 and on October 23, 1967, the military commander of the West Bank issued Military Order No. 144, which provided that "The provisions of Geneva Convention IV do not have precedence over the Israeli law and instructions of the military command, and the provision of article 35 of Military Order No. 3 concerning Geneva Convention IV was by mistake."

Since then, the occupying power has refused to admit the applicability of the Geneva Conventions in the OPT, claiming that it did not occupy the territories from a sovereign state, since Jordan and Egypt were administering the West Bank and Gaza Strip and did not have sovereignty over them.

The occupying power also refuses to treat Palestinian combatants according to Geneva Convention III, claiming that the status of a prisoner of war applies only to members of armed forces and other organized resistance movement of a party to the dispute – since Palestinian

combatants do not belong to a state, they do not qualify to have the status of prisoners of war.

This claim turns a blind eye to the provisions of article 1(4) of the Protocol Additional to Geneva Conventions (1) of 1977, which states that the status of prisoners of war applies to “armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.”

Attempting to reject legitimacy of the struggle of the Palestinian people for self-determination, the occupying power does not recognize those resisting its occupation of the OPT as freedom fighters, since such recognition would give legitimacy to their cause, as expressed by the former special rapporteur John Dugard in a paper presented to the UN on the legal status of Palestinian prisoners and detainees in April 2012.⁵ Instead, the occupying power treats them as prisoners for security reasons and terrorists that have no rights. Following its unilateral withdrawal from Gaza Strip in 2005, the occupying power started to classify some Gaza combatants as “illegal combatants,” as the case with the detainee Mahmoud Al-Sarsak (25 years old), who had been in detention between 2009⁶ and 2012.

In addition to denying the Palestinian prisoners their rights enshrined in Geneva Convention III relative to prisoners of war, the occupying power is also denying the rights of Palestinian civilian detainees who are protected by Geneva Convention IV.

5. John Dugard, professor of international law at Leiden University, Amsterdam, former special rapporteur on the situation of human rights in the OPT. A paper presented to the United Nations International Meeting on the Question of Palestine, Geneva, 3 and 4 April 2012 on the question of Palestinian political prisoners in Israeli prisons and detention facilities. The paper is available at: <http://www.un.org/depts/dpa/qpal/docs/2012%20Geneva/P2%20John%20Dugard%20EN.pdf>

6. The Israeli occupation forces arrested the football player Mahmoud Al-Sarsak (25 years) when he was passing through the military crossing between Gaza Strip and the West Bank on July 22, 2009 and he was arbitrarily detained for around three years under the law on illegal combatants. He was released on July 10, 2012 following a hunger strike for 92 days.

The status of prisoners of war applies only to a few hundred Palestinian detainees, whereas the overwhelming majority are civilians protected by Geneva Convention IV, who participated in the successive Palestinian uprisings and were arrested by the Israeli occupation forces.

Israeli forces arrest hundreds of protected civilians annually under administrative detention orders issued by the military commander arbitrarily and in breach of the provisions of articles 42 and 78 of Geneva Convention IV, which allow for administrative detention only in extreme cases of absolute necessity for short periods of time, and not for several years as the occupying power usually does.

In summary, Palestinian prisoners and detainees in the Israeli occupation's prisons are denied the status of prisoners of war and freedom fighters, and thus denied protection they are entitled to according to IHL and IHRL. Instead, they are treated according to special regulations issued by the IPS concerning "security prisoners." In addition to denying the legitimacy of prisoners' struggle and just cause, IPS regulations seek to undermine their human dignity.

Part One:

Aggressions by Special Units against Prisoners and Detainees during their Transfer



Chapter one

Prisoners' transfer between the international law rules and the IPS regulations

1. Transfer of prisoners and detainees in the IHL

IHL and IHRL provide protection to Palestinian prisoners and detainees in the Israeli occupation's prisons under Geneva Conventions III and IV and several other human rights treaties related to prisoners. These treaties have addressed the issue of prisoners' transfer, explaining the basics of treatment of prisoners and their rights during this transfer.

We will present here how Geneva Convention III relative to prisoners of war has addressed this issue, since it provides the legal framework regarding the treatment of Palestinian prisoners and detainees. Next, we will address Geneva Convention IV and the protection it ensures for civilian detainees in times of international conflicts.

- **Geneva Convention III Relative to the Treatment of Prisoners of War**

Article 13 of the Convention states that “prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a grave breach of the present Convention.” The article also stresses that prisoners of war must at all times be protected, particularly from acts of violence or intimidation and from insults and public curiosity. Measures of reprisal against prisoners of war are prohibited.

Article 14 provides that prisoners of war are entitled in all circumstances to respect for their persons and their honor. Women should be treated with all the regard due to their sex and should in all cases benefit by treatment as favorable as that granted to men.

- **Transfer of prisoners of war and their treatment**

Article 47 of the Convention provides that sick or wounded prisoners of war shall not be transferred as long as their recovery may be endangered

by the journey, unless their safety imperatively demands it. Article 48 details means of transfer, stating:

“In the event of transfer, prisoners of war shall be officially advised of their departure and of their new postal address. Such notifications shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of transfer so require, to what each prisoner can reasonably carry, which shall in no case be more than twenty-five kilograms per head.

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp (prison) commander shall take, in agreement with the prisoners’ representative, any measures needed to ensure the transport of the prisoners’ community property and of the luggage they are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph of this Article.

The costs of transfers shall be borne by the Detaining Power.”

- **Evacuation in Geneva Convention III**

Article 20 of the Convention stresses that the evacuation of prisoners of war shall always be effected humanely and in conditions similar to those for the forces of the Detaining Power in their changes of station.

The second paragraphs states: “The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during evacuation, and shall establish as soon as possible a list of the prisoners of war who are evacuated. If prisoners of war must, during evacuation, pass through transit camps, their stay in such camps shall be as brief as possible.

- **Transfer under Geneva Convention IV**

Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War dedicates two articles in chapter ten to address conditions that should be respected and ensured during the transfer of internees. Article 127 provides clear rules that ensure respect of prisoners' dignity and rights and consideration of their health conditions during transfer. Article 128 underscores the need to notify the prisoners of their departure in time to allow them to pack their luggage and inform their families.

Article 127 reads:

“The transfer of internees shall always be effected humanely. (...) The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and the necessary medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during transfer, and shall establish before their departure a complete list of all internees transferred.

Sick, wounded or infirm internees and maternity cases shall not be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands.

When making decisions regarding the transfer of internees, the Detaining Power shall take their interests into account and, in particular, shall not do anything to increase the difficulties of repatriating them or returning them to their own homes.”

Article 128 reads:

“In the event of transfer, internees shall be officially advised of their departure and of their new postal address. Such notification shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight

of such baggage may be limited if the conditions of transfer so require, but in no case to less than twenty-five kilograms per internee.

Mail and parcels addressed to their former place of internment shall be forwarded to them without delay.

The commandant of the place of internment shall take, in agreement with the Internee Committee, any measures needed to ensure the transport of the internees' community property and of the luggage the internees are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph."

- **Standard Minimum Rules for the Treatment of Prisoners⁷**

This treaty has made a major shift towards the protection of prisoners' rights during the different detention phases, in line with human rights principles and human dignity. Article 45 is dedicated to the protection of prisoners' rights during transfer, stating:

"(1) When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them."

7. Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

2. Legal status of Palestinian prisoners and detainees under the IPS regulations

Prisoners in Israeli jails are placed in two categories: “criminal” and “security” prisoners. Persons held under administrative detention or the illegal combatant’s law are considered security prisoners.

IPS regulations define a “security prisoner” in Directive No. 03/02/00. The overwhelming majority of security prisoners are Palestinians, with a few exceptions of Jewish security prisoners. The new IPS regulations provide special regulations for each category delineating their rights, duties and disciplinary rules, as follows:

- Criminal prisoners: They are treated according to special regulations separate from those for security prisoners. This category is beyond the scope of this report, except for comparison purposes only to demonstrate the conditions and treatment of Palestinian prisoners and detainees.
- Security prisoners: The IPS uses this category for any “prisoner who was convicted and sentenced for committing a crime, or who is imprisoned on suspicion of committing a crime, which due to its nature or circumstances was defined as a security offense or whose motive was nationalistic.”⁸ Prisoners under this category are treated according to Directive No. 03/02/00, known as “Rules Relating to Security Prisoners,” Article 1 of this directive states that the instructions of this Order for convicted and detained prisoners against state security shall have precedence over any other conflicting order issued by the IPS.⁹

Being in breach of international conventions and treaties, the IPS regulations serve as a flexible tool for the IPS to deny Palestinian detainees their rights and commit crimes against them, providing the legal cover that would prevent any accountability of such crimes in the judicial system of the occupying power. However, the IPS regulations do not explain any legal principles or procedures for the transfer of prisoners, which in itself serves to cover up the crimes and practices of IPS special units against

8. Bakr, Abeer, The Definition of Palestinian Prisoners in Israeli Prisons as “Security Prisoners” – Security Semantics for Camouflaging Political Practice.” Adalah Center publications, Adalah’s Review Volume 5, 2009.

9. For a summary of Order No 00/02/03, updated on October 30, 2010, see Annex 1.

Palestinian prisoners, preventing any meaningful accountability of them.

- Administrative detainees: Administrative detention is defined in IHL, particularly Geneva Convention IV, as depriving one from his/her freedom based on an order from the executive rather than the judicial power, without making any criminal or security charges against that person.

Hundreds of Palestinians are arrested annually under administrative detention orders issued by the military commander of the OPT on the basis of “secret” information alleging that they pose a threat to the security of the region or the security of the occupying power. The numbers of Palestinian administrative detainees held in the Israeli prisons over the period 2011-2012 ranged between 250-300. Their treatment is subject to Directive No. 04/02/00, known as “Conditions for Administrative Detention.”

- Illegal combatants: The IPS regulations define “illegal combatants” as “any person held in prison by a virtue of arrest warrant signed by the Chief of Staff and is not entitle to the status of a prisoner of war.”¹⁰ Dozens of Palestinians from the Gaza Strip have been arrested under this law, especially during the military aggression in December 2008 – January 2009.

The IPS directives reflect a collective approach toward security prisoners without giving consideration to age differences, health conditions or the true danger imposed by the prisoner. Article 1(B) of IPS Directive No. 03/02/2000 demonstrates the logic that the IPS uses for this collective classification of security prisoners by stating: “Among prisoners convicted for crimes against state security, there are usually real potentials to pose threat to state security in general and to order in prison in particular, depending on the crime they have committed, their past, motives and engagement in acts against state security, The majority of these prisoners are even linked to terrorist groups and this link poses special threats to

10. In March 2002, the Israeli Knesset enacted the “illegal combatant” law, which is a form of administrative detention with some small differences, denying the prisoner guarantees for a fair trial. Similar to the administrative detention, the illegal combatant law allows the Minister of Public Security or those commissioned by the Minister, rather than the military commander, to issue an arrest warrant for any person from Gaza Strip that may be considered an illegal combatant, for an open period and without a definite date for their release, and without making any formal charges against them, based on secret evidence that is viewed by the judge only but not allowed to be viewed by the defendants and their counsels.

order in prison and to state security. The security threat posed by security prisoners require their incarceration separately from criminal prisoners and requires special restrictions in relation to their contact with the outside world, including leaves, visitations, phone calls and private visits.”

According to article 2(c) of IPS Directive 03/02/2000, two exceptions are applied to refrain from imposing restrictions on prisoners classified as security prisoners. These are: 1) non-affiliation with a hostile organization, and 2) a note from the Israeli Security Agency (Shabak) indicating that not imposing the restrictions does not pose any threat to the state security. The article provides a list of these hostile organizations, which does not include any Jewish organizations.

As Advocate Abeer Bakr notes, by reading the former exception (non-affiliation with a hostile organization), one could get the impression that this directive expresses an individual approach to the prisoner, based on an assessment of the level of his individual threat, despite his or her classification as a “security” prisoner. However, this individualized approach does not apply to the overwhelming majority of Palestinian prisoners classified as “security” prisoners and mainly serves Jewish prisoners classified as “security” prisoners.¹¹ Analysis by Advocate Bakr is in line with Walid Daqqa’s view, affirming that the definition of “security prisoners” has been created by the security forces, primarily the IPS, and has then developed to respond to “administrative needs” according to an order issued by the IPS and has gained a new legal status by the different security agencies. Today this status legalizes the poor conditions in which security prisoners are held compared to the conditions of prisoners defined as “criminal”.¹²

By examining the IPS “Rules Relating to Security Prisoners” No 03/02/00 of 2008, it becomes clear that politicians and decision-makers in different Israeli institutions and departments hold an instrumental concept of law, where law is used to implement certain goals rather than as a moral standard reflecting social values and norms, and thus can be changed

11. For an analysis of the implications of these two exceptions, see: Bakr, Abeer, The Definition of Palestinian Prisoners in Israeli Prisons as “Security Prisoners” – Security Semantics for Camouflaging Political Practice.” Adalah Center publications, Adalah’s Review Volume 5, 2009.

12. Daqqa, Walid. Security or Political Proposers. Adalah Electronic Newsletter, Issue 24, April 2006.

when it no longer fits the current goals.

IPS directives related to Palestinian prisoners should be seen from this instrumental perspective. This explains the Israeli rejection of the applicability of the Geneva Conventions to the OPT and Palestinian prisoners. The term privileges is employed instead of rights in order to make it easier to withdraw them, since privileges are based on good will rather than a recognition of prisoners' humanity and rights.

3. Transfer and searches in IPS directives

1) Transfer of prisoners in IPS directives

As stated above, the IPS classifies Palestinian prisoners into three main categories: security prisoners, administrative detainees and illegal combatants. We will present here the provisions of IPS directives related to Palestinian detainees according to the above classifications.

- **Rules related to security prisoners – Directive No. 03/03/00**

The directive does not provide adequate details explaining the transfer of prisoners and their treatment and rights in association with transfer. The directives address the rights of Palestinian prisoners as privileges that can be revoked. Under security pretexts, these directives grant large executive powers and discretions to prison staff and special units in the treatment of Palestinian prisoners.

Contrary to the clarity in the provisions of Geneva Conventions III and IV explaining the rights of internees during transfer and stressing the need to respect their human dignity, to treat them decently, and transfer them in conditions similar to those available to the forces of the detaining power, the IPS directives reinforce the alleged “security” considerations at the expense of prisoners' safety and rights.

This is demonstrated in article 6 of the directive, providing that the decision to transfer “prisoners” is a security matter that detainees and their spokespersons should not intervene in.

Article 15 confirms the above by stating that the decision to transfer

prisoners from one prison to another in the same district shall be made by the district transfer committee and the decision to transfer them to another district shall be made by a regional-level transfer committee. In emergencies, the decision shall be made by the head of the prison section or bloc.¹³

Prisoners always lose their rights for security considerations and necessities, indicating once again that the classification of Palestinian prisoners and detainees as security prisoners is only a cover to deny them their humanity and rights guaranteed by IHL. Article 15(b) states that “as a general rule, a prisoner shall be notified of the decision of his anticipated transfer the night before the transfer day. Notification shall not be made in cases when security necessities warrant this.”

- **Transfer of administrative detainees**

Article 1(a) of Directive No. 04/02/00 “Conditions for Administrative Detention” clearly states that “...an administrative detainee shall be held only in the place indicated in the respective administrative detention warrant.”

Article 1(b) also states that “transporting an administrative detainee from the prison where he is held to another prison shall require that the Minister of Defense modifies the administrative detention warrant in such a way to clearly indicate the new detention place.”

However, article 21, the last article in the same directive, titled “Detainees from territories” in reference to Palestinian administrative detainees,¹⁴ affirms applicability of instructions of this directive to persons administratively detained according to security legislations applicable to the territories (the OPT), and explains that instructions contained in article 1(a) and 1(b) above do not apply to Palestinian administrative detainees. This means it is left to the discretion of the IPS and intelligence forces to decide where to hold an administratively detained Palestinian and to decide about his or her transfer, reflecting the discriminatory nature of these directives on nationalist, ethnic and religious basis. This also clearly demonstrates how these directives deny Palestinian detainees of their most basic rights by

13. Prisons are divided into two divisions; north and south blocs. Both blocs are attached to the IPS. See prison's map in Annex 2.

14. Indicating that administrative detention could be affecting some Israelis in rare cases.

allowing the IPS the absolute right to arbitrarily transfer them, as we will see below.

- **Transfer of illegal combatants**

The IPS directives do not designate any special provisions for those classified as “illegal combatants” that explain the procedures for their transfer. As stated above, detention under the illegal combatant law is considered a form of administrative detention. However, the IPS does not treat Palestinian detainees accordingly.

2) Procedures for physical search and strip search¹⁵

During transfers and raids of prison sections and cells by Nahshon units, detainees are subjected to different methods of searches, primarily strip searches.

Directive No. 03/08/00 on procedures of prisoners’ search is based on the criminal procedures law “physical search of a suspected detainee” of 1996. Article 5’s “General instructions” state that a search is a sensitive act that may cause anxiety to both the one conducting the search and its subject. The one conducting the search should do it by maintaining the prisoner’s dignity to the largest extent, and should preserve the integrity of the prisoner’s belongings.



Search powers are identified in article 4 as follows:

- Upon arrest, the jailor shall be allowed to conduct a physical search of the arrested person.
- Upon receiving a new prisoner in prison.
- During the prisoner’s time in prison, searches are allowed

15. Procedures contained in the directive No 03/08/00 and the criminal procedures law “physical search of a suspected detainee” of 1996 will be used in the second part of this report, which addresses raids of prisoners’ cells by the IPS special units for various reasons, where they are exposed to different types of physical search.

at any time if and when there is a strong suspicion that the prisoner is hiding something in his belongings, body or clothes an object that may cause harm to the security of the prison or the state.

The directive above refers to several types of searches that prisoners and detainees may go through, including:

- Physical search of one's body, clothes and personal effects.
- Visual inspection of the prisoner undressed.
- External body search, including three types: 1. taking a specimen from under nails, 2. taking a specimen from the body surface, and 3. a skin examination. This requires prisoner's consent.
- Taking a urine specimen.
- Internal search, including: 1. x-ray examination, 2. scanning, and 3. gynecological examination of women. When a prisoner objects to an internal search, the IPS legal advisor can seek the approval for the search in court.

Strip search

Strip search (visual inspection of the prisoner undressed) is conducted under article 5 of the Directive No, 03/08/00, which clearly provides for covering some parts of the body and makes strip search conditional to the prisoner's consent. If the prisoner refuses, he should be given a chance to present his objection to the IPS officer. If the latter does not agree with the prisoner's claims, the search can be done by those who have the power to do so using a "reasonable amount of force," with a written approval by the IPS officer.

Chapter Two

IPS special units – Nahshon unit as an example

There has been an increased reliance on the Special Units within the IPS and their role has been more prominent in oppressing and torturing Palestinian prisoners and detainees since Yaakov Ganot assumed the position of IPS director in 2003. Since then, he has implemented a plan aiming to subdue the prisoners through a series of measures. In the same year, he announced the formation of the Massada unit, which has gained a criminal reputation.

According to prisoner Walid Daqqa, measures taken by Ganot have achieved several objectives within his plan agreed with former Prime Minister Sharon. These objectives include, among others, modernization of prison administration and detention patterns, and restructuring of the duties of various units and staff in light of a technological shift taking place in the Israeli prisons during the last decade.

Since the appointment of officer Yossi Kadish, former director of Ashqelon Prison to the Special units, their roles have increased. Kadish was assigned the duty to monitor compliance with the IPS decision to impose brown uniforms for prisoners during their transportation between prisons and to courts, during family visits and during meetings with lawyers. The IPS assigned the Nahshon unit the task to ensure that prisoners comply with these new instructions, retaining for itself the power to impose disciplinary measures under its directives.

The same applies to strip searches, which have recently become an IPS consistent policy towards prisoners during transfers and raids of their cells and sections. The strip search policy plays a major role in humiliating the prisoners, inducing a sense of defeat and inferiority within them and abusing and punishing them whenever they resist the search.

We will present here the description of Nahshon units and their duties, as presented on the IPS website. Next, we will present a number of testimonies and sworn affidavits detailing brutal aggressions by the special units against prisoners and detainees.

1. Description of the Nahshon unit

In Hebrew, the term “Nahshon” means strength, firmness and sternness. The term “Massada” has Jewish historical relevance. The description of both units as presented on the IPS website does not reveal substantial differences in terms of the training and arming of members of these two units, even in their duties and objectives.

The Nahshon unit was established in 1973 under the name “Security and Instructions Unit.” Its name was changed to Nahshon Combatants Unit in 1993. Its duties include escorting “criminal and terrorist prisoners.” Having a membership of 800 combatants, the unit is attached to the IPS and acts according to the instructions and directions of the IPS, army, police and public security.

IPS data indicate that the Nahshon Unit transports 1,800 prisoners daily between imprisonment facilities and to courts, hospitals and medical centers for treatment.¹⁶

Abdul-Nasser Ferwana emphasizes that the Nahshon unit is among the largest and strongest Israeli military units. As declared, it was created specifically to ensure control of prisons by subduing the so-called “riots” inside prisons. Members of these special units have a distinct uniform with a tag reading “Prison Security.” They include military personnel with strong bodies and deep experience and competencies, who have served in different military units in the Israeli occupying forces. They also possess technical fighting skills, including the use of different types of arms and equipment, and physical and fighting abilities required for direct confrontations.

Unit members receive special training on how to oppress any “rebellion” by prisoners and detainees. Their duties include addressing various emergencies inside prisons and detention facilities, including hostage situations. The IPS allocates a special team from these units to each individual prisoner, who work around the clock incessantly. The IPS relies

16. There around 22,000 criminal prisoners in Israeli prisons. The number of Palestinian security detainees during the research period ranged between 4,600 and 5,500.

on these units to carry out raids of prisoners' cells, subdue them day or night and keep the prisons under control. Unit members also possess high-level capacity and facility to move quickly from one prison to another, as they can be called on to act in the same prison or another as soon as there is an indication of protests or in cases when the prison administration wants to escalate its measures against the prisoners in an intentional and planned manner. As such, these units remain prepared and ready to act if the situation develops.¹⁷

Testimonies by prisoners indicate that there are significant differences in the treatment by Nahshon units and IPS guards. Prisoner Anas Al-Shanti reports: "Clearly Nahshon members as a special unit have received specialized trainings on how to deal with Palestinian prisoners. They combine intimidation and physical violence on one hand with demolishing the prisoners' morale and psychologically subduing them on the other. This does not seem to be the case with prison guards. I believe this is a systematic measure, as these units function in an integrated manner, dividing the roles among themselves, as it is impossible for all units to use the same level of violence so that they can play different roles".¹⁸

Nahshon buses

The Nahshon unit transports prisoners by special Mars Prisoners Buses made by the Israeli company Merkavim especially for the IPS. The bus is composed of six separate cabins equipped with an advanced surveillance system, and an advanced intercom system. The windows are bullet-proof.¹⁹

Mayer's Cars and Trucks has the exclusive license from the Swedish company Volvo, which has holdings of 26.5% in Merkavim factory. Therefore, many human rights organizations, including the Israeli organization Who Profits, consider Volvo an accomplice in murders committed by the Israeli occupation and its special units.²⁰

17. See Odeh, Zeinab. Special Oppression Units in the Israeli Occupation's Prisons, 20 April 2010.

18. This testimony was given to Addameer lawyer on 27 July 2011 in Negev Prison.

19. Ibid.

20. For more information on this issue, see David Cronin, Volvo equipment enabling torture, facilitating occupation, accessible on: <http://electronicintifada.net/content/volvo-equipment-enabling-torture-facilitating-occupation/9117>

Prisoners have described these buses as armored buses with the Nahshon unit logo, made of steel and with the capacity to hold approximately 46 detainees. Inside, they are divided into several sections: the larger cabin is on the right, and can hold around 32 detainees. On the left, there are two cabins, each with the capacity to hold 7 persons. They are so small that a person sitting can hardly extend his legs. In between the large section and the isolation cabins, a place is designated for Nahshon members accompanied by police dogs at times and equipped with machine guns to monitor and control the prisoners by yelling at them, threatening and sometimes firing weapons at them.²¹

In their testimonies to Addameer lawyers, prisoners reported that the conditions inside the bus cause them great suffering and danger. The bus does not meet road safety standards. It is made of steel and detainees are shackled by their hands and feet. The bus drives fast and any turn or use of brakes pushes the prisoners against each other and causes them bruises and injuries.²²

Nahshon Weaponry

Testimonies by prisoners confirm what was indicated by the researcher Abdul-Nasser Ferwana (2007), a prisoners' affairs expert, that the Nahshon Unit is equipped with a multitude of modern arms, including knives, batons, poisonous gas, tear gas, rubber-coated metal bullets, incendiary ammunition, the internationally banned dumdum bullets, live ammunition, electric shock devices and other types of weapons and ammunition that have no specific name and are believed to be products of the Israeli military industry, which are being tested on Palestinian prisoners and detainees to enhance their marketability.

In his 2007 report, Ferwana revealed that the Nahshon unit use the Malinois (Belgian shepherd) police dogs. He relied on a report published in the newspaper Yedioth Ahronoth by the Israeli journalist Amir Ben

21. In the next chapter, we will describe the internal design and conditions of the bus. We will also present testimonies by prisoners and detainees who have been subjected to beatings and insults during their transfer.

22. From a testimony by the prisoner Mukhles Burghal during his meeting with Addameer lawyer in Gilboa Prison on 11 June 2011. Burghal was released in an exchange deal on 18 October 2011.

David, who attributed the choice of this dog breed to the fact that this is a “super dog” with high capacity, pain tolerance and longevity. Reportedly, this breed does not get distracted by anything while pursuing the task assigned to it by soldiers.

Major tasks carried out by Nahshon as reported on the IPS website:

- Escorting security and criminal prisoners or detainees from one imprisonment facility to the other.
- Securing the prisoners in military courts.
- Escorting prisoners and detainees in Public Security interrogation centers and during interrogations in buses.
- Escorting security and criminal prisoners and detainees during medical examinations in IPS-affiliated hospitals and civil hospitals.
- Conducting wide-range searches within the prisons in an attempt to discover military equipment, drugs, cellular phones, etc.
- Delivering prisoners from abroad as part of an international extradition agreement.
- Intervening during irregular occurrences in the prisons in order to impose order and safety.
- Securing IPS staff members who are being threatened.

2. The role of the Nahshon Unit in enforcing IPS policy

Introduction

The Israeli occupying authorities hold Palestinian prisoners and detainees in 16 imprisonment facilities located outside the territory occupied in 1967,²³ which constitutes a flagrant violation of article 76 of Geneva Convention IV.²⁴

This situation requires prisoners' relatives to apply for special permits from the Israeli Civil Administration (ICA), which is affiliated with the IOF in the OPT, in order to visit their detained family members. This process shows that visitation rights are not upheld, but are rather regarded as a privilege.

Israeli prisons are geographically divided into two parts. The first are the southern prisons, which include Ashqelon to Nafha, Ramon and Ktziot/Negev prisons. These prisons are under the IPS administration and managed by Nazim Sabiti, commander of the IPS' southern bloc.

These prisons have special units known as South Units, in addition to or in lieu of the Massada Unit. Members of these units are responsible for the killing of the prisoner Mohammed Al-Ashqar in 2007. During the raid of Ktziot/Negev prison, members of the South Units fired at prisoners from close range without any justifiable reason, as demonstrated by a video that was publicly released following a ruling by the Israeli High Court in 2011. The incident also included severe beating of prisoners by batons and use of poisonous gas against them.

The prisons in the southern bloc are known for their poor conditions due to their strict administration, which aggravate the environmental conditions of extreme humidity in summer and extreme cold in winter. The major issue, however, is that they are located in close range of the Israeli nuclear reactor in Dimona, which poses serious threats to prisoners' health, including the increased risk of cancer.

23. On October 3, 2006, the responsibility for Ofer prison was moved from the Israeli army to the IPS. Megiddo prison became under IPS responsibility starting February 15, 2005. On March 1, 2006, responsibility for Negev (Ktziot) prison was moved from the Israeli army to the IPS.

24. Ofer prison located to the south west of Ramallah City, with a capacity of around 800 detainees, is the only prison inside the OPT. Nevertheless, families are required to obtain permits from the ICA in order to visit their detained relatives. See prisons' map attached to Annex 2 of this report.

Northern prisons extend from Hasharon prison to Damun on the top of Mount Carmel. Conditions vary between these prisons, with some recently constructed to accommodate Palestinian detainees specifically, while others are older structures such as Ashqelon prison. Some were constructed during the British mandate and then used as horse stables or a cigarette factory, such as Damun prison.

These prisons usually have Druze guards and jailors, who speak Arabic well and strive to gain trust of the Israeli authorities. They are notorious for being strict and extraordinarily harsh in their treatment of Palestinian detainees despite their identity as Arab Palestinians.

Similar to prisons in the south, prisons in the northern bloc are under the IPS administration and served by special forces responsible for transporting and subduing detainees, including the Nahshon Unit, which mainly specializes in transporting detainees as well as other duties, with assistance from other units like Yamas, Baron and Massada.

1.Division of prisoners and detainees according to geographic considerations – a means for oppression and fragmentation

In addition to holding Palestinians in prisons outside the OPT, the Israeli occupation authorities employ the geographic locations of prisons in a systematic way as a tool to oppress detainees and prisoners and increase the suffering of their families.

A prisoner or detainee living with his family in Jenin in the northern West Bank, for example, is usually placed in a prison in the farthest south, and another whose family lives in the southern West Bank is placed in a northern prison, and so on.²⁵

According to Jamal Tirawi, a Palestinian Legislative Council (PLC) member and representative of prisoners and detainees in Megiddo prison, “there is an agreement between prisoners and the IPS to transfer prisoners and detainees to prisons close to where their families live. But the IPS has

25. For example, the IPS transferred 27 prisoners and detainees from the northern part of the OPT from section 4 in Gilboa prison to Nafha prison in the farthest south, causing great tension and resentment among prisoners as this policy aims to create difficulties for family visits. In this regard, the administrative detainee Imad Al-Batran from Hebron, who is held at Megiddo prison, went on a hunger strike in early 2013 demanding that he is transferred to a prison in the south because his parents are old and cannot make the difficult trip to the prison in the north.

recently breached its commitment and started to employ the transfer of prisoners to prisons far away from their place of residency as a means to punish the prisoners and their families.”²⁶

Relentlessly seeking to undermine the cause and identity of prisoners and dismantle their organizational structure, the IPS has allocated special prisons or sections to Palestinian prisoners from Jerusalem and from inside Israel to prevent their interaction with the rest of prisoners and detainees from the West Bank and Gaza Strip.

Moreover, the IPS allocates special sections, particularly in the southern bloc prisons, for Gaza prisoners to reinforce the policy aimed at separating Gaza from the rest of the OPT, disintegrating social and organizational ties and creating separate realities for people in each part of the OPT.

Following the Palestinian divide between Fatah and Hamas movements and the events of July 2007, the IPS sought to reinforce the Palestinian internal tensions among prisoners by separating Hamas prisoners from those of Fatah, allegedly to prevent clashes between them.

With this regard, prisoner Walid Daqqa reports that the IPS has maintained the previous system of designating special cells for each faction within each prison section. However, the internal division of members of the same faction being distributed in the majority of prisons according to geographic affiliations or according to type of locality (camps vs. towns), contradicts the previous distribution of prisoners, since the national movement has been alert and promoted national ties and organizational relations that are built on voluntary political basis rather than kinship or geographic affiliations.

The following part will present excerpts from testimonies and sworn affidavits that detail the aggressions by the Nahshon units against prisoners and detainees during their transport from one prison to another over the past three years. First, we will first address the details of the transfer process.

26. From an interview with Jamal Tirawi by a lawyer from the Ministry of Detainees' Affairs published on January 13, 2013.

2. Details of the transfer process

The Special Units transport detainees and prisoners to various destinations, such as from interrogation and arrest facilities to detention centers and prisons, to and from courts, and between prisons and external medical facilities.

Transfers between prisons are based on IPS decisions. In a few cases, the decision is based on a request from the prisoner or detainee for personal reasons, such as transferring them to a prison closer to their family's residence or a prison with other family members.

Transfer of prisoners and detainees from one prison to another or to a solitary confinement section is often carried out as a form of individual or collective punishment. Such transfers are also meant to dismantle the social and organizational ties and create disorder within the prisoners' national movement and to increase the suffering of their families.

The transport process

The time needed to travel to the court or between prisons varies according to the location of each prison. Sometimes, the travel process takes three days and or up to one week, especially if the timing coincides with the Jewish weekend or holidays.

For example, when transferring a detainee from Beersheba prison to Ofer military court, the detainee will be transported on the first day to Ramleh transit station, where the detainee would spend the night in Ramleh

Torture through strains

In addition to torture sessions, a series of processes is employed to break down the prisoners' resistance, mainly by using psychological/nervous strains and control of basic physical needs. Both methods aim at bringing the detainee to a state of exhaustion. Contrary to violent physical torture, these mechanisms are often free from direct violence but their effects are equally grave.

