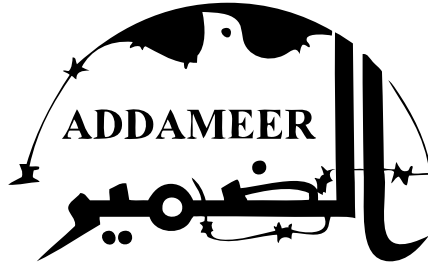


Annual Violations Report

2019





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2020



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Introduction



The year 2019 witnessed grave violations of Palestinian human rights as various Israeli state branches worked comprehensively to further integrate the occupation's apartheid policies against the Palestinian people. The judicial system, for example, continues to support the Israeli intelligence agencies by providing legal cover of the torture and inhuman practices against Palestinian prisoners. Moreover, the judicial system acts in support of the Israeli government's racist policies against Palestinians by consistently issuing higher prison sentences and house demolitions orders. In 2019, the Israeli authorities arrested more than 5000 Palestinians, including 889 children, 128 women, 11 journalists, as well as 11 Palestinian Legislative Council members. Furthermore, 1047 administrative detention orders were issued throughout the year, including 439 new orders, four orders against children, and six against women. Israel has also continued its arbitrary arrest policies against Palestinians; by the end of 2019, the number of Palestinian prisoners in Israeli prisons was around 5000 prisoners, including seven Palestinian Legislative Council members, more than 700 ill prisoners, and 26 prisoners who had been incarcerated since before the Oslo Accords in 1993.¹

Addameer Prisoner Support and Human Rights Association publishes this annual report to document the various violations against Palestinian prisoners, starting from the moment of their arrest, throughout the interrogation stage, and inside Israeli prisons. The report aims to shed light on prisoners' lives and their suffering during incarceration, as well as the extent of Israeli violations of international conventions and agreements, particularly the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984. Despite the international community's commitment to protecting the rights of women and children in particular, the various Israeli practices do not distinguish between these vulnerable groups and other prisoners.

This report is an integral part of Addameer's continuous efforts to seek justice and the release of all Palestinian prisoners in Israeli prisons. Until

¹ See: "Israeli occupation arrests more than 5500 Palestinians in 2019" – a report by Addameer Prisoner Support and Human Rights Association, the Palestinian Prisoners' Club, and the Palestinian Commission of Detainees and Ex-Detainees Affairs published on December 30th, 2019. Date of access: February 2nd, 2020 via <https://bit.ly/2Hx4Y3q>

such goal is obtained, Addameer will persevere in its efforts, in cooperation with local and international rights organizations, to protect and guarantee the Palestinian prisoners' rights in accordance with International Humanitarian Law and International Human Rights Law.

This report archives the accounts and details of Israeli violations against the Palestinian prisoners' movement, as well as consistently documents the incarceration conditions in Israeli prisons. Furthermore, the report is an integral part of Addameer's efforts to document and expose the Israeli occupation's practices, not only in regards to the Palestinian prisoners' rights, but also the entirety of the Israeli parliament's "Knesset" policies, measures, laws and bills targeting the prisoners in particular, and the Palestinian people in general.

This report follows a fact-based descriptive, analytical methodology based on the data collected through Addameer's efforts in monitoring, documentation, and legal follow-up. This is part of the association's work in monitoring Israeli's compliance - at the legislative, judicial and executive levels- with International Humanitarian Law and International Human Rights Law in regard to the prisoners and their incarceration conditions as these laws are the theoretical framework regulating the prisoners' rights and the principles of treatment of prisoners. Throughout 2019, Addameer conducted 138 prison visits, as well 44 visits for the purposes of documenting the Israeli violations against the prisoners. Addameer collected information and affidavits on violations against the prisoners during arrest, interrogation, as well post transfer to prisons and detention centres. Furthermore, the report reviews and examines the Israel Prison Service's (IPS) regulations applicable to the Palestinian prisoners in comparison with international standards, including those in the UN handbook for prison leaders.

This report presents the most prominent violations to prompt intervention by relevant authorities and organizations by upholding their legal responsibility to compel Israel to abide by the international guarantees of prisoners' rights. The report addresses the issue of all Palestinian prisoners as one unified cause out of Addameer's firm belief that the Palestinian prisoners from Jerusalem, the Palestinian territories occupied in 1948, the Gaza Strip, and the West Bank share the same cause and carry the same burden, suffering through the same horrendous conditions and fighting a joint battle for dignity and liberty.

Facts



and Figures

Table 1: Number of prisoners and detainees 2010-2019

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2019	5450	5440	5450	5400	5350	5250	5150	5100	5000	5050	5000	5000
2018	6141	6119	6050	6036	5941	5900	5820	5781	5640	5554	5554	5500
2017	6500		6200	6160	6200	6020	6128	6279	6098	6198	6154	6171
2016	6900	6600	6700	6650	6500	6350	6400	6300	6350	6400	6400	6500
2015	6200	6000	5820	5800	5750	5850	5700	5520	5621	6300	6700	6800
2014	5023	5142	5224	5265	5271			6500	6200	6500	6500	6200
2013	4743	4812	4936	4900	4979	5058	5071	5068	5007	5046	4996	5033
2012	4567	4489	4637	4610	4563	4659	4706	4660	4606	4596	4520	4656
2011	5935	5834	5777	5716	5604	5554		5573	5374	5434	4937	4970
2010	6831	6794	6985	6985	6584	6508	6408	6257		6180	6089	5977

* The 2016 statistics were estimates due to Addameer's inability to obtain more accurate data

Table 2: Detained members of the Palestinian Legislative Council 2010-2019

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2019	8	8	7	8	7	7	7	7	7	8	8	7
2018	11	11	7	6	6	6	5	5	5	6	6	8
2017	7	7	12	13	12	12	12	13	12	12	11	10
2016	7	6	6	6	7	6	6	6		6	6	6
2015	20	17	16	13	12	12	7	4	4	5	5	5
2014	12	11	11	11	11	23	38	36	29	28	25	22
2013	12	15	12	14	13	13	14	13	13	13	14	14
2012	27	27	27	27	27	26	20	20	13	10	8	13
2011	12	12	13	13	14	19	19	19	22	22	23	23
2010		11	15	14	12	12	12	12	9	9	9	9

Table 3: Categories of Prisoners at the start and end of 2010-2019

Years	Prisoners from Palestinian territories occupied in 1948	Prisoners from Jerusalem	Prisoners from the Gaza Strip	Prisoners incarcerated before the Oslo Accords	PLC Members	Women Prisoners
Start of 2019	70	353	298	27	8	53
End of 2019	70	308	308	26	7	41
Start of 2018	70	550	320	29	11	59
End of 2018	70	365	310	27	8	54
Start of 2017	70	510	350	30	7	53
End of 2017			320	30	10	58
Start of 2016	90	500	328	30	7	55
End of 2016	70	520	350	30	6	53
Start of 2015	100	380	371	30	20	22
End of 2015	90	520	352	30	5	60
Start of 2014	226	163	389	30	12	17
End of 2014	100	376	376	30	22	23
Start of 2013	191	167	437	111	12	10
End of 2013	216	169	395	53	14	16
Start of 2012	180	161	462	112	27	8
End of 2012	191	165	439	111	13	11
Start of 2011	187	197	684	300	10	37
End of 2011	165	152	443	112	23	5
Start of 2010	200	198	726	300	12	36
End of 2010	191	198	686	300	9	39

Table 4: Number of administrative detainees 2010-2019

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2019	495	497	497	490	480	480	460	420	425	460	460	458
2018	450	450	427	431	426	442	446	456	456	482	482	480
2017	536		491	500	490	477	540	465	449	463	453	434
2016	650	700	700	750	715		700	700				536
2015	450	454	426	414	401	480	480	350	343	450	545	660
2014	155	175	183	186	192			480	500	500	530	465
2013	178	178	170	168	156	147	136	134	137	135	145	145
2012	309	309	320	322	308	303	285	250	112	184	156	178
2011	207	221	214	217	220	229	243	243	272	286	278	283
2010	264	264	259	237	222	215	200	190	190	212	214	207

Table 5: Child prisoners 2010-2019

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2019	215	209	205	215	210	205	210	210	190	190	185	185
2018	330	330	356	304	304	291	270	270	270	230	230	230
2017	300		289	300	300	300	320	300	300	280	311	350
2016	450	406	438	438	414		350	340				300
2015	152	163	182	182	164	162	160	153	156	320	420	470
2014	154	183	210	202	196	200	192	200	201	182	163	156
2013	193	219	185	236	236	222	194	195	180	179	159	173
2012	166	166	183	203	218	192	220	210	194	189	164	177
2011	209	221	216	224	217	211		201	176	262	150	159
2010	318	343	342	355	300	286	281	280	269	264	251	225

Torture



and Inhuman Treatment

As entrenched in various international conventions, there is an absolute prohibition on torture, in which this prohibition cannot be infringed upon or suspended under any circumstances. The Universal Declaration of Human Rights is hailed the cornerstone of the prohibition on torture as article 5 states that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Moreover, the Geneva Conventions of 1949 and their Additional Protocols state in various provisions the absolute prohibition on torture, cruel or inhuman treatment, and outrages upon individual dignity.¹ Additionally, article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment unequivocally prohibits acts of torture with no exceptional circumstances whatsoever, and calls on state parties to take effective legislative, administrative, judicial or other measures to prevent such acts.

Despite the entrenched and absolute prohibition on torture, particularly under article 2(2) of the Convention against Torture which Israel ratified on 3rd October 1991,² the Israeli practices on the ground reflect a reality that stands in contrast with this non-derogable rule. The occupation forces systematically use torture on a semi-regular basis to extract confessions from Palestinian prisoners. Israeli forces leverage the prisoners’ integral rights to life, dignity, and security of person against them, invoking the Israeli Supreme Court’s 1999 ruling,³ which allows the Israeli security forces to practice “moderate physical pressure” in cases of necessity defence as outlined in article 34(11) of the Israeli Penal Code of 1977.⁴ The necessity defence presents a grave loophole that allows the interrogation of a person suspected of possessing intel on “military operations”, thus providing a legal cover for Shabak interrogators to practice with impunity torture and cruel treatment against Palestinian prisoners without abiding by the letter of Supreme Court’s ruling as the majority of the prisoners are detained on

1 See: Common article 3 of the Geneva Conventions and article 75(2)(A) of the Additional Protocol I to the Geneva Conventions.

2 Status of treaties, United Nations Treaty Collection, Last accessed Jan 15, 2020. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&clang=en.

3 Israeli Supreme Court ruling 5100/94 Public Committee Against Torture in Israel et al. v. Government of Israel et al.. English translation available at: http://elyon1.court.gov.il/files_eng/94/000/051/a09/94051000.a09.htm

4 https://www.nevo.co.il/law_html/Law01/073_002.htm

charges relating to political activities rather than military.⁵

The Israeli Supreme Court's 1999 ruling is not the only one of its kind. In 2007, Israeli forces arrested As'ad Abu Ghosh and subjected him to extreme interrogation techniques that included positional torture, which entailed bounding him into several stress positions like squatting and the banana position, as well as sleep deprivation, beatings and psychological stress. When the Court inquired on the lack of an investigation in Abu Gosh's case, the attorney general stated that while special stress techniques and interrogation methods were practiced against Abu Gosh, such methods were protected under article 34 of the Israeli Penal Code of 1977. On 12 December 2017, the Court ruled that the "stress techniques" practiced against Abu Gosh did not amount to torture because they have not caused "sufficiently severe pain or suffering."⁶

Israel has continued to legalize torture as evident in the Israeli court ruling of 2018 in the case of Firas Tubayesh. In 2012, the Israeli forces arrested Tubayesh and interrogated him in Asqalan interrogation center. This included extreme torture in addition to isolation from the outside world, a ban on meeting with his lawyer, sleep deprivation, beatings, threats, and torture positions. On 26 November 2018, the Israeli Supreme Court rejected Tubayesh's appeal, undermining the absolute prohibition on torture by broadening the definition of the "ticking bomb" situation which enacted the necessity defense.⁷ The gravity of this ruling extends beyond legitimizing torture, as it has already been legalized by the same court in previous rulings, to broadening the definition of the "ticking bomb" scenario. Judge Amit noted that Tubayesh's case does not fall under the standard definition of a ticking bomb scenario that poses an imminent threat against public security as Tubayesh's main charges were weapon possession and membership of "an organization deemed unlawful".⁸

5 Joint report by B'tselem and HAMOKED, the Center for the Defence of the Individual (2010): Kept in the Dark: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israel Security Agency. See: https://www.btselem.org/download/201010_kept_in_the_dark_eng.pdf

6 Israeli Supreme Court ruling 5722/12 – As'ad Abu Ghosh v Attorney General

7 Israeli Supreme Court ruling 9018/17 – Firas Tbeish v. The. Attorney General. See link: <https://bit.ly/3bL9hou>

8 See Addameer's study: "I've Been There – A study of torture and inhuman treatment in Al-Mascobiyeh interrogation center." Available via: http://www.addameer.org/sites/default/files/publications/ltdhyb_fy_lmskwby.pdf

Abhorrent accounts of torture throughout 2019

The Israeli state branches, including the judiciary system, have never hesitated to support the Israeli Occupation Forces (IOF) and intelligence agencies by providing a legal cover and legalizing all acts of torture and grave violations against the Palestinian people. The previously-mentioned court rulings clearly indicate a systematic nature which continued throughout 2019. IOF conducted wide-scale arrest campaigns against Palestinians, including university students, politicians, and human rights defenders. Moreover, the IOF used special interrogation methods to extract intel and information from a group of detainees that were arrested between August and December of 2019. Israel used military interrogation, which includes brutal torture techniques in violation of basic human rights, against a number of detainees, including 16 detainees monitored by Addameer.

A number of the detainees who were subjected to military interrogation techniques were later charged with what can only be described as simple charges that primarily revolved around their student union activism in universities, like student detainees Ameer Hazboun and Mais Abu Ghosh.⁹ Another example is Kan'an Kan'an, who was arrested and subjected to military interrogation and torture before he was later released without charges filed against him. This policy shows the extent of Israeli injustice, especially considering that the detainees were not only subjected to military interrogation, but were also threatened by it and used as leverage against them. Prisoners Qassam Barghouti and Yazan Maghamis state that Israeli interrogators threatened to subject their families to military interrogation.

Torture during arrest and transfer to the interrogation centres and prisons



The soldiers continued to hit me. One grabbed me by the neck while another kept twisting my arm behind my back. The other soldiers just kept punching me and hitting me on the head and back. They dragged me to the stairwell and continued to hit me as we descended the stairs.

Nader Al-Qaisi

⁹ For more on torture against women prisoners, see the women prisoners' chapter in this report.

Israel begins its human rights violations cycle against Palestinian prisoners long before the torture and inhuman treatment inside the prisons. The cycle commences with continuous beatings and humiliation at the early moments of arrest and during transfers to and from interrogation centres and courts. One prominent case of 2019 was prisoner Nader Al-Qaisi, 23 years old from Al-Azza refugee camp, who was arrested on 30 October 2019 following an Israeli raid to his house at 2 o'clock in the morning. During the arrest, Al-Qaisi was subjected to cruel treatment as he was not allowed to put on clothes while three Israeli soldiers physically assaulted him. One soldier punched him in the shoulder, and another hit him on the back of his head as the third punched him in the abdomen. Al-Qaisi's experience shows the continuous Israeli abuse of the detainees through assault and humiliation even when they exhibit complete compliance and no resistance.



I was in Etzion centre for around five hours. My eyelid was bleeding through the gauze. It was very cold, especially since I was in my underwear. They took me outside and sat me on a big rock while handcuffed and blindfolded; it felt like I was sitting on wet ground. Hours passed before someone threw me a blanket but they didn't allow me to drink water or use the toilet.

Nader Al-Qaisi

Israeli soldiers not only assaulted Nader, but also assaulted his father when he tried to stop the soldiers from beating his son. This resulted in the soldiers pushing his father down to the ground. Nader recalls that during his arrest, the Israeli soldiers smashed his head against his father's car windows and bound him with extremely tight plastic handcuffs. Moreover, one soldier pushed him from behind into a metal gate which left a cut in his eyelid. Despite his injury, the Israeli soldiers continued to beat Al-Qaisi throughout his transfer to Etzion detention centre. Inside the military vehicle transferring him, the soldiers hit him with the butt of their rifles six or seven times, and punched him in the back of the head – all of which was accompanied by an endless stream of insults.

Nader was not the only prisoner subjected to such treatment. Prisoner Muntaser Al-Qaisi, 23 years old from Al-Izza refugee camp, was also subjected to cruel treatment during his arrest. Israeli soldiers bound his hands with metal handcuffs in front of him, blindfolded him and took him inside a military vehicle. Muntaser informed the soldiers that he had previously sustained an injury to his leg and as a result he had metal implants of plates and screws in his knee. However, once informed, the Israeli soldiers intentionally escalated their assault. One soldier yanked Muntaser by the hood of his jumper because he was walking slowly due to his knee injury, causing him to trip on the vehicle steps, especially considering that his feet were shackled.