(Mustafa Hijazi, *The Psychology of a Wasted Human*)

prison. The next morning, he or she will be taken to Ofer military court and brought back to Ramleh prison late at night. Sometimes, he or she would be forced to spend the night in Ramleh prison again, but more often the detainee would return to Beersheba prison at night and spend the night in the waiting room at the prison entrance. The next morning, the detainee will be allowed to return to his or her cell. This means that a detainee may stay three days and two nights outside the prison in order to attend a court session.

If the court session is on Sunday, the detainee would leave the prison on Thursday morning and return to the section on Monday morning only. Thus, the trip would take five days for an approximately two to three minute court hearing.

For a detainee from Nafha prison, an extra one or two days may be added. For example, upon return from court in the evening, the detainee will spend a night in Ramleh prison, and then another night in Beersheba prison and a third at the waiting room of Nafha prison, before being able to return to their section the next morning. This means a detainee from Nafha prison would spend two days going to court and three days returning to the prison. Transporting a detainee from Negev prison to Ofer court would take 6-7 days round trip.

The transport process is divided into several phases, starting from giving the detainee a notification of transfer – an arduous journey that will last for several days.

Notification of transfer

In most cases, the detainee or prisoner is notified of their transfer after the last headcount the evening prior. In cases of “oppression,”²⁷ he/she will be notified of the transfer on the same morning during the first headcount at 6:30 AM. In such cases, the detainee will have half an hour to prepare

27. In this context, oppression refers to the transfer of the prisoner to another prison or to solitary confinement, either in the same prison or in another one, for refusing to obey IPS orders or for resisting the decisions of the prison administration. Many times, the transfer decision is due to verbal confrontation with a jailor, an intelligence agent or a prison administrator. The term is also used to describe the transfer of prisoners and detainees during their hunger strike.

for their transfer, during which he/she must wear their prison uniform and pack any personal belongings. The detainee is not given the opportunity to say goodbye to colleagues in other cells.

Search and Handover

On the day of the transfer, the IPS guards remove the detainee or prisoner from the cell around 7:00 AM to undergo a physical search. Their belongings are also inspected. Then, the detainee is transferred to the waiting room, a room with an area of 16 square meters, that holds up to 20 detainees at a time during transfer. The approximate waiting period is four hours, during which they are not allowed to use the toilet, eat or smoke cigarettes.

The Nahshon Unit usually arrives at 11:00 AM to transfer the detainees. At this point, the jurisdiction over the detainees is transferred from the IPS to the Nahshon Unit, who are responsible for their transportation.

Boarding the Bus

Before transport, the Nahshon Unit members order each prisoner to extend their arms through an opening in the waiting room door in order to be shackled, and tight steel cuffs are fitted onto each detainee. Then, the waiting room door is opened and detainees are shuffled through, where their legs are shackled, and undergo another round of physical searches including passing through a metal detector. They are then ordered to carry their belongings with shackled hands and legs and walk to the transport bus. Luggage is put in boxes underneath the bus.

The Black Box

The transfer bus is divided into two parts: 1) the driver's cabin, where he is accompanied by a Nahshon Unit member, 2) an armored box that can hold up to 46 persons. This section is referred to as the "black box."



Nahshon buses transporting prisoners and detainees

Detainees and prisoners board the bus from a door located in the middle of the armored section. On the right, a metal partition separates two isolated cabins from a larger one. The large cabin can accommodate 32 detainees and each isolated cabin can hold up to seven detainees.

Near the top of the bus, there is one narrow, rectangular window approximately 10cm in height and covered by metal perforated sheets which prevent proper ventilation of the bus. This makes the transport conditions even worse, as the Special Units members refuse to use the air conditioner.

The prisoners sit on dual seats made of metal plates. The detainees consider these small, closely aligned seats a tool of torture that cause back and neck pain and deprive them from relaxation or napping during the long transportation process.

Palestinian detainees are often transported with criminal prisoners. While the Palestinians are transported while shackled by hand and foot, criminal prisoners are only cuffed by one hand to one another, allowing them more mobility and comfort.

A Journey in Shackles Without Rights

Prisoners and detainees have described their transport as a method of systematic yet hidden torture, with security used as an excuse to oppress the detainees. They are denied basic rights, for example it is prohibited to carry any objects onto the bus, standing, looking through the window, reading, listening to the radio or praying. In some instances, they are not allowed to talk to each other. The Nahshon Units often invoke confrontations with the prisoners in order to justify severe beatings and various types of punishments during transportation.

Furthermore, the detainees are not allowed to use the toilet, eat, drink or smoke throughout the long journey that can last for more than 12 hours. No special considerations are given to sick prisoners.

In their testimonies to Addameer, detainees stressed that such strict prohibitions apply to Palestinians only and the Nahshon Units are more lax with criminal prisoners, often allowing them to smoke in the bus and letting them exit the bus along the way to use the toilet. Palestinians are generally denied this opportunity, except in exceptional circumstances.

3. A Testimony Describing an Ex-Prisoners' Transfer from Nafha Prison to Ramleh Transit Station

“The Road to Hell”

Testimony was taken by an Addameer researcher in August 2012.

From Nafha to Beersheba

“The bus departs from Nafha prison at about 11:00 AM, arriving at Beersheba prison one hour later. It stops for four consecutive hours during which the prisoners are kept confined to the box with their hands and feet in shackles. During this time, the Nahshon members take a lunch break and sometimes staff changes take place.

The prisoners are not allowed to go to the toilet, including sick prisoners. Often clashes take place between the detainees and the Nahshon members for refusing to let them use the toilet. When such clashes occur,

the Nahshon members seize the opportunity to abuse the prisoners, beating and insulting them. This treatment lasts throughout the journey.”

From Beersheva to Ashqelon

“Following hours of meaningless waiting, the bus departs again in the direction of Ashqelon prison, arriving there in around 50 minutes. Once again, the bus stops for four consecutive hours, during which, we stay in the same position... no changes. We spend hours digesting our distress and bitterness, combined with winter cold or summer humidity. No food is offered and exercise is banned.”

From Ashqelon to Ramleh

“We arrive to Ashqelon at about 6:00 PM. The same scenario is repeated along with the same stress, waiting and deprivation. We keep waiting for three hours until the bus resumes the journey in the direction of Ramleh prison. We arrive there in 30 minutes, at around 10:00 PM, but the suffering does not end there. Upon arriving to Ramleh prison, we are held in the external waiting room for another hour, with our hands and feet in shackles. Upon entering the internal waiting room, they separate us from criminal prisoners. Nahshon members untie the shackles on our feet but our hands remain shackled. They hand us over to the prison guards. Half an hour later, they start to distribute us to different cells. At this point, we go through a manual physical search with our luggage. Next, we go through an electronic metal detector, during which the IPS guards may confiscate many of the items that we were allowed to carry when we left the prison. Every two or four prisoners are assigned to a cell. We get our hands unshackled only when we enter the cells.”

Ramleh Transit Cells

“There are two types of cells: a small cell, which is a small room not larger than 2 x 2 meters with a bunk bed, toilet and washing basin, and a large cell, which is a room not larger than 4 x 3 meters with two bunk beds, a toilet and washing basin. Half an hour after arrival, at around 11:30 PM, and after spending more than 16 hours without food, the prisoners get a modest meal that can hardly satisfy their hunger. The prisoners prepare coffee or tea and eat whatever they are offered.

Ramleh transit cells are dirty and rotting, with a bad smell due to poor hygiene, and infested by insects, especially in the summer. The bedding is very poor, with a thin (5 cm) dirty sponge mattress. When prisoners are deprived of the necessary hygiene products, staying in such cells put them at risk of contracting diseases, including lung and skin infections.

Prisoners in transit are often subject to insults and curses from the jailors whenever they ask for objects to be moved from one cell to another. Sometimes, the verbal clashes may develop into beatings and physical abuse of the prisoners.

At 6:00 AM the next morning, the jailors force the prisoners to wake up by knocking on the doors with their steel keys. They call the names of traveling prisoners, and often a group of prisoners are left in the cells till the next day. Sometimes, some prisoners are transported by mistake, as they do not have a court session that day.

The traveling prisoners are then taken to the waiting room, where they undergo a thorough search and their hands and feet are shackled once again. The bus then takes them either to prison or one of the military courts.”

Endless Suffering

“The transit bus arrives to Ofer military court at around 9:00 AM. Every 12-13 prisoners are held in a small room no larger than 4 x 4 meters, which looks like a cell more than a room. There are no windows to ventilate the room and the only ventilation comes from a opening in the lower part of the door.

Although prisoners are in this room for more than 9 hours (from 9:00 AM to 5:00 PM), they only receive one meal and have to eat it with their feet shackled.

At around 5:30 PM, the prisoners are taken from the rooms, subjected to a thorough search, and have their hands shackled. The bus takes them back to Ramleh prison.”

Chapter Three

Testimonies of aggressions by Nahshon Units against prisoners and detainees in transit

Introduction

Although transfer of prisoners and detainees between prisons is not explicitly stated as a punishment in IPS directive regarding discipline for prisoners (No. 04/13/00, updated 18 July 2010), in reality the IPS systematically uses transfers as an form of extrajudicial punishment to continue to inhumanely treat the prisoners and detainees often times as a direct response to the prisoners' resistance of policies that undermine their fundamental rights enshrined in IHL. Transfer is also used as a form of systematic physical and psychological torture of the prisoners in an attempt to compel them to give up their rights.

In an appeal to the Israeli High Court of Justice in 2008 and 2009, Adv. Abeer Baker from Adalah - The Legal Center for Minority Rights in Israel strongly demanded that transfer conditions improve and transport hours reduced, stressing that "The prisoners sometimes prefer to give up their constitutional rights in advance, such as their right to seek justice or receive medical attention, as a result of the cruel and substandard transport conditions and in order to avoid going through the suffering and humiliation associated with the transfer."

According to the Addameer database, Nahshon Units have transported more than 1,500 Palestinian detainees and prisoners as a form of punishment in 2011 and 2012.

Here, we will present testimonies by detainees and prisoners revealing violations of their rights by the Special units between 2009-2012 in the following contexts:

1. During transport to court sessions.

2. When detainees and prisoners refused to abide by the strip search instructions and wear the IPS uniform, or when they refuse to take the DNA test.
3. When detainees and prisoners show resistance during raids.
4. During individual and collective hunger strikes, including solidarity strikes.

Forms of torture are infinitely diverse. There are always new forms. Literature on this issue, including reports, testimonies and stories, as well as scientific and technical (physiological and medical) references, are full of various forms of it. At the very least, one can see that such forms of torture reflect violations of humanity simply by failing to recognize the humanity of humans.

(Mustafa Hijazi, Wasted Human, p 131)

1. Cruel and degrading treatment during transport

• Testimony by the detainee Fatima Al-Ziq

Fatima Al-Ziq, who gave birth to her son Youssef behind bars, said that during her detention, the hardest experience was being transferred in the prison bus guarded by the Nahshon Unit.

According to her testimony: “In 2009, during my transfer between the prison and Kfar Saba hospital for prenatal checkups, I was transported with my hands shackled in the darkness of the bus’ box for four hours. Nahshon female members turned the air conditioner on to the maximum cold and then they turned it to the maximum heat as a form of torture.”

Fatima also recounted another incident that took place during her transfer from Hasharon prison and Beersheba prison. Her infant Youssef was with her during the transfer, but her hands were shackled and she was unable to hold or breastfeed him. The baby started to cry, either from hungry or fear of darkness, but she could do nothing to soothe him. When she asked them to stop in order to soothe the baby, they agreed only after cursing at her and spitting on her.”

- **Sick administrative detainee subjected to abuse and cruel treatment**

Dr. Issam Rashed Hasan Al-Ashqar, who has been detained in Megiddo prison since 17 March 2009, suffers from hypertension, atherosclerosis of his renal arteries (ASVD) and tachycardia (fast heart rate). Prison physicians recommended surgery to expand the atherosclerotic arteries. Following such surgery, a patient requires a recovery period with adequate rest in order for the surgery to be successful. In the absence of a recovery period in prison, Dr. Issam refused to have this surgery but continued to take his medications and visiting the physician in the prison. In view of his deteriorated health condition, the prison physician recommended that his transport be in a special car and individually in order to prevent a hypertension attack. Furthermore, his health condition does not allow for him to be held in a closed and crowded spaces full of cigarette smoke, as is the case in the Nahshon transport vehicles.

The Nahshon Unit refused to respect the instructions given by the prison physician and only transported Dr. Issam in a special car from Megiddo prison to Al-Jalamah prison, before transferring him to a regular Nahshon bus.

- **Nahshon unit members physically beat Izziddin Al-Qadi during his transfer from the Russian Compound detention center to Megiddo prison**

In a testimony given to Addameer's legal researcher on 19 July 2011, detainee Izziddin Al-Qadi (19 years old) describes an incident in which Nahshon members physically abused him during his transfer from the Russian Compound detention center to Megiddo prison:

"In my return journey from Ofer military court to Megiddo prison on 19 March 2011, the bus stopped as usual at Ramleh prison transit station. I exited the bus and a Nahshon soldier wanted to untie the shackles around my feet, which were pressing on my bones, I felt severe pain and moved my foot. Suddenly the soldier started to beat me with a baton. He kept beating me for three minutes. He then called two other soldiers in Nahshon uniform and they all started to beat me with batons and steel

shackles. All of this took place in front of all the other prisoners and detainees. Whenever I tried to raise my arm to protect my body, one of the soldiers would force it down, while the three of them kept beating me in a brutal way. They beat me with their batons on my waist, sides and feet. The beating continued for about five minutes, then they would stop for three minutes and resume the beating. They never informed me about the reason of this beating.

- **Child detainee Ala' Al-Ju'beh, 17 years old, severely beaten by a mentally disabled Israeli criminal prisoner during her transport to court**

Ala' Al-Ju'beh was beaten by an Israeli prisoner with a mental illness during her transfer from Hasharon prison to Ofer court on 13 June 2012. Ala' says that the criminal prisoner tried to strangle her with a handkerchief and was about to kill her. She stopped only after Nahshon members intervened after a delay. Ala' had previously asked the Nahshon Unit not to transport her with this prisoner but her request was rejected. This also reflects a violation of the rights of the Israeli criminal prisoner with the mental illness, as she should be transported in a special bus to preserve her own and others' safety.

- **A Nahshon member strips Majdi Al-Sous naked and takes a photo of him with his mobile phone**

Israeli soldiers and members of the Special Units often unleash their sadistic attitudes in trying to gain control over their victims. Such attitudes explain their engagement in improvising ways of torture and gaining pleasure from their victims' pain. Physical and moral humiliation is just an aspect of the type of physical torture aimed at insulting the detainees and destroying their self-image and self-esteem. Stripping the detainees naked, teasing them, and taking photos of them in such situations is one of the most harmful and insulting means used to undermine the sanctity of one's body and religious and ethical integrity. The cultural dimension is even more difficult to tolerate, as such practice aims at humiliating the victims and denying them their humanity.²⁸

28. Hijazi, Mustafa. Op. cit., pp. 145-146.

On 16 May 2011, at 4:00 AM, the prison administration informed the detainees Youssef Abdul-Aziz, Majdi Al-Sous, Mustafa Al-Qaimari and Rabee' Al-Sa'di, of their transfer to Shatta prison without any prior notice and without informing them of the reasons behind the decision.

While preparing for the transfer the detainees were subjected to a strip search. A Nahshon member took a photo of the detainee Majdi Al-Sous naked using his mobile phone. Instead of conducting an investigation into a violation by a Nahshon member of the prisoner's dignity according to IPS regulations, the administration of Shatta prison instead punished Majdi Al-Sous by putting him in solitary confinement and accusing him of refusing to comply with the strip search.

2. Nahshon abuse of detainees in court sessions

- **The Israeli High Court – a crime scene for Nahshon Unit crimes**

On the morning of 30 September 2009, the Israeli High Court of Justice in Jerusalem examined the case of Mohammed Khalil Salah Abu Jamous, who was appealing his detention under the Illegal Combatants Law. Abu Jamous was given an ICL order eight months after his sentence expired.

When the hearing ended, two Nahshon soldiers used extreme violence to push the detainee into a solitary confinement cell adjacent to the court. In the cell, he was forced to take off his clothes for a search. Suddenly, four Nahshon soldiers started to beat him severely for more than half an hour, and he was unable to put his clothes on again. The beating caused wounds and bruises all over his body. When he asked a soldier about the reason for this beating, the soldier answered: "You are an illegal combatant from Gaza. You are a saboteur." They resumed beating him for a second time until he was exhausted.

Abu Jamous demanded from the officer assigned to him to file a complaint considering how bruised and wounded he was. However, eight Nahshon soldiers crowded around him once again and threatened to kill him if he filed a complaint.

These violations are not the first to be witnessed in Israeli courts. On 27 March 2006, Nahshon members severely beat detainee Yaqoub Thalji

Al-Rimawi in the holding cell at Ofer military court, using batons and the butts of their machine guns, causing him to lose sight in his right eye.²⁹

- **Nahshon members severely beat a detainee in Ofer military court in front of judges**

Detainee Abdul-Rahman Mahmoud Ilayan Zayed was severely beaten by Nahshon members on 7 November 2012 during a hearing in Ofer military court. According to his testimony, his sister tried to approach him and hold his hand. He tried to warn her not to come close to him as she is not allowed to do so, but a soldier pushed her violently.

Seeing this, the detainee said he left the bar and approached the judge to demand the presence of a female soldier and that the soldier be prevented from touching his sister. However, Nahshon members started to beat him. They took him out of the court to a corner without surveillance cameras and resumed the beating, as well as tear gassed him.

The same detainee was later subjected to a number of punishments from the prison administration, including denial of family visits from 15 November 2012 to February 2013 and solitary confinement for two days.

- **Nahshon members abuse hunger striker Samer Issawi and his family in the magistrate court³⁰**

The magistrate court in occupied Jerusalem held a session on 18 December 2012 to review the case of Samer Issawi who was re-arrested by Israeli occupation forces on 7 July 2012 following his release in an prisoner exchange deal on 18 October 2011. Samer arrived at the court escorted by members of the Nahshon Unit.

Advocate Anan Odeh, who was present in the court when the abuse took place against Samer Issawi reported: "On 18 December 2012, at 11:00 AM, there was a court session for the detainee on hunger strike Samer Issawi. Samer entered the court at around 11:00 AM in a wheelchair because of his deteriorated health condition. He tried to greet his mother and sister

29. To view details of the sworn affidavit of the detainee Yaqoub Al-Rimawi about the abuse incident, see: <http://ahrar.ps/a/?p=3555>

30. To view the profile of the detainee Samer Issawi, see Addameer website on: <http://www.addameer.org/atemplate.php?id281>

but he was beaten severely by Nahshon members, who started to beat him all over his body, concentrating on the neck, chest and abdomen, in a brutal and hysteric way. Instead of intervening, the court judge just left the court room, while Nahshon members continued their abuse of the detainee.”

Advocate Odeh added, “The detainee’s mother was in a difficult situation and she was banned from attending the session along with her daughter, Adv. Shireen Issawi. I asked the judge to order the transfer of the detainee to a hospital at once for treatment but he refused and insisted on holding the hearing. When the court session was over, Samer tried to address the press about the Nahshon abusing him, but they carried him from his wheelchair and pushed him to the lift forcibly to prevent him from communicating with the press.”³¹

3. Nahshon abuse of prisoners and detainees for their refusal to be strip searched and wear the uniform

- **Nahshon unit members abuse 17 detainees for their refusal to wear the orange prison uniform**

In his testimony to an Addameer lawyer, Nasser Abu Humaid Naji, the representative of prisoners and detainees in Ashqelon prison, stated that in early 2009, Nahshon members used physical violence against detainees. In May of the same year, they repeated this abuse with detainees that were transported to prison in busses because they refused to put on the orange uniform. Nahshon members raided the waiting room and attacked the detainees, beating them with batons and firing tear gas at them. The abuse resulted in injuries of 17 detainees.

- **Female detainee Sumoud Karajeh abused at Ramleh prison transit station for objecting to a strip search**

In a testimony to an Addameer lawyer, Sumoud Karajeh described her abuse for refusing to be strip searched in 2010: “I was transported in the bus one day before the date of my court session in Ofer prison. The

³¹. Testimony by advocate Anan Odeh to Addameer on 18 December 2012.

bus stopped at Al-Jalameh prison first, and at Hasharon prison next, and finally we were taken to the transit station at Ramleh prison / Neve Tirza. As usual, we were taken to the waiting room pending the completion of admission procedures. I was taken to a room with an area of 4x4 meters.

The female prison guard ordered me to take off all my clothes. The usual procedure is that they search the upper body first and then the rest of the body without taking off the underwear. I objected to the strip search. Immediately the female prison guard in charge arrived and called for a male guard known as Shahar as I remember. When this male guard started to pull my hair I understood the purpose was to beat me rather than to carry out any search. The male soldier pulled my hair while Maya, the guard in charge, twisted my arm with the other female guard holding my other arm and bending it to my back. The guard in charge Maya hit me with the shackles on my left shoulder. She then twisted my arms before putting them in shackles. The other female guard Nurit kicked me at my knees and spat in my face. They pulled me by the shackles in a very painful way, causing wounds in my arms and bleeding feet. The search and beating continued for about an hour. At 10:00 PM they placed me in a very small cell with an area of no more than three meters. The cell seemed to be old and abandoned, the toilet was not functioning, there was no water, but there were lots of insects and some food leftovers smelling very bad. There was no mattress.”

- **Prisoner Kifah Hattab abused for demanding to be acknowledged as a prisoner of war**

Kifah Hattab (52 years old) started an open hunger strike several times in 2011 and 2012 demanding to be recognized as a prisoner of war according to the Third Geneva Convention. He refused to wear the prisoners’ uniform and undergo a strip search by the IPS.³²

Addameer has documented various buses by the Special Units against Hattab, where he described how twenty heavily armed prison guards in Shatta prison dragged him to a solitary confinement cell in an attempt to

32. The IPS has insistently tried to punish the prisoner Hattab in various ways, including by transferring him from one prison to another, imposing high financial penalties on him, holding him in solitary confinement for various periods of time, and denying him the right to family visits. The IPS also ordered its special units to use severe beatings with him on different occasions and in different prisons.

force him to abide by putting on the uniform. They beat him with batons, sprayed him with water hoses and forced him to put on the uniform in breach of a previous agreement to not force him to wear the uniform since the IPS accepted his status as a prisoner of war.

- **Nahshon Units abuse administrative detainees in Ofer court for refusing to wear the uniform**

According to article 5 of IPS Directive 04/02/00, administrative detainees have the right to wear their personal clothing as long as they do not affect their health or public order.

However, testimonies by administrative detainees in Ofer prison reveal that the IPS does not acknowledge their rights, including the right to wear their personal clothes. For example, on 24 July 2012, Nahshon units used physical violence against several administrative detainees in the Ofer military court yard due to their refusal to put on the IPS orange uniform.

4. Abuses during prison cells raids and arbitrary transfer

- **Nahshon Unit oppresses detainees in Ohalei Keidar prison during their transfer to Ramon prison**

Jamal Rujoub, the prisoners representative in Ramon prison, met with an Addameer lawyer on 4 July 2011 and explained the details of the Nahshon's widespread abuse during a detainee transfer to Ramon prison:

“On 13 June 2011, the administration of Ohalei Keidar prison transferred dozens of prisoners and detainees to Ramon prison as a punishment related to the constant tension in the prison.

The detainees to be transferred were searched by the jailors inside the waiting room. Hours later, Nahshon Units arrived and conducted another search of the detainees. Before boarding the transfer bus, Nahshon members ordered them to go through a third search. The detainees were forced to take off their shoes while they were shackled. Furthermore, Nahshon members pushed detainee Mohammed Abdul-Rub and pepper

sprayed him, which induced the anger of other detainees who started shouting and yelling.

The Special Units then started to beat the detainee Abul-Rub, who was taken to Soroka hospital for treatment. The other detainees were also subjected to beatings and were sprayed by gas. Detainees Mamoun Salameh, Rafat Hrebat and Samir Fayed were injured. When arriving at Ramon prison, the Yamas Unit was waiting for them and once again they were forced to go through a scrutinized search.”

Rujoub added, “The next day, 60 other detainees arrived from Ohalei Keidar to Ramon prison. Upon arrival, the Yamas Unit wanted to conduct a strip search but the detainees refused to comply. The Special Units attacked detainee Haitham Salhiyeh to punish him, but the detainees’ protest prevented them from doing so. Later on, Salhiyeh was admitted to a cell in Section No. 2. The Yamas Unit raided the section at midnight and took him to a solitary confinement cell. They did the same with detainees Hasan Arar, Khaled Youssef and Fahd Sawalha.

5. Abuses during individual and collective hunger strikes

- **Nahshon units threaten to kill administrative detainee Khader Adnan during his open hunger strike**

On 10 January 2012, administrative detainee Khader Adnan was transported to Ofer military court, where he was informed that the regional military commander issued a four-month administrative detention order against him from 8 January to 8 May 2012 based on confidential information. In response, Khader Adnan declared an open hunger strike in protest of the torture he experienced during interrogation and his continued administrative detention. His hunger strike lasted for 66 days. He reported to an Addameer lawyer that he received death threats from Nahshon units during his transport to and from Ramleh prison medical center and to Ofer military court. During these transfers they cursed and ridiculed him using indecent language. One of them threatened to “explode his head” because he refused to talk to them.³³

33. To view the profile of the detainee Khader Adnan, see Addameer website on: <http://www.addameer.org/atemplate.php?id185>.

- **Incessant abuse of administrative detainee Hasan Al-Safadi as punishment for his hunger strike**

Administrative detainee Hasan Al-Safadi reported to an Addameer lawyer that Nahshon members and prison guards in Ramleh prison medical center use all forms of pressure and oppression to coerce him to end his open hunger strike. He had started a hunger strike on 21 June 2012 in protest of the renewal of his administrative detention. His hunger strike lasted 91 days.

Hasan Al-Safadi said he was subjected to physical searches, with his room being searched 3-4 times per day on average. On 30 July 2012, on the 40th day of his hunger strike, the section officer and three prison guards, accompanied by a nurse, raided his empty room to conduct a search, during which they deliberately damaged his personal belongings and shackled him for hours. They also tore the mattress on his bed to prevent him from comfortable sleep as well as to destroy his morale.

Al-Safadi was also severely beaten by Nahshon members and prison guards on 13 August 2012. They invaded his room at 9:00 AM and tried to transfer him and a fellow administrative detainee, Samer Al-Barq, who was also on hunger strike since 22 May 2012, to the rooms of sentenced sick prisoners. This move was in breach of IPS directives, which calls for the separation of administrative detainees from sentenced prisoners.

Both detainees protested their transfer in the prison corridor, objecting to the grave violation of their rights. Nahshon members tried to enforce the transfer by coercion and started to beat them. Al-Safadi was beaten twice on the head against a steel door, causing him to bleed and faint. He was then dragged along the floor, which was witnessed by all the other prisoners. At 10:00 PM, both detainees were taken back to an empty cell which contained nothing but a mattress.

- **Abuse of administrative detainee Samer Al-Barq**

Detainee Samer Al-Barq reported being subjected to torture and abuse by Nahshon Units during his transport to Ofer prison on 31 July 2012. When he arrived at Ofer prison, Nahshon members ordered him to get out of the car without offering him a wheelchair, although he had been on hunger

strike for 70 days and was suffering from pain in his leg due to a titanium plate implant from a previous accident. Furthermore, they stepped on his foot repeatedly in a violent manner. The detainee reported that Nahshon members brought him a wheelchair only after he was abused. They put the wheelchair next to the car and ordered him to get out without assistance and without consideration to his deteriorating health condition from his hunger strike. He was forced to crawl out of the car.

The Israeli High Court of Justice's position on transfer conditions and treatment of detainees by the Nahshon unit

In November 2009, Adalah - The Legal Center for Arab Minority Rights in Israel, Physicians for Human Rights and the Prisoners Rehabilitation Program at Haifa University Law School petitioned the Israeli High Court to demand improved conditions for prisoners during transport and a reduction in travel time. The appeal requested the following:

- To provide special transport for sick prisoners and those with special needs.
 - To allow the prisoners to use the toilet during the transport.
 - To provide a meal on a regular, daily basis.
 - To provide more buses transporting prisoners and detainees.
- One year after the appeal, the High Court finally responded to the appeal by saying that the appeal was not valid because the situation had improved for prisoners after the courts investigation. The petitioners ultimately withdrew the appeal in July 2010 to avoid a negative ruling, but it was clear that the prisoners situation had not improved and rather that the court was refusing to rule on the violations against them.

Conclusion

From detainees' testimonies and sworn affidavits to lawyers, the IPS has not taken any measure to make real improvements in the transfer conditions and treatment of detainees to preserve their rights and dignity. On the contrary, these aggressions and crimes have increased in the last

three years, benefiting from the position of the Israeli High Court, which reinforces racial discrimination against Palestinian detainees in its legal precedents and rejection of appeals made by Palestinian detainees and prisoners and human rights organizations.

Adv. Mahmoud Hassan, director of Addameer's legal unit, believes that the root of the problem lies in the IPS' disregard of the rights of Palestinian prisoners and detainees as stipulated in Geneva Conventions III and IV and the failure of IPS directives to comply with these and other conventions regulating prisoners' rights, duties and treatment.

According to Adv. Hassan, the Special Units, in particular the Nahshon Unit, benefit from the ambiguity of the provisions in IPS directives and misinterpret the concepts and rules, denying detainees any protection in view of the ambiguous texts of these directives and the absence of monitoring and accountability measures.

For example, instructions in the directives provide that shackling prisoners should be based on how dangerous they are. However, the Nahshon's treatment of Palestinian prisoners in comparison to criminal prisoners is drastically worse. Criminal prisoners are not shackled in public places and do not face the inhumane and degrading treatment faced by Palestinian prisoners. Moreover, the treatment of Palestinian prisoners does not reflect any association with the level of "danger" as stipulated in the IPS directives. Palestinian detainees are transported with their hands and feet in shackles regardless of their legal status, gender, health conditions, reason for detention, or age. During their transport, they are even forced to keep the pace of Nahshon members, which is very difficult for them to do while shackled, so they are forced to hop in a humiliating way.

Adv. Mahmoud Hassan concludes that the daily practices of the Special Units and the continuous violations against the Palestinian detainees are an integral part of their role within the IPS system to subdue the prisoners and undermine their dignity. This reflects the IPS philosophy, according to which imprisonment per se does not constitute the sole punishment but rather it is augmented by adding such systematic and daily crimes and retaliations.

Part Two:

Aggressions by Special Units against Prisoners and Detainees during Raids



Chapter One

Legal framework for the treatment of prisoners and detainees

Introduction

In this section, we will present the legal framework for the treatment of prisoners and detainees as stipulated in (1) customary IHL – the Hague Regulations, (2) Geneva Conventions, including the first additional protocol, (3) major rights of detainees in IHRL, and (4) the Israeli position towards prisoners and detainees as reflected in IPS directives regarding the so-called security prisoners. We will also briefly look at major statements made by Israeli commanders, since they provide the actual regulatory framework for the treatment of prisoners and detainees due to the vagueness of IPS directives and their failure to provide a detailed account of rights and duties.³⁴

Regulations associated with the Hague IV Convention (the Hague Regulations)³⁵

Israel, the occupying power, is not member to the Hague IV Convention of 1907, to which the Hague Regulations are associated. However, it is commonly agreed that the Hague IV Convention (and Regulations) are explanatory of customary international law and hence are binding for all states, including the occupying power.

On 30 May 2004, in response to an appeal against the military commander in the Gaza Strip by several Israeli human rights organizations and led by Physicians for Human Rights, the Israeli High Court acknowledged

34. In part one of the report, we presented the legal framework for prisoners' transfer according to the IHL, particularly Geneva Conventions III and IV, and IHRL, through treaties related to the rights of persons deprived of their liberty. We concluded that Palestinian prisoners and detainees in the occupation's prisons are deprived of their status as prisoners of war and freedom fighters, and therefore they are denied the protection they are entitled to according to the IHL and IHRL rules. Instead, they are treated according to directives issued by the IPS for "security prisoners", which seek to legalize their abuse by giving broad discretion powers to the special units. In addition to denying the legitimacy of the prisoners' struggle and just cause, IPS regulations are aimed at undermining their human dignity.

35. Regulations associated with the Hague IV Convention Respecting the Laws and Customs of War on Land (1907).

that for military operations conducted by the IOF in Rafah, whenever they affect civilians, are regulated by the Hague IV Convention Respecting the Laws and Customs of War on Land of 1907 (...) and Geneva Convention IV relative to the Protection of Civilians in Times of War of 1949.³⁶

1. Treatment of prisoners and detainees in IHL and IHRL

Between 2011 and 2012, Palestinian prisoners and detainees have repeatedly undergone hunger strikes for various demands related to being treated according to IHL conventions, particularly Geneva Convention III relative to prisoners of war (1949), Geneva Convention IV relative to the protection of civilians in times of war (1949), the additional protocol (1977) and other human rights treaties. On 29 November 2012, the Palestinian prisoners' movement launched a campaign titled "I am a Prisoner of War, I am a Freedom Fighter," as part of its consistent struggle against IPS directives that deliberately seek to distort the image of Palestinian prisoners and detainees by classifying them as "security prisoners" associated with hostile and terrorist groups.

IHL regulates the treatment of prisoners and detainees. The International Committee of the Red Cross (ICRC) has provided commentary on the customary international laws. Here we will present major rules related to the legal status and treatment of prisoners and detainees in armed conflicts in terms of the detaining power's obligations and the rights of prisoners and detainees under customary IHL.

Rule 47. Attacking persons who are recognized as *hors de combat* (prisoner of war) is prohibited. A person *hors de combat* is anyone who is in the power of an adverse party.

Treatment of Civilians and Persons Hors de Combat. These fundamental guarantees are detailed in IHL, articles 87-104.³⁷

36. See summary of the decision by the Israeli High Court of Justice at: <http://www.icrc.org/ihl-nat.nsf/39a82e2ca42b52974125673e00508144/b9a1e6326e561640c125738a00292e2c!OpenDocument>

37. Rule 87 states that civilians and persons hors de combat must be treated humanely. Rule 88: Adverse distinction based on any factor is prohibited. Rule 89: Murder is prohibited. Rule 90: Torture, cruel or inhuman treatment and outrages upon personal dignity, in particular humiliating and degrading treatment, are prohibited. Rule 91: Corporal punishment is prohibited. Rule 92: Rape and other forms of sexual violence are prohibited. Rule 99: Arbitrary deprivation of liberty is prohibited.

In the chapter on persons deprived of their liberty, rule 118 states that persons deprived of their liberty must be provided with adequate food, water, clothing, shelter and medical attention. Rules 119 and 120 provide for separating women and children from other prisoners. Rule 121 provides that persons deprived of their liberty must be held in premises which are removed from the combat zone and which safeguard their health and hygiene. Rule 122 prohibits pillage of personal belongings of persons deprived of their liberty. Rule 127 provides for respecting the personal convictions and religious practices of persons deprived of their liberty.

An international consensus exists among states and the ICRC that Geneva Convention IV and the Hague Regulations of 1907 apply to all territories occupied by Israel following the 1967 war. This position has been reaffirmed by the UN Security Council in at least 25 different resolutions, as well as by the International Court of Justice in its 2004 Advisory Opinion on the Wall, confirming applicability of Geneva Convention IV in the OPT including East Jerusalem.

Furthermore, IHL does not allow the disregard of law on the basis of any military, security or national justifications, as all IHL instruments give due consideration of military requirements and call for a balance between military necessity and humanitarian requirements.³⁸

Geneva Convention III, relative to the treatment of prisoners of war

Article 13 of the Convention provides that prisoners of war must at all times be treated humanely. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a grave breach of the Convention. The article also affirms that prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity. Measures of reprisal against prisoners of war are prohibited.

Article 14 also states that prisoners of war are entitled in all circumstances to respect for their persons and their honor. Women should be treated

38. Ibid.

with all the regard due to their sex and should in all cases benefit by treatment as favorable as that granted to men.

Geneva Convention IV of 1949³⁹

Geneva Convention IV provides for the protection of civilians coming under foreign rule in the case of internal or external conflict. The Convention is a major pillar of IHL, applicable to occupied territories, and believed to have gained status of customary international law. As stated in article 27, the Convention stresses that civilians, whether in an occupied territory or not, are entitled, in all circumstances, to respect for their persons, honor, family rights, religious convictions and practices, and manners and customs. The sanctity of these rights and benefits is specifically reinforced for persons in occupied territories.

Section four of the Convention is dedicated to regulations for the treatment of internees, detailed in 12 chapters from article 79 to article 135.

Israel, the occupying power, ratified Geneva Convention IV in 1951 but refrained from its application to the OPT. Nevertheless, the occupying power remains bound to the Convention's provisions.⁴⁰

Additional Protocol to Geneva Conventions (Protocol I) of 1977

In 1977, two additional protocols were adopted the 1949 Geneva Convention IV in order to enhance protection of civilians in times of conflict, taking into consideration the realities of modern warfare. The first additional protocol applies to international armed conflicts and provides protection to civilians for the consequences of hostilities. Geneva Convention IV and its additional protocols include "armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination."⁴¹

Although the Israeli occupying power has not ratified the Additional Protocol 1, article 75 of the protocol is part of customary international law

39. Geneva Convention IV.

40. Geneva Convention IV has been ratified by 188 states and has been widely accepted as customary international law.

41. Protocol 1, article 1.

and thus is binding upon the occupying power.⁴²

Article 75 of Additional Protocol 1 states:

Persons who are in the power of a party to the conflict and who do not benefit from more favorable treatment under the Conventions or under this Protocol shall be treated humanely in all circumstances and shall enjoy, as a minimum, the protection provided by this Article without any adverse distinction. The following acts are and shall remain prohibited at any time and in any place whatsoever, whether committed by civilian or by military agents:

- a) violence to the life, health, or physical or mental well-being of persons, in particular:
 - murder;
 - torture of all kinds, whether physical or mental;
 - corporal punishment; and
 - mutilation;
- b) outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault;
- c) the taking of hostages;
- d) collective punishments;
- e) threats to commit any of the foregoing acts.

Treatment of prisoners and detainees in IHRL

The rights of detainees, prisoners and those deprived of their liberty are in the Universal Declaration on Human Rights, particularly in articles 1-5, and many other international conventions and treaties.

“Like slavery, torture is the most direct attack on the core of human dignity, a special form of violence whose prohibition is the highest norm of international law, jus cogens.”

(Manfred Nowak, a former UN Special Rapporteur on Torture).

42. Jelena Pejic, Procedural principles and safeguards for internment/administrative detention in armed conflict and other situations of violence. International Review of the Red Cross, Volume 87 / Issue 858 / June 2005.

Being party to the International Covenant on Civil and Political Rights (ICCPR), the occupying power has agreed to respect the human rights contained in the covenant for all individuals on its territories or under its jurisdiction. It has the obligation to respect, protect and guarantee these rights. The occupying power, however, claims that its obligations stemming from human rights treaties, to which it is party, do not apply to individuals in the OPT. This Israeli position is not accepted by any of the human rights treaty bodies in the United Nations, which have repeatedly stressed that human rights treaties, to which Israel is a state party indeed applies and that Israel still has the obligation to respect and protect human rights of all individuals living in the West Bank and Gaza Strip.

International Covenant on Civil and Political Rights (ICCPR)⁴³

The ICCPR was adopted by the UN General Assembly on 16 December 1966 and entered into force on 23 March 1976. The ICCPR is part of the IHRL, which also includes the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration on Human Rights.

The Israeli occupying power ratified and endorsed the ICCPR without reservations in 1991, making it bound to apply the Convention with regard to Palestinian detainees and prisoners held in its prisons. However, Israel refuses to respect its obligations as an occupying power in the OPT, claiming that human rights treaties aim to protect the rights of citizens from infringements by their government in times of peace and hence it has no obligations under the ICCPR towards Palestinian prisoners and detainees. The claims are based on two parts: first, because they do not enjoy citizenship,⁴⁴ and second, due to the ongoing emergency situation since 1948.

43. <http://www1.umn.edu/humanrts/instrree/b3ccpr.htm>. Human Rights Committee, General Comment 9 on humane treatment of persons deprived of their liberty states: "The humane treatment and the respect for the dignity of all persons deprived of their liberty is a basic standard of universal application which cannot depend entirely on material resources. While the Committee is aware that in other respects the modalities and conditions of detention may vary with the available resources, they must always be applied without discrimination, as required by article 2 (1). Ultimate responsibility for the observance of this principle rests with the State as regards all institutions where persons are lawfully held against their will, not only in prisons but also, for example, hospitals, detention camps or correctional institutions."

44. There are more than 190 Palestinian detainees and prisoners holding Israeli citizenship, who are classified as security prisoners similar to the thousands of Palestinian political prisoners. See Addameer statistics on the numbers of prisoners in the Israeli occupation's prisons at: <http://www.addameer.org/etemplate.php?id=563>

These excuses are refuted by article 2 of the ICCPR, which states that: “1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”⁴⁵ Furthermore, the International Court of Justice did not accept the occupying power’s claims in its advisory opinion addressing the case of the Wall in 2004.⁴⁶

Torture is prohibited under article 7 of the ICCPR, stating that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.” Article 10 further underscores the principle of humane treatment of persons deprived of their liberty and respect for the inherent dignity of the human person. The Human Rights Committee stated that this article is complementary to article 7 with regard to the treatment of all persons deprived of their liberty.

2. Treatment of Palestinian prisoners and detainees in IPS directives

Before addressing the role of Special Units and their coordination with prison administrations to ensure “discipline among prisoners and protect public order and security,” we should first look into the IPS Directives related to security prisoners. This will help us understand first, how the IPS Directives violate the rules of treatment of prisoners and internees as

45. 2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

46. Abi-Saab, Rosemary, «Conséquences juridiques de l’édification d’un mur dans le territoire palestinien occupé»: quelques réflexions préliminaires sur l’avis consultatif de la Cour internationale de Justice,’ available at: <http://www.icrc.org/eng/resources/documents/misc/66dk9z.htm>.

outlined in the IHL and IHRL, and second, the actual role of these special units and how they complement the system aimed at oppressing and subduing Palestinian prisoners.

- **Security prisoners in the IPS Directives**

The IPS treats Palestinian detainees and prisoners according its directives relating to security prisoners specifically Directive No 03/03/00,⁴⁷ which was most recently updated on 30 October 2008. Directive No. 04/13/00 titled “Disciplinary Justice for Prisoners” entered into force on 12 June 2002 and updated on 18 July 2010, in addition dozens of other directives addressing detailed issues, which will be addressed here in accordance with their relevance to the aim of this report.⁴⁸

A security prisoner, sentenced or detained, is defined in article 1 of Directive No. 04/05/00 as any person who is “detained and prosecuted for violations perpetrated against state security in general, and security and discipline. According to the type of violation they have perpetrated or are charged with, and according to their history, motives and engagement in acts against state security.”⁴⁹

The IPS Directives consider that “the majority of these prisoners are linked to terrorist organizations and in this association lies the danger they pose to the public order, discipline in prisons and prison security.”

Following this introduction that deems the Palestinian prisoners and detainees in the Israeli occupation’s prisons as “terrorists,” article 1 of Directive No. 03.02.00 adds: “*The expected security threat of security prisoners requires to incarcerate them in isolation from criminal prisoners and impose special constraints on their contact with the external world, especially in terms of furloughs, visits, phone calls and conjugal visits with their spouses.*” Paragraph C in the same directive states that “instructions of this directive relating to prisoners convicted or detained for violations against state security shall have precedence over any other conflicting order issued by the IPS.”

47. See IPS directives relating to security prisoners, published on ADDAMEER website: www.addameer.org

48. IPS directives relating to secondary and university education, complaint and appeal filing, family visitation, treatment, correspondence, etc.

49. See article 1 in IPS directive No 03/02/00.

3. Political and media provocations against Palestinian prisoners and detainees in the Israeli occupation's prisons

Statements by various security, political, military, religious and media leaders in the occupying power reveal the realities of treatment received by Palestinian detainees and prisoners, which the IPS directives fail to admit. The different Israeli institutions are mobilized in a consolidated Israeli position denying the Palestinian prisoners and detainees their rights.

In the past two years, Israeli officials have consistently called for increased suffering of Palestinian prisoners and detainees, as well as submitted new legislation to the Israeli Knesset with the purpose of tightening the grip on prisoners and detainees. Some of the legislation has been approved.⁵⁰

The past years have also witnessed increased settler attacks on ICRC buses that transporting prisoners' families for visits.

There has been a history of Israeli politicians calling for the oppression of the prisoners.

In 1999, the former Israeli Prime Minister Ehud Barak called for allowing the prisoners rot in prisons. After a hunger strike in 2004, former Minister of Public Security Tzachi Hanegbi said: "**Let them die.**"

Also during the 2004 hunger strike, former Minister of Health issued stringent instructions to Israeli hospitals instructing them "**not to receive or treat prisoners on hunger strike.**" At this point, the health condition of a number of the hunger strikers had deteriorated drastically.

Various religious advisory opinions have been issued by senior rabbis in Israel, such as the one issued on 16 January 2011 calling to "**establish genocidal camps for Palestinians**" as a religious duty.⁵¹

50. In March 2009, the Israeli government formed a ministerial committee, chaired by Minister of Justice Daniel Friedmann, to "examine and evaluate the conditions of prisoners and detainees in light of the outcomes of the swap deal, in order to tighten the grip on prisoners and blackmail the Palestinian factions holding the captive Israeli soldier. This includes, for example, a suggestion by the Minister of Environment Protection and former deputy director of the Shabak, Gideon Ezra, in mid-November 2009, to reduce the quantity of cold and hot water the prisoners are allowed to use, and constrain their freedom of bathing.

51. See an article by the researcher with focus on prisoners' affairs, Abdul-Nasser Ferwana, in May 2012, documenting statements by various Israeli leaders calling for retaliation from prisoners. The article, titled: "Let them go on strike, let them die," is available at: <http://www.palestinebehindbars.org/ferwana3may2012.htm>

The former Minister of Public Security Isaac Aharonovitch described prisoners as “killers, criminals and saboteurs.” The Israeli Knesset member Michael Ben-Ari called for imposing death penalty for prisoners, whereas the Israeli journalist Eyal Gefen made more racist calls to **suffocate the prisoners with gas and destroy them.**⁵²

Former IPS director Yaakov Ganot addressed the Minister of Public Security Gideon Ezra at Gilboa Prison in 2006, in the presence of prisoners, saying: **“Relax... You should be confident that I will make them raise the Israeli flag and sing ‘Hatikva’ (the Israeli national hymn).”**⁵³

52. Ibid.

53. Walid Daqqa, *Tempering Alertness*, op. cit., p. 30.

Chapter Two

Defining the special units and their duties

1. Special units' role and duties

Reports indicate that 204 Palestinian detainees died in Israeli prisons since the beginning of the Israeli occupation of the West Bank and Gaza Strip in June 1967. Of them, 71 detainees died from direct torture,⁵⁴ 52 due to deliberate medical negligence, 74 were shot dead immediately after their arrest, and 7 were killed by live fire by prison guards and members of the Special Units. The most recent deadly raid occurred in Ktziot/Negev prison on 22 October 2007 when a member of the Massada Unit shot detainee Mohammad Safi Al-Ashqar within close range, killing him only one week before the date of his expected release from prison. Over 250 detainees were injured in the same raid.

Palestinian prisoners have a long history of being brutally attacked by Israeli forces while in detention. On 16 August 1988, 1,500 Palestinian detainees in the Negev desert prison (Ansar III, Section B) held a peaceful protest objecting against their poor detention conditions. The prison director David Tsemah shot live ammunition from very close range at the head of the detainee As'ad Jabra Al-Shawa, 19 years old, which killed him immediately. He then shot at the detainee Bassam Ibrahim Al-Sumoudi, 30 years, and hit him with a lethal bullet in the heart.

The killing of Palestinian detainees continued in an attempt to stop them from demanding their legitimate rights and preserving gains they have made through sacrifices and hunger strikes. On 8 February 1989, a prison guard opened direct live fire at Nidal Zuhdi Omar Deeb, a detainee from Ramallah, killing him instantly. On 12 September 1989, a prison guard in Ansar II detention center shot Abdullah Mohammed Ibrahim Abu Mahroukah dead. On 7 July 1990, a prison guard in Ofer prison shot and killed detainee Sabri Mansour Abdullah Abed-Rabbo.

54. With the death of the detainee Arafat Jaradat at Megiddo interrogation center managed by the Israeli public security system, less than one week after his arrest on 18 February 2013, the number of those killed under torture in the Israeli prisons rose to 71. With the death of the prisoner Maysara Abu Hamdiyeh, the number of those killed by deliberate medical neglect rose to 52 and the overall number of prisoners killed to 204.

Since the beginning of the Palestinian popular uprising (Intifada) in 1987, the occupying power formed special military units with the aim of arresting and assassinating Palestinian freedom fighters in the OPT to subdue the popular movement and destroy the aspiration of Palestinians to their right to self-determination and freedom.

The occupying power created two undercover squads: Samson, which operated in the Gaza Strip and Dovdovan (cherry in Hebrew) in the West Bank. The undercover squads received advanced military training and disguised as Palestinians to conduct arrests and assassinations. They also included some Arab agents who had been recruited by the Israeli occupation's army. The Israeli Mossad has incessantly persecuted Palestinian freedom fighters, even outside the OPT, having conducted targeted assassinations of Palestinian writers, thinkers and leaders across the world.

Within this context, in the early 1970s the occupying power started to develop Special Units to handle Palestinian prisoners and detainees. By re-establishing and developing these Special Units (Nahshon, Massada, Dror, Yamas) in early 1990s, the IPS systematized violence against prisoners and detainees by employing the latest developments in Israeli military and security technology.

2. Massada Unit as an example

Description

The Massada Unit was established in 2003 as a special unit for rapid response in emergencies. The unit is affiliated with the police and IPS, similar to the other special units.

The unit consists of elite soldiers and officers from selected army units, who have gone through medical examinations and extensive trainings. The Massada Unit is made of several squads and works around the clock. It is a highly trained unit, specialized in:

- “Countering terrorist acts.
- Protecting people by using non-lethal takeover means.
- Subjugate riots and rebellions”.

The unit goes through continuous trainings on responding to hostage taking within the prison, controlling violence, participating in direct armed combat (the Krav Maga technique), restraining violent riots and managing escapes.

The IPS website reports that Massada unit members decide on which combat methods to use in view of their high professionalism. The unit also exchanges information with similar units around the world.

The IPS website describes the powers of this unit, which overlap with the powers of the police, giving it a civil nature. However, the Massada Unit's responsibilities are more in line with the military special units. IPS documents indicate that unit members have previous experience in undercover forces before receiving military responsibilities in the OPT. For example, their tasks can include quashing peaceful demonstrations against the Apartheid Wall in Bil'in village since 2005.

The Massada Unit is equipped with Remington 870 hunting shotguns and Israeli-made Uzi machine guns, in addition to tear gas, ultraviolet telescopes, and laser guns.⁵⁵

3. Prisoners' testimonies of raid operations

Based on testimonies of prisoners and detainees to Addameer lawyers between 2010-2012, this section will present details of IPS Special Units' regular and extensive raids into the Palestinian prisoners sections and cells. We will also present here prisoners' views on the reasons and aims of such raids.

The IPS justifies the continuous raids on detainees within two overarching categories, as outlined by the IPS website:

1. To subjugate riots and rebellions.

55. For an Israeli promotional video on IPS special units, see: <http://www.youtube.com/watch?v=vIPh57GbCUs>

2. To control violence by using Krav Maga (contact combat).⁵⁶

The IPS employs the Special Units (Nahshon, Massada, Dror and Yamas) to conduct the raids, as this responsibility falls under their powers and roles. To undertake these tasks, the Special Units conduct various types of regular raids of prisoners' sections and cells, summarized in the following:

- Raids allegedly to search for objects the prisoners are not allowed to possess.
- Search for mobile phones.
- Raids to subjugate prisoners to IPS orders, including to impose strip search and DNA testing.
- Punitive raids during collective or individual hunger strikes.
- Short-term armed confrontations, as in the case of Ketziot/ Naqab prison in 2007 as detailed earlier.

How do prisoners and detainees perceive these raids? How are they conducted? For what purposes?

Raids are for subjugation

The prisoners and detainees use the term "subjugation" to describe the raids on, as it implies oppression and abuse of prisoners and detainees, in addition to damages to their belongings and appropriation of their own papers and files.

Subjugation implies the act of preventing one from reaching what they want. In political terms, subjugation implies using force to stop rebellion, whether it is armed or ideological.

Important distinctions should be made between the purposes of the Special Units' raids, and whether they are for search and disciplinary

56. Krav Maga (from Hebrew, meaning "contact combat"). Israeli websites describe it as an Israeli martial art for self-defense, combining boxing, wrestling and street fight. It was created by Imi Lichtenfeld to protect the Jewish community in Slovakia from Nazi and anti-Semitic attacks. In the 1940s, Lichtenfeld enhanced Krav Maga to become suitable for military requirements of the Israeli forces. After his death, a number of experts made improvements to this martial art and different styles were developed, with each style creating its own international federation. However, they all remain harmonized and similar in their essential elements and principles. Being used by police members and elite forces in different countries in the world, Krav Maga is based on attacking vulnerable parts of the human body in the easiest and quickest way possible. While all martial arts carry out counterattack after performing the defense, Krav Maga conducts counterattack simultaneously during defense. For more details, see: <http://kravmaga-ikmf.com/showitem.asp?itemid=military>.

measures or for direct confrontation as a means of punishment, such as when a detainee attacks a prison guard, as the case when the Special Units raided Ketziot/Negev prison in 2007.

Raids as short-term confrontations

Often, the Special Units' have a provocative approach in conducting searches, which eventually become short-term confrontations. The Special Units' employ their full arsenal to oppress, abuse and torture the detainees during confrontation. The process starts by restraining the prisoners and throwing tear gas canisters into their cells and continues with physical abuse or strip searches, and other retaliatory measures.

When prisoners refer to raids as short-term confrontations, they usually are referring to raids conducted for the safety of the prison guards, such as when a fight occurs between prisoners and guards, members of Special Units or IPS staff. This was the case with Negev prison in 2007, when large and heavily armed units attacked Negev prison detainees by various weapons and tear gas, unjustifiably killing the detainee Mohammed Al-Ashqar and causing various degrees of injuries to more than 250 others, some the result of severe beating by batons and gun butts, others by the scorching pepper gas, and some even when the detainees, including Al-Ashqar, were following the instructions of the special units to peacefully leave their cells.

Search raids

Raid operations are carried out by the Special Units, coordinated with and requested by the prison administration, to search for prohibited items and/or force the prisoners to abide by IPS instructions and orders relating to "security prisoners." During these raids, physical and psychological torture and other forms of cruel, inhumane or degrading treatment or punishment are used.

Raids as a policy to affect all prisoners

Raids by the Special Units are commonplace in all prisons, including in those where children and women are held. (See annex for detailed list of raids.) Raids last for 3-6 hours.⁵⁷

57. Testimonies by prisoners and detainees demonstrate that special units' raids of prison sections and cells usually last for around 6 hours, as indicated in the attached table.

When do raids occur?

The IPS deliberately instruct its Special Units to raid cells and sections in a way that causes the most severe degree of pain and torture to prisoners and detainees. Raids often are carried out in early morning hours following the head count, or after midnight. Sometimes they occur in midday, during prayer or Iftar (breaking the fast) in the month of Ramadan.

How are raids implemented?

Prior to the raids, the prison administration behaves normally without giving an indication that a raid is to occur, allowing the Special Units to ambush the prisoners. This tactic is used to prevent the detainees from taking any precautionary measures.

- **Zero hour:** The Special Unit's behavior during the raids mimic the IOF during arrest raids. Generally, the IOF keep an area under surveillance until an order is used to raid the town, village or camp. The IOF quickly surrounds the area and invades the home according to a predetermined plan, using advanced military techniques to noiselessly remove doors in order to ambush the family. The raids, in addition to making an arrest, seek to demonstrate the military and surveillance supremacy of the IOF to create a sense of helplessness and incapacity in the victim. The IOF soldiers usually ambush the Palestinian in his/her bedroom under the threat of their guns. They also may beat the detainee or a family member while other soldiers search the house and deliberately destroy or confiscate property.

When the Special Units raid prisons, soldiers gather silently at the entrance and finalize their raid plan, dividing themselves into groups. One group uses the emergency entrance and another the main gate. Sometimes, Special Units' members descend to prison sections using ropes.⁵⁸ In a few seconds, the Special Unit enters the targeted cell yelling loudly and directing their guns at the prisoners to intimidate them. Then they start the search or beating the prisoners according to the purpose of the raid and how matters develop.

58. The prisoner Shahir Amer held in Negev prison reported to an Addameer lawyer that the special units raided section 7 of the prison by using a military operation of soldiers descending by ropes similar to military parades. The unit searched the section and transferred the prisoners to a tent section for four days.

- Number of soldiers: According to testimonies, the raid squads are large, and can be twice as large as the number of prisoners in the targeted section or cell. For example, a force of at least 200 members would raid a prison section holding 120 prisoners.
- Gradual raid: Often the raid is conducted gradually and a number of cells are raided while the rest remain closed, so the other prisoners cannot see that a raid is being conducted. To do so, magnet plates are used to close the window and other openings in the door. After subjugating the first group of cells, the raiding force moves to invade the remaining cells.
- Arms and uniforms: Special Unit members wear black military uniforms, which are fire-proof and specially padded with plastic parts to prevent injuries. They also wear gas masks and carry plastic shields in the left hand and weapons in the right hand.
- Soldiers inside the cell: To prevent any resistance from the prisoners and detainees, the Special Forces often throw a suffocating gas canister (known among the prisoners as the poisonous powder gas) into the cell through the opening in the lower part of the door. The canister takes about ten minutes to release all of its contents, after which all or most prisoners become very weak and many faint. This makes it easier for the Special Units to raid the cell and control those inside without resistance. If the raid is conducted at night, it will be difficult for the prisoners to get prepared and the raiding forces easily catch them by surprise.

In any case, when the Special Forces raid a cell they rarely face resistance from the prisoners in view of the compromised and dangerous situation they find themselves in. By entering the cell, the raiding force have control of prisoners inside. Prisoners usually wake up at the moment when the cell window is shut by the magnet plate, just seconds before entering the cell. If a gas canister is thrown into the cell, the only option for those inside is to crowd into the bathroom to relieve the effects of the gas and avoid fainting. To do so, the prisoner would submerge their heads in the washing basin and release water several times in order to breath in some

oxygen. Priority in the bathroom is given to elderly and sick prisoners and those suffering from acute medical conditions.

However, this remedy might put the lives of the prisoners at risk. According to IPS instructions relating to raids and searches, the prisoners are not allowed to stay in the bathroom. When the Special Units enter their cells, they are required to stay in their beds or gather in the center of the cell.

Degrees of Intensity

The intensity of the raid depends on the gravity of the matter or the purpose of the raid. Many raids are conducted as a retaliatory measure to disturb and abuse the prisoners.

The prison administration's position during raids

The IPS refuses to negotiate with the prisoners or bear responsibility for the outcomes of Special Units' raids, claiming that the whole matter is in the hands of the Special Units and their officer in charge in the respective area.

Provocation and oppression

Special Units' members deliberately provoke and insult the prisoners to create an excuse to attack them. To do so, they use different methods, such as pushing and dragging them outside the cell, yelling and cursing at them and confiscating their papers and family photos. They also provoke the prisoners by conducting strip searches without any justifiable reason and against the provisions of IPS Directives.

Forcing the prisoners out to the yard

Irrespective of weather conditions, prisoners are corralled in the yard for several hours, where they stay with their hands and feet shackled. Usually they are not allowed to change their clothes or put on anything that can protect them from the cold in winter in some cases, they are transferred to another section for several days.

Returning to their destroyed cells

The prisoners spend at least three hours or more in the prison yard in shackles. They are only allowed into their cells after the Special Units have finished their operation, often damaging the cell and the belongings of the prisoners. Prisoners agree that the most painful part of the situation is to see the destroyed cells after a raid, which often look like a demolished home. Food is deliberately destroyed. Clothes and bed sheets are soaked in oil, torn apart and gathered in pile in the middle of the cell. The Special Units confiscate and damage many objects⁵⁹ of vital importance for the prisoner's daily life, including electrical appliances that are difficult to replace. They also confiscate family photos, papers and files related to the prisoners' lives and legal and financial conditions.

Special Units' Raids: Surveillance and Daily Search

The prisoners and detainees perceive the raids as a form of collective punishment imposed by the IPS throughout the entire duration of their detention. Prison administrations create the excuses for such raids in an apparent structural coordination with the IPS as a means of abuse, torture and cruel and inhumane treatment.

As evidence, the prisoners remind us that a contract was signed with the British firm G4S in 2007 to supply security systems to the main establishments managed by the IPS, including the installation of surveillance systems that are connected to a control room equipped with touch screens,⁶⁰ internal and external recording and surveillance systems of closed circuit TVs and communication lines in a number of Israeli prisons.⁶¹

The IPS also has a stringent daily surveillance program, including head counts three times a day, with the last one being based on names and photos. This is in addition to the daily repeated security checks, which is known among the prisoners as "knocking on the windows." This procedure

59. An ex-prisoner reported to Addameer staff an incident of confiscating a nail that the prisoners managed to keep for long time, using it as a TV antenna and an instrument to fix shoes, stitch books and make holes in objects for various daily life reasons.

60. See Walid Daqqa, *Tempering Alertness: Indications of modern control*, p. 24.

61. For further details on the role of G4S, see Addameer website and statements issued to boycott the company and hold it accountable. Available at: www.addameer.org/etemplate.php?id=460.

is held midday and all prisoners are ordered to leave their cells except for one representative as prison guards enter the cells to examine the windows and knock on the walls.

Furthermore, security patrols follow all movements of prisoners and detainees even at late hours of the night. The guard on duty passes through the corridors between cells every 30 minutes to ensure that the prisoners and detainees are in compliance with IPS instructions, which require that all parts and corners of the cell are visible from outside. For example, prisoners cannot hang their clothes or towels on the bed to dry. In case of an infraction, the guard will punish either the individual or the entire cell according to IPS disciplinary rules.

IPS instructions also require lights off in all cells at 11:00 PM (sometimes midnight in certain cases), yet prison guards have the right to turn the lights on in the cells when they pass through the corridors, thus disturbing prisoners' sleep.

The Israeli prisons are today large institutions working on destroying an entire Palestinian generation. They are even the largest institution in history that works on tempering the alertness of a generation of freedom fighters.

(Prisoner Walid Daqqa)

Who can offer the prisoners a quiet night free of raids by the IPS special units?

(Ex-detainee Khader Adnan)



Chapter Three

Testimonies by prisoners and detainees on special units' aggressions during raids

The IPS directs its Special Units (Nahshon, Massada, Dror, Yamas) to raid the sections and cells of prisoners and detainees for the following reasons:

- Forced strip searches
- Forced DNA samples
- Searches for banned objects, especially mobile phones.
- Punitive raids during collective or individual hunger strikes.
- Oppression raids⁶²

In the following pages we will present a number of testimonies from 2010 - 2012 detailing aggressions by the Special Units against prisoners, including women and children and explain the reasons behind the raids.

In 2010, there was a systematic rise in the number of raids, searches and aggressions by the Special Units (Nahshon, Massada, Dror, Yamas) against the prisoners and their rights. Addameer documented 120 incidents in 2010.⁶³The rise in Special Units' raids is an indicator of the brutal response to attempts by the prisoners movement to reorganize and unite in order to demand their legitimate rights according to the Third and Fourth Geneva Conventions.

62. For methodological considerations related to the timeframe of this section of the report (2010-2012) we will address the raid of Eshel prison by Dror unit in 2011, while raids carried out by Special Units in previous years will not be addressed, including the raid of Negev prison in 2007 and the killing of the detainee Mohammed Al-Ashqar.

63. See: Violations against Palestinian Prisoners and Detainees in Israeli Prisons and Detention Centers, 2010, published by Addameer in 2011, p. 50-52.

1. Testimonies of Attacks and Raids by the Special Units in 2010

- **Strip search of female prisoners**

On 25 June 2010, an external unit composed of six male members entered the Palestinian female prisoners section in Damun prison and raided the cell of the prisoner Amal Jum'a. She reported, "We were subjected to a complete strip search, although with no touching, but by using Magnometer. The search was insulting and against our privacy and human dignity. It indicated a return to old methods from the past years, which we thought would never come back."

Raiding Megiddo prison section for minors, conducting strip searches and imposing heavy financial fines

On 4 July 2010, prisoner Mohammed Al-Salhi reported that a large force of prison guards accompanied by 10 members of the Nahshon Unit entered the prison at 9:00 AM under the pretext of conducting a prisoner head count. Once they entered, they ordered all the prisoners not to move and broke into the cells where adults like Mohammed were being held within the children's section. They also searched the children's cells, destroying the floors and the prisoners' lockers.

The prisoners were shocked by the level of destruction and responded by throwing empty cans at the prison guards who were gathered in the yard.