Samer Al-Arabid: in Hadassah Hospital within 48 hours of arrest

One highlight case of 2019 was that of prisoner Samer Al-Arabid who was subjected to extreme torture techniques that almost killed him. Al-Arabid was arrested outside of his workplace on Wednesday 25th September 2019. From the first moments of his arrest, the Israeli special forces unit that arrested Al-Arabid viciously beat him with their weapons. He was immediately transferred to Ofer prison where he was banned from meeting with his lawyer and led into interrogation. On day one, Al-Arabid was interrogated for hours on end, during which he was violently assaulted and forced into multiple stress positions. On the second day, Al-Arabid was brought before a military judge to extend his detention; he informed the judge that he felt chest pains, as well as vomiting continuously and unable

to swallow. Nevertheless, the judge dismissed his statement and ordered the extension of his detention for further interrogation. Within 48 hours of interrogation, on Friday 27th October, Samer was transferred to Hadassah hospital.¹⁰



From the continuous pressure on my chest, it felt like my ribs were breaking. I thought that they might have broken one or two ribs. With great difficulty, I walked from the interrogation room to my prison cell leaning on the wall for balance. I walked into the cell and laid on the mattress; I couldn't move. I couldn't even reach for the plate of food next to me. When I finally reached the food, I couldn't eat it because I was in too much pain.

Samer Al-Arabid

Al-Arabid notes that during interrogation, he was subjected to positional torture and forced into multiple stress positions, including the banana position and the up-against-the-wall position. In the latter, Samer was forced to bend his legs and stand on his tiptoes; when he was no longer able to stand on his tiptoes, the interrogators would beat him and force him back into the same position. Al-Arabid recalls one interrogation session, "this session started with interrogator Saji striking me on the back of my legs which made me fall to the ground as my hands were handcuffed behind my back. The interrogator sat on my stomach and started punching me in the chest. Two interrogators then picked me up while the third continued to hit me all over my body."

Al-Arabid was transferred while unconscious to the hospital where it turned out he suffered from 11 broken ribs and severe bruising with evidence of violent beatings all over his body. Al-Arabid also suffered from acute kidney failure and was in a critical condition that prompted his physicians to put him under general anesthesia for around 14 days. Despite Al-Arabid's critical

¹⁰ It should be noted that the Israeli authorities did not notify Al-Arabid's family or lawyer of his health condition until Saturday evening on 28th September 2019. Despite that, Al-Arabid's lawyer was banned from meeting him until Sunday when the lawyer was allowed a 10-minute meeting during which Samer was under general anesthesia and unable to communicate with him.

condition, the Israeli courts sided with the military prosecution's request and extended his arrest for an additional five days until 7th October. Samer was banned from meeting with a lawyer until October 14th.



By the time I arrived to Ramla prison clinic, the blood had dried under my toenails. Every time I tried to touch a toenail, it came off until all ten fell off.

Samer Al-Arabid

The Israeli courts continued to provide legal cover for Al-Arabid's arrest and extended his arrest despite his hospitalization. As soon as Al-Arabid started to recover, the interrogation started again. Al-Arabid was interrogated multiple times in the hospital, once for eight continuous hours. Moreover, during Samer's hospital stay, one Israeli soldier launched a tear gas canister inside his room, which begs the question of whether the Israeli forces were in fact attempting to kill him.

Interrogation Centers are Death Centers - Detailed Case Study:

Al- Al-Moscobiyeh Interrogation Center


Palestinians are subjected to various forms of torture during interrogation. In 2019, dozens of Palestinian detainees were subjected to extreme torture in Al-Mascobiyeh interrogation center. One detainee was the former president of the student union in Birzeit University Osama Fakhoury, a student in the engineering and technology faculty. Fakhoury was arrested during a house raid on 2nd July 2019. Israeli soldiers blew off his front door and used military dogs to attack him who tore open the skin just below his knee. Fakhoury was left bleeding without treatment for the duration of his arrest while one soldier punched him in the face the second he was out of the house.

Fakhoury was interrogated for around 55 days in Al-Mascobiyeh interrogation center where he was subjected to positional torture, sleep deprivation, and prolonged interrogation sessions that continued for up to 20 consecutive hours on occasions. Fakhoury was also denied proper medical treatment and only received an injection to combat possible poisoning.¹¹ It should be

¹¹ See: Report by the Right to Education Campaign - Birzeit University on Israeli violations 2019/2020. Available via: <https://bit.ly/2wdvz3x>

noted that Fakhoury is the son of former prisoner Lama Khater (42 years old from Hebron). Khater was arrested on 24th July 2018 and was sentenced to 13 months in prison on charges of incitement on social media. Fakhoury's arrest is believed to have been partially motivated to exert further pressure on his mother; the Israeli forces had repeatedly taunted her by threatening to arrest her son before her release, which is what ultimately happened.¹²

Most prominent physical and psychological torture techniques documented by Addameer in 2019

	Sleep deprivation for prolonged periods of time, sometimes up to three days	One-legged stress position
	Banana stress position	Arrest of detainees' families
	Up-against-the-wall stress position	Threats of using military interrogation techniques against detainees or their families
	Imaginary chair stress position	Threats of house demolition
	Squatting stress position	Threats of forcible transfer orders
	Ball and chains stress position	Threats of revoking Jerusalem residency rights and status
	Chair stress position	Threats of long-term administrative detention
	Use of military dogs during arrests and allowing them to attack the detainees and their families	Threats of travel bans
	Sudden and continuous beating/physical assault across the body	Pulling and plucking hair and beard
		Denying meetings with lawyers for prolonged periods of time

Qassam Barghout: Military interrogation prior to arrival in interrogation center

Another highlight of 2019 is the case of Qassam Barghout, a 26-year-old

¹² It should be noted that the Israeli authorities sentenced student Osama Fakhoury to 22 months of actual jail time and fined NIS4000 in March 2020

from Kobar village near Ramallah. Barghouti was arrested on 26th August 2019 and transferred to Al-Mascobiyeh's interrogation center where Israeli forces banned him from meeting with his lawyer for more than 30 days. During Qassam's arrest, Israeli soldiers beat him incessantly. In addition, he was attacked by a military dog that bit him and left him with injuries in several parts of his body, including both forearms and left leg. Even though Qassam was bleeding, soldiers continued to violently assault him, and even commenced interrogation by forcing him into the banana stress position in a chair in his own house.



They took me to a room in our house and wanted to perform military interrogation techniques on me. They threw me to the ground and relentlessly hit me with their hands and feet. There were five interrogators in military uniform who all later took turns interrogating me in Al-Mascobiyeh center. They brought a chair from the house and forced me into the banana position: two interrogators held my feet down towards the floor, pressing down on the dog bite wound, while two other interrogators were pushing my shoulders towards the ground. The other one was pulling my hair and shaking my head. The pain was unbearable. I kept wishing to pass out so the pain would stop.

Qassam Barghouti

Qassam was taken to Hadassah hospital to get stitches before he was transferred to Al-Mascobiyeh interrogation center. During Barghouti's interrogation, the Israeli interrogators repeatedly beat him, pressing down on his suture until they became undone and started bleeding. During the interrogation sessions, the interrogators forced him into several stress positions, including the banana position, forcing him to stand up with his legs bent and pressing his shoulders downwards, as well as positioning him in a chair while holding his arms up behind his back and handcuffing them to a table at a higher level than the chair. Moreover, the interrogators blindfolded him and would suddenly hit him so he couldn't anticipate where the hit was coming from or protect himself. Additionally, they plucked

Qassam's hair with their hands which caused bleeding and bruising to his face.

The torture Barghouti endured did not stop to physical pain, as the Israeli interrogators also used several psychological torture techniques. Qassam was continuously threatened, and his older brother, mother, and a large number of his friends were arrested. He was shown a fabricated video showing one of his friends dying during his arrest. These various methods are used to exert pressure on the detainees and extract confessions, especially as they are isolated from the outside world and denied contact with their lawyers. Israel subjects Palestinian detainees to extreme interrogation conditions beginning with the holding cells' conditions which lack minimum living standards. Many detainees note that Israeli forces purposefully keep all the lights on at all times in the cells which makes falling asleep difficult. Moreover, the prison room walls themselves are a testimony to how the Israeli occupation takes pleasure in making Palestinian detainees' experience hardship; as the cell walls are painted a depressing color with an added thorn-like texture that makes it impossible to lean on.



From the second I was arrested until the end of the first round of military interrogation, I didn't catch a wink of sleep; that was around three and a half days. Most of the time, I ate in the interrogation room. I couldn't walk to the point where they had to carry me or use a wheel chair to take me to the toilet.

Qassam Barghouti

Jameel Al-Dar'awi: The sight of my two daughters in the corner of the room was harder than the military interrogation



I saw my two daughters crying and trembling in the corner of the room. When my wife went to prepare a bottle for the baby, one soldier poured the formula on the floor littered with rubble and ordered her "make it from that".

Jameel Al-Dar'awi



Applying pressure and hitting the jaw

Prisoner Jameel Al-Dar'awi, 40 years old from Bethlehem, was arrested on 12 November 2019 after the Israeli forces raided his house. The soldiers ransacked his house, destroying its content, removing the tiles, and breaking several chairs. Al-Dar'awi was strip searched the moment the house was raided, while his wife and two daughters were terrorized. Al-Dar'awi was transferred to Al-Mascobiyeh interrogation center where he was interrogated for 45 days. The Israeli forces started a military interrogation against Al-Dar'awi that lasted 8 days from the

start of his arrest. During the military interrogation, he was severely beaten and punched repeatedly on the face which caused his face to go numb. After that, Al-Dar'awi felt like his jaw was dislocated but one interrogator continued to torture him by strongly grabbing his mouth and violently moving it to guarantee that his jaw was indeed dislocated.

During Al-Dar'awi's interrogation, the interrogators continued to splash cold water on his face and body. They grabbed him by his hair and limbs after throwing him to the ground and dragged him across the interrogation room. Furthermore, the interrogators placed a chain vertically along his spine, threw him to the ground as one interrogator sat on his stomach while another started moving the chain along his spine. Al-Dar'awi suffers from back pains stemming from herniated disks which the interrogators used to further pressure his injured back causing unimaginable pain. As a result of this stress position, Al-Dar'awi was unable to stand up on his feet. The interrogators pressed their knees to his neck which caused immense pressure on his neck and shoulders. During another round of interrogation, Al-Dar'awi was violently struck on the head which caused him to fall down and rendered him unable to see or speak. He gradually regained sight in his left eye, but until this moment of writing the report, Jameel still cannot see clearly with his right eye. Up to 1st March 2020, Al-Dar'awi had continued to suffer from a severe health condition resulting from his dislocated jaw that hinders speaking or eating in a normal fashion. Moreover, Jameel was

diagnosed with a hairline fracture in his back and vision impairment that require extensive medical follow-up.

Waleed Hanatsheh: “I encountered death three times”



Beard plucking

Among the prisoners who were subjected to severe interrogation was Waleed Hanatsheh, 51 years old from Ramallah, who was arrested on 3rd October 2019 and transferred to Al-Mascobiye interrogation center where he was subjected to military interrogation. Hanatsheh was interrogated for 63 days, during 40 of which he was not allowed to meet with his lawyer. Waleed’s brutal interrogation was medically sanctioned as interrogators would periodically take him to the clinic where they would take his pulse and blood pressure and medically clear him for interrogation. Despite Hanatsheh’s body-wide pains, as well as the obvious bruising and evidence of torture, the doctor gave

medical clearance to continue the interrogation sessions every single time. Waleed was forced into several stress positions, including the up-against-the-wall position, the banana position, as well a stress position on top of a table. Due to Hanatsheh’s age and low pain tolerance, he lost consciousness multiple times which prompted the interrogators to pour water on his face and body to keep him awake on several occasions.

Israeli interrogators used their hands to pluck Hanatsheh’s hair and beard which caused bleeding and bruising along the neck and front of his head. In several court sessions to extend his detention, Waleed was unable to stand up and was transferred to court in a wheelchair. Moreover, Israeli forces arrested Waleed’s daughter, Mays, who was called into Al-Mascobiye center for an interview with the Israeli intelligence but was notified upon her arrival that she was under arrest. Mays’ arrest was another ploy to exert further pressure on her father.

Interrogation at a moment's notice, even after detention

Palestinians incarcerated in Israeli prisons were not exempt of this ongoing campaign of vicious cruelty. On 27th September 2019, Israeli forces arrested Abdel Razeq Farraj, 57 years old from Ramallah, and placed him under administrative detention. A month into his detention, Farraj was transferred to Al-Mascobiyeh interrogation center to undergo military interrogation for more than 40 days. For the duration of his interrogation, he was subjected to extreme physical and psychological torture, which included prolonged interrogation sessions, sleep deprivation, as well as violent beating and slapping. What makes Farraj's case unique is that one Shabak interrogator admitted that Abdel Razeq was the first detainee to be subjected to military interrogation at his advanced age.

Like many other detainees, Farraj was forced into multiple stress positions, including standing up against the wall with bent knees and squatting in an assigned spot on the floor. Moreover, the interrogators strongly press down their fingers on his neck and cheeks which caused face swelling and severe pains that led to difficulty in eating. Farraj decided to protest his torture and cruel treatment by going on a hunger strike and refusing to take his medication for 3 days during the military interrogation; however, this did not stop the interrogators and the torture continued. Additionally, the Israeli forces arrested Farraj's youngest son Wadee' and transferred him to Al-Mascobiyeh interrogation center. The interrogators ensured that Abdel Razeq saw his son detained in the interrogation center more than once which illustrates that Wadee's arrest was primarily motivated to further pressure his father.

Similarly, prisoner l'traf Al-Rimawi was arrested on 23rd September 2019 and was issued a 6-month administrative detention order. One month later, he was transferred to Al-Mascobiyeh interrogation center. During his interrogation, Al-Rimawi was banned from meeting with his lawyer, sleep deprived, and forced into multiple stress positions like the banana position and the up-against-the-wall position. Al-Rimawi was transferred in a wheelchair to the clinic multiple times due to the severe beating and torture he endured. During Al-Rimawi's interrogation, he was shown a video clip of prisoner Samer Al-Arabid unconscious in the hospital and was told that he will be tortured into the same state.

■ Many names, one technique

The aforementioned prisoners were not the only ones subjected to military interrogation and extreme interrogation techniques this year. Prisoner Yazan Maghamis was subjected to military interrogation that included the banana and squatting stress positions, as well as severe beating to the face. Similarly, prisoner Mays Abu Gosh was suddenly and violently slapped across the face while blindfolded, as well as she was forced in the banana and imaginary chair stress positions, as well as a stress position on top of a table. Additionally, Israeli interrogators plucked prisoner Nitham Imteir's beard one hair at a time as they spat in his face, slapped him, and violently punched him. He was also denied access to the toilet for prolonged periods of time.

Prisoner Ribhi Karajah was interrogated for 104 days, during which he was severely beaten, forced into multiple stress positions including the up-against-the-wall, banana, and on-top-of-the-table positions. Throughout his interrogation, Karajah lost consciousness twice due to the severe torture. Prisoner Aysar Ma'rouf was forced into several stress positions, including the banana position, squatting, and one-legged position. Ma'rouf was repeatedly beaten and slapped across the face. Prisoners Israr Ma'rouf, Tareq Matar, Na'el Halabi, Salam Taha, and Kan'an Kan'an were subjected to severe and cruel interrogation techniques; some were subjected to military interrogation.



It was a rough night. It was incredibly difficult to hear the sounds of my friends getting beaten. What was harder was hearing girls screaming in pain during interrogation. It was so painful and caused immense psychological stress. It was a veiled threat.

Aysar Ma'rouf

Asqalan Interrogation Center: Another Example, Same Systematic Torture



Name: Najim Abdel Naser Awad Awwad

Date of Birth: 2 June 1996

Place of Residence: Awarta, Nablus

Date of Arrest: 7 January 2019

Arrest

Shortly after midnight on 7 January 2019, an Israeli army unit raided Najim Awwad's house. Israeli soldiers had surrounded the house and attempted to break through the front door but Najim's father opened the door before they could. Once inside the house, the Israeli forces started to quickly interrogate Najim, ignoring his attempts to defuse the situation and requested that they take into consideration his parents' health conditions, especially since his father had been admitted into the hospital on a weekly basis. One officer told Najim, "I don't care about him [your father]; I care about you. If he is going to die, so be it."

Soldiers cuffed Najim's hands in plastic handcuffs and began to considerably tighten them; when he voiced his objection to the tightness of the handcuffs, the soldiers ignored him and placed additional handcuffs under the ones already on his wrists which exacerbated his pain. The pain was further aggravated as Israeli soldiers pulled the handcuffs upwards while another pressed his back downwards which prompted Najim to scream out of pain. Even though the pain was centered in his back, hands, and shoulders, the Israeli soldiers continued to hit him on the back.