As a response, the prison authorities and Nahshon unit forced them out of their cells to conduct another search, ordering them to clean the prison yard. During the search, two mobile phones were found hidden in the laundry room. When asked who the phone belonged to, Mohammed said they belonged to him in order to avoid collective punishment of all inmates by the prison authorities. As a result, Mohammed was fined NIS 3,000 (USD 800), denied family visits for two months, held in solitary cells for five days, and transferred to Shatta prison.

However, prison administration was not satisfied with this penalty. As another prisoner, Mohammed Dukan, reported, the prison authorities

also imposed a collective punishment on all the prisoners held in the section, including children. They were fined a total of NIS 42,000 (USD 11,000), with NIS 200 deducted from each prisoner's account and the Palestinian Ministry of Prisoners Affairs responsible for the remainder.

- **Collective Punishment: Raiding the rooms of sick prisoners at Ramleh Prison Medical Center**

In mid-October 2010, prisoner Zahran Abu 'Asbeh was receiving treatment in Ramleh Prison Medical Center when the Dror Special Unit raided the section for ill prisoners and started provocatively searching it from 6:00 AM to 2:00 PM. During the raid, they treated the prisoners barbarically and ignored their health conditions. They also destroyed the walls of the rooms, tore the prisoners' blankets and ransacked their belongings.

- Prisoner Ihab Masoud reported that the Massada Unit often raided prisoners cells in **Nafha prison** late at night. They treated the prisoners provocatively, such as ordering them to raise their arms while they conducted a thorough search that lasted over five hours each time. Massada Unit members raided the prison on five occasions during the third week of October 2010. Masoud added that prison guards destroyed property and belongings, such as beds and lockers, every time they searched the rooms. It often took the prisoners up to one week to return their rooms to their normal state.
- According to another prisoner held in Nafha, Maher Abu Karsh, in the third week of December 2010 four squads of the Special Units raided section 11 of the prison where 120 prisoners were held. All of them were moved to another section. The search operation lasted for three days during which they found mobile phones and as a result, imposed a number of penalties on the prisoners including heavy fines.
- In **Ofer prison**, Nahshon and Massada Units raided section 15 of the prison during the second week of September 2010, outraging the prisoners who began chanting "God is great," in an expression of rejection to such searches. The units responded by firing 40 tear gas canisters into the cells and beating dozens of prisoners with batons, injuring 60. Masoud confirmed that prison guards used dogs during

the search operation and that the IPS commander of the southern bloc oversaw the operation and gave instructions during the raid and search.

- In **Hadarim prison**, the prisoner Abdul-Nasser Issa said that the Dror forces raided the prison six times in the middle of the night throughout 2010.
- According to a testimony by prisoner Kamil Abu Hanish in Ramoun prison, most of the raids are carried out late at night as a provocation to the prisoners and as a means of intimidation. The Special Units raid the prison wearing riot control gear such as helmets and use batons and tear gas. He added that they subject the prisoners to cruel and inhuman treatment, holding them outside the cells in the yard with their hands cuffed tightly. The rooms are then ransacked, food spoiled, electric devices damaged and personal documents confiscated. According to Abu Hanish, the prison authorities refuse to compensate the prisoners for the losses incurred, forcing the prisoners to purchase everything from their canteen accounts, including items which should be provided by the prison authorities such as cleaning equipment and personal hygiene products.
- Prisoner Marwan Al-Muhtasib in Eshel prison told Addameer that the Massada Units (accompanied by the prison guards) raided the prison once every six months. During the search operation, they strip the prisoners naked and take other humiliating measures, which prisoners say have escalated over the years. The Special Units also damage prisoners' belongings and property but according to Al-Muhtasib, the prison authorities compensate them for these damages and replace broken things with new ones.

2. Testimonies of Attacks and Raids by the Special Units in 2011

- **Special Units abuse the longest-serving Palestinian prisoner, Nael Al-Barghouthi, and fine him for refusing a strip search**

The Dror Unit attacked prisoner Nael Al-Barghouthi and beat him severely after he refused to submit to a strip search. They were instructed by a section guard, who pointed at the prisoner and **gestured to his neck with a slicing motion**. Al-Barghouthi described the abuse in his testimony to Addameer:

“After I was brought into the room, they ordered me to strip naked. I refused to obey and told them that if they want to search my clothes as they claim, I can take them off behind a screen and hand them to the guards to search them. I said I am not against the search per se but refuse to strip naked in front of the jailors. At this moment, one guard started to punch me severely on the face and another followed suit by punching and kicking me severely on the head and all parts of my body. I kept trying to protect my head as they kept beating me for about four minutes. They threw me to the ground, one holding my arms forcefully and the other forcibly removing my pants. Afterwards, a prison officer arrived and took me to the clinic. My arm was bleeding because of the beating and the tight cuffs. In the clinic they only did an x-ray for my arm, but did not give me any treatment. I was then taken to a solitary confinement cell and left there for three days. In addition, I was ordered to pay a fine of NIS 425, denied family visits and was not allowed to purchase anything from the canteen for 4 months. I was also held in solitary confinement for 10 days and all my electric devices were confiscated.”⁶⁴

- **Raids in Gilboa prison**

On 15 September 2011, detainee Wasim Salam Al-Jallad reported to an Addameer lawyer that the Gilboa prison sections had been subjected to routine raids by the Special Forces for several years, with an average of two per month. The search campaigns were usually carried out late at night with durations lasting on the type and consequences of the search. Al-Jallad described a raid on section 2 in Gilboa prison on 24 August 2011 as follows:

“A prison guard known as Jihad Atweh heard a prisoner talking loudly

64. See Annex 2 with sworn affidavits for more details of the attack at the prisoner Nael Al-Barghouthi.

while taking a bath at 8:00 PM on 23 August 2011. Taking this as an excuse, at 8:00 AM the next morning, a Special Forces squad composed of 20 fully equipped members raided the section and closed all the cells before going to cell 12 and ordering all prisoners out.

They took all the prisoners; belongings (files, photos, electronic devices, bedding and clothes) out of the cell and put them in one pile. They started to dig in the walls.

The search operation lasted for four hours, during which the prisoners were held in the laundry room and the canteen.

In response, the prisoners sent a letter to the prison director protesting this unjustified raid and the behavior of the Special Units, who deliberately carried out this raid and destruction during the month of Ramadan despite a previous agreement with the prison administration to refrain from provocative actions during Ramadan. The prison administration replied to the prisoners' letter by raiding cells 6 and 14 in the section after midnight. The prison administration and special units did not respond to the prisoners' request not to be held in the small laundry room during the long hours of search.

Al-Jallad added he learned a prisoner was assigned to accompany the raiding force and that the search was not for a serious reason. The true reason was not to search for banned items but rather to let the prisoners know that they do not control their fate and that the special units can enter their cells at their discretion.

- **Oppressive transfer of prisoners from Ohalei Keidar prison to Ramon prison**

On 14 June 2011, Yamas Unit members raided Ramon prison, where prisoners from Ohalei Keidar prison were transferred after being assaulted by the Special Units. The assault included being beaten by batons, sprayed by pepper gas, and in some cases, put in solitary confinement.

Jamal Al-Rjoub, the representative of the prisoners in Ramon prison told an Addameer lawyer: "In the day following the oppressive transfer of prisoners and detainees from Ohalei Keidar prison to Ramon prison, the Yamas Unit raided sections 2 and 3 of Ramon prison on 14 June 2011 at 9:00 AM allegedly to search for mobile phones. The search continued until 4:30 PM."

The prisoners and detainees in these two sections were deprived of their meals for two days on 14 and 15 June. The deputy director of the prison Amnon entered the raided sections around 12:30 in the afternoon and ordered the representative of the prisoners to receive the food and let the prisoners eat it in the yard or otherwise it will be thrown to the garbage.

The prisoners refused to eat while the special units searched their cells and demanded that the food remain in the kitchen until the search was over. The deputy director replied that the food was already thrown away.

Search and raid campaigns during hunger strikes⁶⁵

- **The Dror Unit's attack of prisoners in Ashqelon prison during the 2011 mass hunger strike**

Ten prisoners from Ashqelon prison participated in a collective hunger strike between September - November 2011 in protest of the solitary confinement policy implemented against leaders of the prisoners movement and the Popular Front for the Liberation of Palestine's (PFLP) Secretary-General Ahmad Saadat.⁶⁶ The hunger strike was called upon by the PFLP, but prisoners from other factions joined in solidarity three days a week to support the demands of their colleagues.

The IPS isolated the hunger strikers in solitary confinement cells, each which only had a ragged mattress and dirty blanket. They were deprived salt, which they usually took in addition to water to reduce health deterioration, and denied medical treatment.

On 3 October 2011, the Dror Unit raided Ashqelon prison starting in section 5cell 21, which is designated for elderly prisoners, and assaulted the prisoners there. Akram Mansour, a leader of the prisoners movement and one of the oldest in age sustained a severe injury. The raiding force used sound bombs to intimidate the prisoners, who responded by banging on the doors and shouting "God is Great." As a result, the 75 prisoners in the section were severely punished by the prison administration, including denial of family visits and purchasing goods from the canteen for two months, reduction of yard time to one hour per day, and confiscation of all electronic devices.

65. For more information on special units' raids during hunger strikes, see table of major violations in Annex 4 of this report.

66. Others include Shadi AL-Shurafa, Nader Sadaqa, Ahmad Al-Ja'bari, Jihad Obeidi, Samer Abu Ser, Allam Ka'bi and Khaled Al-Halabi.

Raid in Eshel Prison by a 600-member Special Unit squad

Sworn affidavit

I, the undersigned Mohammed Saleh Muhsen, being warned to say the truth or otherwise be subject to penalty, give the following statement:

On 12 December 2011, 8:00 PM, a special unit raided cell 8 in section 10 in Beersheba (Eshel) prison, assaulting and beating the prisoners. The special unit is called Dror and composed of around 100 heavily armed soldiers carrying batons, gas canisters, pepper spray and stun guns. They entered the section and closed some of the cells. They assaulted the prisoners in cell 8 by severely beating them with batons, causing them injuries. Then they clashed with the prisoners in a fight and the situation escalated. Prisoners started to shout “God is Great” and cursed the IPS forces from inside their cells. The prison administration closed all the cells with plastic plates and the soldiers started to mobilize units from other prisons in the southern bloc to prepare for a comprehensive raid of the section.

The number of raiding forces increased rapidly to around 600 soldiers and police officers from the IPS and its special units Nahshon and Dror. The units used tear gas and nerve gas (powder). The clashes lasted for over four hours. Following a relative calm, and after removing the sick and injured persons, the special units resumed their attempt to raid the cells, using tear gas again. They managed to force the prisoners out of the cells, tied their hands to their backs with metal and plastic shackles and led them to empty cells, putting 16 prisoners in each cell that can hardly accommodate more than eight prisoners.

Special unit members kept assaulting every prisoner who tried to look around or speak. They did not spare the 40 sick

prisoners in the section or the 12 who sustained injuries due to gas inhalation or beatings. Among the injured prisoners were Issa Abed-Rabbo and Mahdi Al-Jarashi. The soldiers were entering the section with stretchers to carry injured prisoners to the clinic.

Furthermore, members of the raiding force confiscated prisoners' belongings and electronic devices, ransacked and thoroughly searched their clothes and personal effects and destroyed the cells.

The search operation lasted for over five hours and the prisoners were held with their hands shackled to their backs for its entirety. At 4:00 AM the next day, the prisoners were allowed to go back to their cells, which were in a terrible situation due to the widespread destruction and damage of the contents. The prisoners learned later that all of their belongings were confiscated, including foods and cigarettes.

Following the assault, the prison administration called on the prisoners from cell 8, including the prisoners' representative and the injured, and punished each with a 1,500 NIS fine. Some were later transferred to solitary confinement. The administration closed the section, confiscated all electronic devices and banned all prisoners from going outdoors to the yard. Around 15 prisoners were punished by being transferred to other prisons.

In response, the prisoners in the section refused meals for three days and those tasked to distribute meals and escort the administration during the daily head count refrained from their duties.

Section 10, which was raided, has 18 cells and holds 140 prisoners from the Fatah Movement and the PFLP. Section 11 holds prisoners from Hamas and Islamic Jihad, who also refused meals in solidarity with the prisoners who were assaulted and subjected to the raid.

3. Testimonies of Attacks and Raids by the Special Units in 2012

Raids by the special units continued and intensified during 2012, and eventually reached an unprecedented level. It has become clear that the IPS has increasingly relied on its special units to break the determination of prisoners during their strikes aimed at improving the detention conditions. This is evidenced in the increasing number of raids especially during hunger strikes, such as in 2012 when more than 1,500 Palestinian prisoners and detainees went on strike between 17 April and 14 May 2012. Raids also escalated in the months following the strike as retribution, especially during the month of Ramadan, with the purpose of punishing the prisoners for their protest by using the excuse of searching for banned mobile phones.

The IPS and its special units have also carried out several raid campaigns to force the Palestinian prisoners to give specimens for DNA testing. In 2012, IPS doctors started to secretly conduct DNA testing on prisoners, as reported by Israeli TV Channel 2 on 13 March 2012. The Israeli criminal procedures law was amended in 2011 to give the police and IPS the power to conduct DNA testing on criminal prisoners within a set of conditions and criteria and according to the legal status of the prisoner.⁶⁷

Forcing Palestinian prisoners and detainees to go through these tests is a flagrant violation of the provisions Geneva Convention III article 13 which states: “No prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.”

This position was also reiterated in article 22 of the UN General Assembly Resolution 43/173 (Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment): “No detained or imprisoned person shall, even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health.”

67. The DNA testing identifies the genetic profile or fingerprint of human cells, through which it is possible to identify one's genes, the past and future, and thus it is possible to identify identity and produce information regarding parentage. Such profiling is useful for genetic engineering. DNA tests involve serious medical risks. For more information on DNA profiling of prisoners and detainees, see the related report by the Palestinian Ministry of Prisoners' Affairs published in March 2013.

- **The special units raid Nafha prison and assault 61 prisoners for refusing to give specimens for DNA testing**

Prisoners in Nafha prison reported that in early April 2012, a large numbers of special unit members raided the prison and severely attacked the prisoners. They injured 61 prisoners for refusing to cooperate with the DNA testing. The special units used sticks, gas canisters, pepper spray and stun guns.⁶⁸

- **Special units aggressions against prisoners on hunger strike in April 2012**

As with each hunger strike, the IPS employed its special units to punish the prisoners for going on a collective hunger strike in April 2012. The special units were assigned to several tasks,⁶⁹ including arbitrary transfers, solitary confinement, confiscation of electronic devices, deprivation of water and salt, as well as of utilities and clothes, in addition to raids to conduct searches and assaults on the prisoners.

- **Special units' attack prisoners on strike in Nafha prison**

Prisoner Mir'i Soboh Jawdat Abu Saidah, who has been imprisoned since 2004, participated in the 2012 collective hunger strike from the first day. He reported to an Addameer lawyer that on the eighth day of the strike, the prison administration transferred all the prisoners from section 3 to Eshel prison. With the assistance of the Yamas, Dror and Massada units, the prisoners were divided into groups of three during the transfer. During the search, Yamas members physically abused Malek Bkeirat. When prisoners Mir'i Abu Saidah and Ahmad Qadri shouted to stop the abuse of Malek, the three of them were overwhelmingly attacked by the special units, particularly with beatings on their heads.

They were later taken to the clinic and while en route, were beaten once again by an officer known as 'Yesrael' and a prisoner guard known as 'Ovadia.' They did not receive any medical treatment and were not offered ice. In addition, they were punished with two weeks in solitary confinement.

68. For more information and testimonies on special units' aggressions against prisoners and detainees refusing to take the DNA testing, see table in Annex 4.

69. See the IPS directive 04/16/00 relating to hunger strike, which will be addressed in more detail in chapter four of the report, in Annex 5.

- **Special units' attack prisoners on hunger strike in Eshel prison**

Prisoner Abdul-Fattah Doleh reported to an Addameer lawyer that when the prisoners in Eshel prison joined the mass hunger strike, the prison was raided by approximately 200 members of the special units from four different squads. They searched the cells, destroyed and confiscated all of the belongings but one pair of undergarments per prisoner. Prisoners from section 1 (approximately 90 prisoners) were transferred to solitary and dual cells, in addition to 20 other prisoners who declared their hunger strike on 17 April.

Furthermore, the special units confiscated their water and did not allow prisoners to buy water from the canteen for a whole week until the ICRC intervened. The prison administration imposed fines of up to NIS 225 on all prisoners. Doleh was accused of provoking the strike and was fined NIS 650.

Doleh added that the isolation cells were infested with rats that emerged from sewage, which smelled terrible. Prisoners were transferred between sections and prisons throughout the duration of the strike and only one hour of yard time per day instead of two hours. To increase their suffering, the jailors tied the prisoners with metal and plastic shackles whenever they went to the yard.

- **Forty raids and assaults on the prisoners during Ramadan month**

On 27 August 2012, Ahrar Center for Prisoners Studies reported that the IPS special units carried out over 40 raids in 11 prisoners and detention centers during Ramadan.⁷⁰⁷¹ The violations ranged between raids and repeated searches and beating the prisoners. On 20 Ramadan, the search in Gilboa prison lasted 13 hours.⁷²

70. See the detailed table of special units raids in Annex 4.

71. Ahrar Center for Prisoners Studies published a media report on 27 August 2012 documenting these raids. Information from this report were used here.

72. These raids included all Israeli prisons with clear focus on Ramon prison, where all ten sections were subjected to raids, search and abuse of prisoners, and Gilboa prison, which was raided eleven times during Ramadan month, with a clear focus on the sections to which the prisoners Abbas Al-Sayyed and Abdullah Al-Barghouthi were transferred back from solitary confinement. The raids also included Megiddo, Shatta, Hadarim, Ofer, Ktziot, Ramon, Nafha, Eshel, and Ohalei Keidar prisons.

The raids were accompanied by heavy fines imposed by prison administrations on prisoners and detainees, ranging from NIS 200 (USD 30) to NIS 600 (USD 150) per prisoner in the raided cells in Eshel prison.

- **Massada Unit raids Nafha prison duringa Ramadan meal before daybreak**

Massada Unit raided section 14 in Nafha prison at the time of the last meal before daybreak in Ramadan on the night of 30 July 2012. They conducted a provocative search of the prisoners' cells and tried to subject them to a strip search.

Lawyers reports stated that the prisoners were forced out of their cells and to the prison yard after midnight while being insulted by prison guards, and their cells were searched and ransacked. The prisoners refused to submit to the strip search, and subsequently were punished with denial of family visits for one month and confiscation of all electronic devices in the section.⁷³

73. These raids constitute an insidious step against the agreement reached on 14 May 2012 between the national prisoner movement and the IPS, which ended the 28-day prisoners' strike, providing that the IPS will stop its provocative measures and improve prisoners' conditions.

Night raids of the solitary confinement sections in 2012

Testimony by Dirar Abu Sisi held in solitary cell in Ashqelon prison

The “dignity” agreement reached on 14 May 2012 which ended the mass hunger strike included the end of the policy of solitary confinement. Indeed, shortly after, the IPS transferred 19 of the 20 prisoners who were held in solitary sections back to ordinary sections.

The IPS, however, and in breach of the agreement, kept the detainee Dirar Abu Sisi in solitary confinement under the justification that he was still in pretrial detention. Abu Sisi has been in solitary confinement since 18 February 2011 when he was indicted from Ukraine by the Israeli special forces.

Since his detention, Abu Sisi has been denied family visits. He reported to a lawyer that he started to face difficulty in talking and remembering words in result of the complete isolation he is living in and lack of communication with the outside world,⁷⁴ as he is not allowed to see or talk to anybody except during lawyer visits. In addition to the severity of his isolation, Abu Sisi receives poor and infrequent meals. The IPS deliberately denies him medical attention although he suffers from several diseases, mainly cardiac problems, hypertension, high cholesterol, anemia, abdominal pain, renal problems, and backache and takes nine types of medications.

In an attempt to destroy his cognitive capacity, the special units conduct frequent night raids of his cell allegedly to search and

74. Dr. Mustafa Hijazi says that the most recent studies prove that isolation in an environment free of stimuli, with little mobility and with brain deprivation in result of the little amount of food offered to the prisoner, all these factors work together over time to make the brain cortex thinner and consequently reduce intellectual competency. The lack of stimuli, he adds, lead to the degeneration of the axons of the nerve cells that provide the contact between brain cells, thus damaging one's intellectual ability to think , make decisions and resist, without using any physical violence. When thinking, alertness and insight diminish, the prisoner becomes captive in the hands of his jailors, who manipulate his reasoning and convictions. At the emotional/social level, the long isolation from others creates a separation anxiety, which induces regression and deterioration in the ability to resist and internal psychological immunity, which all ordinary people possess. Op. cit., p. 145.

confiscate all of its contents. Abu Sisi reported to his lawyer that in the most recent search, the special units confiscated a notebook where he writes some of his thoughts, since they had nothing else left to confiscate.⁷⁵

Testimony by Ahed Abu Gholmeh in the solitary confinement section of Ashqelon prison

According to a testimony by prisoner Ahed Abu Ghulmeh on 17 August 2011, the most recent raid of his solitary confinement cell occurred on 22 July 2011. Four members of the Dror Unit raided his cell, while dozens were crowding opposite to the small cell.

Ahed says that raids of cells and sections by the special forces have occurred twice a month on average between 2010 and 2011. They ransack the cells and turn everything upside down using special search tools and equipment.

75. For more information on special units' raids of solitary cells, see the table in Annex 4.

General Conclusion

- The special forces carry out large-scale aggressions against prisoners and detainees during transport or raids of their cells. The aggressions are in addition to the daily violations committed by or with the IPS staff, as according to instructions from the IPS directorate or prisoner administrations and their intelligence systems.
- These continuous violations represent the IPS policy in their dealings with Palestinian prisoners and detainees, which complements the torturous cycle that begins with the arrest by the IOF, use of physical and psychological torture during the long interrogation process, and other IPS policies in the prison such as solitary confinement, medical neglect, denial of family visits, denial of education, and heavy monetary fines.
- The violations during the raids affect all Palestinian prisoners and detainees, regardless of their age, sex, reason for detention and place of detention.
- Torturing the prisoners during their detention period is part of a deliberate IPS plan which aims to subjugate the prisoners, break their will and determination, subdue their morale and force them to give up the struggle for their legitimate rights.
- The IPS reliance on its special units has increased since the 2004 hunger strike. These units have played a central role in breaking this strike. Since then, Nahshon, Massada and other special units have been used to subdue protests against IPS policies and the demands for rights. The IPS deliberately times the raids and aggressions to coincide with major religious and national events. Evidence shows that raids intensify during Ramadan and when prisoners celebrate national events.
- Prison administrations direct their special units to raid the cells of prison leaders who played a major role in leading the mass hunger strike in April 2012 as a means of retaliation. This is evidenced by the intensified raids of sections where prisoners were transferred from solitary sections.

- The oppression and torture of Palestinian prisoners and detainees by members of the special units, which may amount to the level of murder, as well as all forms of cruel, inhumane and degrading treatment and punishment, are based on the treatment allowed in IPS directives relating to “security prisoners,” which deny their legal status and rights as prisoners of war protected by Geneva Convention III or civilians protected by Geneva Convention IV, and legalize their torture, maltreatment and use in dangerous medical experiments.
- In their testimonies, the prisoners and detainees reported that raids of their cells and sections by the special units are often for varying training purposes, such as:
 1. Enhancing the morale of special units’ members.
 2. Improving the overall competence of special units’ members.
 3. Special training for new members.
 4. Military trainings in the form of simulations of specific complicated military and intelligence operations.
 5. Testing of Israeli weapons used for international markets.

Part Three:

Statistical and Legal Analysis of Special Units' Aggressions against Prisoners and Detainees during Transfers and Raids



Chapter One

Analysis of major aggressions against prisoners and detainees by the special units during transfers and raids

Methodology

In the table annexed to this report, Addameer documented 60 incidents of major aggressions by the special units against prisoners during transfers and raids between January 2011 to January 2013.⁷⁶

However, while we are certain that this number does not include all aggressions by the special units during this period, the following tables can provide a deeper analysis of the aggressions in terms of their timing, intentions and implications on the lives of prisoners and detainees.

Distribution of prisoners and detainees to prisons according to December 2012 statistics

Prison	Megiddo	Ramon	Nafha	Ktzi'ot	Gilboa	Eshel	Ashqelon	Shatta	Hadarim	Ramleh	Ofer	Hasharon
Number of detainees	967	672	550	529	571	270	82	107	100	22	571	12

In total, there were 4,565 detainees and prisoners in interrogation and detention centers in December 2012.

Distribution of major raids of prisons by the special units

Prison	Ashqelon	Ramleh medical center	Nafha	Ramon	Eshel	Ofer	Shatta	Negev	Megiddo	Gilboa	Hasharon/ children	Hasharon/ women	Huwwara
Number of raids	12	3	13	5	7	4	4	2	4	3	1	1	1

76. The majority of testimonies presented in the previous chapter were included in the table, with the exception of some testimonies elaborating on special units' raids in Ramadan month, transfer and search campaigns during the group hunger strike.

The table demonstrates that raids by the special units (Nahshon, Massada, Dror, Yamas) occur in most prisons designated to hold Palestinian detainees and prisoners, including Hasharon prison which is for children and women. Raids were concentrated in prisons in the southern bloc, especially Nafha and Ashqelon prisons,⁷⁷ which hold the largest numbers of Palestinian detainees and prisoners, particularly those with long-term sentences, Gazan prisoners and members of the hunger strike's central committee, with the aim of oppressing the group strike of the prisoners movement in 17 April 2012.

Prisoners' testimonies and the dates of the raids (see Annex) affirm the correlation between the rise in aggression and the IPS' desire to punish the prisoner movement for its efforts to reorganize and revitalize following a period of disintegration and inactivity in the aftermath of the failed strike of 2004. Indeed, the prisoners movement has intensified its protests and hunger strikes in the past two years to object to the realities that have been imposed by the IPS following the failure of the 2004 strike.⁷⁸

Distribution by Unit

Unit name	Nahshon	Massada	Yamas	Dror	Unidentified	Joint
Number of raids	19	5	6	7	16	7

Based on the information available, the table reveals that four special units carry out the aggressions against the prisoners and detainees. While Nahshon units are linked to aggressions during their transfer, the table reveals that Nahshon also takes part in the raids of prisoners' sections and cells alongside three other main units: Massada, Yamas and Dror.

The prisoners and detainees distinguish these units by the insignia on their uniforms. Nahshon and Massada are easily identifiable from the prisoners long history with them. However, in many cases it is difficult for the prisoners to identify the raiding force for several reasons including that the raids are conducted late at night by newly formed units or jointly between several units. This is why over a quarter of the units remain unidentifiable. Testimonies of prisoners also indicate that IPS prison

77. See prisons' map in Annex 2.

78. For more analysis on the outcomes and implications of the 2004 strike for the realities of prisoners movement, see: Walid Daqqa, *Tempering Alertness*, op. cit.

guards take part in the raids alongside members of the special units. The table demonstrates that Nahshon units are responsible for a large portion of these raids and violations in light of their frequent interaction with the prisoners, especially during transfers. In addition, they take part in the raids of prison sections and cells alongside other special units.

The table revealed that the special units join forces to carry out the raids, broadening the scope of the operation as each unit specializes in a particular aspect of the raid. For example, one unit will conduct a search for the belongings, another attacks the prisoners and the Nahshon members transfer the prisoners to solitary confinement cells or other prisons as a form of oppression.

The table also shows that Massada Units continue to raid and abuse prisoners, contrary to previous speculations that they were suspended after the murder of Mohammad al-Ashqar in the bloody attack on Ktziot/Naqab prison in 2007.

Justifying the Aggressions

Reasons behind aggressions by special units

Reason for the raid	Oppression	Hunger strike	Search and strip search	Mobile phones	DNA testing	Attempted murder
Number of raids	18	17	15	7	2	1

The IPS uses various pretexts to authorize the special unit's raids, which have been described in previous chapters in this report. About one-third of raids are considered "raids of oppression" without explicit reason.

The table of major aggressions by the special units in the past two years reveals a close link of these aggressions with the success of the prisoners movement to revive its energy, reorganize and conduct group and individual strikes to demand their legitimate rights. Out of the 60 documented raids, 45 were aimed to punish the prisoners, included an attempted murder,⁷⁹ for holding hunger strikes and other forms of protest.

⁷⁹. See testimony by the detainee Mohammed Hasan Mohammed Atiyeh.

Prisoners' testimonies also illustrate the motives behind the raids as part of a systematic and established policy to increase the suffering and oppression so that the prisoners resign their rights and submit to IPS policies that deny their basic rights enshrined in international law.

Major types of violations by special units during transfers and raids

Insults, cursing, abuse	Ransacking prisoners' belongings	Beating	Severe injuries	Property destruction	Attempted murder	Stripping naked in cold weather	Forcing a contorted position inside the cell
60	48	27	8	9	1	3	1

Addameer documented 157 violations that occurred during raids by the special units between 2010 and 2012. Raids of prisoners' sections and cells by the special units and transfers between prisons and to courts involve different forms of violations by members of these units in a systematic implementation of a policy to make the prisoners pay a heavy price for demanding their legitimate rights. The table above presents some of these daily grave violations affecting the Palestinian prisoners and detainees.

Material damages resulting from the raids

It is difficult for the prisoners to assess the material damages to their electronic devices, food and clothes during the Nahshon Unit's arbitrary transfers and raids.

The prisoners reported that in the past several years, the IPS requires them to sign a statement that the prison administration has no responsibility to compensate them for the damages beyond NIS 1,000 incurred during raids and transfers, including arbitrary transfers. This prevents them from demanding and claiming compensation for their destroyed property.

On 30 June 2011, prisoner Mukhles Burghal told an Addameer lawyer about the case of Ramadan Mashahreh, who filed a lawsuit against the prison administration that demanded NIS 1,500 in compensation for his electronic devices and clothes when he was transferred from Gilboa prison to Nafha prison.

Continued Punishments after the Raids

Raids by the special unit's are used to inhibit the prisoners' morale and struggle. In the aftermath of each raid, the prison administration subjects the prisoners to various penalties, relying on their penal codes and directives criminalizing all forms of solidarity between prisoners and considering their protests and demands for their rights as a rebellion that should be stopped and subdued by the special forces.

According to these directives, the prisoners' respect of their human dignity (see the statement of the prisoner Nael Al-Barghouthi) becomes a violation of regulations requiring the strongest disciplinary act as stipulated in IPS disciplinary rules relating to "security prisoners," while these rules in turn are in breach of the disciplinary rules for detainees and internees under Geneva Conventions III and IV and other human rights treaties relating to those derived of their liberty.

These penalties are issued by arbitrary and vindictive decisions, often issued against a group of prisoners by the section officer, prison deputy director or the director himself depending on the type of and reason for the penalty. The concerned prisoner/detainee is not allowed to have an effective legal defense against such decisions.⁸⁰ Prisoners' testimonies underscore the fact that the IPS published their directives only in 2006, in some but not all prisons and only Hebrew only, a language most of the prisoners cannot read. When prisoners in Gilboa prison asked the section officer about what rights they have in the directives, he replied that these are merely ink on paper.⁸¹

Major penalties imposed by the IPS on prisoners and detainees in the aftermath of prison raids by the special units

Punishment	Collective fines	Solitary confinement	Denial of family visits	Denial of canteen use	Transfer	Denial of outdoor break	Closure of section and cells	Removal of electric devices	Power cut	Cell evacuation
Times	8	23	17	10	13	4	9	6	2	3

80. See Annex 6 for excerpts from the directive 04/13/00 relating to "disciplinary rules for prisoners."

81. An interview with the ex-prisoner Tawfiq Oweisat.

The table reveals that prison administrations imposed ten different types of penalties on the prisoners following the raids. The punishments can range from collective fines to power cuts. The most common penalty is putting the prisoners in solitary confinement. The table also reveals that many of these penalties have been imposed as one set.

Disciplinary measures allowed in IHL

In breach of the provisions of article 90 of Geneva Convention III and article 119 of Geneva Convention IV, the IPS has imposed a set of long-term collective punishments, including denial of education⁸² and denial of family visits,⁸³ for periods exceeding 30 days and even for several years in some cases. The prisoners only regained these rights after going on collective hunger strikes.

Article 97 of Geneva Convention III required that all premises in which disciplinary punishments are undergone should conform to the sanitary requirements set forth in Article 25. The Convention also affirmed that prisoners of war subjected to disciplinary punishment should also be allowed to exercise and to be in open air spaces for at least two hours daily, as well as receive daily medical examinations and treatment when necessary, should have the permission to read and write, and enjoy written correspondence.

Financial fines associated with special units' aggressions

Monetary fines imposed on prisoners and detainees cause significant implications on the prisoner both financially and regarding their self-worth. The fines aim to impoverish the prisoners and increase the financial burden on the families and communities who are forced to pay into the

82. Since 2009, the IPS has deprived more than 1,800 detainees and prisoners their right to sit to the final secondary school exam. Since 2011, the IPS suspended the enrollment of 210 prisoners and detainees in university education. In 2011, both the central court and high court rejected the prisoners' demand to resume their right to education. The amendment 42 to the prisons law, approved by the Israeli Knesset in the aftermath of the collective hunger strike in 2012, reinforced denial of cultural and educational rights of Palestinian prisoners and detainees.

83. In addition to these penalties, the IPS has imposed other collective punishments against the prisoners and detainees lasting for years, such as the case of depriving more than 700 prisoners and detainees from the Gaza Strip of their right to family visits during the period 2006-2012. Following the collective hunger strike in 2012, Gaza prisoners and detainees regained their right to family visits although not on periodical basis yet, while the Israeli occupation's authorities continue to constrain the right of hundreds of prisoners to family visits by denying their families permits to enter the territories of the occupying power, where the prisons are located.

canteen system. The monetary fines also shatter the self-image of the detainee because they feel burden on their family and society and are unable to be independent.

Prisoners paid the sum of financial fines imposed on prisoners and detainees in relation to special units' aggressions, as documented in the table, has reached NIS 51,300, or around USD 13,000. This figure, however, does not reflect the actual size of fines imposed on prisoners for breaching the "disciplinary rules" and does not reflect the overall loss to prisoners due to the destruction of their personal effects and electric devices by the special units.

Nevertheless, it can be viewed as a representative sample of the policy of financial pillage practiced by the Israeli occupation authorities against the resources of the Palestinian people. These fines add to other financial burdens endured by the prisoners during their detention. For example, in view of IPS deliberate failure to abide by its financial and legal responsibilities towards the prisoners and to provide them with adequate food and other necessities, they find themselves forced to buy goods from the prison's canteen to improve their food intake and meet their needs for stationery, personal hygiene materials and clothes.

An economic study conducted by Addameer (2010-2013) indicated that the average spending of a non-smoking prisoner is over NIS 800 and may exceed NIS 1,500 for the smoking prisoner.⁸⁴ Data from the Ministry of Prisoners' Affairs for 2102 indicate that the Ministry has spent NIS 26,271,629 (equal to USD 7,100,440) to support the food basket of the prisoners and detainees, which means supporting their purchases from prison canteens.⁸⁵ In 2010, the Ministry spent NIS 13,633,885 (equal to USD 3,895,395) on the same purpose.⁸⁶

A more comprehensive view of the policy of financial pillage adopted by the different systems within the Israeli occupation's authorities can be obtained by reviewing the reports of Israeli military courts, indicating

84. A study to be published in 2013.

85. Report by the Ministry of Prisoners and Ex-Prisoners Affairs in 2013.

86. See Addameer report; Violations against Palestinian Prisoners and Detainees in Israeli Prisons and Detention Centers, 2010. P. 65, available at: <http://www.addameer.org/einside.php?id=45>.

that the sum of financial fines imposed by these courts during 2011 was NIS 13,141,813 (equal to USD 3,551,841), compared to NIS 15,940,910 (equal to USD 3 million) in 2010.⁸⁷

Total number of prisoners subjected to abuse

Aggressions documented in the table affected 1,700 prisoners and detainees during the 60 incidents occurring in the past two years.

However, since the actual number and scope of aggressions by the special units are much larger than those documented in the table, whether during transfers (Nahshon) or the aggressions on other special units during raids, we expect that the number of prisoners and detainees victims of these abuses is much higher as well.

A report by B'teselm based on IPS data indicates that from 1 January 2007 to 28 April 2013, 1,493 Palestinian inmates were held in isolation, including 18 adult Palestinians, all men, held in solitary confinement for more than half a year, continuously; of these, seven men were held for more than three years, and three men were held in continuous isolation for more than seven years.

The report addressed the isolation of children, stating that during the same period, 76 Palestinian minors – including one girl – were held in isolation. Seven of the minors were less than 16 years old, and the rest were 16 to 18 years old. The report also indicated that one minor was held in solitary confinement for a continuous period of more than 30 days, 28 minors were held in solitary confinement for a continuous period of up to a month and 39 minors (including a girl) were held in solitary confinement for a continuous period of up to a week. The IPS did not detail how many times each one of them was held in isolation.

Examples of penalties in IPS directives

Prisoners' testimonies reveal that they are subjected to a set of penalties imposed by prison administrations if the special units find mobile phones in their possession. So what are the provisions of IPS directives with

87. Military courts' report 2011, available in Addameer library.

regard to the possession of a mobile phone by a prisoner or detainee?

First, it should be noted that often prison officers help prisoners to sneak mobile phones into the prison to make some money. In many cases, prison administration knows about it and allows it (since around 1,500 prisoners are denied family visits) in order to blackmail prisoners by keeping silent about the mobile phones in exchange of their acceptance to IPS instructions and policies and to stop their protests. It could also be part of a policy to wiretap prisoners' phone calls. In fact, the IPS uses state-of-the-art electronic technology to keep the prisons and prisoners under close monitoring and, if necessary, can install jamming stations to disrupt transmission of prisoners' mobile phones.

In reference to IPS directives, the Directive No 04/13/00 relating to disciplinary justice for prisoners, updated on 18 July 2010, provides for individual punishment for committing any of 41 listed infringements. Severity of punishment varies according to the prisoner's record and other considerations.

According to these directives, a prisoner's⁸⁸ possession of a mobile phone is a punishable by prison regulations. Infringement 5 relates to any written, oral or other contact between the prisoner and a person outside the prison or with another prisoner. Infringement 32 relates to possessing anything that is banned. Infringement 41 addresses any act or behavior that constitutes noncompliance with the directives or neglect that affects order and discipline, even if not mentioned in the previous provisions.

According to IPS directive No 04/13/00, infringement 5 is punishable at least by strict warning, a fine up to NIS 225 or 7 days of isolation, and at most by strict warning, a fine up to NIS 456, 14 days of isolation and/or reducing the number of days of prisoner's release if the infringement constitutes a threat to prison security.

If the possession of a mobile phone is considered something prisoners are not allowed to do (infringement 32), the punishment will start from strict warning, a fine up to NIS 225 and/or 5 days of isolation. In case of aggravated penalty, the fine may reach NIS 300 and the isolation 7 days.

88. The term "prisoner" here includes Palestinian prisoners and detainees.

Example of punishment for a prisoner's possession of a mobile phone

Date of punishment	Prison	Reason for punishment	Persons punished	Punishment	Additional information
13 January 2011	Nafha	Mobile phone	160 prisoners	<ul style="list-style-type: none"> • Isolation of 160 prisoners for one week • NIS 228 fine for each of the 160 prisoners • Denial of family visits to all 160 prisoners for one month 	Removing the tiles of the cells, causing material losses in prisoners' belongings, insulting and abusing the prisoners.

Selection of punishment

According to IPS directive No 04/13/00, a prisoner committing an infringement shall be brought to a disciplinary trial according to procedures outlines in the directive. The court officer has the power to issue one of the following punishments:

1. Cautioning,
2. Strict warning,
3. A fine as follows: the prison director or his deputy have the power to impose a fine up to NIS 456, while the court officer can give a fine up to NIS 228. These fines are paid to the "prisoners' welfare fund,"
4. Isolation for up to 14 days, and
5. Reduction of the number of days of prisoner's release.

Therefore, the punishment imposed on the prisoners in Nafha prison indicate a model of collective punishment imposed by the prison administration – without holding a disciplinary trial – following a search operation by the special units, when they found a mobile phone in a cell. Sneaking a mobile phone into the prison is an individual infringement but

the prison administration imposed a form of collective punishment that is not mentioned in the IPS directives themselves.

Most importantly, the IPS directives do not provide for denying the prisoners their natural right to receive family visits. Such punishment indicates that the prison administration seeks to impose the harshest possible punishment on the prisoners, bypassing the scale of penalties starting with caution and followed by written warning.

Furthermore, the scale of penalties itself reinforces discrimination between (Palestinian) security prisoners and (Jewish/Israeli) criminal prisoners, as Palestinian prisoners are, since 2009, deprived of prisoner's release days. In addition, fines arbitrarily imposed by the section officer are paid to the prison funds, specifically to the prisoners' welfare fund, with the largest proportion of revenues benefiting the Israeli criminal prisoners.

Considerations of punishment

The directive 04/13/00 provides that, when selecting punishment out of the detailed scale of penalties, the court officer should take the following considerations into account to justify the imposed punishment:

1. Severity of the punishment,
2. The prisoner's disciplinary history,
3. The prisoner's conduct in the prison,
4. The prisoner's economic status, and
5. The prisoner's health and psychological conditions.

Referring back to the punishment imposed on the prisoners in Nafha prison (fine, isolation and denial of family visits), it is evident that the prison administration did not give any regard to these considerations. Certainly, the collective punishment affecting all 160 prisoners in the section did not make any distinction between a prisoner with a wealthy account and another with nothing in his account and did not give any consideration to health conditions, proving that the punishment is essentially an act of reprisal.

Hunger strike: Punishment of 36 prisoners in Gilboa prison for their strike in solidarity with the strike of the administrative detainee Hana Shalabi⁸⁹

Administrative detainee Hana Shalabi went on a hunger strike for 46 days in objection to the renewal of her administrative detention although she was among the released detainees in the 2011 exchange deal. In solidarity with her, 36 prisoners in Gilboa prison declared a hunger strike. The prison administration instructed Massada unit to raid the prison, isolate those on hunger strike and revoke their “privileges.” A set of punishments was imposed on them as follows:

Date	Prison	Infringement	Punishment	Additional information
6 April 2012	Gilboa	Hunger strike in solidarity with the strike of the administrative detainee Hana Shalabi	<ul style="list-style-type: none"> • NIS 250 fine for each of the 36 prisoners • Section closure • Denial of canteen use • Denial of family visits for two months 	The prison administration imposed these punishments following a raid by Massada unit allegedly for search purposes, which included removal of food, salt and electric devices and isolation of prisoners on hunger strike in a separate section.

The above table indicates that the following punishments were imposed by the administration of Gilboa prison on the prisoners on strike:

1. NIS 250 fine for each of the 36 prisoners.
2. Section closure and isolation throughout the strike duration.
3. Denial of canteen use.
4. Denial of family visits for two months.

Hunger strike in IPS directives

According to IPS directive No 04/16/00 relating to hunger strike, a prisoner is considered on hunger strike if they refuse to eat four consecutive meals without legal justification or medical indication by the physician, even if he/she drinks water.

89. See the profile of the administrative detainee Hana Shalabi at Addameer website: <http://www.addameer.org/atemplate.php?id=206>

IPS directives do not recognize the right of prisoners and detainees to go on hunger strike, considering this a punishable infringement of order irrespective of strike reasons and demands. IPS forces deal with prisoners' hunger strike on this basis. IPS directive No 04/16/00 gives special status to strikes carried out by "security prisoners," requiring that the prison administration should report such cases to the general staff headquarters and the medical officer of the army and should notify the ICRC.

The directive also requires the prison administration to notify Nahshon and Massada units as part of practical preparation to deal with the hunger strike stages, whether the strike is individual or collective.

The directive's addendum titled "Privileges to be revoked for a prisoner on hunger strike" grants prison administrations and special units the discretion to do the following:

- Immediate suspension of food distribution from the canteen.
- Removal of food from the cells of the prisoner/detainee on strike.
- Reduction of outdoor breaks to one hour.
- Suspension of newspaper distribution and withdrawal of radios and electric devices (recordings).
- Suspension of family visits.
- Suspension of sending and receiving letters.
- Removal and storage of electric devices (with the exception of fans).
- Removal of educational books (with the exception of religious books) to be kept in the prison's library.
- Removal of musical instruments, social games and writing instruments.
- Removal of sports equipment from the outdoor break yard.

Hunger strike in the directive 04/13/00 relating to disciplinary justice for prisoners

This directive lists a prisoner's refusal to eat the daily meals as infringement 8 of the disciplinary rules in the prison, which is punishable by two types of penalties:

- Mitigated punishment: strict caution, a fine up to NIS 50 and/or solitary confinement for two days.
- Aggravated punishment: strict caution, a fine up to NIS 150 and/or solitary confinement for seven days.

Punishments imposed on prisoners on strike

Lawfulness of punishments

1. The directive No 04/16/00 assigns the special units the task of revoking the “privileges” of prisoners on strike, which sheds light on a side of the actual role of these units in raiding the prison to implement IPS instructions aiming at denying the prisoners the ability to challenge its unjust policies. In cases of hunger strike, special units’ raids seek to exhaust the prisoners physically and mentally by conducting intensive search and transfer operations and creating excuses to physically abusing them. At the same time, the special units deprive the prisoners from their most basic needs, such as salt and electric devices (radio and TV), augmenting the IPS policy to deny them any contact with the outside world – by suspending family visits and meetings with lawyers – in order to undermine their determination and resilience.⁹⁰
2. Punishments imposed by Gilboa prison administration on the prisoners on hunger strike exceed those provided for in IPS directives. While the directives provide for a maximum of NIS 150 fine, the prison administration imposed a NIS 250 fine. It also deprived them from family visits for two months, while the directive states clearly that the suspension of family visits is limited to the duration of the strike.
3. The disciplinary rules of IPS directives provide for special punishments and considerations for what they name as “security prisoners,” reinforcing racial discrimination between them and criminal prisoners, as they allow imposing on the former arbitrary punishments based on jailors’ interpretations and deny them guarantees for a fair trial and the right to express their defense before deciding the punishment.⁹¹
4. This is another example of the dangers involved in the treatment of Palestinian prisoners and detainees according to IPS directives, which are in breach of the protective provisions of both Geneva Conventions

90. According to a decision by the Israeli high court, the IPS forces may withdraw salt from prisoners on hunger strike throughout the first 14 days after the beginning of the strike.

91. Article 96 of the Third Geneva Convention provide that acts which constitute offences against discipline shall be investigated immediately and that before any disciplinary award is pronounced, the accused shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. In addition, principle 30 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, paragraph 2, states that “a detained or imprisoned person shall have the right to be heard before disciplinary action is taken. He shall have the right to bring such action to higher authorities for review.”

III and IV, including the allowed disciplinary measures (articles 89-98 of Geneva Convention III and article 119 of Geneva Convention IV), as well as Principle 30 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and Rule 27 of the Standard Minimum Rules for the Treatment of Prisoners.

5. Punishments imposed on the prisoners following special units' aggressions against them are a form of repeated and endless brutal torture, aiming to break their determination and render their struggle meaningless. When resistance and resilience become fruitless, doubts start to arise about the importance and worth of the issue, laying the grounds for the victim to reach a state of defeat and breakdown.⁹²

92. Hijazi, Mustafa, *Wasted Human*, op. cit., p. 134.

Chapter Two:

Legal analysis of special units' aggressions against prisoners and detainees during transfers and raids

This chapter will provide a legal analysis of special units' aggressions against prisoners and detainees during transfers and raids according to testimonies presented earlier in the report and in light of the rules of treatment of detained individuals in international norms and treaties and the definition of torture in the Convention against Torture (CAT), in order to assess the nature of these aggressions from the point of view of the IHL and ICL.

1. Definition of torture

In article 1, the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁹³ defined torture as follows:

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

Torture criteria

To assess whether special units' aggressions against prisoners and detainees during transfers and raids constitute torture crimes and grave violations of the four Geneva Conventions or not, we will refer to four required criteria to define torture and distinguish it from cruel, inhuman or degrading treatment or punishment (CIDT). These criteria were presented

93. Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984; entry into force 26 June 1987, in accordance with article 27 (1).

by Mr. Manfred Nowak, the former UN Special Rapporteur on Torture.⁹⁴

First, torture requires the “causing of severe physical and/or mental pain or suffering.” The word “severe” is critical and means that there is a certain threshold. We should not use the term “torture” in an inflationary manner for other forms of ill-treatment, but it also does not mean “extremely severe” or “excruciating pain”, as the Bush administration wanted us to believe.

Second, torture requires the attribution of the conduct to the state, whether the act was committed by a law enforcement official or with his or her acquiescence.

Third is intention and purpose. Torture must consist of the intentional, deliberate infliction of severe pain or suffering, and be committed for a particular purpose, which is often the purpose of extracting a confession, which is later used before criminal courts; however, the purpose might also be intimidation, discrimination, or punishment.

The former UN Special Rapporteur adds a **fourth** criteria that he regards as extremely important, although it is not mentioned in the Convention: the powerlessness and defenselessness of the victim. To demonstrate this view, he reports: “If you look at the definition of torture in the Rome Statute of the International Criminal Court, you will find the element of detention. I agree that it is the powerlessness of the victim that makes torture such an evil, the fact that one person has absolute power over another. This distinguishes torture from other forms of CIDT, the excessive use of force on the street to disperse a demonstration or a riot, for example.”⁹⁵

2. Special units' aggressions against prisoners and detainees in light of criteria defining torture crimes

First, torture requires the causing of severe physical and/or mental pain or suffering

In the previous chapters, we denoted the murder of the detainee Mohammed Al-Ashqar by the special units and the injuring of more than 250 detainees in Negev prison in 2007. In addition to physical and mental exhaustion, prisoners' testimonies and the table annexed to this report reveal that special units' aggressions have affected more than 1,700

94. Manfred Nowak, Professor of International Law and Human Rights, University of Vienna; Director, Ludwig Boltzmann Institute of Human Rights, Vienna; and a former UN Special Rapporteur on Torture.

95. The four criteria are quoted from Manfred Nowak's article in a publication titled: On Torture, published by Adalah Center, Physicians for Human Rights and Al Mezan Center in June 2012.

detainees and prisoners. During these aggressions, different types of weapons have been used, including rubber-coated steel bullets, gas canisters, batons, stun guns, and severe beating on sensitive parts of the body by the products of modern technology that do not leave behind clear marks on the victim's body. Nevertheless, these aggressions have often caused permanent impairments and chronic diseases. Some victims have lost their sight, hearing or speech, others suffered internal or external fractures, some have been subjected to sexual violence and rape attempts, and others have been the subject of attempted murder. In fact, 52 detainees and prisoners died as a result of the policy of deliberate medical neglect⁹⁶ after being physically tortured by interrogators and members of special units. In addition, IPS forces have shot dead seven detainees.⁹⁷ Documentations made by Palestinian human rights organizations report that hundreds of prisoners in the Israeli occupation's prisons suffer from chronic diseases, including cancer.

Addameer data also indicate that more than 40 Palestinian prisoners are held in solitary sections for years and some of them since more than twenty years for health reasons, as they suffer from mental disorders and severe psychological conditions like schizophrenia, paranoia and psychiatric conditions due to the torture they have gone through during the different stages of their detention. Around 20 Palestinian prisoners have spent a varying number of years in solitary confinement for security reasons because the IPS considered them a threat to the prison's security and order. After years of solitary confinement, they were transferred back to regular sections only following 28 days of hunger strike in Spring 2012.

The annexed table also demonstrates that the prisoners have been subjected to cruel punishments under the IPS directives relating to the so-called "security prisoners," which are in breach of the disciplinary punishments outlined in article 119 of Geneva Convention IV.

All the above proves that aggressions by the special units cause severe pains and suffering and, thus, comply with the first criterion of torture.

96. With the death of the detainee Arafat Jaradat on 23 February 2013, the number of those killed under torture during interrogations rose to 71 prisoners And the number of those intentionally killed directly after their arrest rose to 74 prisoners. Seven prisoners were shot dead inside the detention centers. Many others died shortly after their release, including Zakariya Issa and Zuhair Labbadeh.

97. For more information on the martyrs of the Palestinian prisoner movement, see: http://www.palestinebehindbars.org/sh_d.htm

Second, torture requires the attribution of the conduct to the state

The report revealed that the Israeli special units (Nahshon, Massada, Dror, Yamas) are directly affiliated to the IPS and implement its instructions and those of other security bodies. These units function within the hierarchy of the IPS. Their members are administratively under the IPS directorate and the Ministry of Public Security.

These special units report directly to the IPS director Yaakov Ganot. They work under clear instructions from the IPS directorate and the affiliated intelligence system, which in turn coordinates with the General Security Service (Shabak). They are given clear instructions on how to deal with the prisoners and detainees, as explained by the prisoner Walid Daqqa in his study "Tempering Alertness," which also details IPS measures and policies since 2003.

Third, intention and purpose

Torturing the detainees and prisoners during the period of their sentences is part of an elaborate plan followed by the IPS against them, seeking to subjugating them, breaking their determination, destroying their morale and forcing them to give up the struggle for their legitimate rights.

The effects of these means of torture go beyond the inflicted physical pains to include cultural implications that are even more difficult to endure: They aim to humiliate the victim and undermine his/her humanity. Physical and psychological degradation (strip search, use of police dogs, taking photos of prisoners naked, and denying prayers) constitutes another link in the chain of physical torture, which aims to undermine one's self-image and self-esteem in such way that strips the victims from their humanity, identity, respect and integrity. This is usually a common component of interrogation and part of the daily treatment of prisoners. The IPS and its special units do not miss any opportunity to undermine prisoners' dignity.

The least painful degradation is the verbal one, through using immoral curses and swears against the prisoners and their close relatives, especially the wife and the mother in view of the moral sanctity they enjoy in the Arab culture. By degrading the mother and wife, the torturer seeks to undermine the prisoner's masculinity and dignity, to prove that he is too

weak to rage in defense of his honor. This results in generating a latent narcissist wound in the prisoner.⁹⁸

Fourth, defenselessness of the victim

The Palestinian detainees and prisoners lack the legal protection that is guaranteed by international norms, IHL and other IHRL treaties. The IPS treats them according to its directives related to what it calls “security prisoners,” which consider them “terrorists” and discriminate against them, in breach of the protection that should be granted to individuals deprived from their liberty. The special units commit their aggressions against prisoners and detainees who are captive in the hands of the enemy. These aggressions occur during their transport or during raids of their sections and cells, when the prisoner is often shackled and under full control of members of these special units.

3. Torture and resisting torture

“We shall squeeze you empty, and then we shall fill you with ourselves.”

George Orwell, 1984

In his book “Wasted Human,” the psychosocial specialist Dr. Mustafa Hijazi says that now there are experts in psychological torture and destruction working side by side with the physical torturers. Some of them are physicians⁹⁹ and others are behavioral scientists. It is well known that their techniques could have more detrimental and longer effects on the victim’s personality. Here, medicine and behavioral sciences may become instruments for the most serious forms of tyranny and oppression, as they seek to undermine the victim from inside, blowing up his/her internal immunity rather than merely inflicting harm to his/her body. However, the most likely procedure is to combine both processes together.¹⁰⁰

This appears to be in full agreement with the conclusions of the prisoner Walid Daqqa in his study: “Tempering Alertness or Redefining Torture’

98. Hijazi, Mustafa, op. cit., p. 154.

99. To read further about the involvement of physicians in violating the rights of Palestinian detainees in Israeli prisons, see the report published by Physicians for Human Rights in January 2013, available at: <http://www.phr.org.il/default.asp?PageID&116=ItemID1733=>

100. Hijazi, Mustafa, op. cit., p. 130.

(2010), denoting that since 2004, the Israeli occupation authorities have developed a dangerous comprehensive scientific system based on the most recent theories of human engineering and group psychology. The aim of this system is to temper the Palestinian alertness by disintegrating its inclusive values through a combination of coherent systems at the political, military and economic levels.

Hijazi adds that in political and ideological cases, resistance of torturers and immunity against torture can be represented by a square with four corners.¹⁰¹ We will address these four corners below and will present some of the policies and techniques used by the IPS against the prisoners since 2004 with the aim of undermining their capacity to resist the torture it practices against them.

Angles of resisting torture

- **First corner:** Having an ideology or a cause that is valued more than material existence. The prisoner derives immunity from the feeling of belonging and attachment to this ideology or cause and the willingness to sacrifice for it. This feeling turns the pains of torture to a sense of moral value of the victim's sacrifice, while perceiving the torturer as evil and contemptible.
- **Second corner:** Having a strong leadership to which the prisoner is attached and with which he/she identifies. The prisoner feels secure to be linked with a father-figure which is represented by the leader.
- **Third corner:** Being part of a reference group represented in the fraternity based on the common cause or ideology. Here the individual gains the power and immunity of the group through the sense of belonging. So the victim is no more an isolated person that is easy to control and demean, but finds strength in his/her attachment to the group.
- **Fourth corner:** This corner is represented by the role of the family as a reference, particularly the mother. Each detainee also has a motherly-figure in addition to the fatherly-figure .

101. Ibid, p. 137.

4. IPS policies to break resistance to torture

In his study "Tempering Alertness or Redefining Torture" (2010), the prisoner Walid Daqqa says that the IPS has developed its procedures on the basis of international experiences, such as that of the US intelligence and the affiliated regimens in Latin America in the 1970s. He adds that since 2004, the Israeli occupation authorities have developed a dangerous comprehensive scientific system based on the most recent theories of human engineering and group psychology. The aim of this system is to temper the Palestinian alertness by disintegrating its inclusive values.

In his study, Daqqa explained the IPS policies and methods used against the Palestinian prisoners, stressing that these policies seek to alter the prisoners' convictions and subdue their consciousness.

In this section, we will address the corners of resistance to torture as explained by Mustafa Hijazi and describe IPS policies aimed at undermining the prisoners' ability to resist torture. In our view, this will eventually reveal the actual role of the special units and how they complement the torture policy adopted by all Israeli institutions and systems against the Palestinians.

- **First corner: An ideology or a cause valued more than material existence**
 - To confront the ideology or the highly valued cause, which constitutes one of the corners of resistance to torture, the IPS, along with other systems of the occupying power, has sought to break the esteemed link of the prisoners' issue to national struggle.¹⁰² This endeavor has been supported by the reduced numbers of prisoners in the aftermath of Oslo accords and the following releases of groups of prisoners by unilateral decisions made by the Israeli occupation as a sign of good will towards the Palestinian Authority (PA) and peace negotiations, on condition that the released prisoners sign a personal obligation to denounce terrorism and encourage the peace process.
 - Imposing harsh individual and collective punishments on the prisoners whenever they take struggle-oriented actions, even symbolic ones, in

¹⁰². Daqqa, Walid. Tempering Alertness, op. cit.

order to discourage the notion of collective struggle or solidarity.

- Using a policy of cultural blockade by preventing access to books and materials of national value.
- Employing a policy of financial strains as a means to blackmail the prisoners and to push them to strive to improve their material and living conditions and give up their political aspirations and demand for their rights.
- **Second corner: A leadership with which the prisoner identifies**
 - Isolating the leadership of prisoners movement to return to the situation prior to the successful prisoners' strike on 17 April 2012.
 - Suspending the work of the dialogue committee or the prisoners' representative committee.
 - Intensifying transfers of organizational and national leaders in the prisoners movement to confuse the democratic processes within the movement and prevent the accumulation and transfer of experience to the new prisoners. This way prison administrations have weakened prisoners' structures and committees and turned them into a burden.
 - Confusing and disintegrating the lead structures representing the prisoners, especially during hunger strikes, such as holding negotiations on prisoners' demands with the PA during the collective strike in 2012.
- **Third corner: A reference group represented in fraternity based on common cause or ideology**
 - Individualizing the prisoners' issue and group struggle. Prison administrations have sought to encourage individual contacts with the prisoners through personal applications. Group applications are now rarely processed and only in formal issues of little value. The majority of solutions offered are also individualized according to each person and specific case. This has created variations among the prisoners in terms of their detention conditions and how they are treated by prison administrations.

- Imposing harsh punishments on prisoners found to possess photos of Palestinian leaders or martyrs, including isolation, denial of visits and financial fines.
 - Banning any activity of group nature, such as offering condolences in cases of death, reception of a new prisoner, or paying farewell to a released prisoner.
 - Making the most use of the feelings of frustration towards the leadership, the collapse of national and factional organizational structures, and the strong doubts arising about the notion of group mobilization and struggle in order to destroy the inclusive national values.
 - Reinforcing the consequences of the political split by separating the different sections in the same prison according to geographic considerations rather than factional ones.
- **Fourth corner: The role of the family as a reference**

The IPS has installed insulating glass in visitation rooms to ensure separation between the prisoner and family members. The prisoner now cannot touch his/her family members, including spouse and children, but can hear and see them only. The IPS also continues to punish more than 1,500 prisoners by denying them family visits, either for security excuses or as a punishment for disciplinary infringements. This policy is isolating the prisoners from their most important social circle that provides them with psychological and moral support and helps them to regain their psychological balance, self-esteem and resilience.¹⁰³

Such methods seek to reinforce a state of complete helplessness in the detained person against an absolute domination by IPS forces and systems, thus accelerating the process of collapse and surrender.¹⁰⁴ Apparently, such approaches do not represent mere violations of rights but rather a process of ongoing systematic and large-scale destruction of the prisoner as a human being.

¹⁰³ Daqqa, Walid, op. cit., p. 16.

¹⁰⁴ Hijazi, Mustafa, op. cit., p. 132.

5. Torture in IHL and ICL – a war crime and a crime against humanity

Prisoners' testimonies on their treatment by the special units, during transfers and raid operations, reveal their exposure to forms of torture and other forms of cruel, inhuman and degrading treatment of punishment.

These aggressions constitute grave violations of the four Geneva Conventions and their additional protocol of 1977. They comply with the criteria of war crimes and crimes against humanity as outlined in the IHL and ICL, especially in the preamble of Rome Statute, as well as article 7, which defines crimes against humanity, and article 8 related to war crimes.¹⁰⁵ Geneva Conventions of 1949 and their additional protocols of 1977 include provisions that strictly ban cruel and inhuman treatment and degradation of dignity. Torture is banned under article 3 common to the four Geneva Conventions and article 12 of the first and second Geneva Conventions, as well as articles 17 and 87 of Geneva Convention III relative to prisoners of war, and article 32 of Geneva Convention IV relative to the protection of civilians in times of armed conflict.

Furthermore, torture is banned under article 75/2(a) of the first additional protocol (Protocol 1) addressing cases of international armed conflict. Torture in armed conflicts constitutes a grave violation of the provisions of articles 50, 51, 130 and 147 in the four Geneva Conventions, respectively. Pursuant to article 85 of Protocol 1 of 1977, torture violations constitute war crimes.

In addition, article 3 common to the four Geneva Conventions and article 75/2(1) of Protocol 1 prohibit "outrages upon personal dignity, in particular, humiliating and degrading treatment," which constitute grave violations in international armed conflicts.

The ban on torture constitutes Rule 90 of the customary law pursuant to ICRC literature and the decision of the International Criminal Court on the former Yugoslavia, unequivocally prohibiting torture, cruel and inhuman treatment and outrages upon personal dignity, in particular humiliating and degrading treatment.

105. See ICRC website at: <http://www.icrc.org/ara/resources/documents/faq/torture-law-2011-06-24.htm>

Torture under IHRL

Human rights treaties prohibit torture and cruel, inhuman and degrading treatment and punishment. This position is reiterated in various international and regional declarations and treaties, such as article 5 of the Universal Declaration on Human Rights and article 7 of the International Covenant on Civil and Political Rights. In 1986, the United Nations designated a special treaty against torture and other forms of cruel, inhuman and degrading treatment or punishment. In addition, torture is prohibited in various regional treaties, including the European Convention on Human Rights, the Arab Charter on Human Rights and the African Charter on Human and Peoples' Rights.

Torture in ICL¹⁰⁶

Testimonies by prisoners and detainees reveal that the abuse they are exposed to by the IPS special units is a form of torture and cruel, inhuman and degrading treatment, which constitutes a war crime pursuant to articles 8/2(a) (i), (iii), (xi) and 8/2 (b) (i), (ii), and a crime against humanity within the framework of article 7/1(f) and (k) of the Rome Statute of the International Criminal Court.¹⁰⁷

106. For Rome Statute, see: <http://www.icrc.org/ara/resources/documents/misc/6e7ec5.htm>

107. See Annex 7 for excerpts from the Rome Statute and the provisions of articles 7 and 8 thereof.

6. The Israeli position on torturing prisoners and detainees

Contrary to the position of international law towards torture, the Israeli position allows torture of Palestinian prisoners. Despite the remarkable development in the fight against torture of individuals deprived of their liberty all around the world, whether in terms of legal protection provided by international treaties like the CAT, or in terms of the work of international, regional and local instruments to monitor detention centers (prisons) in order to prevent torture, and the training of prison personnel on laws and rights in the different countries of the world, Israel as the occupying power is still behaving like a state which is above international law and has impunity with regard to reviewing its policies related to the treatment of Palestinian prisoners and detainees in its prisons.

The past three decades have witnessed important milestones in challenging the torture of Palestinian detainees in the Israeli prisons. However, rather than offering protection to victims of torture, the Israeli authorities have ensured protection of torturers and have made decisions that give them a stimulus to improve their torture methods and apply the state-of-the-art theories in relation to it.