Awwad was transferred to a military vehicle where he was treated inhumanely as one soldier trapped and pushed his head between the soldier's backpack and the vehicle while another soldier pressed his foot

down on his sides. This continued for the duration of the trip to Huwara detention center where he remained for few hours before being transferred to Asqalan interrogation center in a narrow cold armed vehicle.

Charges Hardly Warrant Severe Interrogation

Awwad was interrogated in Asqalan interrogation center for around 50 days, during more than 30 of which he was banned from meeting with his lawyer. The interrogation sessions were long and exhausting. Awwad was forced into a stress position in the interrogation chair, yelled at and spat on by one interrogator. Additionally, he was threatened with administrative detention and prolonged interrogation which would worsen his father's illness. Awwad was also sleep deprived for long hours as he recalls one particular night when the interrogators did not want him to fall sleep so they would transfer him to a new prison cell every 90 minutes.

Following interrogation, the Israeli military prosecution filed a list of charges against Awwad on March 6th that included three main items. The first charge revolved around membership in an illegal organization. The prosecution explained that since Awwad started his studies in An-Najah National University in 2015, he joined the Islamic Bloc and engaged in its various activities on campus. The prosecution's evidence referenced some activities Najim participated in, including voting in the student union elections, encouraging students to vote for the Islamic Bloc, as well as participating in a graduation party organized by the bloc on campus.

The second charge referenced Awwad's participation in some Hamas related activities as he participated in a celebration commemorating the foundation of Hamas in December 2018. The third charge accused Awwad of interference with judicial procedures. The prosecution explained that he had previously asked his sister to delete all his social media accounts if he was ever arrested. On 18 August 2019, the court sentenced Awwad to 11 months of actual jail time, six months of suspended arrest for five years, as well as an ILS2000 fine.

Awwad's case shows the level of Israeli injustice practiced against Palestinians. They are arrested in the middle of the night in a brutal way that would terrorize the detainees' families, held in interrogation centers that lack the minimum standards of adequate living, as well as subjected

to the cruelest forms of interrogation techniques only to be later charged with offenses that assuredly aim to prohibit Palestinians from engaging in any political activities. The Israeli military prosecution targeted Awwad primarily for his student union activities, deeming them in violation of the Israeli regulations and laws. He was incarcerated for 11 months in Megiddo prison for nothing more than participating in public activities that attract hundreds of other Palestinians.

Prison



Conditions

Palestinian prisoners endure extreme incarceration conditions in overcrowded narrow prison rooms that lack the basic minimum standards of adequate living. Many prison rooms retain humidity, which along with lack of natural ventilation sources like windows leads to many prisoners suffering numerous skin diseases and infections. Additionally, the Israeli occupation leverages medical care to blackmail the prisoners as part of their systematic medical negligence policy against Palestinians. Moreover, the Israeli occupation deliberately does not provide sufficient nourishment and life necessities which has prompted the prisoners to purchase a large portion of their food and daily life necessities from the prison canteen at double the normal prices.

Not only do the Israeli authorities place Palestinian prisoners under such extreme living conditions, but also, they deliberately make their lives harder through repeated raids carried out by special units that assault and terrorize the prisoners, especially child prisoners. The raids are conducted in a brutal manner in which the prisoners are subjected to inhuman treatment.

Additionally, prisoners in most Israeli prisons suffer from extreme low temperatures in winter with lack of sufficient blankets as IPS requires that all covers allowed into the prisons be only light blankets that are not warm enough to combat the cold. Moreover, the prison rooms generally only have one small heater that is not enough to warm in the entire room. On the other hand, prisoners in desert prisons like Nafha and Naqab prisons, particularly in the tents sections, suffer from extreme high temperatures in the summer due to the hot desert climate. More often, IPS prohibits the prisoners from purchasing fans and bans air conditioning. Sometimes, IPS cuts off the water supply or denies the prisoners access to cold water in solitary confinement facilities.¹³ These practices expose Israel's relentless efforts to abuse the prisoners and deny them the most basic standards of a dignified life, including providing facilities equipped for hot or cold weather.

Such Israeli practices violate numerous international conventions, including the UN Standard Minimum Rules for the Treatment of Prisoners, particularly the rules on accommodation that state "All accommodation provided for the

¹³ Prisoners' and human rights organizations: Israeli Forces Arrest 421 Palestinians in May 2019. Joint paper issued by Addameer Prisoners Support and Human Rights organization, the Palestinian Prisoners Club, and the Palestinian Commission of Detainees and Ex-Detainees Affairs. Date of access: 20/2/2020 via <https://bit.ly/2SJkCza>

use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.”¹⁴ The Israeli occupation is also in violation of the Fourth Geneva Convention, particularly article 76 which states that prisoners “shall receive the medical attention required by their state of health,” as well articles 91 and 92 which address the need of providing periodical medical inspections and treatment.

■ Israeli Supreme Court Sets New Standards for Prison Living-Space

On 12 March 2014, the Association for Civil Rights in Israel, the Academic Center for Law and Business, and Physicians for Human Rights in Israel petitioned the Israeli Supreme Court on the living space in prisons. At the time, the living space assigned per prisoner did not exceed three square meters, including the sleep, shower, and toilet spaces.¹⁵ This was in stark violation of IPS regulations that set the living space to six square meters per prisoner.¹⁶ Thus, it was difficult for the prisoners to move freely in their prison rooms due to over crowdedness and limited living space.

On 13 June 2017, the Supreme Court ruled that the state is required to expand the living space per prisoner to provide adequate space. The Court decision required the state to make the necessary changes over two stages: first within nine months,¹⁷ followed by 18 months.¹⁸ Despite the sufficient court-set deadline, the Israeli prosecution requested to extend the deadline to 2027. The prosecution’s request shows the continuous Israeli attempts to

¹⁴ See article 10 of the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) and 2076 (LXII), published in A Compilation of International Instruments, Volume I (First Part), the United Nations, New York 1993. A.94.XIV-Vol.1, Part 1, p. 337.

¹⁵ See Addameer’s 2018 violations report, Addameer Prisoners Support and Human Rights organization, 2019, p. 56-57

¹⁶ “Density in Prisons and Detention Centers” by the Association for Civil Rights in Israel. Published on 25/2/2019. Date of access: 15/2/2020 via https://www.acri.org.il/post/___171

¹⁷ This stage requires the state to provide 3 square meters in living space excluding the toilets and shower facilities

¹⁸ This stage requires the state to provide 4 square meters in living space excluding the toilets and shower facilities, or 4.5 square meters including the toilets and shower facilities

deny the prisoners their simplest of rights like an adequate living space, as well as stall in implementing any court decisions in this regard.¹⁹

On 1 November 2018, the Israeli Supreme Court responded to the prosecution's deadline extension request by ordering to expand the living space to 4.5 square meters per prisoner until 2020. The judges also requested the Shabak to abide by the expanded living space standards in other prison facilities until 2021.

Addameer lawyer notes that Israel has started to expand the prisoners' living space in various prisons, but up to 1 February 2020, it has failed to abide by the Supreme Court ruling. For example, IPS in Ramon prison reduced the number of prisoners per room from 10 to 6, and is gradually working to further reduce the number to 4 prisoners per room, which would allocate around 4-4.5 square meters of living space per prisoner. Currently, the rooms are 28 square meters with two bathrooms spanning around 5 square meters, as well as a shower facility. In other words, excluding the bathrooms and shower facility, every prisoner is allocated 3.8 square meters which is below the standard.

As for Naqab prison, the tents section, referred to as "Castle A", includes six subsections each housing 120 prisoners, i.e. 20 prisoners per tent. In 2019, the prison administration worked to reduce the number of prisoners down to 14 per tent, accumulating in 84 prisoners in each section. The administration continues to reduce the number with an end goal of 66 prisoners per section divided in 11 prisoners per tent.²⁰ As for the rooms in Naqab prison, referred to as "Castle C", each room currently houses five prisoners, accumulating in 60 prisoners in every section. In Gilboa prison, there are currently six prisoners in every room compared to eight in the past; the prison administration is working to further reduce the number to adhere to the Supreme Court ruling. It should be noted that there is not a clear estimate of the living space in both Naqab and Gilboa prisons, but prisoners have confirmed that the space is roughly 3-3.5 square meters per prisoner, which remains below the required standards.

¹⁹ For more, see Addameer's violations report of 2018: p. 56-57

²⁰ The tents section in Naqan prison is almost 1000-square meters, including the yard. This is the prisoners' estimate as the prisoners were unable to accurately determine the size of each room.

Ofer Prison: A Microscopic View

In 2019, the Israeli authorities arrested thousands of Palestinians. Thus, with the jump in the number of prisoners and the Supreme Court's decision to expand the standards of their living space, the Israeli occupation had to implement new measures. For example, Israel opened two new sections in Ofer prison to hold the new prisoners.²¹

Ofer is considered one of the prisons equipped to receive new detainees and hold prisoners sentenced to less than five years, administrative detainees, detainees, or those about to finish serving their sentences. Generally speaking, the prison holds 800-1000 prisoners divided into 12 sections; two of which are for child prisoners. Each section has 12 rooms divided among two floors with six rooms per floor. Every section has a canteen and a laundry facility, as well as its own 30x7-meter yard for outdoors time. IPS enacts a strict separation policy, banning prisoners from different sections to interact with each other despite the nature of the prison structure as every two sections are adjoined, separated only by a high wall. For every two sections, IPS utilizes one room as a clinic attended by a doctor once a week. Normally, the prison rooms are 3x7 meters and were used to hold 10 prisoners each. Nonetheless, in light of the Supreme Court's decision, IPS started lowering the number of prisoners to six prisoners per room at the moment. However, up until 1 February 2020, even with six prisoners per room, the court-set living space standards haven't been met yet as the current space per prisoner in every room is 3.5 square meters, which remains below the new 4.5 square meter standard.

Prison Rooms in Ofer Prison

Prison rooms in Ofer have two 1x1.5-meter windows, one by the door and the other in a wall; the latter is covered with a thick metal screen similar to the prison bars. Every door has a small window that is closed after the nightly headcount, as well a small 40x60 centimeter window covered with a metal screen. Usually, every room has one small radiator, the only source

²¹ Sections 21 and 22 that were recently opened are larger than the other sections as each has 20 rooms divided equally between two floors. These two sections have their own 40x10 meter yard.

of heat in winter but not barely enough to warm the room,²² as well as a number of fans, and a small hot plate that is the closest thing to a stove the prisoners have to cook food. It should be noted that one IPS deliberate policy is to either not serve the prisoners enough food or serve them poor-quality food. Consequently, the prisoners are forced to buy food and life necessities from the canteen. IPS does not provide new prisoners with clothes, covers, or personal hygiene products, also it considers the little food it provides sufficient. As the prison canteen prices are double the regular ones, it has become a source of income to the state.

To further elaborate, every room in Ofer holds six prisoners who in total pay ILS1200 a month, divided equally among the prisoners –NIS200 per prisoner– to purchase food and cleaning supplies. Nonetheless, that is still not enough. Prisoners pay individually for personal supplies and necessities. A non-smoker prisoner pays around ILS300 every month for necessities like shampoo, tooth paste, soap, and shaving razors. Additionally, many prisoners have to buy shoes from the canteen as IPS does not provide them with shoes even though a large number of prisoners are arrested and transferred to detention centers without being allowed to properly put on clothes, including shoes.²³

Prison Kitchens: A Years-Long Struggle

In 2004, IPS handed over the control of the prison kitchens from security prisoners to criminal prisoners. However, in July 2019, security prisoners in Ofer were allowed to run the kitchen again, making it the first prison to do so since 2004. IPS is evaluating the success of the transition and if no real issues arise, it plans to implement it across the other prisons. Security prisoners have long requested to take over the prison kitchens due to the poor quality of food. On numerous occasions, the food is served not fully cooked, prompting the prisoners to cook it again and season it so it becomes edible.

²² Prisoners got to the heaters after Adalah – The Legal Center for Arab Minority Rights in Israel sent a letter to the Israeli Prison Service and the Gilboa prison director in August 2016. The letter, which was not the first one Adalah has previously sent, explained the difficult conditions in the prison cells. IPS responded on February 12th, 2017 and allowed several heaters into the prisons. See Adalah's website: <https://www.adalah.org/ar/content/view/9032>

²³ For more on the financial exploitation of Palestinian prisoners in Israeli prisons, see Addameer's website: <https://bit.ly/2TB5owv>

Daily Inspections

Not a day goes by in Ofer prison without clashes with Israeli forces. Prison guards enter the prison sections every day at 5:30AM for a head count; a process that is repeated twice more in the afternoon and evening. Additionally, the guards also enter the sections at least twice during the day to inspect the doors and windows, and examine their sturdiness.

The visitation rooms can hold 42 prisoners, each allowed two adult and one minor visitors. This room is usually located next to the room where the prisoners meet their lawyers. The prisoners and their families suffer from over crowdedness as they struggle to hear each other over the other prisoners, especially considering that the visits are conducted via failing old phones through sound-proof glass, leaving the prisoners, family members and lawyers unable to hear each other sometimes.

Court Transfers: A journey of pain

Ofer prisoners, like all others, suffer during their transfer to the Israeli military courts as Israeli forces start rounding the prisoners in the early hours of the morning in two rooms, placing 30-40 prisoners in each room which is equipped to hold only 20 persons. Thus, what should be a normal transfer becomes a journey of pain that all prisoners dread and avoid, starting in these single-window rooms.

Israeli Special Forces in Prisons: Non-stop Brutal Attacks

In 2019, Palestinian prisoners were subjected to dozens of raids at the hands of Israeli special forces units. At the start of the year, the units began a string of attacks against the prisoners. On January 20th, prisoners in section 17 in Ofer prison were brutally attacked as the special forces raided the section, ransacked the prisoners' possessions and assaulted them. This prompted the prisoners to return their meals and shut down the sections in protest. Prisoner Tha'er Taha recalls that the special forces raided section 17 accompanied with police dogs and inspected the rooms in a degrading manner that pushed the prisoners to protest against the raid.



Israeli special forces units raided the prison rooms so brutally, accompanied with military dogs that attacked the prisoners. Our hands and feet were bounded and were violently forced out of the rooms. The units stayed in the rooms from 3:30PM to midnight, during which the prisoners were bound and held in the bathrooms. Upon our return to the rooms, we did not find our possessions. We found only metal beds without even the mattresses.

Jamal Hamamreh

The special forces units continued their assault the following day. Taha adds that a Metseda²⁴ unit raided section 12 at 5 o'clock in the morning, strip-searched the prisoners in the bathrooms before handcuffing their hands behind their backs and forcing them face-down on the ground. The brutal assault aggravated tensions across the prison which prompted the prisoners to set fire to some rooms and bang on the doors in protest. In retaliation, the special forces unit escalated the situation by firing tear gas and stun grenades in most sections, as well as pepper sprayed prisoners in sections 11 and 15.

Prisoner Abdullah Hidaya recalls, "Clashes erupted between members of the special forces and the prisoners as the former opened the rooms and fired tear gas and rubber-coated bullets at the prisoners, which prompted them to combat the assault by throwing the tin cans in the canteen," adding that once the clashes were over, the units assaulted the prisoners. Hidaya says that he himself was hit with a metal baton all over his body which caused two fractures to his right hand and full body bruising. He notes that on the day of the attack, he suffered from severe pains as his hands were

²⁴ Metseda unit was formed in 2003 as a rapid response team in times of emergency that is part of the Israeli police and IPS forces. The unit is made of elite Israeli soldiers and officers from various army units that have been vigorously trained and medically tested to prove eligibility. Metseda is considered a highly trained unit specialized in anti-terrorism, protection of persons by means of control, dispersing riots and civil disobedience activities, and curbing insurgency. See: Addameer's study on the brutal attacks against Palestinian prisoners and detainees during transfers and raids at the hand of Israeli special forces units, p. 64 via http://www.addameer.org/sites/default/files/publications/Natshon_Metseda.pdf

bound from the early hours of the morning well into the evening despite his fractured right hand. Later that day, he was transferred to Shaare Zedek medical center where x-rays revealed the fractures and the urgent need for a surgery to treat the injury. However, two hours later, Hidaya was brought back to the prison without treatment, or even pain killers despite his repeated requests for something to alleviate the pain. Twenty days later, he was transferred to the hospital to undergo the surgery. Despite the need to keep him in the hospital for an additional day due to the anesthesia, the Israeli authorities brought Hidaya back to the prison immediately following the surgery while he was still dizzy under the effect of the anesthesia. He was not given any pain killers despite the immeasurable pain following his surgery.²⁵ The special force units also terrorized child prisoners.

Around 100 prisoners were injured during the brutal assault as the Israeli forces had beaten the prisoners with their hands and batons, used pepper spray, tear gas and stun grenades, as well as fired small metal pellets at them. This resulted in numerous prisoners suffering from fractures to the hands, nose, or ribs. Several prisoners required sutures to treat their deeper wounds.