This is apparent in the position on torture adopted by Landau Commission, which was assigned by the Israeli government in 1987¹⁰⁸ to examine the practice of torture. In its report, the Commission made a very clear conclusion acknowledging that “torture is allowed in some instances but lying to the courts is intolerable.”

In the implementation of the Commission’s recommendations, experts developed a practical and theoretical guide for interrogation techniques that looks like an instruction handbook in order to offer protection to interrogators and ensure that they are not held accountable since they work according to written orders.

Thus torture of Palestinian detainees during interrogation has continued using the most brutal and bloody methods. Addameer documentations indicate that 18 detainees died under torture in the period between 1987 and 1998, from the publication of the report of Landau Commission and

108. To read further about torture of Palestinian detainees and the Decision of Landau Committee, see: Ribhi Qatamish, Torture of Palestinian political prisoners in Israeli prisons, Ramallah, Addameer, October 2003.

up to the ruling of the Israeli High Court on torture.¹⁰⁹

Convention Against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment

The Occupying power ratified the Convention Against Torture (CAT) on 3 October 1991. However, this did not stop it from continuing to employ the policy of torture against Palestinians in general and the detainees in particular. Israel does not hide its unwillingness to comply with its obligations under this Convention with regard to the Palestinian people, claiming that human rights treaties aim to protect citizens from their governments in times of peace and do not apply to Palestinians living in the OPT.

However, this position conflicts with article 2 of CAT requiring each State Party to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction, as well as article 16 requiring each State Party to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Furthermore, the occupying power has made reservations on article 20 of CAT, thus denying the Committee Against Torture the authorization to visit its prisons and conduct inquiry regarding any observations on the systematic use of torture.¹¹⁰

The occupying power has also failed to join the large number of states that ratified the second protocol attached to CAT, which entered into force 22 June 2006, establishing a worldwide system of torture prevention based on regular visits to places of detention.¹¹¹ To prevent torture, this system aims to help states to address any identified problems in order to enforce prohibition on torture.¹¹²

109. Ribhi Qatamish, *Torture of Palestinian political prisoners*, op. cit., p. 50.

110. In 1995, the occupying power officially declared that it does not recognize the power and authority of the Committee Against Torture to investigate information received by any person or body indicating the occurrence of torture, thus becoming one of seven states that refuse to recognize the Committee's power.

111. See the position paper issued by several human rights organizations: *Israel Should Ratify the Optional Protocol to the UN Convention Against Torture as an Effective Means of Eliminating Torture*, available at: http://www.mezan.org/en/details.php?id=10035&ddname=torture&id_dept=51&id2=9&p=center.

112. *Ibid.*

Since 2002, the occupying power has not replied to the request by the UN Special Rapporteur on Torture to visit the country, reflecting a careless attitude towards international instruments.

The IPS has insistently rejected requests from various Israeli human rights and legal institutions to allow independent and qualified professionals to visit the prisons, claiming that “such visits may create an unnecessary burden on prison administrations,” as the IPS director said to a delegation from Physicians for Human Rights in 2008.¹¹³

7. Israeli Basic Law

The Israeli Basic Law of 1992 reinforces the conclusion of Landau Commission and is in line with the decision of the High Court, allowing the violation of basic rights, including the right to be free from torture and inhuman treatment, if by virtue of a law and for the purpose of protecting the security of Israel.

Under article 2 of this basic law, there shall be no violation of the life, body or dignity of any person as such. Article 4 stresses that all persons are entitled to protection of their life, body and dignity. Article 8, however, allows the violation of rights under this basic law by the virtue of a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required. This position is further clarified in article 9, titled “Reservation regarding security forces,” stating that “there shall be no restriction of rights under this Basic Law held by persons serving in the Israel Defense Forces, the Israel Police, the Prisons Service and other security organizations of the State, nor shall such rights be subject to conditions, except by virtue of a law, or by regulation enacted by virtue of a law, and to an extent no greater than is required by the nature and character of the service.”

Israeli High Court’s decision regarding torture

In 1999, the Public Committee against Torture in Israel and others filed an appeal to the Israeli High Court against the State of Israel and others,¹¹⁴ based on testimonies of hundreds of detainees who have been subjected

¹¹³. Ibid.

¹¹⁴. HCJ 5100/94

to torture while being interrogated by the security forces and the General Security Service (Shin Bet) and the Israeli Security Agency (Shabak).

The Court's decisions stated that torture has certainly been practiced and that it is illegal, but it left the door open for practicing torture in cases of "necessary defense" of article 34(11) of the Penal Law of 1977. The Court's decision provided protection to torturers if they prove that the detainee of concern constitutes a "ticking bomb."¹¹⁵ In light of this position, the lawyer Irit Ballas from the Public Committee Against Torture in Israel noted that the 1999 court ruling "was a major achievement, but torture did not end because of it. Its perpetrators are merely being protected in a more sophisticated way."¹¹⁶

Torture in the post-High Court ruling period

The occupying power and its security and intelligence systems and special units have continued to use various methods to torture the Palestinian detainees physically and psychologically, throughout the stages of their detention. Torture methods used have been based on scientific research and experiments, demonstrating high effectiveness in destroying the detainees' defenses and forcing them to admit charges.¹¹⁷ The years following the High Court's ruling on torture have witnessed a shift in torture methods used against Palestinian detainees, replacing the most brutal methods by shrewder but equally effective techniques. Brutal torture has not stopped though, as evidenced in the death of the detainee Arafat Jaradat in the Shabak's interrogation center on 23 February 2013, six days after he was arrested. The report of the Palestinian physician Saber Al-Aloul, who participated in Jaradat's autopsy at Abu Kabir Forensic Institute,¹¹⁸ stated that the detainee's death was due to neurological trauma caused by physical and psychological torture.¹¹⁹

115. The Public Committee Against Torture in Israel expressed concern that "physical pressure in extreme circumstances, in the "ticking bomb" scenario, may not result in criminal prosecution of interrogators, since they may rely on the necessity defense against any criminal charges. The Committee renewed its previous recommendation that Israel fully abolishes the "necessity defense" as a potential justification for committing torture crimes.

116. On Torture, op. cit., p. 45.

117. See Daqqa, Walid, op. cit.

118. See the report by Dr. Al-Aloul, published by the Ministry of Prisoners' Affairs on 26 February 2013 on the death of the detainee Arafat Jaradat. The report widely published in the local press. A summary is available at Al-Quds Newspaper website: <http://www.alquds.com/news/article/view/id/420123>

119. For further information on the death of the detainee Arafat Jaradat, see Addameer statement at: <http://www.addameer.org/atemplate.php?id=306>

with the death of the detainee Jaradat on 23 February 2013, the number of prisoners and detainees who died under torture since 1967 rose to 71.

The killing of the detainee Jaradat constitutes a war crime, being in breach of the fourth Geneva Convention. Torture is a grave violation of the provisions of articles 50, 51, 130 and 147 in the fourth Geneva Convention, respectively, and article 85 of Protocol 1 of 1977. It is also considered a war crime pursuant to Rome Statute, article 8/2(a) i-ii – torture and inhuman treatment.

7. Torture's vicious circle

The integrated roles of Israeli political and judicial institutions lays the ground for the military and security system to practice torture against the Palestinians with impunity, as evidenced by the 1999 ruling of the High Court.

According to documentations by the Public Committee Against Torture, Palestinian detainees have filed more than 700 complaints of torture during the past decade. These complaints, however, have not instigated serious criminal investigations and accountability.¹²⁰

While some may maintain that the Israeli judiciary has curtailed the most brutal forms of torture¹²¹ against Palestinian detained during interrogation, it is very difficult to claim that the Israeli judiciary is able to curtail the aggressions of special units on the prisoners and detainees during transfers and raids.

Documentations by human rights institutions and the PA Ministry of Prisoners and Ex-Prisoners' Affairs indicate that the Israeli central courts and High Court have rejected 95% of petitions requesting to improve detention conditions and treatment of prisoners.¹²²

With regard to complaints against special units' raids and abuse of prisoners during transfers and the destruction they cause in prisoners'

120. See article by advocate Bana Shoughry-Badarne, Public Committee Against Torture in Israel, titled: "Torture in Israel – A Question of Getting Away With It," in the publication *On Torture*, published by Adalah – The Legal Center for Arab Minority Rights in Israel, Physicians for Human Rights – Israel, and Al Mezan Center for Human Rights – Gaza, June 2012, p. 47.

121. Attorney Lea Tsemel, "Notes on the History of Torture in Israel," in the publication *On torture*, op. cit., pp. 7-12.

122. Report published by the Ministry of Prisoners and Ex-Prisoners' Affairs in 2010.

belongings, in the third quarter of 2012, prisoners of Ofer prison filed more than 70 complaints against special units' practices, particularly for damaging their belongings and assets. However, these complaints have not been taken seriously and have not stopped the violation of their rights.¹²³

In terms of international accountability, the occupying power still enjoys "international impunity" allowing it to continue to act as a state above international law. Persistently refusing to acknowledge IHL applicability to the OPT, Israel has not been put under any serious pressure to influence this position or ensure respect of its obligations under the many human rights treaties. Furthermore, the occupying power has not joined the 2002 Rome Statute that established the International Criminal Court, which allows the prosecution of war crimes and crimes against humanity.

Often geopolitics interfere in the functioning of the current international system towards individuals and bodies committing war crimes and crimes against humanity. This geopolitical dimension is clearly reflected in the composition of the UN Security Council (the five permanent members). With some of these permanent members using the veto, efforts to hold the occupying power accountable for its acts become futile, providing a sort of impunity to the occupying power and allowing its leaders to escape international criminal accountability.¹²⁴ In addition, several states that apply the principle of universal jurisdiction are refusing to use their jurisdiction against Israeli war criminals.

The High Contracting Parties to Geneva Conventions have also failed to apply article 1 of the Conventions, which requires them to undertake to respect and to ensure respect for the Conventions in all circumstances. Moreover, some of these Contracting Parties violate the provisions of the Conventions by turning a blind eye to the acts of some of their companies explicitly engaged in providing security and logistical services to the IPS and by disrupting attempts to hold the occupying power accountable for its crimes.¹²⁵

123. Report published by the Ministry of Prisoners and Ex-Prisoners' Affairs on 20 December 2012.

124. See Nasser Al-Rayyes, "The issue of political prisoners at the International Court of Justice: precedents and options in the case of the Palestinian prisoners". Available at: http://www.un.org/depts/dpa/qpal/docs/2012%20Geneva/P2%20nasser%20al%20ryyes%20AR%20_corrected%20by%20A%20unit_.pdf

125. See the statement of the Council of Palestinian Human Rights Organizations on 23 March 2013 on the decision by the UN Human Rights Council on 22 March 2013 on the report of the international fact-finding mission on Israeli settlements in the OPT

Part Four:

Conclusions, Recommendations and Annexes



Conclusions and recommendations

1. Conclusions

- The reports concludes that the Palestinian prisoners and detainees in the Israeli occupation's prisons lack the legal protection guaranteed by the IHL and IHRL to individuals deprived of their liberty, as outlined in customary IHL rules, Geneva Conventions III and IV and the different human rights treaties, primarily the CAT.
- The report reveals that the Palestinian prisoners (including women, children, elderly and sick prisoners) in all prisons are still exposed to various forms of torture and cruel and degrading treatment by the IPS special units according to IPS instructions and in coordination with intelligence and military systems and the Ministry of Public Security, aiming to force them to give up their rights and punish them for their protests. This is despite the fact that the occupying power ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1991.
- The ongoing aggressions by the special units involve grave violations of the four Geneva Conventions and IHL rules.
- The report demonstrates that torture of Palestinian detainees and prisoners by the special units is a systematic policy practiced on a large scale based on political decisions and supported by the Israeli judiciary. The practice of torture is assigned to the military and security systems based on several factors, including:
 1. Israel's failure to acknowledge applicability of the four Geneva Conventions on the OPT and its population.
 2. Israel's denial of the status of Palestinian prisoners and detainees as prisoners of war and freedom fighters.
 3. Israel's refusal to respect its obligations resulting from its ratification of the various international treaties, primarily the CAT of 1986 and the International Covenant on Civil and Political Rights of 1966, using false excuses and justifications.

4. IPS deliberate treatment of Palestinian prisoners and detainees according to special regulations that classify them as “dangerous security prisoners” (rather than prisoners of war and freedom fighters) affiliated to terrorist, hostile organizations.
 5. Adoption of a discriminatory doctrine in the IPS regulations, perceiving the Palestinian people/prisoners as an impediment hindering the Israeli attempt to colonialize the Palestinian land.
 6. Failure by IPS regulations relating to Palestinian detainees to admit their inherent human dignity and rights under the IHL, Geneva Conventions III and IV and all other human rights treaties related to individuals deprived of their liberty.
- The report reveals that the Israeli law and High Court rulings have permitted torture of Palestinian detainees during their interrogation by the General Security Services and General Intelligence in order to obtain confessions. Torturing the detainees and prisoners serving their sentences aims to temper their consciousness and destroy their solidarity and determination, in order to force them to give up their rights guaranteed by IHL and IHRL.
 - The report reveals that another factor behind the continued torture of Palestinian detainees is that the occupying power does not agree to deal with international inquiries and bans visits to its prisons by human rights committees and special rapporteurs.
 - These aggressions constitute grave violations of the four Geneva Conventions and their additional protocol of 1977 and comply with the conditions and criteria of torture that amounts to the level of war crimes and crimes against humanity under IHL and ICL, particularly the Rome Statute, article 7 that defines crimes against humanity and article 8 that defines war crimes.

- The report reveals that the work of the ICRC in the OPT and inside Israel according to a secret agreement¹²⁶ does not permit ICRC agents to make “real monitoring visits” to the Israeli prisons.¹²⁷ The visits, therefore, are limited to the service provision role within the scope approved by the IPS and lack any preventive and protective role.

¹²⁶ A 2004 publication by the ICRC “Respect for the life and dignity of prisoners and detainees” explains the work of the ICRC in relation to ICRC visits to people deprived of their freedom in times of conflict in order to encourage the parties to the conflict to make the necessary improvements in the detention conditions and to inform their governments and families of their situation. Under the heading “procedures used,” the publication says: Before visiting the detainees, the ICRC presents its conditions to the local authorities in order for the visits to yield specific and realistic suggestions. These conditions include allowing ICRC agents:

- to see all prisoners who come within its mandate and to have access to all places at which they are held;
- to speak with prisoners in private, without any third parties being present;
- to draw up a list of prisoners during its visit whom it considers to come within its mandate, or to receive such a list from the authorities and to check and supplement it if necessary;
- to repeat its visits to all prisoners of its choice if it considers that the situation so warrants, and to do so as often as it wishes.

It is very important for the ICRC to be able to restore contact between detainees and their families. The ICRC states that it carries out detention visits to Palestinian prisoners and detainees following the same procedures all over the world. However, testimonies by many prisoners affirm that ICRC agents interview some prisoners and detainees only and with long intervals – one visit to the prison every six months on average – and that such visits do not include comprehensive monitoring, such as entering the facilities, sections and cells, meeting in private with prisoners and detainees, listening to their complaints and demands to convey them to the IPS directorate, as well as demanding the detaining power to comply with its contractual and customary obligations. In addition, the detaining power refuses to reveal its secret prisons, including the secret prison No 1391 holding Palestinian prisoners, to which the ICRC has no access. <http://www.icrc.org/ara/resources/documents/photo-gallery/2012/palestine-israel-detention-photos-2012-08-20.htm>

¹²⁷ To read about the mechanisms used in monitoring prisons and detention facilities, see the Detention Monitoring Tool published by the Association for the Prevention of Torture, available at its website: www.ap.t.ch.

Recommendations

The report's conclusions have demonstrated that torturing Palestinian detainees constitutes a consistent, ongoing and widely applied policy affecting all Palestinian detainees, with different aims, including to force a change of their convictions. Therefore, there is an urgent need to develop a national strategy to defend and protect the prisoners and detainees from torture and its effects.

To this end, Addameer recommends the following:

First, the PA:

- Work for immediate and full release of all Palestinian prisoners and detainees as a binding legal and customary entitlement and as a political precondition for any renewal of negotiations.
- Ensure the State of Palestine's accession of IHL treaties and conventions, primarily the four Geneva Conventions and all other IHL treaties and relevant human rights treaties.
- Ensure that the State of Palestine, as an observer in the UN General Assembly, joins the International Criminal Court to prosecute Israeli leaders and IPS for their crimes against the prisoners and detainees since 1967.
- Make real and effective efforts to boycott companies that offer logistical and security services to the IPS and hold them accountable for being accomplices in the torture of Palestinian detainees.
- Reject the Israeli classifications of Palestinian prisoners and detainees in its prisons.
- Ensure that the PA ministries of justice and foreign affairs engage in raising the prisoners' issue at the international level, expose the violations and crimes committed by the IPS special units against them and activate efforts to hold the occupying power accountable for all crimes committed against the prisoners and detainees since 1948.

- Week to ensure medical and psychological care and social and vocational rehabilitation of released prisoners to help them regain their status and reputation and resume peace with self and life, so that their suffering during the detention period and under torture acquires a highly valued meaning.

Second, Ministry of Prisoners and Ex-Prisoners' Affairs and Palestinian legal and human rights organizations:

- Create a website (electronic library) with photos and texts of testimonies made by Palestinian prisoners and detainees who have been victims of torture and develop an information bank on special units' aggressions and crimes against the Palestinian prisoners and detainees.
- Activate joint and coordinated work on filing international complaints to the available UN and human rights instruments.
- Enhance joint and coordinated work to expose the crimes of the special units at the sessions of the UN Human Rights Council and the Universal Periodic Review committees.
- Engage in advocacy and lobbying to promote boycotting and accountability of and internal and international divestment from the occupying power.
- Standardize the Palestinian legal and human rights discourse on the issue of prisoners and detainees in Israeli prisons and end the discord in figures, terminology and demands.

Third, international organizations:

- Addameer recommends Ban Ki-moon, the Secretary-General of the United Nations, to make all efforts to force the occupying power to respect its obligations resulting from its status as a UN member state and its accession to the four Geneva Conventions and other human rights treaties, and ensure application of those on the OPT and all Palestinian detainees and prisoners in its prisons.
- Addameer recommends that UN human rights committee force the occupying power to allow international inquiry missions to enter its prisons, assess the conditions of

prisoners and conduct real investigations of complaints by prisoners and detainees, particularly those related to the crimes of the IPS special units.

- Addameer recommends the ICRC to undertake its duties in protecting the detainees within its mandate and carry out actual monitoring visits to prisons,¹²⁸ including conducting a comprehensive assessment of the situation of prisoners and detainees and the detention conditions according to the agreed mechanisms of monitoring visits to prisons, which include entering the sections and cells, meeting in private with prisoners and detainees, listening to their complaints and demands to convey them to the IPS directorate, as well as demanding that it works immediately and actually to comply with its obligations as a detaining power under the IHL.

Fifth, national prisoner movement:

- Work to equip the prisoners and detainees with psychological immunity in order to resist torture and its effects.
- Addameer recommends that prisoners and detainees document aggressions by the special units and convey them to Palestinian and international human rights organizations in order to activate instruments to hold the IPS and its special units accountable for their crimes.
- Continue to fight for prisoners' rights and demands to force the IPS to recognize the legal status of the Palestinian prisoners and detainees as prisoners of war and freedom fighters and to treat them according to the protection they guaranteed by Geneva Conventions III and IV and all other human rights treaties related to individuals deprived of their liberty.

128. The ICRC work in the OPT and inside Israel according to a secret agreement that does not permit ICRC agents to undertake their duties in protecting the detainees. According to testimonies made by prisoners and detainees, ICRC agents are not permitted to make "real monitoring visits" to the prisons. They interview some prisoners and detainees only and with long intervals – one visit to the prison every six months on average. Therefore, the ICRC monitoring function is replaced by mere service provision.

I. Annexes

- Summary of IPS directive No 03/02/00 relating to security prisoners
- Prisons' map
- Testimonies by prisoners and detainees on special units' aggressions during transfers
- Major aggressions by the special units on prisoners and detainees during transfers and raids
- IPS directives relating to hunger strike by prisoners and detainees, directive No. 04/16/00
- IPS directives relating to disciplinary justice for prisoners
- Definition of war crimes and crimes against humanity in the Rome Statute of the International Criminal Court

Annex 1

Summary of IPS directive No 03/02/00 relating to security prisoners

This directive addresses the basic elements in the treatment of Palestinian prisoners and detainees in the Israeli occupation's prisons in 38 articles.¹²⁹ Reference is also made to other directives for further details.

- **Definition of security prisoner and hostile organizations:** Articles 1, 2 and 3 define the terms security prisoner and hostile organization, while article 4 provide for holding security prisoners and detainees in separate sections.
- **Disciplinary justice for prisoners:** Article 5 addresses the authority and discipline and refers to directive 04/13/00 relating to disciplinary justice for prisoners.
- **Detention facility's representative:** Article 6 addresses the detention facility's representative, his role, his appointment and powers.
- **Prisoners' cells:** Article 7 focuses on prisoners' cells, prohibiting the use of curtains on windows or around the beds and hanging of prisoners' belongings, even pictures, on the walls, which are considered part of the prison building.
- **Taking photos:** Articles 8 and 9 address the issue of taking photos and recording videos.
- **Search and strip search of prisoners/detainees upon arrival to the prison:** Article 10 addresses admission of prisoners to prison. Paragraph B elaborates on the search of prisoners upon arrival, stating that the search of prisoners shall be conducted pursuant to IPS directive No 03/03/00. The prisoner shall be searched undressed, in underwear only. When there are suspicions that the prisoner is hiding in his personal effects or clothes banned objects that may affect the security of the state

¹²⁹. We present here the translation of a summary of the directive.

of the prison, which have not been detected by physical search, the prison director or his deputy shall have the power to order physical search of the prisoner stripped naked.

In relation to the issue of strip search, article 17 states that strip search of a large number of prisoners at the section's level may be ordered by the district director.

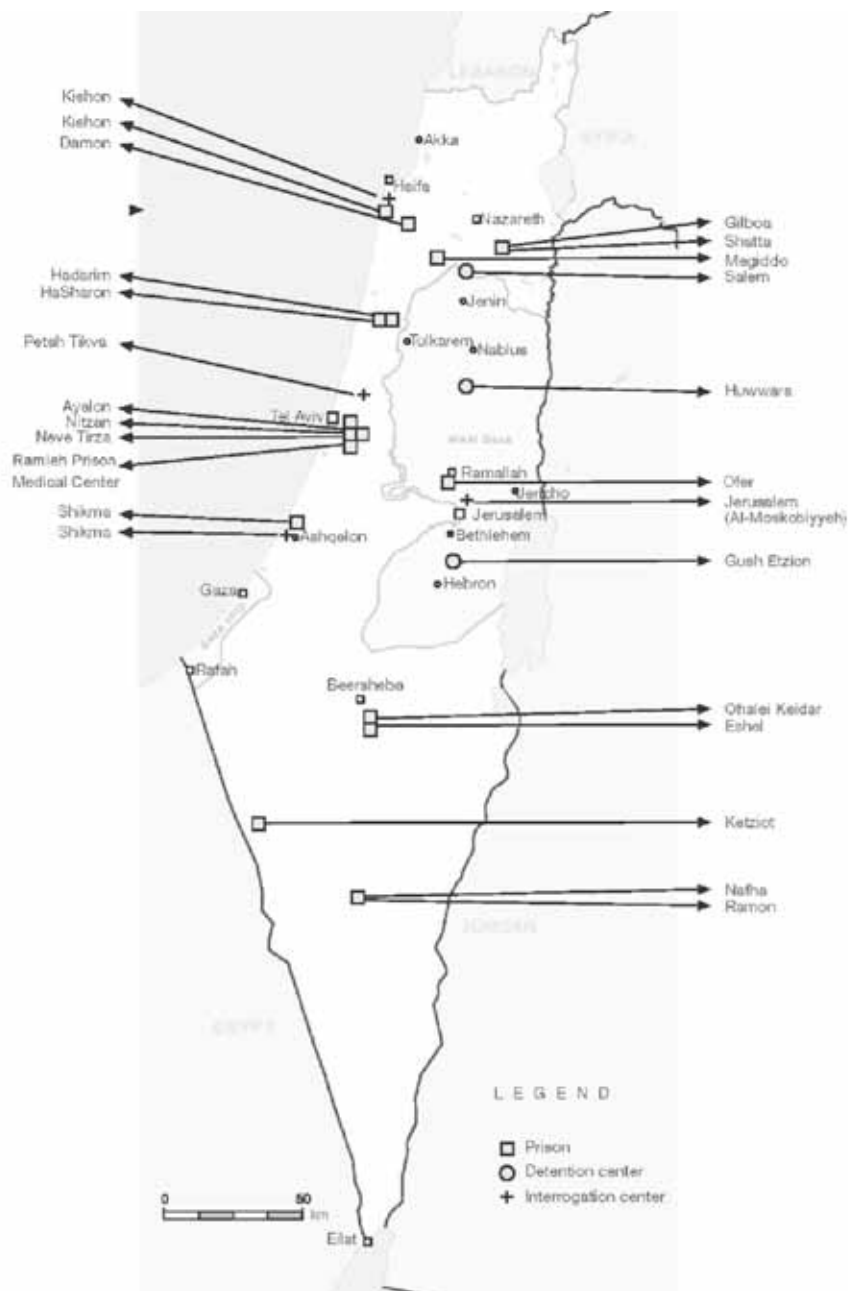
- **Religious practices:** Article 11 recognizes prisoners' right to practicing their religious rituals according to the directives No 04/55/10 and 04/55/00, while respecting the security rules of the prison. Under this article, the prisoners and detainees are permitted to celebrate their religious events only, including Ramadan month under specific security instructions from the prison administration and cannot celebrate any other events of non-religious character. Under the same article, group prayers and religious sermons are permitted.
- Article 12 addresses letters than are permitted to be sent and received. Article 13 talks about leaves that are subject to the directive No 04/04/00 and not granted to Palestinian prisoners and detainees. Article 14 is designated for complaints and objections, referring to the directive No 04/31/00 titles "prisoners' objections." Article 15 addresses procedures for prisoners' transport.¹³⁰ Article 16 elaborates on prisoners' meetings with the prison director. Article 17 describes rules for family visits to prisoners and detainees in terms of timings, procedures and persons, including visits by consuls, lawyers, clerks, and ICRC agents.
- Article 20 addresses prison meals, where paragraph I indicates that when the prisoners go on hunger strike, the IPS directive 04/16/00 relating to prisoners' hunger strike (to be presented later in this report) shall apply.
- Article 21 addresses educational activities. Article 22 details prisoners' transfers between sections. Article 23 describes the daily

130. Addressed above in the section on aggressions by Nahshon units during detainees' transportation.

outdoor break. Article 24 addresses non-profit employment. Articles 25 and 26 talk about the canteen and purchase orders. Article 30 states that “possession of personal effects is a privilege that can be revoked in case of negative conduct by the prisoner, with the exception of personal documents related to any court procedure.”

- With regard to outfit, article 31 states that prisoners are permitted to wear civil outfits while in prison section, pending approval of the prison administration. However, they should wear the prison uniform when leaving the sections.
- With regard to prisoners’ counting, article 33 states that the counting shall be implemented three times a day in accordance with the IPS directive No 04/01/00. The last count of the day shall be conducted by names and prisoners shall be identified by their IDs and photos. The prisoners should be standing during the count but they are not required to stand up during the count by names.

Annex 2: Map of Pirson Locations



Annex 3

Testimonies by prisoners and detainees on special units' aggressions

- **Special units' aggression on the prisoner Nael Al-Barghouthi**

I, the undersigned Nael Saleh Abdullah Al-Barghouthi, being warned to say the truth or otherwise becoming subject to penalty, give the following statement:

I am detained in Ramon desert prison and have been detained since 4 April 1978.¹³¹

On 27 June 2011, following the 5:30 AM prisoners' count, Dror unit came to the cell to carry out a search. The unit members were treating the prisoners in a humiliating manner. They started to perform physical searches of prisoners. First, they searched two prisoners in a regular way. When it was my turn, I heard one of them saying to another in Hebrew: "This is the one," while pointing at me. They ordered me to strip in order to perform the search. I refused because I object to strip search. They took me outside the cell to another section designated for new prisoners. In the way, I saw a jailor making a signal to the ones who were escorting me to kill me, gesturing to his neck with a slicing motion. I should note that immediately after leaving the cell, I was hand-tied by steel shackles.



After I was brought in to the room. They ordered me to strip naked, I refused to obey and told them that if they want to search my clothes as they claim, I can take them off from behind a screen and hand them to the guards to search them. I said I am not against the search per se but refuse to strip naked in front of the jailors. At this moment, one guard started to punch my severely on the face and another followed suit by punching and kicking me severely on the head and

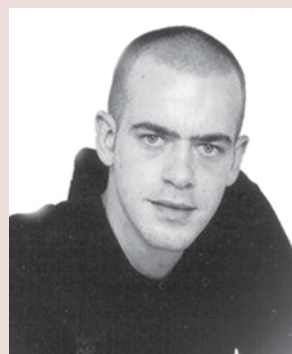
131. The Prisoner Nael Al- Barghouthi was released on 18 October 2011 within the swap deal between the Palestinian resistance and the Israeli occupation, where 1,025 Palestinian prisoners were eventually released for the release of a soldier from the Israeli occupation's army who was held by the Palestinian resistance since 2007.

all parts of my body. For four minutes they kept beating me, while I was trying to protect my head. They threw me to the ground, one holding my arms strongly and the other forcibly removing my pants. Afterwards, a prison officer arrived and took me to the clinic. I was bleeding in my arm because of the beating and the tight cuffs. In the clinic I didn't receive any treatment. They only made an x-ray for my arm. I was then taken to a solitary cell and left there for three days. In addition, I was ordered to pay a fine of NIS 425, denied family visits and was not allowed to buy anything for 4 months. I was also held in solitary confinement for 10 days and all my electric devices were confiscated. At the same time, the jailors attacked another prisoner, Jihad Jarayseh, because he was protesting the aggression on me. Afterwards, the prison administration filed a complaint against me stating that I attacked the prison's security personnel. The police came to the prison and questioned me.

Advocate Anan Odeh: the above mentioned attended, was offered the due legal warning, signed and swore before me, on 7 September 2011.

- **Excerpts from testimony by the released prisoner Salah Al-Hammouri on special units' abuse of prisoners and detainees during 2011 hunger strike**

News leaked to the administration of Gilboa prison that 10 prisoners from the Popular Front for the Liberation of Palestine were intending to go on strike. The administration instructed its special units (Dror) to raid their cells. The unit members continued to search the cell from 3:00 AM till 4:00 PM, for consecutive 13 hours, while the prisoners from the cell were held in the cold in the prison yard.



When the prisoners informed the administration of their decision to go on hunger strike, they were informed that a decision was taken to transfer them to isolation sections outside the prison. Prior to this, they were informed by the section officer that they will be subjected to a set of punishments as follows: denial of visits for one month, NIS 225 fine, and solitary confinement.

In Shatta prison, the prisoners on strike were subjected to daily searches by jailors and the special units. All electric devices, food, personal and general hygiene materials, and pillows were removed from the cells, even the salt, leaving only some underwear and one blouse, one pair of pants, one pair of slippers, a blanket and mattress cover.

Raids and lengthy search and reprisals by the special units continued throughout the strike. All prisoners have been taken out to the yard, allowing only one prisoner to stay in the cell during the search. The search focused on looking for lighters, salt and cigarettes. The prisoners has also been deprived of outdoor breaks throughout the strike. They were also subjected to strip searches. During the strike, no lawyers were allowed to visit the prisoners, as the prison administration kept declaring a state of emergency on the dates of lawyers' visits. This situation has prevailed until the date when we ended the strike on 17 October 2011 following the successful swap deal.

Sworn affidavit

On the raid of section 10 in Eshel prison by Dror units

I, Issam Mahmoud Mohammed Farroukh, representing the prisoners in Eshel prison, Beersheba, being warned to say the truth or otherwise becoming subject to penalty, give the following statement:

On Thursday, 28 April 2011, at noon, section 10 was suddenly raided by the prison administration and Dror special unit. The raiding force was heavily armed with stun guns, batons, and small-sized tear gas canisters. The force comprised 10 members.

During the raid, the force was interrupted in the way by the prisoners in the corridor (working prisoners) to delay them. The situation escalated to a fight with the four working prisoners. Afterwards, the administration called additional units under the leadership of the commander of the IPS southern bloc Gabi Gabison.

Prisoners in the cells started to shout “God is Great”, bang on the doors and pour oil in the corridors. At this time, I was out of the cell but close to the corridor where the incident took place at the time when the prisoners started to protest and bang on the doors, I reached the corridor where the working prisoners, the special units and the prison director were gathered. I immediately requested the prison director to order the special units to leave the place in order to calm things down and go back to the normal situation.