This is only one example of the continuous attacks against Palestinian prisoners in Ofer. Another attack took place in August as prisoner Abdel Fattah Hammad recalls, "on August 4th, special forces units raided section 19, the child prisoners' section in Ofer. The assault came in the wake of a sudden inspection the Israeli authorities conducted in section 20 and their attempt to transfer adult prisoners into the child prisoners' section. In the wake of the prisoners' objections, the special force units fired tear gas and a stun grenade to scare and terrorize the children. After that, the unit members bound the child prisoners with three plastic handcuffs each before violently punching them and assaulting them with batons." Hammad adds that he was repeatedly hit and punched in the face and chest, as well as kicked all over his body. He was hit with the batons in the back 5-6 times. The assault resulted in five injured child prisoners, while the others were placed in solitary confinement or transferred. In protest, all the prisoners in the prison returned their meals and closed the sections.

²⁵ Interview with prisoner Abdullah Hidaya in Ofer prison on 13 February 2019

Ramon Prisoners Under Attack

Palestinian prisoners in Ramon prison have also fallen victim to Israeli attacks at the hands of special forces units. Prisoner Kamil Abu Hanish recalls the Israeli assault against Ramon prisoners in section 1 on 18 March 2019, “The prison administration went on high alert, opened the doors and led all the prisoners out to the yard. Metseda and other Israeli special forces units ordered the prisoners to sit on the ground before pepper-spraying some of them. The Israeli forces then started bounding our hands in plastic handcuffs behind our backs while kicking, hitting, and cursing out the prisoners. We were led out one by one from our section to another section. Dozens of prison guards and members of the special force units lined the hallway and attacked the prisoners as they passed by; they hit, slapped, punched and kicked us. Every group of prison guards would yank and push forward each prisoner while forcing his head down. I slipped from all the pushing and how fast we were forced to move as well as from the wet floor with water and the blood of the prisoners who were injured during the attack. I was in a lot of pain and couldn’t stand up after I slipped but the guards pulled me up and pushed me to continue running to the other section.”

Similarly, Israeli forces attacked the prisoners in Naqab prison on March 24th. Special force units raided section 3 of the prison and brutally beat the prisoners, firing tear gas, stun grenades, and custom bullets at the prisoners. Around 120 prisoners were injured in this attack and more than 20 of them were transferred to the hospital. The Israeli attack did not stop at the physical assault, but also included handcuffing the injured prisoners to their beds and confiscating all of the prisoners’ possessions, and effectively turned section 3 to an isolation section, bare of any personal belongings.²⁶

Erden Committee: Recommendations to Tighten Restrictions on Prisoners

In 2018, the Israeli Public Security Minister Gilad Erden formed a special committee to evaluate and impose further restrictions on the living

²⁶ See: Annex (1): Affidavit by prisoner Abdullah Hmeidah detailing the events in the Naqab prison

conditions of the Palestinian prisoners. The committee produced several recommendations, mainly to limit the number of prisoners of the same Palestinian political parties in the same rooms and sections, merge prisoners of different parties, reduce family visits, as well as lower the maximum amount of money a prisoner is allowed to spend in the prison canteen to ILS600. The Erden Committee visited prisons throughout 2019 and frequently commented on the quality and quantity of books in prisons, as well as called to reduce the prisoners' canteen allowance and reduce their yard time by half.

Upon a closer look into the Palestinian prisoners' living conditions in Israeli prisons in 2019, we can note further Israeli restrictions, especially in regard to entry of books into the prisons. Numerous prisoners have noted the difficulties they faced when attempting to bring any valuable books into the prisons as IPS has repeatedly banned the entry of political, educational or cultural books, only allowing novels and poetry collections. On the other hand, towards the end of 2019, IPS introduced a new policy to reduce the variety of products available in prison canteens without any reasonable justifications. By the first few months of 2020, numerous products have notably disappeared from the canteens.

■ Educational Life in Prisons

After Hamas captured the Israeli soldier Gilad Shalit in 2006, the Israeli authorities imposed further restrictions on Palestinian prisoners, most notably revoking their right to education by cancelling the official educational programs in prisons.²⁷ This prompted the Palestinian prisoners to pursue their education through inventive alternative means, including enrolling in Palestinian and Arab universities, as well as resorting to distance education, all facilitated through the educational committees in prisons. The Israeli authorities persisted in their efforts to obstruct the alternative educational process by continuing the ban on educational and cultural books in 2019 as

²⁷ Prior to 2006, the prisoners were able to formally sit in the general secondary certificate exam, as well study in the Open University of Israel through IPS. For more, see Addameer's study "Opened-Books on Cuffed-Hands" via <http://www.addameer.org/sites/default/files/publications/fullwithcover.pdf>

only literary books were allowed inside the prisons.²⁸

In addition to the ban on educational books, the Israeli public led an incitement campaign against the Palestinian prisoners. One prominent incident took place when an Israeli website published an article inciting against prisoner Mohammad Dahnoun after he finished his MA degree in Israeli Studies in prison. The article published Dahnoun's photograph and copies of his certificates in an effort to pressure the Israeli government and further the restrictions on the prisoners.²⁹

Medical Negligence ³⁰



"I am living my last days, my last hours. I want to spend them by my mother's side, surrounded by my family and loved ones. I want to die in my mother's embrace. I don't want to die in handcuffs and shackles. I don't want to die before a bloodlust jailer who feeds on and finds pleasure in our pain and suffering."

Excerpt from prisoner Sami Abu Diak's final letter before his death in prison

The Israeli occupation has deliberately neglected the medical conditions and needs of Palestinian prisoners, failing to deliver appropriate medical care. Around 750 prisoners in Israeli prisons continue to suffer from this medical negligence policy that has been systematically integrated into the prison system. In a blatant disregard to the prisoners' basic human rights, Israel

²⁸ For more on the educational and cultural life of the prisoners, see Addameer's study "Opened-Books on Cuffed-Hands" via <http://www.addameer.org/sites/default/files/publications/fullwithcover.pdf>

²⁹ Article titled "Five Stars: Prisoner Sentenced to Life Finishes MA Degree in Prison" published on 27/8/2019. Date of access 28/11/2019 via <https://tpl-il.com/archives/6501?fbclid=IwAR0wx3x9XaE3LaE82a-yVoMYeMn20dxaIBgN2WD7z4WimomlApsh0eAJ0Nw>

³⁰ See: "Incarceration and Medical Neglect: Two Locks on One Prison Cell" by Addameer Prisoner Support and Human Rights Association published on May 26th, 2019. Date of access: 18/1/2020 via www.addameer.org/ar/publications /-على-زنازة-واحدة-الأسر-والإهمال-الطبي-قفلان-

continues to leverage their health and need for medical attention to further pressure them. For example, prison clinics lack specialized medical staff and the necessary medical equipment. Currently, the prison medical staff does not provide anything beyond painkillers as a treatment for all illnesses. If a prisoner's health deteriorates, IPS transfers them to Ramla prison clinic which is not much different. On rare occasions, Palestinian prisoners are transferred to Israeli civil hospitals, though they remain handcuffed to their beds for the duration of their hospital stay.

It should be noted that Ramla prison clinic is nothing more than a clinic in the real sense of the word as it lacks the necessary equipments to attend to the prisoners' medical needs. Many prisoners refer to it as "the slaughter house". Prisoner Ahmad Abu Khader notes that the food in the clinic is so bad, the prisoners have to buy food at their own expense. The clinic yard is extremely small; half of which is roofed while the other half is covered with a metal net. Moreover, IPS fails to address the needs of many wheelchair-bound prisoners with special needs. As the Ramla clinic yard is too small and the layout and size of the kitchen and laundry facilities hinder their movement.

Additionally, the Israeli occupation stalls in providing treatment to many ill prisoners, ranging from delays in necessary medical tests to late delivery of their medication, and other means of stalling that lead to further deterioration of their health. The Israeli medical negligence policy has claimed the lives of five prisoners in 2019: Faris Baroud, Sami Abu Diak, Bassam Al-Sayeh, Omar Younis, and Nassar Taqatqa. This brought the death toll of the Palestinian prisoners in Israeli prisons to 222 since 1967; 67 of whom died of medical negligence.

In 2019, Addameer visited dozens of Palestinian prisoners with medical conditions, and followed 30 cases in particular, including 13 prisoners who were on hunger strike.³¹ Addameer sent their medical files to relevant organizations, including Physicians for Human Rights, for follow-up. The files included a variety of health conditions, including heart diseases, diabetes, blood pressure problems, kidney diseases, as well various skin,

³¹ One case was prisoner Huthaifa Halabiyeh who almost died as the Israeli authorities didn't move a muscle. For more on Halabiyeh's case, see the chapter on administrative detention in this report

teeth, bones, and eyes conditions. Moreover, the files included prisoners who suffered from gunshot wounds that were sustained either prior to or during their arrest, or during the Israeli special forces attacks at the prisoners in prison.

In the process of following up with the health conditions of the prisoners, whether individually or in collaboration with other organizations, Addameer addressed the Israeli authorities to demand appropriate medical treatment and medical testing of the prisoners. Nevertheless, Addameer notes that Israel takes great measures to prolong and stall in providing prompt necessary medical treatment. In numerous cases, the Israeli authorities only provided initial treatment, neglecting subsequent medical follow up which occasionally caused further deterioration of the prisoners' health conditions. Furthermore, the Israeli judiciary system plays a vital role in maintaining the medical negligence policy by disregarding the prisoners' medical files and failing to take their health conditions into consideration upon ruling in their cases.

Prison Doctors: Endless Negligence

Ra'ed Kan'an is a prime example of the Israeli systematic medical negligence of Palestinian prisoners. Kan'an had been experiencing pain in his left eye since the beginning of 2016. Upon examination, the prison doctor informed him that he may suffer from a ruptured retinal artery but there is nothing to do at the moment and to give it some time. Kan'an tried to consult a doctor outside the prison who told him that a simple course of treatment would be sufficient in his case as certain eye injections can solve the problem, provided that it is done as soon as possible. Kan'an is only one prisoner of many whose medical needs and treatments are stalled which can result in further health deteriorations. In Kan'an's case, the delay resulted in losing 95% of vision in his left eye.

Similarly, dozens of Palestinian prisoners continue to suffer from medical negligence like the case of prisoner Azmi Nafe', 26 years old from Jenin, who was arrested on 24 November 2015 and sentenced to 20 years in prison. The Israeli forces shot Nafe' in the face during his arrest which resulted in bone lesions (osteonecrosis of the jaw) and ultimately led to maxillary resection. Moreover, Nafe' permanently lost his upper teeth as a result of

his injuries which left him in need of dental bone grafting and upper lip reconstructive surgeries. Nafe' embarked on a long journey of treatment from the moment of his arrest. Despite suffering the humiliation and pain of hospital transfers, dozens of doctor appointments and x-rays, as well as his first diagnosis requiring an emergency bone grafting surgery, IPS continues to stall his treatment. In 2019, Nafe's medical file was transferred to another hospital for a new round of tests as IPS sought a new diagnosis that falls in line with their agenda. The new doctor recommended fitting Nafe' with a denture rather than a bone graft, even though Nafe' had previously consented to full teeth extraction after reaching an agreement to receive a bone graft. Up until 1 April 2020, Nafe' remains without any teeth and refuses the new suggested course of treatment in protest of IPS shortcuts and delays in providing the appropriate treatment.

Prisoner Waleed Sharaf is another highlight case of 2019. Sharaf, who at the time suffered from a skin disease, was arrested in August 2017. During his long interrogation sessions in Al-Mascobiyeh interrogation center, Sharaf began to experience urinary tract symptoms. Sharaf told Addameer lawyer that he went to Ofer prison clinic multiple times but he wasn't given any tests and was simply told to drink more water. Sharaf was released in April 2018 without a diagnosis of his bladder and kidneys pains. After he was arrested again in June 2018, Sharaf immediately went to Ofer prison clinic for his condition but the medical staff stalled in doing the necessary tests until the start of 2019 when he was informed that the test results showed a kidney problem without further clarification.

Two days after his tests, Sharaf was transferred to a hospital, the first of many in a long journey to seek treatment. Following a request by Physicians for Human Rights, a specialist in Soroka Hospital reviewed Sharaf's medical file and test results only to find three major health conditions, the most severe of which was a liver problem. The doctor stated that Sharaf's skin disease can affect his internal organs, noting the possibility that his liver problems might have stemmed from the skin disease. Additionally, the doctor noted that Sharaf's file did not include any records or blood tests by a specialist, especially considering that his skin condition should have been followed as it can also cause blood disorders. Moreover, the specialist noted that Sharaf suffered from a bladder problem that caused urine build-up which in turn led to kidney problems. As a result, he was fitted with a catheter to drain the urine.

On the other hand, the specialist stated that based on Sharaf's medical records, his advanced kidney disease developed post his arrest in June 2018. Months later, test results showed severe kidney problems in January 2019. Furthermore, the doctor noted that IPS did nothing to address his serious illness between the time it was first detected in test results on 6 January 2019 and his admission to the hospital on January 25th in the wake of his deteriorating health. Despite his worsening health, Sharaf was discharged from the hospital on January 30th without a clear diagnosis, in a complete disregard of his doctor's recommendation to keep him in the hospital for further monitoring. Sharaf was transferred to Ramla prison clinic that lacks the bare minimum healthcare standards.

The specialist reported that Sharaf's health condition is life-threatening and could result in complete kidney failure which would require a kidney transplant; a procedure that would require Sharaf to stay in a specialized medical center equipped to perform an emergency transplant. Thus, IPS is incapable of managing his condition in Ramla prison clinic. The specialist's report highlights the details of the medical negligence against Sharaf, as well the deterioration of his health condition. During the court session to confirm his administrative detention order, Sharaf's lawyer requested the military court to review his medical file which led to his release. Sharaf was left to face an uphill battle to combat the ramifications of the Israeli systematic medical neglect.

A report by Physicians for Human Rights shed the light on the reality of treatment and health care in Israeli prisons, stating that the level of health care in prisons is substandard in comparison to the health care provided by the Israeli national non-profit health maintenance organizations. Moreover, the prisoners generally suffer from unusual waiting times for treatment and test, especially in comparison with the public health system in Israel. Such delays are the result of administrative failings in the IPS health care system and the low professional level of the IPS medical staff in prison clinics.³²

These Israeli practices are in violation of article 76 of the Fourth Geneva Convention which states that the occupying power shall provide "the medical

³² Health Remanded to custody: The future of Israel prisons' health care system, Physicians for human rights Israel. Last visited on 14 April 2020. Available on: <https://www.phr.org.il/en/health-remanded-to-custody-the-future-of-israel-prisons-health-care-system/>, p6.

attention required by their state of health” and provide “conditions of food and hygiene which will be sufficient to keep them in good health.” Israel does not provide appropriate medical treatment and serves inadequate quantities and quality of food that do not meet the needs of the prisoners. Moreover, articles 91 and 92 of the Geneva Convention state that “every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet.” However, with the lack of qualified medical staff, as well as insufficient medical equipment and necessary medication in the prison clinics, Israel continues to violate the international conventions, dismissing the real need for regular medical checkups and furthering its medical neglect policy by stalling necessary health care and treatment.

■ Death Toll on the Rise

Sami Abu Diak³³

Israeli forces arrested Sami Abu Diak, 36 years old from Silat Ad-Dhahr in Jenin, on 17 July 2002; during his arrest, he sustained injuries in the head and hand. He was sentenced to three life sentences and 30 years in prison. Abu Diak was interrogated for 75 days in the Jalama interrogation center where he was subjected to numerous techniques of physical and psychological torture. Abu Diak was transferred to the hospital three times as a result of the torture he endured during interrogation. During his detention, Abu Diak was diagnosed with cancer which required his transfer to Ramla prison clinic to start an eight-month course of chemotherapy treatment. Later on, Abu Diak was transferred to Ramon prison where it was discovered that his cancer was back and had spread to the rest of his body. Once again, Sami was transferred to Ramla prison clinic where he spent his final days until his death on 26 November 2019.

³³ Information in this section are provided to Addameer lawyer by Sami Abu Diak’s brother, prisoner Samer Abu Diak. The lawyer headed to visit Sami but was notified that Sami was unable to walk or meet lawyers; he was bound to a wheelchair unable to move. His brother, prisoner Samer was well aware of Sami’s condition and was staying with Sami in the Ramla prison clinic to look after his brother. For more, see the profile on prisoner Sami Abu Diak via <http://www.addameer.org/ar/prisoner/سامي-أبو-دياك>

Bassam Al-Sayeh



These might be my last words, on my last days, or perhaps even my last hours and last breaths. I want to start off by saying that I love you all. I do not hold it against anyone if they could have supported me but didn't. But my last wish for you is not to leave my brothers the sick prisoners to the hands of injustice, oppression and pain. Someone else is waiting for more support and solidarity from you than you've given me.

Excerpt from Bassam Al-Sayeh's letter
before his death in prison

Israeli forces arrested Bassam Al-Sayeh in 2015 while he attended his wife's court hearing. Despite the fact that Al-Sayeh had been diagnosed with bone cancer and leukemia in 2011 and 2013, in addition to suffering from a weakened heart muscle and liver problems, the Israeli forces did not take his health condition into consideration. He was interrogated for more than 10 hours every day and in one session, the interrogators pressed down on his chest and pelvis. The Israeli forces continued to neglect Al-Sayeh's medical condition which led to a grave deterioration in his health. Towards the end of his incarceration, Bassam suffered 80% heart failure as well lost his ability to speak and move. Abu Diak was waiting for a pacemaker implantation when he passed away on 9 September 2019.³⁴

Faris Baroud

Prisoner Faris Baroud, 51 from the Gaza Strip, passed away on 6 February 2019 after years of Israeli violations and medical neglect. Baroud was arrested in 1991 and sentenced to life in prison. Even though he was scheduled for release along with the fourth and final group of prisoners detained before the Oslo Accords, Israel suspended their release. During his incarceration,

³⁴ "Bassam Al-Sayeh was the third Palestinian prisoner to die in Israeli prisons in 2019" by Addameer Prisoner Support and Human Rights Association published on 9 September 2019. Date of access: 18/2/2020 via <http://www.addameer.org/ar/news/-بسام-السايح-الأسير-الثالث-الذي-يستشهد-في-سجون-الإحتلال-خلال-عام-2019>

Baroud suffered from Israeli violations that included placing him in isolation since 1995 and refusing to transfer him to regular prison sections despite his repeated requests. In 2012, in the wake of the Palestinian prisoners' hunger strike, Baroud finally succeeded to end his solitary confinement that lasted nearly 17 years and had immense ramifications on his health.³⁵ A family member told Addameer that Baroud started to suffer from health problems in 2018. Medical tests showed that he suffered from liver failure and he was transferred to the hospital for a surgery to remove a tumor and part of the liver.

■ Israeli Supreme Court Approves Withholding Bodies of Deceased Palestinians

On 14 December 2017, the Israeli Supreme Court ruled in favor of a petition filed by several human rights organizations on behalf of the families of killed Palestinians whose bodies were withheld by Israeli authorities. The Court ruled that Israel cannot continue to withhold the bodies per the international law, giving the Israeli authorities six months to release them. Nonetheless, the court maintained that Israel can legislate to authorize the withholding of Palestinians' bodies. The Israeli prosecution requested an additional session with an extended judicial panel of seven judges; the Supreme Court approved the prosecution's request and ordered to suspend the previous ruling until then.³⁶

On 9 September 2019, the Israeli Supreme Court reached a 4-to-3 ruling rescinding its previous decision, allowing the Israeli army to continue withholding the bodies to leverage them against Palestinians in any future negotiations. The Court based its ruling on the Israeli Law of Emergency which allows the military ruler to bury the bodies of the "enemy" in order to use

³⁵ For more, see "Prisoner Faris Baroud's death adds to the list of Israeli crimes against the Palestinian prisoners' movement" by Addameer Prisoner Support and Human Rights Association published on 7 February 2019. Date of access: 8 February 2020 via www.addameer.org/ar/news/-إلى-سلسلة-جرائم-الاحتلال-بحق-الحركة-الأسيرة-الضمير-استشهاد-الأسير-فارس-بارود-يضاف-إلى-سلسلة-جرائم-الاحتلال-بحق-الحركة-الأسيرة

³⁶ "Adalah's comment on the Israeli Minister of defence Naftali Bennett instructions on withholding all the bodies of deceased Palestinians" by Adalah – The Legal Center for Arab Minority Rights in Israel. Published on November 27th, 2019. Date of access: 8/2/2020 via <https://www.adalah.org/ar/content/view/9858>

them as a leverage to retrieve Israeli soldiers and bodies of Israelis withheld by the Palestinian parties.³⁷

The Israeli Supreme Court's ruling sets a dangerous precedent and constitutes an integral part of the Israeli systematic racist policies against the Palestinian people. Once again, the Israeli judiciary system exhibits that it is mere an extension of the Israeli army and government, willing at the drop of a hat to violate the most basic human rights sanctioned by the entirety of the international community and guaranteed in international conventions to implement Israeli policies. Withholding the bodies of killed Palestinians violates article 130 of the Fourth Geneva Convention stating that "The detaining authorities shall ensure that internees who die while interned are honorably buried, if possible according to the rites of the religion to which they belonged and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized." Moreover, this practice violates article 34 of Protocol I Additional to the Geneva Conventions which states that the remains of "persons who have died for reasons related to occupation or in detention resulting from occupation" shall be respected. It should be noted that from 2016 and up to the end of 2019, Israel has continued to withhold the bodies of 52 Palestinians, including 4 prisoners - three of whom died in 2019 and the other in 2018.

³⁷ "Israeli Supreme Court rescinds previous ruling, allowing the army to withhold the bodies of deceased Palestinians as a bargaining chip in negotiations" by Adalah – The Legal Center for Arab Minority Rights in Israel. Published on 9 September 2019. Date of access: 5 February 2020 via <https://www.adalah.org/ar/content/view/9857>

Guarantees of



a Fair Trial

Various international conventions guarantee every person's right to a fair trial, deeming any infringement upon this right to constitute a grave violation of basic human rights amounting to a war crime according to the Rome Statute of the International Criminal Court.³⁸ The international community has consistently advocated for the right to a fair trial. The United Nations Human Rights Committee stated in its General Comment on article 4 of the International Covenant on Civil and Political Rights that the right to a fair trial is explicitly guaranteed under the international humanitarian law with no justification for derogation from these guarantees even during states of emergency.³⁹ Judicial precedents concur that guarantees of a fair trial include the independence and impartiality of the courts, which require that the the judicial system must not depend on the discretion of any branch of the government, especially the executive branch.⁴⁰

The Israeli military courts display a great lack of impartiality and dependency on the discretion of the Israeli government and intelligence agencies which has effectively transformed the judicial system into a tool of the occupation to legalize the Israeli racist policies against the Palestinian people. This stands in stark violation of the Fourth Geneva Convention, particularly Common article 3,⁴¹ and article 66 which states that the occupying power may prosecute the population of the occupied territories before "properly constituted, non-political military courts", on the condition that said courts are located in the occupied country. Numerous human rights organizations consider prosecuting civilians before military courts an infringement upon

38 See article 8 (2) (f) of the Rome Statute of the International Criminal Court published on the International Criminal Court website. Date of access: 10 March 2020 via <https://www.icrc.org/ar/doc/resources/documents/misc/6e7ec5.htm>

39 General Comment no. 29 on article 4 of the International Covenant on Civil and Political Rights published on the Office of the United Nations High Commissioner for Human Rights website. Date of access 16 February 2020 via https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.11&Lang=ar

40 *Look Bahamonde v. Equatorial Guinea and African Commission on Human and Peoples' rights, center for free speech v. European Court of human rights.*

41 Common article 3 of the Four Geneva Conventions states that "the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples."

the right to a fair trial.⁴² Nonetheless, the Israeli occupation remains in violation of the aforementioned articles since the courts are often politicized. The courts provide legal cover for the Israeli racist policies against the Palestinian people, as well as often rule in favor of the Israeli government practices, including approving extension of detention for interrogation purposes despite the obvious marks of torture on the prisoners, approving administrative detention orders without a real cause for arrest, as well as issuing unusually long sentences against Palestinians. The latter of which is evident when a Palestinian is sentenced for up to or more than 10 years in prison for throwing stones while an Israeli convicted of a similar offense receives a lighter sentence that is not even comparable. Furthermore, one cannot overlook the role of Israeli courts in convicting Palestinian detainees based on confessions extracted under duress or torture. The military prosecution often bases its cases on confessions extracted during interrogation and torture; instead of finding these confessions inadmissible, the Israeli courts use them to build a conviction. It should be noted that the UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment stated that “confessions alone should never be sufficient for a conviction, but should always require further supportive evidence.”⁴³

These Israeli practices gravely violate one fundamental principle of international conventions that is the right not to be compelled to confess guilt.⁴⁴ The UN Human Rights Committee’s General Comments no. 32 guarantees the right “not to be compelled to testify against oneself or to confess guilt” which requires the “absence of any direct or indirect physical or undue psychological pressure from the investigating authorities on the

⁴² See “Media Rights agenda v. Nigeria (224/98)” where the African Commission on Human and People’s Rights stated that trying a civilian before the Special Military Tribunal using special procedures is a breach of Principle 5 of the United Nations Principles on the Independence of the Judiciary. Also, the Commission stated in “Civil Liberties Organization and Others v. Nigeria” that military courts do not meet the standards of judicial independence. Moreover, the European Court of Human Rights in *Cyprus v. Turkey* noted that there were close structural links between the executive power and the military officers serving on the military courts.

⁴³ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 5 February 2010. Last visited on 6 April 2020. Available on: https://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/13/39/Add.5

⁴⁴ See article 14 (3) (g) of the International Covenant on Civil and Political Rights.

accused, with a view to obtaining a confession of guilt.”⁴⁵ In reality, the Israeli practices against Palestinian detainees during interrogation are a clear violation of this fundamental right as Israeli forces put the detainees under severe physical and psychological pressure. This includes beatings and physical assault, sleep deprivation for prolonged hours which often leads to the detainees’ collapse, forcing the detainees into stress positions for long periods of time, as well calling in their family members and threatening to arrest or brutally interrogate them.

■ Over 30 Days without Meeting with a Lawyer

The Israeli military orders allow the interrogation of a detainee without filing charges for 75 days, during which the detainee can be banned from meeting with his lawyer. The interrogators are authorized to ban the detainee from meeting with his lawyer for 15 days in the initial stage of the detention. After that, the director of the interrogation center can extend the ban for another 15 days. At the end of the 30 days, a military judge can further extend the ban on meeting with a lawyer multiple times for up to 30 days in total. Thus, it is possible that a detainee is denied legal counseling for 60 days.

On many occasions, Israel uses the ban on meeting with a lawyer to sway the course of the interrogation as denying legal counseling can deprive the detainee from sound legal advice or fully recognizing his rights. In the pre-trial stage, counsel advice can protect the detainee’s rights as it can aid in building a solid defence and protecting the detainee against torture, ill-treatment, and coerced confessions.⁴⁶ Israel extracts confessions under duress and later uses them to get a conviction even though these confessions were involuntarily extracted under torture while the detainee was denied legal counseling.

⁴⁵ General comment Number 32 on article 14 of the International Covenant on civil and Political rights regarding the right to equality before courts and tribunals and to a fair trial. Last visited on 14 April 2020. Available on: https://www.un.org/ga/search/view_doc.asp?symbol=CCPR/C/GC/32.

⁴⁶ General comment Number 20 on article 7 of the International Covenant on civil and Political rights. Last visited on 5 April 2020. Available on: <http://hrlibrary.umn.edu/gencomm/hrcom20.htm>. Also, the European Court of Human Rights in the case of *Salduz v. Turkey* found that denying a person the right to benefit from the assistance of a lawyer during police interrogation is an infringement on his right to a fair trial.



Torture marks marring prisoner Waleed Hanatshah's body during his interrogation in Al-Mascobiyeh interrogation center

Moreover, the ban on meeting with a lawyer aims primarily to completely isolate the detainee from the outside world, which allows the interrogators to feed them an endless stream of lies. One example is when the Israeli forces arrested prisoner Yazan Maghamis's mother for less than 24 hours, yet the interrogators convinced Maghamis that his mother was still detained by showing him footage of the arrest when the Israeli forces raided his family house

late at night, as well as letting him see her in a prison cell in Al-Mascobiyeh interrogation center. With the Palestinian detainees utterly cut off from the outside world, it becomes exceedingly hard to distinguish the lie from the truth. Maghamis is only one of numerous other Palestinian detainees whose perception of reality was manipulated in an attempt to exert further pressure on them, including Qassam Barghouti, Abdel Razeq Farraj, Waleed Hanatshah, Mais Abu Gosh, Ameer Hazboun, Samah Jaradat and many others.

The ban on meeting with a lawyer extends beyond denial of legal counseling to provide a cover of the Israeli crimes. Banning a detainee from meeting with a lawyer for a prolonged period of time, which exceeded 40 days in 2019, can aid the Israeli authorities in covering all evidence of torture. In 2019, dozens of Palestinian prisoners were subjected to extreme military interrogation that on many occasions led to transferring the detainees into the court rooms in wheelchairs. The lawyers were unable to document the torture and ill-treatment the detainees endured, especially since the majority of the physical marks of

torture had faded in the meantime.⁴⁷ Consequently, holding Israel accountable for its crimes against the Palestinian prisoners becomes remarkably difficult with the lack of concrete, photographic evidence documenting the details of the torture.

This Israeli practice violates numerous international conventions, most notably the Fourth Geneva Convention which states in article 72 an accused's right to "be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence." Moreover, the Israeli occupation is in violation of the UN Standard Minimum Rules for the Treatment of Prisoners,⁴⁸ as well as the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, in particular article 15 which states that "communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days."⁴⁹ Israel violates article 15 as it continues to ban the detainees from communicating with their lawyers for weeks at end. Furthermore, the UN Human Rights Committee in its General Comment no. 32 reaffirms the right to a lawyer.⁵⁰

The year 2019 witnessed notable leniency of the Israeli military courts system in approving requests to ban detainees from communicating with their lawyers. Prisoner Na'el Halabi was arrested on 29 October 2019 and was issued a ban order on meeting with a lawyer as of the first moment of his detention. The Israeli authorities continued to deny him legal counseling

⁴⁷ Numerous prisoners noted that during interrogation, Israeli interrogators would wrap cotton cloth around the wrists under the tight rigid metal handcuffs to minimize their marks on the prisoners' skin, which in turn would make it more difficult for lawyers to document their injuries. Nevertheless, the handcuffs can cause trauma and internal bruising that show up on x-rays many years later; however, the Israeli authorities do not approve performing medical imaging like x-rays in the prisons unless under exceptional circumstances.

⁴⁸ See article 93 of the UN Standard Minimum Rules for the Treatment of Prisoners.

⁴⁹ The United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the General Assembly resolution 43/173 of 9 December 1988. Published on the Office of the United Nations High Commissioner for Human Rights website via <https://www.ohchr.org/AR/ProfessionalInterest/Pages/DetentionOrImprisonment.aspx>

⁵⁰ General comment Number 32 on article 14 of the International Covenant on civil and Political rights regarding the right to equality before courts before courts and tribunals and to a fair trial. Last visited on 5 April 2020. Available on: https://www.un.org/ga/search/view_doc.asp?symbol=CCPR/C/GC/32

until December 8th, 41 days after his arrest. Similarly, prisoner Yazan Maghamis was arrested on 11 September 2019 and banned from meeting with his lawyer from that day until October 16th, 36 days after his arrest; two of the ban orders were issued by the court.

One cannot overlook the Israeli court's stance in the case of prisoner Waleed Hanatshah. Hanatshah was arrested on October 3rd and was issued ban orders on meeting with a lawyer on the same day that lasted until November 14th, 43 days after his arrest. Three of the ban orders were issued by the court, which explicitly reflects the Israeli courts' subservience to the Israeli policies and practices. Hanatshah was wheeled into several court hearing to extend his detention in a wheelchair with visible marks of torture covering his body, yet the court extended the ban against meeting with a lawyer three times. This is just another example of the lack of judicial independence in Israeli courts.

Maysara Ishtayeh: Israel Continues to Break the Rule of Law

Another prime example of the Israeli occupation's violations against Palestinian prisoners in 2019 is the case of Maysara Ishtayeh, 24 years old from Nablus. Ishtayeh was arrested on 22 October 2019 and transferred to Petah Tikva interrogation center where he was issued a ban order on meeting with a lawyer from the day of his arrest until November 21st. When the ban was lifted for few hours, Addameer's lawyer attempted to visit him multiple times but the Israeli authorities were evasive and did not allow the visit. On the first attempt, the Israeli authorities claimed that Ishtayeh was transferred to another interrogation center and was no longer in Petah Tikva. The second time Addameer's lawyer tried to visit Ishtayeh, Israeli authorities claimed that he was undergoing an "interrogation activity" and could not be brought in for a visit. In such cases, the Israeli law requires a document detailing the nature of the interrogation activity. However, in Ishtayeh's case, the document was issued without any details, in violation of the law.

On the other hand, Ishtayeh's case reflects the continuous Israeli trend to break the rule of law. It stands to reason that the first meeting between a detainee and his lawyer is of great significance as it lays the ground for sound legal advice and provides moral support for the detainee during interrogation.