The force was soon ordered out and four prisoners were taken to the cells out of the section and immediately beaten by the jailors. They were: Ahmad Shweiki from Jerusalem, Tamer Rimawi from Ramallah, Mohammed Abu Ghali from Gaza and Falah Shehadeh from Ramallah. In fact there were five rather than four prisoners – the fifth being Muhannad Abu Hamed from Ramallah. Afterwards, negotiations were held between the administration and the prisoners and agreement was reached to allow the search of one cell. The prisoners were taken out and the cell in concern was searched. During the search, the cell, washing basins, lockers and some personal belongings such as electric devices were

severely damaged. The search also covered the canteen, the laundry room and the yard. The administration claimed they caught three Jawwal SIM cards.

Later, the administration repaired the cell but did not compensate for damages inflicted to personal belongings of the prisoners. Therefore, the affected prisoners are filing a civil lawsuit asking for compensation. In the aftermath, the prisoners in sections 10 and 11 returned their meals on Thursday and Friday. On Saturday, only section 10 returned all their meals. On Sunday and Monday, the meals were not returned, but three meals were returned on Tuesday from sections 10 and 11.

It should be noted that the incidents I described above took place in section 10 only.

On the same day, i.e., Thursday 28 April, the administration returned the prisoners Mohammed Abu Ghali, Falah Al-Sudani and Muhannad Hamed back to the sections and kept the other two in the cells. On Sunday, the administration informed us that disciplinary punishments were imposed on all the 140 prisoners of section 10, including denial of family visits for one month and closure of the canteen, which means allowing no purchases for an unspecified period. On Monday, we sent a letter to the district command and military police, demanding an investigation into the attack of police and jailors on the prisoners who were taken from the section with their hands in shackles, as well as protesting the denial of visits, which constitutes a collective punishment. So far, we have not received any reply.

Today, prisoners Tamer Rimawi and Ahmad Shweiki were returned to the sections.

It should be noted that when meals are returned, the administration closes the section and reduces the outdoor break to one hour only per day.

It should also be noted that returning the meals today took place in sections 10 and 11, which are sections for security prisoners in this prison. We also demand that the prison administration refrains from imposing individual punishments on the prisoners.

Furthermore, it should be noted that the five prisoners who were beaten by the security units of the prison have sustained mild injuries, bruises and contusions. They received treatment from the prison doctor and all of them are well.

In acknowledgment of the above, I sign here on this day 3 May 2011.

Advocate: Anan Odeh

- **Special units' aggression on prisoner Khalil Baraq'a in Nafha prison and arbitrary punishments on prisoners in the cell and the section**

Name: Khalil Musallam Mohammed Baraq'a

Residence: Bethlehem, Aida camp

Date of birth: 4 October 1977

Date of arrest: 26 July 2002

Sentence: 20 life sentences

Place of detention: Eshel, Beersheba



On 27 November 2011, at 8:00 PM, the special units (Yamas and Dror) raided section 11 in Nafha desert prison and headed directly to cell No 55, where eight prisoners were held, as two were transferred to court on that day, and started to severely beat the eight prisoners.

At that time, the prisoner Khalil Baraq'a was in the bathroom. When he came out, he saw the special units beating three of his inmates: Ashraf Asakreh, Tamer Dureini and Saed Abu Ghalyus.

Just for asking why they were attacking the prisoners, Khalil was severely beaten by 5-6 members of the special units by sticks and batons on all parts of his body with focus on the head and back.

Khalil tried to protect himself and avoid the hits on his head by his arms. In result he sustained an arm fracture and bruises all over his body, similar to other prisoners in the cell. He was then shackled in spite of his severe injury.

The prisoner Khalil Baraq'a reported to an Addameer lawyer that the raid and associated abuses of prisoners in the cell were carried out under the supervision of the prison director.

He added that the prison administration quickly transferred the eight prisoners: Khalil and Ashraf Asakreh, Saed Abu Ghalyus, Tamer Dureini, Oways Hamadeh, Mahmoud Al-Tarabin, Jamal Al-Hor, and Jum'a Azzam, to the isolation cells.

In spite of his fractured arm, prisoner Khalil remained in shackles and was transferred to the prison clinic for examination and treatment only at midnight, after 16 hours had passed. The examination revealed that he had an arm fracture. He was taken back to the isolation cell until the next morning, when he was transferred to Soroka Hospital close to Beersheba. There, his arm was put in a splint and analgesics were prescribed to him. He was then taken back to the isolation cell to spend the remaining part of his punishment.

Although two prisoners from the cell were not present during the raid, the prison administration imposed arbitrary punishments on all ten prisoners of that cell after finding a mobile phone. A fine of NIS 450 value was imposed on each one of them. They all were transferred to isolation cells for one week, deprived the use of electric devices and purchases from the canteen and denied family visits for two months.

At a later stage, and as an additional punishment, the prison administration transferred Khalil from Nafha prison to Eshel prison close to Beersheba, where he has been held ever since.

In addition, all prisoners in section 11 were punished by disconnecting the power in the section for three days, because they were shouting “God is Great” and banging on the doors during the attack on the prisoners.

- **Massada unit's raid of Hasharon prison because of hunger strike by nine children**

Testimony by the child Bilal Mahmoud Ayyad Awad, 17 years

Nine children detained in Hasharon prison started hunger strike on 21 June 2012 in protest of their poor detention conditions, especially the limited time available to them to stay in the prison yard, poor quality of meals, denial of family visits for alleged security bans on their relatives, and punishments imposed on the detainees themselves for long periods of time. In his testimony to an Addameer lawyer the child Bilal reported that after they declared their hunger strike, the section manager known as "Hisham" tried to convince detainees' representative to stop the hunger strike but without giving any guarantees to consider the above demands. The representative rejected the request and demanded that a written agreement to be signed, where the prison administration would acknowledge the demands and set a timetable for their implementation.

As the child Bilal reports, "half an hour after he left, the section manager Hisham came back accompanied by a large force of 80 members, consisting of jailors and Massada special unit. Hisham himself entered the cell and called for the five detainees on strike that are held in the same cell with me. He took us in turn, slapping everyone on the face and throwing us outside the cell to the hands of the special force waiting there, who forced us to the floor and shackled us.

Afterwards, the special units took us in shackles to an open yard outside the section and forced us to undress and go through strip search. Following the strip search, they put four of us in the isolation section 21, with each cell holding two detainees. The rest of us were taken to the cells in section 7.

In the aftermath of our hunger strike, the prison administration punished us by six days of isolation and denial of family visits for one month. However, we ended our hunger strike three days later when they accepted our demand to cancel the punishments if we end the strike. We were taken back to section 11."

- **The special units abuse the prisoner Mohammed Taj to stop him from demanding to be treated as a prisoner of war**

Name: Mohammed Rafeeq Kamel Taj

Date of birth: 17 October 1972

Date of arrest: 19 November 2003

Prison: Different

Marital status: Single



He completed his university education in journalism while in Gilboa prison.

He went on hunger strike on 15 March 2012, demanding that the IPS should treat him as a prisoner of war under Geneva Convention III.

The prison administration instructed the special units to transfer the prisoner Taj from a prison to another several times in an attempt to end his strike. During these transfers carried out by Nahshon units, the prisoner Taj went through torture and cruel and degrading treatment: he was beaten, forced to go through strip search, and forced to wear the IPS uniform imposed on Palestinian prisoners and detainees.

The prisoner reported to an Addameer lawyer how he was abused in Kishon prison by prison senior officials and special units' members, saying: "On 16 May 2012, while I was still on hunger strike since 15 March, I was transferred to Kishon prison. At that time, I was refusing to drink water already for two days. They placed me in a small cell and the prison director and intelligence officer tried to make me end the strike. When I refused, they shackled me and brought a cup of milk, trying to pour it into my mouth by force. When I insisted to reject the milk and to continue with the strike, the prison director said to me: "Go and die in Al-Ramleh prison."

Afterwards, a tall blond and bearded officer, probably of a Russian origin, took me to a small cell next to the clinic. They shackled me once again. Four members of the special unit came in with the officer, who hit me on the chest and threw me to the floor. The special unit members held me strongly and started to undress me and tear up my clothes, including my underwear, while yelling and cursing me.

While I was naked, the officer put his boot on my chest and said in poor Arabic: "You will eat!" he held an IPS uniform of large size and the soldiers forced the pants on me, bending my arms. I said to the officer; "You feel you're strong enough to subdue me because I am on hunger strike." I also added: "The prisoners will support my strike." He hit me once again on my back. I was then taken to the clinic, where they filmed me by a video camera but did not show the bruises on my body.

Later, they placed me in a small cell in a section designated for criminal prisoners. I took off my pants and went to sleep feeling very tired. I covered my body with a blanket. Suddenly, I found the same officer forcing me to wake up, dragging me and shackling me once again, he forcibly dragged me from bed while I was naked. He took me out of the cell, beating me, while I was trying to cover my body. He dragged me to section 3. There, I was isolated in a cell with my hand shackled and my body naked for two hours. Afterwards, the guards came in and removed the shackles but refused to bring me my personal clothes. I remained undressed, losing consciousness from time to time. No doctor was sent to examine me.

The next day, while I was still refusing to drink water for the fifth day, I felt I am about to die and lost consciousness until noon. I found myself in the clinic with my hands in shackles. They gave me a medical solution with salts and glucose. When I came into consciousness, the doctor told me that I was about to die if not for taking the solution. The officer said to me once again: "Go and die in Al-Ramleh prison."Afterwards, I was transferred to Al-Ramleh prison medical center."

Annex 4

Major aggressions by the special units on prisoners and detainees during transfers and raids

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
1	13.1.2011	Nafha	Nahshon unit	Search for mobile phones	160 prisoners	<ul style="list-style-type: none"> • Several punishments • Isolation of 160 prisoners for one week • NIS 200 fine for each of the 160 prisoners • Denial of family visits to for one month 	Removing the tiles of the cells, causing material losses in prisoners' belongings, insulting and abusing the prisoners.
2	25.1.2011	Ashqelon, section 5	Special units	Search for several hours	Not stated	<ul style="list-style-type: none"> • Depriving the prisoners from meals during the raid • Isolation/ fines/ denial of visits not reported 	

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
3	13.2.2011	Nafha, section 14	Special units	Search for mobile phones	8 prisoners in a cell in section 14	<ul style="list-style-type: none"> • Several punishments • Isolation of each prisoner • NIS 800 fine for each of the 8 prisoners • Denial of family visits to for two months 	<p>The raid continued for 10 hours.</p> <p>The prison administration closed two cells in the section.</p>
4	29.4.2011	Eshel, section 10	Dror special unit	Raided the section and cells for no specified reason	4 prisoners injured	<ul style="list-style-type: none"> • Isolation of two prisoners • Denial of family visits for one month 	
5	5.9.2011	Shatta	Dror and Yamas units	Search for mobile phones	Transfer of 16 prisoners to Megiddo prison	<ul style="list-style-type: none"> • Large scale destruction of prisoners' belongings • Placed several prisoners in solitary confinement • Denial of family visits for two months 	Raided 4 cells in section 7 at an early hour in the morning, ransacking prisoners' properties and removing electric devices. The raid of the same section was repeated the following day.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
6	15.9.2011	Ashqelon	Nahshon	Oppressing the prisoners	Several prisoners were abused	<ul style="list-style-type: none"> • Large scale destruction of prisoners' belongings • Isolation of several prisoners • Forced transfer of several prisoners 	The special units raided and ransacked the cells, brutally abusing the prisoners, who were then placed in isolation and transferred to other prisons.
7	22.9.2011	Ashqelon, section 4, cell 19	Nahshon	Raiding the prison	Prisoners in cell 19, section 4, were targeted	<ul style="list-style-type: none"> • Removed electric devices • Isolated the prisoners of the cell • Denied the 10 prisoners family visits and canteen purchases for two months 	<ul style="list-style-type: none"> • Conducting prisoners' count every 15 minutes. • Isolating the prisoners in a cell of only one sq. meter. • Declaring emergency 8 times within one month.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
8	1.10.2011	Several prisons: Gilboa, Shatta, Nafha, Ramon and Ashqelon	Nahshon	Hunger strike since 27.9.2011	300 prisoners on hunger strike	<ul style="list-style-type: none"> • Isolated the prisoners on strike in special sections • Removed electric devices • Imposed fines of NIS 225 on several prisoners • Continued to raid the cells of prisoners on strike for searches and forced some of them to go through strip search • Denied them family visits for at least one month 	This raid was carried out during the strike of around 300 prisoners against solitary confinement policy and denial of visits for security reasons. The strike lasted from 27 September to 17 October 2011, when the swap deal was completed. See testimony by the released prisoner Salah Al-Hammouri.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
9	4.10.2011	Ashqelon	Massada	Raid on the pretext of conducting search during hunger strike	600 prisoners	<ul style="list-style-type: none"> • Beating the prisoner Akram Mansour • A fine of NIS 250 for prisoners in cell 22 • Denying 10 prisoners family visits for one month, 10 prisoners for two months and 65 for three months 	This raid was part of a continuous series of aggressions against the prisoners in Ashqelon prison during the hunger strike.
10	25.11.2011	Ashqelon	IPS and special units	The prison administration uses prisoners' counting an excuse to violate the prisoners' right to prayers	18 prisoners	<ul style="list-style-type: none"> • 18 prisoners were punished for performing their prayers during the time of prisoners' counting • A fine of NIS 250 for the 18 prisoners • Denying the 18 prisoners family visits and canteen purchases for one month 	The prison administration counts prisoners in cells and section several times a day, completely disregarding times of prayers and breakfast, thus creating more chances to punish the prisoners and deny them their rights.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
11	1.12.2011	Nafha	IPS and special units	Raid and abuse of 10 prisoners	10 prisoners injured due to severe beating	<ul style="list-style-type: none"> • Several punishments on the prisoners 	The prison administration disconnected power from the cells and took several disciplinary actions against prisoners.
12	11.12.2011	Nafha	Dror special units	Raiding the sections	Beating the prisoners	<ul style="list-style-type: none"> • Not available 	No details were provided.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
13	22.2.2012	Negev	Massada and Dror units	Transfer of 120 prisoners and detainees to unspecified destination	120	<ul style="list-style-type: none"> No details were provided 	<p>The transfer followed a raid of a section of the prison by a large force of special units, heavily armed and accompanied by specially trained dogs. The prisoners were not allowed to carry their personal effects with them and were not informed about the destination. They were transported under the supervision of a large number of special unit members: 4 members per prisoner/detainee on average.</p>

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
14	28.2.2012	Ashqelon	Special units	Penal raid of the cell of the prisoners' representative following several threats by the intelligence officer to the prisoners	Prisoner Mohamed Abu Humaid	<ul style="list-style-type: none"> Isolating the prisoner Mohamed Abu Humaid 	The raid was preceded with threats to the prisoners' representative by the intelligence officer. The raid came in response to the position of the prisoners and their representative rejecting any threats aimed at forcing them to stop their struggle and demand for their rights.
15	1.3.2012	Ashqelon	Special units	Oppressing the prisoners	Raid to cells 18 and 19	<ul style="list-style-type: none"> Isolated six prisoners and transferred them to an unspecified destination 	Over 300 members of the special units raided the cells 18 and 19, heavily equipped with arms, batons and stun guns, under the supervision of special units commander Yossi Kadish

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
16	7.3.2012	Hasharon	Nahshon	Nahshon female soldiers tried to subject the detainee Hana Shalabi to strip search in the middle of the yard	The detainee on hunger strike Hana Shalabi		See testimony by the prisoner Wuroud Qassem on subjecting the detainees Hana Shalabi and Ala Issa to strip search.
17	12.3.2012	Ashqelon	Yamas special units	Raid of cell 27, section 5, to subject the prisoners to strip search	11 prisoners sustained severe injuries	<ul style="list-style-type: none"> Denial of canteen purchases and removal of electric devices for two weeks Denial of family visits for two months 	Dozens of special unit members raided the prison at 5 AM, using batons, gas and police dogs to force the prisoners to accept strip search. Eleven prisoners were attacked and abused.
18	15.3.2012	Kishon	Nahshon	Hunger strike demanding the treatment of a prisoner of war	Beating the prisoner Mohammed Taj and conducting strip search	<ul style="list-style-type: none"> The prisoner was isolated and denied family visits 	See the prisoner's testimony in the report's annexes.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
19	21.3.2012	Negev	Special units	DNA profiling	450 prisoners	<ul style="list-style-type: none"> No punishments were imposed 	As part of the campaign to subject the prisoners to DNA profiling.
20	23.3.2012	Megiddo	Special units	DNA profiling	Prisoners in sections 2, 5 and 9	<ul style="list-style-type: none"> Beating of 10 prisoners 	The prisoners are: Bashar Irsheid, Hani Zeiniddin, Hamdon Awwad, Mahmoud Sanakreh, Mahmoud Amarneh, Khaled Hamdan, Fahd Hamayel, Youssef Tartir, Mohammed Hanani and Anas Hawwari.
21	5.4.2012	Nafha	Special units	Strip search of prisoners	Raided sections 11, 12, 13 and 14	<ul style="list-style-type: none"> Strip search of prisoners Denial of canteen purchases Denial of visits between the cells 	The raid was part of a campaign to subject the prisoners to strip search. The special units raided the prison equipped with arms, shields and gas canisters. Sections 11, 12, 13 and 14 were raided.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
22	6.4.2012	Gilboa	Special units	In response to solidarity with Hana Shalabi	36 prisoners	<ul style="list-style-type: none"> • Fines imposed on 26 prisoners • Section closed • Canteen purchases denied • Family visits denied for two months 	<p>The administration of Gilboa prison brought 36 prisoners before its disciplinary court for their solidarity with the prisoner Hana Shalabi, imposing fines of at least NIS 250 on each of them.</p> <p>For more information on the torture and cruel treatment practiced against the prisoner Hana Shalabi, see the link: http://www.ad-dameer.org/atemplate.php?id=206</p>

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
23	16.4.2012	Salem court	Nahshon units	For no clear reason	Nahshon members severely beat the prisoners in front of his family	<ul style="list-style-type: none"> • No punishments were imposed 	See the prisoner's testimony in part one of the report under testimonies of prisoners and detainees on special units aggressions during transport.
24	17.4.2012	Gilboa	Nahshon units	Raiding the isolation section in the prison		<ul style="list-style-type: none"> • Not stated 	In order to exert pressure on the prisoners to force them end their strike (Jamal Abul-Haija, Abbas As-Sayyed, Wajih Abu Khalil, Mohammed Arman).

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
25	25.4.2012	Megiddo	During raid of prison by special units	For no clear reason	Attempt to kill the detainee Mohamed Hasan Atiyyeh Rmeileh, held since 7.10,2011	<ul style="list-style-type: none"> • Transferred to Ofer 	Mohamed Hasan Atiyyeh Rmeileh, 40 years, from Jenin City, has been administratively detained since 07.10,2011. While he was sleeping, an IPS special force raided the cell and forced him to wake up, beating him severely and strangulating him. He remained unconscious for 48 hours and found himself in Haemek Hospital. Head CT scan revealed a skull fracture. He has also been suffering from severe injury to his right eye, incessant dizziness and occasional fainting.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
26	27.4.2012	Ramon	IPS and special units	Group hunger strike	Dozens of prisoners	<ul style="list-style-type: none"> • Imposing fines on prisoners on hunger strike • Transferring dozens of them to different prisons • Denying dozens of them canteen purchases • Denying dozens family visits 	<p>During the group strike of prisoners movement, starting on the Palestinian Prisoner Day, 17 April, through 14 May 2012, the IPS and its special units initiated daily raids, and sometimes several raids per day, to weaken the prisoners' determination and punish them. This involved severe financial fines, denial of family visits and canteen purchases, and confiscation of their belongings, including salt, pillows and bed sheets, without leaving any clothes for their use.</p>

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
27	3.3.2012	Al-Ramleh prison medical center	Nahshon unit	Hunger strike	Detainee Hasan Safadi, on hunger strike	<ul style="list-style-type: none"> • Not reported 	The detainee Hasan Safadi was subjected to cruel treatment by the medical staff, assisted by the special units, in order to inject him with solutions when he was on his 60 th day of open hunger strike.
28	29.5.2012	Nafha, sections 1, 13 and 14	Nahshon	In break of the agreement reached on 14 may 2012	Prisoners in sections 13 and 14	<ul style="list-style-type: none"> • A set of punishments • Deprivation of outdoor break • Denial of visits 	This raid by the special units, including Nahshon, aimed to reinforce the administration's intent to continue with searches and raids in spite of the agreement signed on 14 May 2012.
29	4.6.2012	Ofer, section 14	Nahshon	Search campaign	Prisoners in the section	<ul style="list-style-type: none"> • Forcing a contorted position in prison yard 	The raid was conducted in early hours of the morning and the prisoners were forced out of their cells with their hands and feet in shackles.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
30	6.6.2012	Ramon, section 4	Nahshon	Raid and abuse of prisoners to oppress them	Prisoners in section 4	<ul style="list-style-type: none"> • Beating of dozens of prisoners 	The section was raided at around 3:00 AM, beating dozens of the prisoners by batons and using tear gas canisters. The section holds 120 prisoners.
31	6.6.2012	Beer-sheba	20 jailors raiding the prisoner's isolation cell and beating him	Oppression	Prisoner Abdul-Wadoud Abu Sneineh	<ul style="list-style-type: none"> • The prisoner is held in isolation for years 	The prisoner is sentenced to 12 years imprisonment and has served 11 years, held in isolation cells for several years.
32	16.6.2012	Transfer bus	Nahshon unit	Oppression	Child Sharif Al-Rajabi, 17 years		See testimony by the child Sharif Al-Rajabi, 17.5 years, on the incident of his beating by Nahshon units during his transport from the court to prison.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
33	17.6.2012	Megiddo	Prison admin. and Nahshon unit	Strike by administrative detainees	200 detainees in the prison	<ul style="list-style-type: none"> Transferred to another section 	The prisoners of the section were transferred to an old section that does not fit for human use following their strike against administrative detention.
34	18.6.2012	Several prisons	Prison admin.	Hunger strike calling to implement the reconciliation agreement	19 prisoners and detainees	<ul style="list-style-type: none"> Several punishments One-week isolation for the 19 prisoners A fine of NIS 250 for each prisoner Denial of family visits for two months 	The prisoners' went on strike to demand for ending the internal divide, which creates obstacles for releasing the prisoners.
35	18.6.2012	Eshel	Nahshon unit	Following prisoners' rejection of provocative strip search in two cells in the section	Beating of a large number of prisoners, causing injuries to 40 of them	<ul style="list-style-type: none"> Isolation of 16 prisoners 	

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
36	22.6.2012	Several prisons: Ramon, Eshel, Nafha, Megiddo	Prison admin. and Nahshon unit	Large scale campaign of transfers among prisoners	Dozens of prisoners	<ul style="list-style-type: none"> Isolation of prisoners Forced transfers 	The prisoners consider transfer campaigns as a measure of collective punishment for them and their families, aiming to increase their suffering, exhaust their families and confuse efforts of the national prisoner movement in order to undermine its struggle.
37	31.7.2012	Ofer and Nitzan	Nahshon unit	Hunger strike by an administrative detainee	Detainee Samer Al-Barq	<ul style="list-style-type: none"> Abusing the administrative detainee Samer Al-Barq, who has been on hunger strike since 22 May 2012 	See statement by the detainee Samer Al-Barq in Part One and the detainee's profile at ADDAMEER website: http://www.addameer.org/atemplate.php?id=248
38	30.7.2012	Al-Ramleh prison medical center	Nahshon unit and prison nurse	Hunger strike	Detainee Hasan Safadi on hunger strike		See profile of detainee Hasan Safadi on the link: http://www.addameer.org/atemplate.php?id=264

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
39	11.8.2012	Ashqelon prison, cell 12	Dror special units	Search for mobile phones	Abuse of 14 prisoners		Dror unit raided cell 12 at 8:30 AM for an alleged reason of conducting search. The search process lasted for seven consecutive hours, during which the prisoners were shackled, moved to the bathrooms and subjected to strip search. Prisoners' belongings, especially food were ransacked.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
40	22.08.2012	Ramon, section 6	Special units. Did not manage to identify which ones	Sudden raid. Rejection of strip search, concurrently with a provocative campaign in the Israeli press	6 prisoners were injured due to severe beating by batons	<ul style="list-style-type: none"> • Imposing several punishments and threatening to transfer all prisoners in the section • The 6 prisoners were isolated in solitary confinement cells • Denial of family visits 	This raid was carried out two weeks after the Israeli press published a report with a video illustrating Ramon prisoners quarreling with prison guards in the visitation room. The report involved apparent incitement against prisoners. During the raid, the raiding unit tried to force the prisoners to submit to strip search, which is rejected by prisoners. In result, the unit was engaged in fight with the prisoners in the cell and the whole section, causing injuries to six prisoners due to beating by batons and tear gas inhalation. The prison administration threatened to bring the six prisoners before criminal court. It disconnected water and electricity to the section and imposed a group isolation of sections 6 and 7, depriving them from the outdoor break.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
41	02.09.2012	Ashqelon prison, section 3, cells 14 and 15	Special units (Yamas and Dror)	Search campaign and abuse of the prisoners in Ashqelon prison following the campaign in Ramon prison	Prisoners in the section	<ul style="list-style-type: none"> Two prisoners were isolated as a punishment. They were Mohamad Abul-Hawa and Yaqoub Al-Haj 	<p>Nasser Abu Humaid, prisoners' representative, stated that 20 heavily armed members of Yamas and Dror units entered the cells 14 and 15 in section 3 at 11:00 AM, allegedly searching for mobile phones. The search continued for six hours, during which the prisoners were subjected to abuse and strip search, spending the time in shackles.</p>

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
42	12.10.2012	Shatta prison, section 7	Special units	Raid on the pretext of conducting search	20 prisoners in section 7	<ul style="list-style-type: none"> • Around 20 prisoners were beaten by gun butts and batons • Three prisoners were isolated • Cells were ransacked 	The prison administration threatened to impose punishments and fines on section 7 prisoners claiming that a member of the special units was injured during the aggression on the prisoners.
43	24.10.2012	Nafha prison	Special units	Search	Prisoners in section 14		The prisoners were taken out of the cells to the prison yards. The search operation continued for six consecutive hours.
44	30.10.2012	Ramon prison, section 1	Nahshon special unit	Raided the section to Search it and conduct strip search of prisoners	Prisoners in section 1	<ul style="list-style-type: none"> • The special units tried to force the prisoners to submit to strip search policy 	Nahshon unit isolated a number of prisoners. The raid coincided with Al-Adha Muslim holiday and lasted all day long.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
45	02.12.2012	Nafha, section 11	Yamas unit	Raided the prison allegedly to conduct search, which coincided with the prisoners' intention to carry out a series of protest actions against measures taken against them by prison admin.	Prisoners in section 11	<ul style="list-style-type: none"> The prison administration closed the prison and did not allow the prisoners to take the outdoor break 	<p>The unit raided cell 55 in the section, where the prisoner Jamal Al-Hor, Hamas leader, is held, allegedly to conduct search.</p> <p>In their testimonies, the prisoners reported that the raid occurred at 9:00 PM. After shackling the prisoners in the cell, unit members attacked the leader Al-Hor, his son Taqi and the prisoner Sajed Abu Fallous, beating them severely.</p> <p>This aggression came in response to the strike of the prisoners in solidarity with the prisoners on hunger strike Samer Issawi and Ayman Al-Sharawneh.</p>

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
46	04.12.2012	Huwwara arrest facility	Special units	Conducting strip search of detainees in the arrest facility	The arrested detainees		<p>An Israeli army unit, equipped with batons and stun guns, raided the cells of detainees in Huwwara arrest center, allegedly to conduct search, and kept the detainees outdoors to a late hour at night.</p> <p>The detainees reported that the Israeli occupation forces forced the detainees out one by one and held them in the facility's yard in a very cold weather, allegedly to search their cells.</p> <p>During a lawyer's visit, the detainees reported that the Israeli occupation forces forced them to undress and conducted strip search, using rude language with them.</p>

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
47	05.12.2012	Shatta	Nahshon and Massada	Search for mobile phones	Prisoners in cell 13, section 7	<ul style="list-style-type: none"> • Ransacked prisoners' belongings in the cell • Imposed an isolation punishment on the prisoners • Closed the cell for one month and deprived the prisoners from outdoor break 	In response, the prisoners declared hunger strike for one day and demanded that arbitrary punishments be revoked and special units' raids stopped.
48	06.12.2012	Gilboa, section 7	Special units	Search for mobile phones in section 7, cell 13		<ul style="list-style-type: none"> • Denied the prisoners canteen purchases • Closed the cell for one month • Isolated the prisoners 	The cell was raided by the special units, who ransacked and destroyed its contents. The prisoners estimated that losses exceeded NIS 1,000.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
49	15.12.2012	Ofer	Special units	A campaign of raids and searches over several days	Detainees in Ofer prison	<ul style="list-style-type: none"> • IPS special units raided the prison allegedly to conduct search operations, which continued for several consecutive days and during which some prisoners were subjected to beating • The units transferred the prisoners' representative Shadi Shalalkeh to Nafha prison and punished four prisoners placing them in solitary confinement • They ransacked prisoners' belongings and confiscated some of them 	The detainees filed 70 complaints to the Israeli High Court against special units raids and destruction of their properties.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
50	27.12.2012	Nafha	Nahshon and Massada	Raid on the pretext of conducting search, in retaliation of the prisoners	Prisoner Hamzeh Taqtouq	<ul style="list-style-type: none"> Isolated the prisoner Taqtouq 	The raiding special units attacked the prisoner Taqtouq, 27 years, who has been held since five years and serving life sentence, beating him. He was then placed in isolation cells.
51	30.12.2012	Nafha, sections 2 and 4	Special units	Retaliatory raid	Around 200 prisoners	<ul style="list-style-type: none"> Beating the prisoners without any further punishments 	The special units raided both sections to beat a number of prisoners.
52	07.01.2013	Nafha, section 4, cell 28	IPS special unit	Part of an ongoing campaign against prisoners in Nafha	70 prisoners	<ul style="list-style-type: none"> Disconnected water and electricity 	Abuse of prisoners and their personal belongings. The prisoners returned the meals in protest of arbitrary punishments and measures.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
53	15.01.2013	Eshel, section 10	IPS and special units	A video was published on a social media site showing prisoners in section 10 congratulating a prisoner on his marriage	26 prisoners	<ul style="list-style-type: none"> • Transfer of 26 prisoners shown in the video (probably transferred to isolation sections in Ohalei Keidar) • Denial of family visits for two months and visits between cells for one month • Denial of canteen purchases for one month • Evacuation of three cells 	Confiscation of all TV sets in the section.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
54	16.01.2013	Ashqelon, section 3, cell 12	Yamas unit	For no specified reason	Prisoners in the cell	<ul style="list-style-type: none"> • Banned the prisoners from receiving winter blankets from their families, while prison administration fails to provide them • Escalating search policy • No improvements made to canteen purchases or health and living conditions of prisoners • The prison administration banned the prisoners from meeting their children under 8 years of age during visits, deciding to allow children one time only per month 	<p>Provocative searches lasting for long hours.</p> <p>Ransacking all prisoners' belongings, including items purchased from the canteen.</p> <p>The majority of prisoners in cell 12 are sick prisoners.</p>

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
55	18.01.2013	Ofer	Prison admin.	Part of an Israeli campaign against prisoners to destabilize their actions	37 prisoners		The prisoners made protest actions and their representatives raised several demands to the attention of prison administration.
56	30.01.2013	Eshel	Special units	Filming and broadcasting a party held by prisoners in the occasion of a prisoner's wife giving birth to a baby	37 prisoners	<ul style="list-style-type: none"> • Denial of canteen use • Denial of family visits for two months 	Some prisoners were physically abused and a number of them were transferred to isolation cells.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
57	31.01.2013	Eshel, section 10	Yamas unit	The prisoners disseminated a video of a social event		<ul style="list-style-type: none"> • General collective punishments, such as: • Denial of canteen use and family visits for two months • Removal of TV sets and reduction of outdoor break to one hour per day until further notice • Isolation of 27 prisoners in Ayalon prison 	Yamas unit stayed in the section 24 hours a day, not leaving it for a second. They ransacked prisoners' belongings, destroyed all electric devices and cells' contents, and damaged items purchased from the canteen, especially food items by mixing slat with sugar, and rice with oil.
58	26.01.2013	Shatta	Nahshon unit	Using the collapse of prison wall as an excuse		<ul style="list-style-type: none"> • Arbitrary transfer of prisoners from Shatta prison to Ramon prison in the conditions of severe cold, without allowing them the chance to pack their belongings 	The majority of the prisoners were sick and the transfer has had grave negative consequences for their health.