Moreover, Israeli forces claimed that Ishtayeh's meeting with his lawyer in the court room during the hearing on extending his detention counts as a first meeting. Nevertheless, this argument does not stand, as a passing meeting in the court room does not constitute legal counseling for it lacks the inherent condition of client-lawyer confidentiality where the client can speak and seek legal advice without outside pressures. Moreover, such court meetings do not last more than few minutes at a time which is not enough to explore legal options or provide sound advice. This is a stark violation of the guarantees of a fair trial. The European Court of Human Rights stressed that "a deliberate and systematic refusal of access to a lawyer to defend oneself, especially when the person concerned is detained in a foreign country, must be considered to amount to a flagrant denial of a fair trial."⁵¹

Gag Orders: An Israeli Technique to Cover-up Crimes

In 2019, the Israeli occupation further cracked down on numerous human rights organizations through incitement campaigns and raiding offices, which included a raid on Addameer offices in September 2019. Moreover, the Israeli authorities utilized gag orders indirectly to prevent human rights organizations from publishing information in relevance to a certain issue.

During the raid at Addameer's offices in 2019, the Israeli army confiscated five laptops, memory cards, as well other property and technical equipment; this was the third raid targeting Addameer. These raids aim to obstruct the work of civil society and human rights organizations, especially those who advocate for prisoners' rights. The Israeli authorities continue to harass and hinder the work of these organizations by exhausting their financial resources, repeatedly raiding their offices, arresting and issuing travel bans against their staff members, as well numerous other practices to impose further restrictions.

In 2019, the Israel Security Agency "Shabak" and the Israeli police force successfully filed for a publication ban on a group of Palestinian detainees who were interrogated in Al-Mascobiyeh interrogation center. The ban stopped Addameer, along with other human rights organizations, from publishing any details on the nature and conditions of the extreme

⁵¹ Al Moayad vs Germany and Otman vs. United Kingdom.

interrogation techniques to which the detainees were subjected. The ban was renewed multiple times spanning over three months. Nevertheless, Shabak and Israeli media released information on the detainees to the public multiple times.

These media leaks primarily aimed to divert the public attention from the Israeli crimes against these detainees, especially prisoner Samer Al-Arabid who was arrested on 26 September 2019. A-Arabid was transferred to Hadassah hospital unconscious with more than ten broken ribs and acute kidney failure within 48 hours of his arrest.⁵² The Israeli military prosecution stalled in disclosing vital information documenting the torture and ill-treatment of the detainees to their defence attorneys while simultaneously leaking details of the charges against them to the Israeli media. Similarly, the Israeli media published false information on the nature of the charges against Khalida Jarrar, member of the Palestinian Legislative Council, in an effort to incite the public against her.⁵³

⁵² For more, see “Addameer Collects Hard Evidence on Torture and Ill-Treatment Committed against Palestinian Detainees at Israeli Interrogation Centers”, published by Addameer Prisoner Support and Human Rights Association on 23/12/2019. Date of access: 17/2/2020 via <http://www.addameer.org/ar/news/-الضمير-تجمع-أدلة-حول-التعذيب-وسوء-المعاملة-الذي-مارسه-محققو-الاحتلال-ضد-المعتقلين-الفلسطينيين>. See also “The Systematic use of Torture and Ill-Treatment at Israeli Interrogation Centers ... Cases of Torture Committed at al-Mascobiyya Interrogation Center,” published by Addameer Prisoner Support and Human Rights Association on 23/12/2019. Date of access: 5/2/2020 via <http://www.addameer.org/publications/systematic-use-torture-and-ill-treatment-israeli-interrogation-centers-cases-torture>

⁵³ See “The Israeli occupying state violates the gag order in an attempt to hide its crime of torture and gross violation of fair trial guarantees” published by Addameer Prisoner Support and Human Rights Association on 18/12/2019. Date of access: 22/2/2020 via <http://www.addameer.org/news/israeli-occupying-state-violates-gag-order-attempt-hide-its-crime-torture-and-gross-violation>

■ **Palestinians Arrested on Charges of So-Called Incitement on Social Media Platforms**

Years ago, the Israeli authorities started to arrest Palestinians on charges related to their posts on social media websites. These arrests were based in the Israeli military orders, particularly articles 251 and 199 (c) of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651) of 2009. These articles addressed incitement and support of an organization deemed unlawful, which include oral or other attempts to “influence public opinion in the region in a manner which may harm public peace or public order”, carrying actions of possessing “any object with the intention of executing or facilitating the execution of an attempt to influence public opinion in the region in a manner which may harm public peace or public order”, publishing “words of praise, sympathy or support for an organization deemed unlawful, its actions or objectives”, as well actions “expressing identification with an organization deemed unlawful” like “flying a flag, displaying a symbol or slogan or playing an anthem or voicing a slogan, or any similar explicit action clearly expressing such identification or sympathy, and all in a public place or in a manner that persons in a public place are able to see or hear such expression of identification or sympathy.” While the Israeli forces use articles 251 and 199 of the military order 1651 against Palestinians in the West Bank, Israel employs articles 144B and 144D2 on “incitement to violence and terror” of the Israeli Penal Code of 1977 against Palestinian residents of Jerusalem and the Palestinian territories occupied in 1948.⁵⁴

The broad definition of incitement in Israeli legal texts continues to provide a legal cover of the arrest of Palestinians. In 2019 alone, dozens of Palestinians were arrested because of their posts on social media platforms. Prisoner Raghad Shamroukh, 24 years old from Bethlehem, was arrested on September 30th. The Israeli charges against him referenced a Facebook post on Shamroukh’s personal account where he shared a picture

⁵⁴ See “Arrests on charges of “incitement” on social media platforms and Israeli government policy: a Facebook case study” published by Addameer Prisoner Support and Human Rights Association on 7/1/2019. Date of access: 25/2/2020 via <http://www.addameer.org/publications/arrests-charges-%E2%80%9Cincitement%E2%80%9D-social-media-platforms-and-israeli-government-policy>

of a Palestinian martyr along with a Quranic verse, deeming the post as an act of incitement. Another incident included Issam Taher, 31 years old from Al-Bireh, who was arrested on 3 December 2019; his charges included incitement on social media, deeming one particular post referencing martyr Bassel Al-Araj an act on incitement on social media platforms.

Karmel Barghouti

Prisoner Karmel Barghouti was arrested on 31st August 2019 on his way back from a family wedding in Bethlehem, only days after the arrest of his brother Qassam. Although Karmel was arrested because the Israeli intelligence suspected that Karmel had intel on his brother, he was not released when the Israeli authorities failed to prove their claim. The military prosecution charged Karmel for incitement on social media websites, detailing posts he had previously shared in 2018 and 2019. It should be noted that Karmel's arrest primarily aimed to pressure his brother Qassan who was undergoing a military interrogation at the time. Karmel's case goes to show how the Israeli authorities adapted and manipulated legal texts to arrest him on charges of incitement while the real reason was to use his arrest to pressure his brother. The military court sentenced Karmel to 7 months in prison and an ILS2000 fine.

Qussai Masalmeh

Israeli forces arrested Birzeit student Qussai Masalmeh, 20 years old from Sinjil near Ramallah, on 2 September 2019 as part of an arrest campaign targeting a large number of Birzeit students. Masalmeh's charges included incitement on social media for sharing pictures and quotes in support of a Palestinian political party. Masalme's arrest is another prime example of the Israeli efforts to impose further restrictions on the Palestinian people by criminalizing their support or membership of political parties. This stands in a stark violation of numerous international conventions that prohibit discrimination on the grounds of political opinion like the International Covenant on Civil and Political Rights.⁵⁵

⁵⁵ Article 2(1) of the International Covenant on Civil and Political Rights bans "distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" while article 26 states that "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law", prohibiting any discrimination on multiple grounds, including political.

Saleh Al-Ra'i

Saleh Al-Ra'i, 22 years old from Al-Arroub refugee camp near Hebron, was arrested on 5 September 2019. Charges against him included incitement on social media websites and support of “an organization deemed unlawful”, a Palestinian political party. It's worth noting that the social media posts in reference were shared in 2015, 2016, and 2017, around three to five years prior to his arrest.

Mahmoud Najim Awais

Awais, 18 years old from Al-Lubban ash-Sharqiya, was arrested on 27 May 2019 before he was of legal age. The prosecution charges against him included incitement on social media websites. Awais had shared pictures of martyrs and Palestinian political leaders, as well as a picture featuring Islamic Bloc students in Birzeit university during student union elections. These posts, shared by a child at the time, were deemed acts of incitement by the Israeli prosecution.

In many cases where Palestinians were arrested for incitement on social media platforms, the charges referenced old posts shared between 2015 and 2018 which brings into question the validity of the arrests that took place 4 years after the fact. There is a level of symbolic formality in the Israeli military prosecution charges against Palestinians that aims primarily to legalize their arrest and detention. In cases where the prosecution does not have solid evidence against the detainees, the prosecution resorts to administrative detention under the pretext of confidential material in a secret file that neither the detainee nor his lawyer can review.

The Israeli authorities catalogue a detainee's social media posts, detailing the likes, shares and comments, as well the identity of commentators and followers, in an effort to embellish the charges before the court. This aims to present the detainee as a social figure with the means to influence his community and incite against the state of Israel when the reality does not exceed an expression of personal views that do not amount to incitement.

Administrative Detention, Secret Files, and Symbolic Formality in Israeli Military Courts

International conventions that address the guarantees of a fair trial, like the Fourth Geneva Convention and Additional Protocols,⁵⁶ as well the International Covenant on Civil and Political Rights,⁵⁷ reiterate an accused person's right to be informed of the particulars of the charges against him. Furthermore, the Fourth Geneva Convention,⁵⁸ the International Covenant on Civil and Political Rights,⁵⁹ as well as the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,⁶⁰ all reaffirm a person's right to adequate time and facilities necessary for his defence.

Despite the plethora of international guarantees, Israel continues to place Palestinians under administrative detention based on Israeli laws and military order 1651. Israeli forces claim that administrative detention orders against Palestinians include secret material that cannot be disclosed which denies them the right to know the particulars of the charges against them, in violation of the basic guarantees of a fair trial. On the other hand, administrative detention denies the Palestinian detainees of their just right to present a defence as neither the detainee nor his lawyer is allowed to know the nature of the charges or view the prosecution's evidence in a stark violation of the guarantees of a fair trial.⁶¹

⁵⁶ See article 71 of the Fourth Geneva Convention and article 75/4(a) of the Protocol Additional 1 to the Geneva Conventions.

⁵⁷ See article 3(4)(a) and 14(3) of the International Covenant on Civil and Political Rights.

⁵⁸ See article 72 of the Fourth Geneva Convention.

⁵⁹ See article 14(3)(b) of the International Covenant on Civil and Political Rights.

⁶⁰ Look article 18 of Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

⁶¹ For more on fair trial guarantees, see Amnesty International: Fair Trial Manual, Second Edition published in 2014 via <https://www.amnesty.org/download/Documents/8000/pol300022014en.pdf>

Administrative



Detention

Administrative detention, one of many Israeli systematic policies targeting Palestinians, is a practice that allows the detention of Palestinians without a charge or trial based on secret information and evidence that is not disclosed to the detainee or his lawyer. Administrative detention is a stark violation of the main principles of human rights stating a person's right to know the particulars of the charges against him to facilitate building a fair defence. These principles are guaranteed in the Universal Declaration of Human Rights which states that "everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence."⁶² Moreover, the International Covenant on Civil and Political Rights states that "anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."⁶³ as well as that every person is entitled to "to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him"⁶⁴ and "have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing."⁶⁵

These legal texts guarantee an accused person's right to know the particulars of the charges against him, as well the right to prepare an adequate defence. In reality, the Palestinian detainees do not know the cause of arrest and are not allowed to view the secret evidence used as the basis of their arrest. Consequently, the detainee and his lawyer are incapable of preparing a fair legal defence. Administrative detention orders are issued for periods up to six months, and can be renewed indefinitely. The frequency of administrative detention often corresponds with the current political conditions as Israel tends to arrest hundreds of Palestinians during a public uprising or tense political climate.

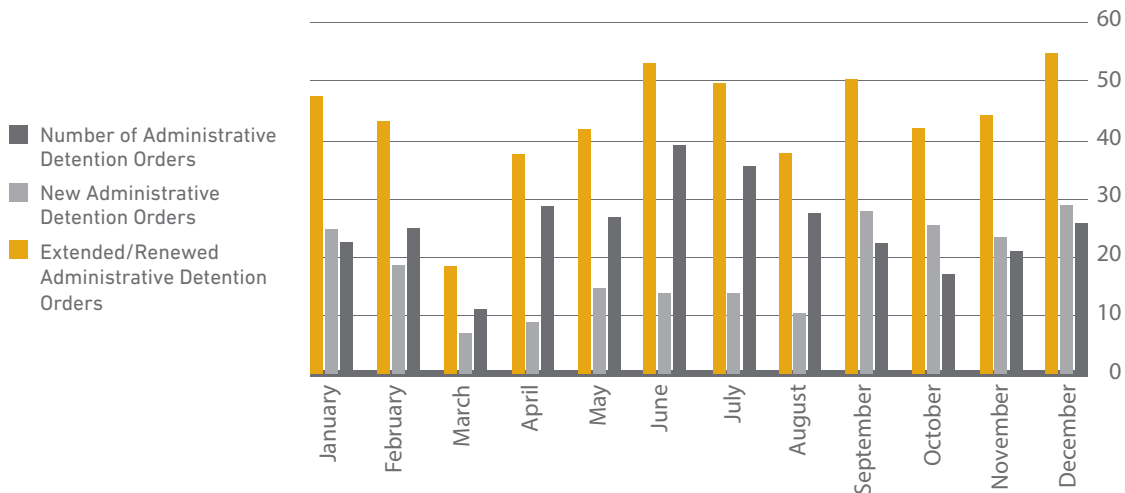
⁶² Article 11(1) of the Universal Declaration of Human Rights, proclaimed and adopted by the United Nations General Assembly on 10 December 1948 (resolution no. 217A) (D-3). Published in A Compilation of International Instruments, Volume I (First Part), the United Nations, New York 1993. A.94.XIV-Vol.1, Part 1, page 1.

⁶³ Article 9(2) of the International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. Published in A Compilation of International Instruments, Volume I (First Part), the United Nations, New York 1993. A.94.XIV-Vol.1, Part 1, page 28.

⁶⁴ See article 14(3)(a) of the International Covenant on Civil and Political Rights

⁶⁵ See article 14(3)(b) of the International Covenant on Civil and Political Rights

In 2019, Israeli authorities issued a total of 1047 administrative detention orders: 439 new orders and 608 renewals. This included administrative detention orders against 4 members of the Palestinian Legislative Council, Mohammad Natsheh, Azzam Salhan, Hassan Yousef, and Mohammad Abu Jahshiyeh, as well as six journalists (including one woman) and six women. The following chart shows the new and renewed administrative detention orders against Palestinians in 2019. A spike in the number of the orders, both new and renewed, can be detected towards the end of year as a result of the concurring tense political climate. The numbers increased by 10% in comparison to 2018,⁶⁶ as the Israeli authorities used administrative detention as a form of systematic collective punishment against the Palestinians.



Badran Jaber and Jamal Zaid: Ill Patients under Administrative Detention

The case of released prisoner Badran Jaber, 72 years old from Hebron, resonated widely with the Palestinian public and human rights organizations following his re-arrest on 13 October 2019. Jaber was issued a four-month administrative detention order. In line with trial procedures in cases of administrative detention orders, the court session was conducted partly in public and partly in private. In a private court session, the military judge viewed the prosecution's undisclosed evidence claiming that Jaber poses

⁶⁶ See "Occupation courts issued 1,022 administrative detention orders in 2019" by the Palestine Center for Prisoners Studies, published on 31/12/2019. Date of access: 5/2/2020 via <https://www.asrapal.net/?p=21733>

a threat to the region's security. The undisclosed evidence argued against Jaber's eligibility for release considering his membership of an organization deemed unlawful and the fact that he had been repeatedly arrested for his involvement in said organization. In the public session, the judge stated that he was convinced by the prosecution's evidence, ruling that administrative detention is the only way to "ward off the danger Jaber poses." Consequently, the judge said that it is not possible to reduce his administrative detention order to less than four months.

Jaber's case shows the level of Israeli injustice against the Palestinians. Throughout his life, Jaber was arrested more than 20 times, and spent around 15 years in Israeli prisons. Despite his old age of 72 and his critical health condition stemming from diabetes, high blood pressure and a history of cancer, the military judge upheld the administrative detention order against him, in a complete disregard to his lawyer's repeated attempts to advocate his failing health and permanent need for medical care. Jaber's arrest coincided with a vicious Israeli campaign that targeted primarily activists who were allegedly members of the Popular Front for the Liberation of Palestine towards the end of August. Thus, Jaber's arrest shows that administrative detention is another form of the Israeli collective punishment against Palestinians as his critical health condition begs the question of what kind of danger someone of Jaber's age and failing health can pose to the security of the state of Israel.

Jaber was far from the first or last case of its kind in 2019. Israeli authorities arrested released prisoner Jamal Zaid, 62 years old from Ramallah, on 22 May 2019. He was issued a 4-month administrative detention order on May 27th. The order was later renewed for four additional months before it was reduced to 3 months after the judge was convinced of Zaid's critical health condition. The Israeli authorities' complete dismissal of Zaid's health condition is astounding in of itself. Although the IPS medical center issued a report on 20 November 2019 detailing Zaid's health condition, which includes blood pressure and heart problems, hyperlipidemia, acute kidney failure, as well an impending need for periodical dialysis, the Israeli authorities continued to detain Zaid and managed to issue a new administrative detention order that ends on 19 March 2020. During his detention, Zaid suffered from numerous health setbacks, the latest of which in January 2020 when he was transferred to Shaare Zedek Medical Center for three

days after he lost consciousness in prison. Moreover, Ziad had previously suffered twice from a sharp drop in blood sugar levels during his detention.

No One is Exempt from Administration Detention

Palestinian women and children are not exempt from administrative detention. In 2019, seven women were placed under administrative detention, including PLC member Khalida Jarrar, 57 years old from Ramallah, who was issued an administrative detention order in 2018 ending in February 2019. Another detainee is Fida' Da'mas, 25 years old from Hebron, who was arrested and prosecuted for incitement on social media platforms. On the day of her release, the military commander issued her a six-month administrative detention order that was later renewed twice, for four months and two months respectively. The renewals prompted Da'mas to go on a hunger strike in protest of her administrative detention.⁶⁷ Similarly, prisoner Hiba Al-Labadi, 32 years old from Jordan, was arrested crossing Al-Karamah border crossing and was interrogated for 35 days. She was issued a six-month administrative detention order which prompted her to go on a hunger strike. Moreover, journalist Bushra Al-Tawil, Birzeit student Shatha Hasan,⁶⁸ Alaa' Bashir, and Shorouq Al-Badan were issued administrative detention orders in 2019. On the other hand, four Palestinian children, Sulaiman Abu Gosh, Nidal A'mer, Hafez Zayoud, and Sulaiman Abdel Rahman were issued administrative detention orders.⁶⁹ Additionally, Israeli authorities issued administrative detention orders against four members of the Palestinian Legislative Council which shows the continuous Israeli policies targeting Palestinian politicians and decision makers.

⁶⁷ For more on Fida' Da'mas case, visit Addameer's prisoner profile on Fida Da'mas via <http://www.addameer.org/prisoner/fidaa-da%E2%80%99mas>

⁶⁸ See Annex (3)

⁶⁹ See the chapter on child prisoners in this report.

■ From Official Charges to Administrative Detention: An Ongoing Israeli Policy

An older Israeli policy resurfaced into the spotlight in 2019, that is recasting the detention of Palestinians on an official list of charges to administrative detention and vice versa. Addameer documented dozens of cases where administrative detention was recast to detention based on a list of charges or vice versa, including released prisoner Fida' Da'mas, Mustaga Al-Zaghary, Munther Hajajrah, Nassar Jaradat, Issam Taher, Ubbai Al-A'boudi, Abdel Razzaq Farraj, I'traf Al-Rimawi, Tareq Matar, Tha'er Taha and others.

One notable case is that of prisoner Mohammad Al-Zaghary, 28 years old from Dheisheh refugee camp in Bethlehem. Al-Zaghary was arrested on 14 June 2017 and was issued his first six-month administrative detention order. Ultimately, the military court issued more orders against Al-Zaghary, adding to a total of five orders of 24 months of administrative detention. The military prosecution filed for administrative detention on allegations of membership of an organization deemed unlawful, claiming that he engaged in acts of "popular and military terrorism" against the Israeli army and law enforcement. Addameer lawyer attempted to prove that the prosecution's allegations were nothing more than a manufactured formality. In the first session to uphold the administrative detention order, the lawyer asked the court why a list of charges was not filed against Al-Zaghary if the prosecution's allegations were true, especially considering that he was not subjected to any serious interrogation. The lawyer urged the military judge to review in depth the secret file against Al-Zaghary and suspend the administrative detention order. Nevertheless, the judge claimed that the secret file included accurate information that lay the foundation for the administrative detention order, especially considering his history of multiple arrests on "popular terrorism" charges. Ultimately, the judge said that it was not possible to transfer Al-Zaghary's case to detention on official charges.

What comes after 24 months of administrative detention?

Al-Zaghary was held in administrative detention for 24 months. Even though the court noted the length of his detention and reduced the duration of the fourth and fifth administrative detention orders, it did not stop the extension of his detention multiple times. Furthermore, the district court of appeals

conceded to the Israeli security agency's requests to extend Al-Zaghary's detention, rejecting every appeal of the administrative detention orders. Addameer's lawyer petitioned the Israeli Supreme Court when the fourth order was issued which led to an agreement with the military prosecution that Al-Zaghary's administrative detention order would be renewed one final time for three months. On 10 March 2019, he was issued the final order ending on June 9th; it was later reduced to end on June 4th.

On 10 March 2019, Al-Zaghary was transferred to interrogation as the military prosecution announced its intent to file official charges against him. On March 19th, the prosecution charged Al-Zaghary with membership of an organization deemed unlawful back in 2016 and 2017, claiming that he participated in an activity linked to an organization deemed unlawful in his area of residence. The court procedures on the charges coincided with Al-Zaghary serving his administrative detention order. On 15 September 2019, the military prosecution and the defence reached an agreement of 20 months of actual jail time starting from the day of his arrest on 15 June 2017, as well as reinstating eight months of suspended jail time from his previous detention.

These Israeli practices violate the basic guarantees of a fair trial that dictate a person cannot be tried for the same offense twice. Article 117 of the Fourth Geneva Convention states that "no internee may be punished more than once for the same act, or on the same count," while article 14(7) of the International Covenant on Civil and Political Rights states that "no one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country." Thus, the Israeli practices in Al-Zaghary's case clearly show that both his administrative detention and the official charges against him were based in the same offense of membership of an organization deemed unlawful in a clear violation of international laws.

Al-Zaghary spent 28 months in prison, 24 of which were under administrative detention until the military prosecution filed charges against him. These charges were similar to the allegations in the secret file that was the basis of the administrative detention order. Charging Al-Zaghary in court after a lengthy administrative detention without a charge or a trial, as well as circumventing the deal before the Supreme Court to not renew his administrative detention for more than three months are another example of the retaliatory practices against the Palestinian prisoners, amounting to arbitrary arrest and deterrent sentencing.

Abdel Qader Nafe'-Khawaja: from Official Charges to Administrative Detention



Name: Abdel Qader Mustafa Abdel Qader Nafe'-Khawaja

Date of birth: August 24th, 1991

Marital status: Single

Occupation: Employed in an engineering office

Area of residence: Ni'lin village near Ramallah

Nafe' was arrested on 9 October 2018. Upon his arrest, he was transferred to Ofer prison where he was quickly interrogated by the Israeli police but not the Israeli intelligence. On 29 October 2019, the military prosecution charged Nafe' before the Ofer court with membership of an organization deemed unlawful since 2016 to the day of his arrest. The particulars of the charge against him detailed that Nafe' obtained books that delve into the history and legacy of a hostile organization from a second person who tried to recruit Nafe' into the organization. In return, Nafe' read the books along with a third person.

After months of legal deliberations, the military court sentenced Nafe' to seven months of actual jail time, reinstated seven months of suspended jail time from a previous sentencing, as well as sentenced him to 15 months of jail time suspended for five years. The sentencing, which was announced on 29 July 2019, was part of a plea agreement between the military prosecution and the defence.

One Charge Two Punishments: Israeli judicial system legalizes what has been banned in international conventions

Even though Nafe's sentence is considered among the higher ones, especially if we take into account the nature and particulars of the charges against him, the Israeli forces did not deem it sufficient. On the day of his scheduled release, 10 November 2019, the military commander issued a six-month administration detention order against him, ending on 9 May 2020.

On 21 November 2019, the Ofer military court, presided by judge Rafael Yamini, convened to uphold the administration detention order. The court session was conducted partly in public and partly in private. In the public session, the prosecution alleged that Nafe' is an active member of a hostile organization and suspected of developing military activities. Addameer lawyer told the court that the Israeli prosecution had previously charged him with similar offenses and even though there was a considerable chance of exonerating Nafe', he was sentenced to 14 months in prison. Thus, administrative detention is just a continuation of the old punishment which contradicts the core principle of administrative detention to ward off future threats.

In the private court session, which was conducted without Nafe' or his lawyer present, the judge reviewed the secret evidence and refused to disclose it as to not compromise the source. In his ruling on November 28th, the judge reiterated that the secret information he reviewed was a solid foundation of Nafe's administrative detention. The judge noted that between 2013 and 2015, Nafe' was detained on charges of participating in political activities and "popular terrorism" and was sentenced to 16 months of actual jail time. He added that there is room to reduce the order by two months to end on 12 March 2020.

The right not to be tried or punished more than once for an offence is an integral part of the International Criminal Law, as well constitutes a fundamental guarantee of a fair trial. Article 14(7) of the International Covenant on Civil and Political Rights states that "no one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted." Thus, Nafe's case highlights the illegal and arbitrary nature of the Israeli administrative detention policy that amounts to a war crime as Israeli military courts authorize punishing a Palestinian prisoner twice for similar, if not identical offences. This is especially evident as the basis of administrative detention is often vague and unspecified. In the court session to uphold Nafe' administration detention order, the military judge clearly referenced his prior conviction, exhibiting how the courts use administrative detention to retaliate against the Palestinian prisoners' past. Furthermore, the military court failed to uphold its role to earnestly investigate the facts brought before it or verify the intel provided by the Israeli law enforcement agencies; all of which ultimately led to the judge's ruling to uphold the detention order.

Hunger Strike in the Face of Administrative Detention

Palestinian prisoners have repeatedly resorted to hunger strike to protest unjust Israeli policies. Like years prior, 2019 witnessed numerous prisoners going on hunger strike. However, there was a surge in prisoners individually going on hunger strike to protest their incarceration conditions like isolation, as well as in protest of the continuous administrative detention policy that affects hundreds of detainees. More than 40 prisoners went on hunger strike individually; most of them to end their administrative detention.⁷⁰



“After 36 days of hunger strike, I suffered from nose bleeds. I felt a sting in my heart and accelerated heart rate, especially at night. I used to wake up from the pain.”

Ahmad Zahran

The Israeli authorities retaliate against prisoners who go on hunger strike by isolating them, banning them from meeting with their families and lawyers, exhausting them with repeated transfers, as well as transferring them to Israeli civilian hospitals. Moreover, Israeli forces subject the prisoners to humiliating practices around the clock like repeated thorough inspections of their rooms, confiscating their mattresses for up to 12 hours which forces the prisoner to stand up for long hours, sit on the floor or the bare metal bed frame. Not only that, but the Israeli prison guards taunt the prisoners by bringing them food and intentionally eating in front of them. Moreover, Israeli forces handcuff the prisoners during transfers; even when the prisoner is transferred to a civilian hospital, he is handcuffed to his bed for the duration of his hospital stay despite his weak state and limited mobility.

Prisoner Hussam Al-Razzah was subjected to ill-treatment and harassment during his hunger strike; his clothes were confiscated, his cell was searched three to four times a day, as well as placed in isolation for 16 days in Naqab prison before he was transferred to Eshel prison. Similarly, prisoner Awda Al-Huroub was constantly pressured and threatened during his hunger strike. He told Ad-dameer lawyer that he was placed in isolation in Naqab prison from the start of his hunger strike for 16 days before he was transferred to Eshel prison where he was placed in isolation for two days, followed by few days in isolation in

⁷⁰ see annex (4): list of prisoners who went on hunger strike in 2019

Ohlikdar prison and ultimately transferred to Ramla prison clinic. The repeated transfers were unjustified and solely motivated to exhaust the prisoners and place them under extreme conditions in order to pressure them to end their hunger strike.

Prisoners who go on hunger strike suffer multiple physical complications. Prisoner Ahmad Zahran, 42 years old from Deir Abu Mash'al near Ramallah, notes that by day 67 of his 113-day hunger strike, he suffered from constant headaches and dizziness on a daily basis, as well as sharp joint pains, inability to stand up and move, eye ache and vision impairment, irregular sleep cycle, and weight loss, as well vomited blood-tinged liquid. Similarly, prisoner Ja'far Izzeldin notes that by day 32 of his hunger strike, he suffered severe headaches, persisting joint pains and abdomen pain localized near the left kidney, as well as constant nausea and dizziness that resulted in collapsing twice.

At Death's Doorstep but to No Avail: Huthaifa Halabiah Protests Administration Detention with Hunger Strike

Prisoner Huthaifa Halabiah was arrested on 10 June 2018 and was issued a six-month administration order that was renewed three consecutive times for six months, four months, and two months respectively. Halabiah was detained for close to two years without charge or trial which prompted him to go on hunger strike for 67 days. In his childhood, Halabiah suffered from third-degree burns covering 65% of his body. Years into his journey of recovery, and right before his reconstructive skin surgery, Huthaifa was diagnosed with leukemia which started another 7-year long treatment course. The accumulation of his injuries and treatment significantly weakened Halabiah's heart muscle, meaning that any health setback can pose an imminent threat to his life.

During his hunger strike, Halabiah suffered multiple health complications. By day 36, he had lost around 15 kilograms, experienced dizziness on regular basis, suffered from stomachache, and consistently vomited a part of his daily water intake. On day 57 of his hunger strike, an Israeli prison guard forced Halabiah to walk to his meeting with Addameer lawyer rather than in a wheelchair despite his severe exhaustion and fatigue. Halabiah says that he still suffers from joint pains, dizziness, stomachache, and vision impairment. He notes that during that week, Israeli forces inspected his room twice a day for three days; the morning

inspection was carried out by the prison guards while the night inspection was carried out by the Yamas special forces unit.⁷¹

Towards the final days of Halabiah's hunger strike, he had lost around 21 kilograms as his health continued to deteriorate with further complications, including shortness of breath and vomiting blood. This prompted medical intervention in order to save his life. Despite Halabiah's critical health condition, the Israeli authorities were adamant, not only refusing to end his administrative detention, but rather calling to renew his detention order for two more months before his release. Halabiah ended his hunger strike once it posed a tangible threat to his life and he was transferred to Kaplan Medical Center.



After I went on hunger strike, I was transferred to another cell with three other prisoners. The humidity was so bad in that cell that the wall paint was peeling off; you could see the metal bars behind the wall. Sometimes they would inspect the room at the break of dawn solely to disturb the prisoners since the cell has two surveillance cameras.

Tha'er Hamdan – Ofer Prison

Human Rights Defenders under Administrative Detention

Israel targeted human rights defenders, arresting numerous Palestinian human rights defenders in 2019 and placing them under administrative detention. Ayman Nasser, Addameer's Legal United Coordinator, was arrested on 9 September 2018 and issued a six-month administrative detention order that was renewed three times. The first renewal was for six

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- ⁷¹ In the 1970s, Israel started the process of forming numerous special forces units to "handle" the Palestinian prisoners and detainees. Yamas was formed in the 1990s when IPS re-structured its special forces units. See "Aggressions of the Special Units of the Israeli Prison Service against Prisoners and Detainees during Transfers and Raids" by Addameer Prisoner Support and Human Rights Association, published in 2013. Accessed via http://www.addameer.org/sites/default/files/publications/Natshon_Metseda.pdf
- ⁷² The Palestinian NGOs Network is a civil democratic coalition of more than 120 NGOs in the West Bank, the Gaza Strip and Jerusalem. The Network, founded at the tail end of 1993, aims primarily to defend Palestinian national rights, protect public liberties, and advocate the independence of civil work. For more information, see <http://www.pngo.net/?lang=ar/>.

months, the second for four months that was later reduced to two months, and the final renewal was for two months. In total, Nasser served 16 months in prison and was released on 5 January 2020.⁷³

From the Borders to Prison: An Unexpected Detour

On 7 November 2019, Abu Aram was arrested crossing Al-Karamah border crossing between Palestine and Jordan on his way back from a training course on institution building and development in Thailand as part of his work in PNGO. Upon his arrest, the Israeli intelligence transferred him to Ofer prison. Few days later, the military commander issued a four-month administrative detention order against him starting on 13 November 2019 and ending on 2 March 2020.



Name: Ashraf Khalil Mahmoud Abu Aram

Date of birth: December 2nd, 1986

Occupation: Representative of the Palestinian Network of Non -Governmental Organization's (PNGO)¹⁰

Marital status: Married with two kids

Area of residence: Ramallah

The first judicial review session was held in Ofer military court presided by military judge Aharon Orenstein on 11 November 2019. The first part of the session was held in the presence of Abu Aram, his defence, and the military prosecution. The prosecution claimed that Abu Aram is a member of an organization deemed unlawful,⁷⁴ suspected of involvement in military activities, as well as being a point of contact with other activists. Addameer lawyer responded that the detainee was a former prisoner incarcerated for 20 months from November 2012 to June 2014. The lawyer stated that

⁷³ For more information on released prisoner Ayman Nasser, see the annual rights violations report for 2018 by Addameer Prisoner Support and Human Rights Association.