No.	Date of incident	Prison	Abusers	Reason for aggression	Persons abused	Punishment (isolation, fines, visits)	Additional information
59	27.01.2013	Ashqelon, section 3, cells 13 and 14	Dror and Massada units	Incessant targeting of the prisoner Kifah Hattab	Prisoners Kifah Hattab and Ahmad Omar		The abuse by the special units resulted in injuries to a number of prisoners, including Ahmad Omar from Jalazon Refugee Camp and Kifah Hattab from Tulkarem.
60	28.01.2013	Nafha, section 3	Nahshon unit	Disintegration of organizational structures of prisoners	80 prisoners	<ul style="list-style-type: none"> Transfer of prisoners from section 3, Nafha prison, to Ramon prison 	The Israeli occupation authorities closed the section to prevent the prisoners from communicating with each other and to undermine their determination and strong will.

Annex 5

IPS regulations regarding hunger strike by prisoners and detainees: Directive No. 04/16/00

Prisoners' hunger strike may have an impact on one or more of the following:

- The civil aspect does not fall within the IPS mandate. In case of civil effects, the management policy shall be decided by the competent civil bodies, which shall be notified through the appropriate IPS staff.
- The organizational, management aspect, including the medical aspect.

Purpose

The purpose of the prisons ordinance is to detail ways of organizational management in the event of a prisoner(s) hunger strike, threats to go on hunger strike and refusal to take meals to an extent that does not amount to a hunger strike.

Legal foundation

Article 56 of prisons ordinance of 1971 states:

The following acts are declared to be prison offenses when committed by a prisoner:

- (8) refusing to eat the food prescribed by the prison diet scale;
- (11) willfully destroying food, or throwing it away without orders;
- (41) any other act, conduct, disorder or neglect to the prejudice of good order or discipline.

Definitions

- Prisoner on hunger strike: A prisoner who does not take 4 consecutive meals without any legal justification, even if he drinks water. A prisoner who eats part of the meal (including liquids other than water) shall not be considered as being on hunger strike.
"Legal justification" – Permission by a doctor not to eat, or if the prisoner has a religious obligation not to eat, or has a permission to do so from the prison director for special reasons.
- Group hunger strike: Hunger strike by two or more prisoners in the same section or cell, who are related in a way that permits to believe that they are rejecting food in order to seek a common goal.
- Prisoner refusing the meals: A prisoner who refuses to eat 3 meals or less.

Notifications	
<p>a. In case of threats by one prisoner or more to go on hunger strike, refusal of meals by one prisoner or more, or hunger strike one prisoner or more, as soon as the prison director identifies the reasons for this, the following notifications shall be made:</p>	
Content of notification	Method of notification
- A threat of hunger strike by a prisoner	Section manager notifies the prison director, social worker and clinic
- Group threat of hunger strike	<ol style="list-style-type: none"> 1. Section manager notifies the prison director, social worker and clinic 2. Prison director notifies the district director by phone 3. Prison director notifies the commissioner by phone 4. The director on duty notifies the operations reporting center in the district 5. The operations reporting center in the district notifies the operations reporting center in the prisons' commission.
- Refusal of meals by one prisoner	Section manager notifies the prison director, social worker and clinic
- Group refusal of meals	<ol style="list-style-type: none"> 1. Section manager notifies the prison director, social worker and clinic 2. Prison director notifies the district director by phone 3. Prison director notifies the commissioner by phone 4. The director on duty notifies the operations reporting center in the district 5. The operations reporting center in the district notifies the operations reporting center in the prisons' commission
- Hunger strike by one prisoner	<ol style="list-style-type: none"> 1. Section manager notifies the prison director, social worker and clinic 2. Prison director notifies the district director by phone 3. Prison director notifies the commissioner by phone 4. The director on duty notifies the operations reporting center in the district 5. The operations reporting center in the district notifies the operations reporting center in the prisons' commission
- Group hunger strike	<ol style="list-style-type: none"> 1. Section manager notifies the prison director, social worker and clinic 2. Prison director notifies the district director by phone 3. Prison director notifies the commissioner by phone 4. The director on duty notifies the operations reporting center in the district 5. The operations reporting center in the district notifies the operations reporting center in the prisons' commission
<p>With regard to security prisoners: In addition to the above, the Chief of Staff Command, the overall medical officer in the army and the ICRC shall be notified.</p> <ul style="list-style-type: none"> • Every notification shall be made at once. • The decision to notify the Minister of Public Security shall be made by the IPS Commissioner. 	

Stages in managing a group hunger strike:

The prison director shall take the following measures against those on hunger strike:

- a. Concentrating the prisoners on strike in one place in isolation from others who are not on strike.
- b. Holding a disciplinary hearing.
- c. Collecting all products from the sales center for each individual prisoner separately, storing them and documenting them in storage inventory.
- d. Suspending privileges.
- e. The suspension of privileges in this directive does not apply to procedures outlined in the prison order No 04/17/00, except for the hearing sessions outlined therein.
- f. A prisoner on hunger strike shall not leave his cell except for: outdoor break, medical treatment, court sessions, interrogation, for a security need that requires taking him out of the cell, or any other need as the prison director may decide.
- g. The prison director shall notify the district officer and the operations' reporting center of the suspension of privileges for prisoners on hunger strike.

Stages in managing an individual hunger strike:

Hunger strike by one prisoner shall be managed similar to group hunger strike. The isolation shall be accompanied by monitoring during the strike. The isolation shall be conducted as per the available capacity of the prison.

Stages in managing a threat of hunger strike or refusal of meals:

In case of a threat of hunger strike or refusal of meals, the prison director may decide, upon the approval of the district officer, to apply one or more steps listed in article 6 above against the prisoner threatening a strike or refusing the meals.

Lawyers visit during hunger strike:

A lawyer's visit to a prisoner (detainee) on hunger strike shall be conducted in line with the provisions of prisons order No. 04/34/00 relating to "prisoner's relation with the lawyer."

ICRC visit during hunger strike:

- a. Requests for visits by ICRC agents during a hunger strike shall require approval of the security official in coordination with the prison deputy commissioner.
- b. When the visit is approved, the prisoner's officer in the district or the prisoners' officer in the prison shall escort the ICRC agents during the visit.

Practical preparations:

- a. When there is a possibility for a group hunger strike, practical preparations beforehand shall be made in advance with relevant external bodies: Ministry of Foreign Affairs, the army, the police and the overall medical officer.
- b. Massada units, Nahshon units and Nir school shall be the intervention force and shall work under the decisions of the security officer.
- c. An operations room shall be prepared, which is composed of the security officer and the overall medical officer.
- d. The medical unit shall be prepared as per agreed medical procedures.

Multidisciplinary staff team:

In case of group hunger strike in a number of prisons, the prison commissioner shall appoint a multidisciplinary staff team that includes members of the operations reporting center and prisons' directors.

The team shall visit the prisons and have a firsthand view of the overall situation surrounding the prisoners and problems encountered, and report those to the Commissioner.

Commissioner's forum:

The forum shall include some members of the chief of staff command as per the decision of the Commissioner, who shall preside the daily sessions throughout the strike to receive reports, assess the overall situation and make decisions.

Medical treatment during group hunger strike:

- a. Starting from the second week of the hunger strike, a permanent doctor and nursing staff shall be appointed in the prison, who shall stay in the section around the clock.
- b. Medical treatment instructions are detailed in the following medical procedures:
 - Medical treatment for a prisoner on hunger strike – 5002-02.
 - Assessments by the medical unit during group hunger strike – 4002-01.

Executive officer in charge:

- In the prison: prison director
- District command: district director
- Commission: deputy commissioner

Privileges to be revoked for a prisoner on hunger strike:

- c. Immediate suspension of food distribution from the sales center.
- d. Removal of food from the cell of the prisoner on strike.
- e. Limiting the outdoor break to one hour only.
- f. Suspension of newspaper distribution, listening to the radio and recordings.
- g. Prohibition on family visits.
- h. Prohibition on sending and receiving letters.
- i. Removal and storage of electric devices (with the exception of fans).
- j. Removal of educational books (with the exception of religious books) to be kept in the prison's library.
- k. Removal of musical instruments, social games and writing instruments.
- l. Removal of sports equipment from the outdoor break yard

Annex 6

IPS directives relating to disciplinary justice for prisoners

Prison administration ordinance		Responsible body: Prisoner's section officer
Chapter 4 – Prisoners		Directive No. 04/13/00
Entry into effect: 12.06.2002		Date of most recent update: 18.07.2010
Disciplinary justice for prisoners		
1.	General	
	According to Prison Ordinance (new version) of 1971 regarding any person under detention in prison, and in relation to ordinances that apply to disciplinary trials, this ordinance is designed to settle all relevant ordinances related to activating the disciplinary justice system for all those who have committed disciplinary infringements.	
	a.	There are four categories of prisoners, with different systems apply to each of them. They are:
	1.	Prisoners (including criminal, security and civil prisoners) (see chapter A below).
	2.	Detainees, including administrative detainees and imprisoned detainees (see chapter B below).
	3.	Administrative detainees (see chapter C below).
	4.	Illegal combatants (see chapter D below).
	b.	The following ordinance details disciplinary justice as applied to each category different than the others, with a separate chapter allocated to each one.
	In places, where there is no difference in terms of the applicable justice system, we shall refer to a chapter detailing the applicable ordinances.	

Chapter A – Prisoners – Disciplinary justice	
2.	a. General
<p>In this chapter, prisoners include criminal, security and civil prisoners, except the arrested, administrative detainees, illegal combatants and imprisoned detainees according to the entry into Israeli law of 1952, prevention of infiltration (offences and jurisdiction) law of 1054, and prevention of infiltration (Judea and Samaria) order of 1969.</p>	
	b. Legal foundation:
	<ol style="list-style-type: none"> 1. Prison Ordinance (new version) of 1971, articles 56-62. 2. Prison regulations of 1978, articles 18, 60-a and 60-d. 3. Prison administration ordinance (setting fines and compensations for prison infringements) of 1991). 4. IPS directives, chapter 5,07 – prisoners' discipline.
	c. Judicial powers – judicial officer
	Each of the following:
	<ol style="list-style-type: none"> 1. Director general of prisons. 2. Prison director, authorized by the director general of prisons. 3. A jailor of an officer rank or higher, authorized by the director. <p>It should be emphasized here that without the authorization of the director general of prisons, there shall be no powers to conduct trials.</p> <p>Director's authorization shall be granted to those who successfully pass a relevant course.</p>

6. Punishments and obligations relating to prison infringements

a. The trial officer who convicts a prisoner, shall have the power to sentence him to one of the following punishments:

1. Cautioning

2. Strict warning

3. Fining:

- the prison director or his deputy have the power to impose a fine up to NIS 456, while a court officer can give a fine up to NIS 228.
- These fines shall be paid to the “prisoners’ welfare fund,”

4. Isolation:

- Isolation for up to 14 days, provided that the prisoner shall not spend more than seven consecutive days in isolation. An interval of seven days should be made between each isolation period of seven consecutive days. The prison director or his deputy shall have the power to impose a 14-day isolation penalty, while a court officer shall have the power to sentence the prisoner to isolation for seven days only.
- Solitary confinement means detention in a cell with no other prisoners, where the isolated prisoner shall not be permitted to exit the cell, including to daily outdoor break.
- (1) a court officer prosecuting a prisoner for more than one infringement, whether committed at the same time or at different times, shall not have the power to sentence to isolation for more than the period outlined in paragraph “a” above.
 - (2) If a prisoner is sentenced to isolation and before serving the punishment, was sentenced to isolation for another time for a different infringement, he shall serve the two punishments in succession, completing seven days of isolation, getting a break for seven days and returning to serve the remaining part of the punishment.

5. Reduction of the number of days of prisoner’s release.

The prison director, with the approval of the IPS director, can reduce the prisoner’s release days by 21 days as stated in the release with suspended sentence law of 2001. The prison director’s decision shall be conveyed to the IPS director through the authorized officer.

	<p>a. Suspended sentence</p> <p>If an officer sentences a prisoner to isolation or reduction of release days, he shall have the power to consider the sentence or part thereof as suspended sentence for one year (activating the penalty of reduced release days following a breach of conditions), conditional to the approval of the IPS director. A prisoner with suspended sentence shall serve the sentence only if he commits and is found guilty of the specified infringement at any time during the period of sentence suspension.</p>
	<p>b. Setting the punishments – penalty scale</p> <p>After hearing the prisoner’s claims about the infringement, the court officer shall name the punishments according to the gravity of the infringement, but only within the categories of penalties outlined in the penalty scale (see annex E of this directive) as specified next to each infringement.</p> <p>The penalty scale sets the upper limit of punishment that can be imposed on a prisoner committing his first infringement and the upper limit of punishments for a prisoner with a disciplinary history (second or more infringements) or for infringements in special conditions as outlined in the sentence decision, even if the infringement is the first.</p> <p>Trial officers shall have the power to impose one or more punishments from those listed next to the infringement in the penalty scale. They shall have the power to determine the amount of fine, number of isolation days and/or amount of reduction in release days up to the upper limit specified in the scale.</p> <p>Note: The penalty scale relates only to prisoners as defined in article 1/a(1) of this directive.</p>
	<p>c. Considerations for punishment</p> <p>When setting the punishment from those detailed in the penalty scale, the trial officer should take the following considerations into account to justify the imposed punishment:</p> <ol style="list-style-type: none"> 1. Severity of the punishment – the more dangerous the infringement committed by the prisoner is, the more severe the punishment should be and vice versa. 2. The prisoner’s disciplinary history – The more disciplinary infringements there are in the prisoner’s disciplinary history, the stricter the punishment should be and vice versa. 3. The prisoner’s conduct in the prison. 4. The prisoner’s economic status – If the prisoner is considered as needy or does not have in his account half of the amount set as a fine, this consideration should be brought to the attention of the trial officer. 5. Special circumstances, such as the prisoner’s health or psychological condition, prisoner’s classification as under probation, a prisoner who harms himself, a prisoner with abnormal attitudes, and the like.

	<p>d. Obligation to pay compensations</p> <p>The trial officer who convicts a prisoner with a prison infringement may oblige him, in addition to the penalty, to pay compensation to the IPS for damages resulting from the infringement in an amount up to NIS 2,282.</p>
	<p>f. Collection of fines and compensations</p> <p>Fine and compensation amounts as specified above shall be levied by means of deduction from the wage of paid work of the prisoner or any other funds available in his deposit account. They may be deducted in one payment or in monthly proportions as ordered by the trial officer, provided that the amount remaining in the prisoner's account after the deduction is no less than NIS 100 each month.</p>
<p>7.</p>	<p>Punishment replacement</p> <ul style="list-style-type: none"> • If a fine or isolation punishment is imposed on a prisoner, the district director shall have the power, if he has a relevant justification, to cancel, reduce or replace the punishments by an easier or lighter punishment. • The district director has the power to cancel a decision obliging a prisoner to pay compensations or to reduce the compensation amount, if he has a relevant justification to do so. • If a reduction of release days is imposed on a prisoner, the IPS director shall have the power to cancel, reduce or replace this punishment by a lighter one, if he has the justification to do so. • The prisoner's request to replace his punishment by another one shall be conveyed to the prison director through the section manager and shall be conveyed to the district director in order to be decided.
<p>8.</p>	<p>Cancelation of procedure</p> <p>If a prisoner convicted guilty of a prison infringement has the basis to believe that there has been a substantial error in the procedure, may send a letter through the unit manager, within 30 days of the completion of the disciplinary court, requesting the IPS judicial advisor to cancel the procedure. If a substantial error is found in the procedure, the IPS judicial advisor or his deputy shall have the power to cancel the procedure and reconstitute the previous situation to the possible extent.</p>

Annex E

Penalty scale

No.	Infringement	Maximum penalty: a prisoner committing it for the first time	Maximum penalty: a prisoner with disciplinary history or special circumstances (including first infringement as detailed in the sentence)	Remarks
1	Fight with another prisoner	Strict warning and/or fine up to NIS 225 or isolation up to 7 days	Strict warning and/or fine up to NIS 456 and/or isolation up to 14 days	
2	Filing a baseless complaint	Strict warning and/or fine up to NIS 125 or isolation up to 3 days	Strict warning and/or fine up to NIS 225 and/or isolation up to 7 days	
3	Making false accusations against jailors when asked questions about prisoners and discipline	Strict warning and/or fine up to NIS 225 or isolation up to 7 days	Strict warning and/or fine up to NIS 456 and/or isolation up to 14 days	If the infringement is against the trial officer, the director should preside in the trial
4	Inaccurate answer to a question asked by a jailor with respect to matters stated in article 6, Prison Ordinance (health matters)	Warning and/or fine up to NIS 100	Warning and/or fine up to NIS 225	
5	Communicating in writing, orally or otherwise with a person from outside the prison or with a prisoner in breach of prison rules	Strict warning and/or fine up to NIS 225 or isolation up to 7 days	Strict warning and/or fine up to NIS 456 and/or isolation up to 14 days and/or reduction of release days (provided that the act was intended to undermine state security)	Reduction of release days should be approved by the IPS director

No.	Infringement	Maximum penalty: a prisoner committing it for the first time	Maximum penalty: a prisoner with disciplinary history or special circumstances (including first infringement as detailed in the sentence)	Remarks
6	Instilling horror in the hearts of prisoners or jailors	Strict warning and/or fine up to NIS 225 or isolation up to 7 days	Strict warning and/or fine up to NIS 456 and/or isolation up to 14 days	
7	Refusing to walk properly in the outdoor break or in the way to and back from work	Strict warning and/or fine up to NIS 150	Strict warning and/or fine up to NIS 225	
8	Refusing to eat the daily meal	Strict warning and/or fine up to NIS 50 or isolation up to 2 days	Strict warning and/or fine up to NIS 150 and/or isolation up to 7 days	
9	Eating or taking the food of someone else or taking or adding to the meals of other prisoners	Strict warning and/or fine up to NIS 200 and/or isolation up to 3 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 7 days	
10	Taking food out of the kitchen or dining room or violating an order related to eating and distributing the food	Strict warning and/or fine up to NIS 200 and/or isolation up to 5 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 10 days	
11	Spoiling food intentionally or throwing it away without being ordered to do so	Strict warning and/or fine up to NIS 200 and/or isolation up to 5 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 10 days	Compensation

No.	Infringement	Maximum penalty: a prisoner committing it for the first time	Maximum penalty: a prisoner with disciplinary history or special circumstances (including first infringement as detailed in the sentence)	Remarks
12	Putting in the food something that may negatively affect its taste or quality	Strict warning and/or fine up to NIS 200 and/or isolation up to 5 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 10 days	Compensation
13	Refusing to wear the provided outfit, replacing part thereof with clothes of prisoners or damaging, losing or changing part thereof	Strict warning and/or fine up to NIS 225 and/or isolation up to 3 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 7 days	Compensation
14	Removing, deforming or altering a number sign, symbol or logo fixed or placed on an outfit or object	Strict warning and/or fine up to NIS 225 and/or isolation up to 3 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 7 days	Compensation
15	Refusing to maintain personal hygiene or rejecting an order regulating shaving and bathing matters	Strict warning and/or fine up to NIS 50	Strict warning and/or fine up to NIS 225	
16	Refusing or rejecting an order to keep clothes, blankets or sleeping supplies clean or violating an order related to their arrangement and place	Strict warning and/or fine up to NIS 50	Strict warning and/or fine up to NIS 225	

No.	Infringement	Maximum penalty: a prisoner committing it for the first time	Maximum penalty: a prisoner with disciplinary history or special circumstances (including first infringement as detailed in the sentence)	Remarks
17	Messing with locks, lighting or properties of others	Strict warning and/or fine up to NIS 225 and/or isolation up to 3 days	Strict warning and/or fine up to NIS 456 and/or isolation up to 7 days	Compensation
18	Stealing prison's clothes or belongings of another prisoner	Strict warning and/or fine up to NIS 225 and/or isolation up to 7 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 10 days	Compensation
19	Causing annoyance in each section of the prison	Strict warning and/or fine up to NIS 100	Strict warning and/or fine up to NIS 225	Compensation
20	Deforming or damaging a wall, furniture or other property in the prison	Strict warning and/or fine up to NIS 225 and/or isolation up to 3 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 7 days	Compensation
21	Soiling a floor, wall or part thereof or any place in the prison or spitting thereon	Cautioning and/or fine up to NIS 100	Cautioning and/or fine up to NIS 225 and/or isolation up to 3 days	
22	Intentionally soiling a well, toilet, washing basin or bathing tub	Strict warning and/or fine up to NIS 100	Strict warning and/or fine up to NIS 225 and/or isolation up to 3 days	

No.	Infringement	Maximum penalty: a prisoner committing it for the first time	Maximum penalty: a prisoner with disciplinary history or special circumstances (including first infringement as detailed in the sentence)	Remarks
23	Refusing to handle equipment, clothes or objects that are the property of the state or deforming, damaging or messing with them	Strict warning and/or fine up to NIS 225 and/or isolation up to 3 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 7 days	
24	Causing harm, illness, damage or incapacity to self	Strict warning and/or fine up to NIS 225 and/or isolation up to 3 days	Strict warning and/or fine up to NIS 456 and/or isolation up to 10 days	
25	Causing violence or refusing to help to stop violence	Strict warning and/or fine up to NIS 225 and/or isolation up to 7 days	Strict warning and/or fine up to NIS 456 and/or isolation up to 14 days and/or reduction of release days	
26	Initiating an attack on a jailor	Strict warning and/or fine up to NIS 300 and/or isolation up to 7 days	Strict warning and/or fine up to NIS 456 and/or isolation up to 14 days and/or reduction of release days	If the infringement is against the trial officer, the director should preside in the trial. Possibility to file a criminal lawsuit
27	Refusing to assist a jailor in case of runaway or in case of an attack on a jailor or a prisoner	Strict warning and/or fine up to NIS 225 and/or isolation up to 3 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 7 days	

No.	Infringement	Maximum penalty: a prisoner committing it for the first time	Maximum penalty: a prisoner with disciplinary history or special circumstances (including first infringement as detailed in the sentence)	Remarks
28	Breaking a rule or a legal order by a jailor or refusing to implement tasks as specified	Strict warning and/or fine up to NIS 200 and/or isolation up to 5 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 7 days	
29	Behaving impolitely with a jailor, prison worker, visitor or any persons employed in the prison	Strict warning and/or fine up to NIS 150 and/or isolation up to 2 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 5 days	If the infringement is against the trial officer, the director should preside in the trial. Possibility to file a criminal lawsuit
30	Refusing to work or working with slackness or carelessness	Strict warning and/or fine up to NIS 150 and/or isolation up to 2 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 5 days	
31	Leaving the cell, another place in which he is placed or the workplace without permission	Strict warning and/or fine up to NIS 225 and/or isolation up to 5 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 7 days	
32	Possessing an object that he does not have the power to possess	Strict warning and/or fine up to NIS 150 and/or isolation up to 2 days	Strict warning and/or fine up to NIS 456 and/or isolation up to 10 days	
33	Attacking or using violence in a way that constitutes a violation	Strict warning and/or fine up to NIS 300 and/or isolation up to 7 days	Strict warning and/or fine up to NIS 456 and/or isolation up to 14 days and/or reduction of release days	Possibility to file a criminal lawsuit

No.	Infringement	Maximum penalty: a prisoner committing it for the first time	Maximum penalty: a prisoner with disciplinary history or special circumstances (including first infringement as detailed in the sentence)	Remarks
34	Causing noise, cursing or distorting	Strict warning and/or fine up to NIS 200 and/or isolation up to 3 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 7 days	
35	Causing violence or behaving in an undisciplined or impolite manner	Strict warning and/or fine up to NIS 225 and/or isolation up to 3 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 7 days	
36	Using offensive, degrading or threatening language	Strict warning and/or fine up to NIS 225 and/or isolation up to 5 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 10 days	If the infringement is against the trial officer, the director should preside in the trial. Possibility to file a criminal lawsuit
37	Malingering	Strict warning and/or fine up to NIS 225 and/or isolation up to 3 days	Strict warning and/or fine up to NIS 300 and/or isolation up to 10 days	
38	Making false accusation against a jailor or prisoner	Strict warning and/or fine up to NIS 225 and/or isolation up to 7 days	Strict warning and/or fine up to NIS 456 and/or isolation up to 14 days	If the infringement is against the trial officer, the director should preside in the trial. Possibility to file a criminal lawsuit

No.	Infringement	Maximum penalty: a prisoner committing it for the first time	Maximum penalty: a prisoner with disciplinary history or special circumstances (including first infringement as detailed in the sentence)	Remarks
39	Running away, making contacts to run away or helping others to run away	Strict warning and/or fine up to NIS 456 and/or isolation up to 14 days and/or reduction of release days	Strict warning and/or fine up to NIS 456 and/or isolation up to 14 days and/or reduction of release days	Possibility to file a criminal lawsuit Reduction of release days with the approval of IPS director only
40	Attempting or helping to implement the infringements stated in this article	Strict warning and/or fine up to NIS 150 and/or isolation up to 3 days	Strict warning and/or fine up to NIS 456 and/or isolation up to 14 days	
41	Any other act, behavior, arrangement or neglect that affects order and discipline, even if not mentioned in the previous provisions	Strict warning and/or fine up to NIS 250 and/or isolation up to 7 days	Strict warning and/or fine up to NIS 456 and/or isolation up to 14 days	

Annex 7

Definition of war crimes and crimes against humanity in the Rome Statute establishing the International Criminal Court¹³²

Article 7: Crimes against humanity

Introduction

1. Since article 7 pertains to international criminal law, its provisions, consistent with article 22, must be strictly construed, taking into account that crimes against humanity as defined in article 7 are among the most serious crimes of concern to the international community as a whole, warrant and entail individual criminal responsibility, and require conduct which is impermissible under generally applicable international law, as recognized by the principal legal systems of the world.
2. The last two elements for each crime against humanity describe the context in which the conduct must take place. These elements clarify the requisite participation in and knowledge of a widespread or systematic attack against a civilian population. However, the last element should not be interpreted as requiring proof that the perpetrator had knowledge of all characteristics of the attack or the precise details of the plan or policy of the State or organization. In the case of an emerging widespread or systematic attack against a civilian population, the intent clause of the last element indicates that this mental element is satisfied if the perpetrator intended to further such an attack.
3. “Attack directed against a civilian population” in these context elements is understood to mean a course of conduct involving the multiple commission of acts referred to in article 7, paragraph 1, of the Statute against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack. The acts need not constitute a military attack. It is understood that “policy to commit such attack” requires that the State or organization actively promote or encourage

132. See the link: <http://www1.umn.edu/humanrts/instree/iccelementsofcrimes.html>.

Article 7 (1) (a) Crime against humanity of murder

Elements

1. The perpetrator killed one or more persons.
2. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
3. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack against a civilian population.

Article 7 (1) (e) Crime against humanity of imprisonment or other severe deprivation of physical liberty

Elements

1. The perpetrator imprisoned one or more persons or otherwise severely deprived one or more persons of physical liberty.
2. The gravity of the conduct was such that it was in violation of fundamental rules of international law.
3. The perpetrator was aware of the factual circumstances that established the gravity of the conduct.
4. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
5. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.

Article 7 (1) (f) Crime against humanity of torture

Elements

1. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons
2. Such person or persons were in the custody or under the control of the accused.
3. The pain or suffering did not arise only from, inherent in or incidental to, lawful sanctions.

4. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
5. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.

Article 7 (1) (h) Crime against humanity of persecution

Elements

1. The perpetrator severely deprived, contrary to international law, one or more persons of fundamental rights.
2. The perpetrator targeted such person or persons by reason of the identity of a group or collectivity or targeted the group or collectivity as such.
3. Such targeting was based on political, racial, national, ethnic, cultural, religious, gender as defined in article 7, paragraph 3, of the Statute, or other grounds that are universally recognized as impermissible under international law.
4. The conduct was committed in connection with any act referred to in article 7, paragraph 1, of the Statute or any crime within the jurisdiction of the Court.
5. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
6. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.

Article 7 (1) (k) Crime against humanity of other inhumane acts

Elements

1. The perpetrator inflicted great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act.
2. Such act was of a character similar to any other act referred to in article 7, paragraph 1, of the Statute.[30]
3. The perpetrator was aware of the factual circumstances that established the character of the act.

4. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
5. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.

Article 8 War crimes

Introduction

The elements for war crimes under article 8, paragraph 2 (c) and (e), are subject to the limitations addressed in article 8, paragraph 2 (d) and (f), which are not elements of crimes.

The elements for war crimes under article 8, paragraph 2, of the Statute shall be interpreted within the established framework of the international law of armed conflict including, as appropriate, the international law of armed conflict applicable to armed conflict at sea.

With respect to the last two elements listed for each crime:

- There is no requirement for a legal evaluation by the perpetrator as to the existence of an armed conflict or its character as international or non-international;
- In that context there is no requirement for awareness by the perpetrator of the facts that established the character of the conflict as international or non-international;
- There is only a requirement for the awareness of the factual circumstances that established the existence of an armed conflict that is implicit in the terms “took place in the context of and was associated with”.

Article 8 (2) (a) and Article 8 (2) (a) (i) War crime of willful killing

Elements

1. The perpetrator killed one or more persons.
2. Such person or persons were protected under one or more of the Geneva Conventions of 1949.
3. The perpetrator was aware of the factual circumstances that established that protected status.
4. The conduct took place in the context of and was associated with an international armed conflict.
5. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

Article 8 (2) (a) (ii)-1 War crime of torture

Elements

1. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons.
2. The perpetrator inflicted the pain or suffering for such purposes as: obtaining information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind.
3. Such person or persons were protected under one or more of the Geneva Conventions of 1949.
4. The perpetrator was aware of the factual circumstances that established that protected status.
5. The conduct took place in the context of and was associated with an international armed conflict.
6. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

Article 8 (2) (a) (ii)-2 War crime of inhuman treatment

Elements

1. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons.
2. Such person or persons were protected under one or more of the Geneva Conventions of 1949.
3. The perpetrator was aware of the factual circumstances that established that protected status.
4. The conduct took place in the context of and was associated with an international armed conflict.
5. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

Article 8 (2) (a) (iii) War crime of willfully causing great suffering

Elements

1. The perpetrator caused great physical or mental pain or suffering to, or serious injury to body or health of, one or more persons.
2. Such person or persons were protected under one or more of the Geneva Conventions of 1949.
3. The perpetrator was aware of the factual circumstances that established that protected status.
4. The conduct took place in the context of and was associated with an international armed conflict.
5. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

Article 8 (2) (a) (iv) War crime of destruction and appropriation of property

Elements

1. The perpetrator destroyed or appropriated certain property.
2. The destruction or appropriation was not justified by military necessity.
3. The destruction or appropriation was extensive and carried out wantonly.
4. Such property was protected under one or more of the Geneva Conventions of 1949.
5. The perpetrator was aware of the factual circumstances that established that protected status.
6. The conduct took place in the context of and was associated with an international armed conflict.
7. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

ADDAMEER Prisoner Support and Human Rights Association:

ADDAMEER 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. Addameer was established in 1992 in Jerusalem by a group of human rights activists that support prisoners and work to end torture and other violations of prisoners' rights through monitoring, legal procedures and solidarity campaigns.

Addameer enjoys the support of a volunteer body called "Addama'er", which believes in Addameer's goals and participates in the activities held by the association. They also work in supporting it financially and morally.

Addameer is an executive member in the Palestinian NGO Network, the Palestinian Human Rights Organizations Council, the regional and local Coalition Against Death Penalty, and the International Coalition Against Torture.

Addameer believes in the universality of human rights that are based on respect for human dignity, and their complete and equal application according to international conventions and norms. Addameer also believes in the necessity of building a free democratic Palestinian society where justice, equality and law prevails as well as respect of a person's right to self-determination.

Objectives:

End torture and other forms of cruel, inhuman and degrading treatment inflicted upon Palestinian prisoners.

End arbitrary detentions and arrests; abolish the death penalty; and guarantee fair, impartial and public trials.

Support political prisoners and prisoners of conscience by providing them with legal aid and social and moral assistance and undertaking advocacy on their behalf.

Push for legislations that guarantee human rights and basic freedoms and ensure their implementation on the ground.

Raise awareness of human rights and rule of law issues in the local community.

Ensure respect for democratic values in the local community, based on political diversity and freedom of opinion and expression.

Lobby for international support and solidarity for Palestinians' legitimate rights.

Addameer Programs:

Legal counseling program: Provision of free legal representation and advice to hundreds of Palestinian detainees and their families through following cases of torture, court sessions, regular visits and legal guidance.

Documentation and Research program: Documentation of the violations committed against Palestinian detainees and monitors their detention conditions through regular prison visits, and collects detailed statistics and information on detainees, which serve as the basis for its annual and thematic publications.

Advocacy and Lobbying program: Addameer's Advocacy Unit leads several activities and campaigns locally, regionally and internationally in cooperation with numerous solidarity groups that support the prisoners' cause and their freedom

Training and Awareness program: Meetings with different sectors are held within this program in order to raise awareness about prisoners' rights. In addition, Addameer holds training sessions to strengthen human rights awareness and to increase the role of youth in protecting human rights through "Addama'er" program.