⁷⁴ Israel considers all Palestinian political parties 'unlawful punishing Palestinians for their political involvement and association.

following his release, Abu Aram did not engage in activities of any nature and focused solely on his work and family life. The lawyer claimed that the prosecution's claims are inaccurate and nothing more than an attempt to punish him for past dues. On 17 November 2019, the judge upheld the administrative detention order against him in its full duration.

Following the judge's decision to uphold the order, the military prosecution presented the judge with a secret file that supposedly contained allegations that Abu Aram is an active member in the Popular Front for the Liberation of Palestine. Even though the prosecution's claims were broad in nature and without a clear timeframe, the judge deemed them sufficient enough to uphold the order in its full duration, finding Abu Aram to pose a threat to Israel's security. The military court system allows for upholding administrative detention orders based on secret files that are not disclosed to the detainees or their lawyers in violation of the guarantees of fair trial. The military judge does not investigate or ensure the accurateness of the information in the secret file and the methods used to collect said information.

It should be noted that Abu Aram's arrest was part of a wide arrest campaign targeting dozens of Palestinians who are allegedly members of the Popular Front for the Liberation of Palestine in the wake of the Ein Bubin attack. This shows that Abu Aram's administrative detention is an attempt to punish him for his past under the cover of false allegations, in line with the Israeli collective punishment policy.

Students, Teachers, and Human Rights Defenders



Under Arrest

Palestinian students were the target of a vicious Israeli campaign that took place in 2019 with over a hundred students of various Palestinian universities arrested and brought into questioning. The majority of the arrests targeted Birzeit University students with around 74 students arrested in 2019, six of whom arrested at the start of 2020.⁷⁵ One prominent case was Mais Abu Gosh, a student in the media studies program in Birzeit University, who was arrested and banned from meeting with a lawyer for around 25 days, as well subjected to extreme military interrogation⁷⁶. Additionally, Rabhi Karajah, a student in the sociology and behavioral science program in Birzeit university, was arrested and interrogated for 104 days⁷⁷. Upon his arrest, Karajah was interrogated for around 60 days, during which he was subjected to extreme military interrogation and banned from meeting with a lawyer for 40 days. Karajah was transferred to Ofer prison before he was transferred back to Al-Mascobiyyeh for another round of interrogation that lasted more than 40 days.

Students in other Palestinian universities were also targeted, like An-Najah National University engineering student Malek Ishtayeh, 26 years old from Tell village near Nablus. Ishtayeh was arrested on 9 September 2019, hours after he was discharged from the hospital following a heart attack. A week after his arrest, Ishtayeh was issued a six-month administration detention order, in absolute disregard for his critical medical condition. Ishtayeh, a student representative of the Islamic Bloc in An-Najah National University, had been arrested numerous times before.

Palestinian students were not the only targets as the Israeli violations also entailed academic faculty members. On 1 September 2019, Israeli forces arrested Birzeit media professor Dr. Widad Barghouti,⁷⁸ on charges of

⁷⁵ See the Right to Education Campaign's report "Wide-scale arrests of Birzeit students" published on 11/9/2019. Date of access: 15/2/2020 via <https://bit.ly/2lwgvk0>

⁷⁶ For more on Mais Abu Gosh, see the chapter on women prisoners in this report

⁷⁷ See the Right to Education Campaign's report "Israeli violations in Birzeit university (2019-2020)", published on 22/1/2020. Date of access: 1/2/2020 via <https://bit.ly/2TJK9ZJ>

⁷⁸ For more on the Israeli violations in Birzeit university, see "Birzeit University calls for more interest in the arrest of its students and the blatant Israeli violations of their right to education," published on Birzeit website on 10/10/2019. Date of access 15/1/2020 via <https://www.birzeit.edu/ar/news/jm-byrzyt-tdw-llhtmm-bqdy-tql-ltlb-wnthk-lhtll-lsrkh-bhqhm-fy-ltlym>



Stress Position using a Table⁵

“incitement on social media websites.” She was detained for around 16 days before her release on a ILS40,000 bond. The bail conditions included limiting her residence and movement to area C, as well banning her from posting on social media websites until the end of court proceedings⁸⁰.

Additionally, Israeli forces raided Birzeit university campus. On 26 March 2019, an undercover unit of Arabic-speaking Israeli soldiers accompanied by another army unit raided the campus, demolished the entrance gate, and raided the ATM room

attached to the student union building. The Israeli forces then arrested the representative of the preparatory committee for the Islamic Bloc, student Hamza Abu Qari’, and two other students Tawfiq Abu Arqoub and Uddai Naklha.⁸¹ Something similar happened in 2018 when an undercover unit of Arabic-speaking Israeli soldiers accompanied by the Israeli army raided the campus during lecture time on a weekday. The Israeli forces fired live ammunition and held the university security guards under gun point before arresting the president of the student body union, Omar Al-Kiswani.

These Israeli practices aim to hinder the educational process with arrests, prolonged interrogation, repeated arrests, as well indefinite administrative detention orders; all of which prevents the students from pursuing their education and delays their graduation. On the other hand, the Israeli authorities often charge the students in relation to their participation in

⁷⁹ Stress position using a table: handcuffing the hands behind the back with tight handcuffs and bounding them upwards to a table.

⁸⁰ For more on the subject, see page 83 of this report.

⁸¹ “Birzeit University condemns the attack on its campus and the arrest of 3 students,” published on Birzeit website on 26/3/2019. Date of access: 28/11/2019 via <https://www.birzeit.edu/ar/news/jm-byrzyt-tstnkr-qthm-qwt-lmstrbyn-lhrmh-ljmy-wtql-3-mn-tlbth>.

Also see “Targeting Students: A systematic policy against education” by Addameer Prisoner Support and Human Rights Association, published on 26/3/2019. Date of access: 23/10/2019 via <https://bit.ly/2wlas9f>

student and union activities in the university, in violation of article 22 of the International Covenant on Civil and Political Rights which guarantees the right to form and join trade unions for the protection of interests. Moreover, Israeli forces have displayed a disregard of the Palestinian students' lives through raiding the university in the middle of the day and firing live ammunition around the students.

Furthermore, Israeli forces arrested numerous Palestinian journalists affiliated with news networks, independent reporters and photojournalists, as well media students. This included Anadolu Agency's photojournalist in Jerusalem Mustafa Kharouf who was arrested on 22 January 2019 in his house in Jerusalem. Israeli authorities claimed that Kharouf was arrested due to his illegal residency in Jerusalem when in fact it was due to the nature of his work. In December 2018, the Israeli Ministry of Interior rejected Kharouf's family unification application for security reasons in relation to his work as a photojournalist.⁸² Moreover, Israeli forces arrested Quds News Network reporter Abdel Muhsin Shalaldah on 17 August 2019 in his house in Hebron. Shalaldah was issued a three-month administrative detention order.

Photojournalist Hassan Dabous from Ni'lin village near Ramallah was arrested on 29 August 2019, while journalist Bushra Al-Tawil, president of Aneen Al-Qaid Media Network, was arrested on December 11th and issued a four-month administrative detention order. Media students were another target of the vicious Israeli arrest campaign. Media student in Al-Quds University Amer Abu Rub was beaten and arrested on 23 April 2019 while crossing the Container checkpoint near Bethlehem, and Mais Abu Gosh, media student in Birzeit university, was arrested on 19 August 2019.

The head of Bisan Center for Research & Development, Ubbai Al-Aboudi, was arrested on 13 November 2019 and was issued a four-month administrative detention order. Al-Aboudi's administrative detention was later recast to detention on official charges. This goes to show how Israeli authorities place Palestinians under administrative detention as a precautionary measure until they gather sufficient evidence to file official charges.

⁸² Six Human Rights Organizations Submit an Urgent Appeal to UN Special Procedures on Israel's Imminent Deportation of Palestinian Jerusalemite," published on Al-Haq website on May 4th, 2019. Date of access: 1/3/2020 via <http://www.alhaq.org/advocacy/6063.html>

Abandoned Textbooks and Targeted University Students: Student Ameer Hazboun



Name: Ameer Hazboun

Date of Birth: 14 August 1998

Area of residence: Bethlehem

University major: Engineering – Birzeit
University

Arrest and Interrogation

On 11 September 2019, Israeli forces arrested Hazboun, a fourth-year engineering student in Birzeit university, in his dorm residence in Birzeit city. During his arrest and transfer, Israeli forces physically assaulted and beat Hazboun with rifle butts, targeting primarily his face and chest. Hazboun was transferred to Al-Mascobiyeh interrogation center where he was interrogated for over a month until October 17th. Hazboun recalls that he was subjected to extreme military interrogation two days on a row; he estimated that each round of military interrogation lasted around five hours.⁸³

Military Interrogation

Israeli interrogators used different torture techniques against Hazboun, including forcing him into the banana stress position, as well forcing him to stand on his tiptoes with his hands bound behind his back in shackles fixed to the wall above his head, resulting in massive pressure on the shoulders and arm muscles. In the latter position, Hazboun's toes barely touched the ground so if he lowered his body any further to rest, immense pain would

⁸³ For the duration of the interrogation, the Palestinian detainee is unable to tell the time which makes it difficult to accurately determine the length of the interrogation sessions. On many occasions, it has become apparent that the interrogation sessions were shorter or longer than what the detainees had described.

explode in his arms and chest. Moreover, Hazboun was sleep deprived, slapped repeatedly on the face, and brutally beaten on the thighs. During interrogation, Hazboun was banned from meeting with a lawyer for 22 days.

Post Interrogation

Following interrogation, the prosecution filed charges against Hazboun on November 3rd, referencing his student activism in Birzeit university. Nevertheless, what is interesting in Hazboun's case is that the military prosecution listed eight items that could be described as identical in the charge sheet against him. The prosecution claimed that Hazboun threw stones at Israeli forces on eight occasions but failed to support the claims or provide sufficient evidence. For example, the prosecution claimed that Hazboun threw stones at Israeli forces in 2017 without specifying the date; at best, the prosecution specified the month but never the actual dates. Such broad references hinder the process of preparing a solid defence. For example, if the prosecution provided the date of the alleged incident, the defence lawyer could refute the claim by providing an alibi which would lead to the dismissal of the charges against him.

Five-Year Old Allegations

Hazboun's case is another example of the Israeli attempts to charge Palestinians without sufficient evidence, as well constant efforts to embellish the charges against them. The prosecution included incidents dating back to 2013, 2016, and 2017 in the charge sheet, almost five years prior to his arrest. On the other hand, listing multiple items of the same charge indicates the prosecution's attempt to convince the judges that before them stand dangerous criminals with a long "note-worthy" history, which in turn can sway the judges at the time of sentencing.

Hazboun was only one of dozens of detainees whose charge sheets included multiple items of the same charge. Student Ahmad Kharouf, 20 years old from Ramallah, was arrested on 26 August 2019. The military prosecution included multiple items in relation to the charge of throwing stones at Israeli forces without providing sufficient details of the alleged incidents, similar to Hazboun's case. The military prosecution largely relies on the detainees' coerced confessions, extracted under duress and torture. These confessions constitute the foundation of the prosecutions' case in the absence of solid

evidence. Rather than deeming coerced confessions inadmissible in court, military judges base convictions on them. Numerous items in the charge of throwing stone in Kharouf's charge sheet reference incidents that took place while he was under the legal age. Even though Kharouf was a child at the time, the prosecution did not take that into consideration, but rather continued its established practice of embellishing the charges in an attempt to portray the Palestinian detainees as "terrorists" who pose a threat to the "security of Israel".

■ **Dr. Widad Barghouti: A University Professor of Media and Freedom of Expression is Arrested and Charged for Freedom of Expression**



During the arrest, I felt like they were trying to pressure my son Qassam because they were videotaping me. At one point, I noticed that Qassam was at the corner of the screen and I smiled at him. That's when they stopped the recording.

Dr. Widad Barghouti

On 1 September 2019, Israeli forces arrested Dr. Widad Barghouti, 61 years old, from her house in Kobar village near Ramallah hours after the arrest of her son Karmel Barghouti and days following the arrest of her other son prisoner Qassam Barghouti. Dr. Barghouti recalls the details of her arrest, saying that Israeli forces raided the house late at night before searching various rooms in the house. It should be noted that Dr. Barghouti's arrest aimed to pressure her detained son Qassam in an effort to extract a confession from him.

Dr. Barghouti was transferred to Ofer prison blindfolded with her hand and feet bounded, in a total disregard of her advanced age. She was strip searched and held for hours in a cell that only had one cement chair without a bed or a mattress; the walls were rough to the touch so she couldn't even lean on them. Additionally, the cell had a dirty toilet in the ground and a water faucet. That day, Barghouti was interrogated twice, during which she

was forced into a stress position in a chair with her hand bound behind her back as one female interrogator screamed at her. Despite Addameer lawyer's repeated attempts to release Dr. Barghouti, the military judge denied his request without even hearing his statement.

The military prosecution requested to extend Dr. Barghouti's detention for five days to continue her interrogation and expressed intent to charge her. However, the military judge ordered her release on an ILS8000 bail and an ILS2000 personal bond. In response, the prosecution requested to postpone Barghouti's release for 72 hours to appeal the ruling; the judge approved and postponed her release to 5 September 2019.⁸⁴

On September 5th, the military prosecution did not file an appeal, but rather submitted a list of charges against Dr. Barghouti which shows the prosecution's tendency to misuse of the military orders. The prosecution gave the illusion of appealing the court rule, but submitted a list of charges which eliminated the possibility of a speedy release. The judge decided to release Dr. Barghouti on the same conditions but delayed her release to September 9th to give the prosecution room to appeal. The prosecution attempted to appeal, but the judge ordered Dr. Barghouti's release on September 16th on the condition that she limits her residence and movement to area C, as well an ILS40,000 fine and a ban on use of social media platforms until the end of court proceedings.

The military prosecution based the list of charges against Dr. Barghouti on incitement on social media websites, referencing posts she shared on her personal Facebook account where she expressed her solidarity and support of the Palestinian popular resistance, as well shared posts and pictures of Palestinian martyrs and Hassan Nasrallah. The prosecution deemed these pictures and posts as acts of incitement, detailing the number of likes on each post. While Barghouti exercised her right to freedom of speech, the prosecution portrayed these posts as acts of incitement. The court delivered its final ruling on 14 November 2019 when the judge gave Dr. Barghouti credit for time served with no further detention and fined her ILS20,000.

84 "Dr. Widad Barghouti: From a Professor of Media Studies to a Defendant Accused of Incitement on Social Media" by Addameer Prisoner Support and Human Rights Association, published on September 11th, 2019. Date of access: December 15th, 2019 via <https://bit.ly/2Q7V0u>

Collective



Punishment

Like years prior, the Israeli authorities have continued to enforce retaliatory collective punishment on the Palestinian people. This included continuous attacks and raids on Palestinian cities and villages, accompanied by wide-scale arrest and search campaigns that aimed primarily to terrorize the Palestinian families, especially the prisoners' families, as well entailed colossal property destruction. The Israeli collective punishment practices stand in stark violation of international conventions, especially article 33 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, which prohibits "collective penalties and likewise all measures of intimidation or of terrorism."

One prime example of collective punishment against the Palestinians in 2019 is the repeated Israeli raids at Kobar village near Ramallah. Israeli forces raided Kobar more than 10 times mainly in the first and last few months of the year, coinciding with the tense political climate at the time. In the wake of Saleh Barghouti's death at the end of 2018, Israeli forces arrested more than 20 members of Barghouti's family, demolished Saleh's house and prisoner Issam Barghouti's house.

On the other hand, towards the end of 2019, Kobar was the target of a vicious string of raids in August after a large number of the village residents were arrested, including prisoner Qassam Barghouti. Following Qassam's arrest, Israeli forces retaliated with collective punishment practices that included raiding his family house six times within a month, issuing a house demolition order, as well as calling in his father for questioning three times and arresting his older brother and mother.

More than ever, Israel has continued to pressure the Palestinian prisoners and their families by arresting family members or calling them in for questioning. One example is the arrest of prisoner Waleed Hanatshah's daughter; she was called in for questioning by the Israeli intelligence but was promptly arrested upon her arrival in the interrogation center. Similarly, prisoner Qassam Barghouti's mother, Dr. Widad Barghouti, and prisoner Yazan Maghamis' mother, Sana' Abdel Rashid, were arrested during nightly raids at their homes. Both mothers were handcuffed and transferred to Al-Mascobiyeh interrogation center. These arrests are videotaped and the footage is later shown to the detainees to convince them that their family are detained and will not be released anytime soon. Nevertheless, in many cases, the family members are shortly released after their arrest, like

Maghamis' mother who was released on the same day, and Hanatshah's daughter who was released three days later.

On the other hand, Israeli forces escalated their retaliatory practices against some prisoners by arresting and later charging their family members, like prisoner Qassam Barghouti's mother Dr. Widad Barghouti, as well prisoner Mais Abu Gosh's brother Sulayman Abu Gosh who was arrested on 13 December 2019 and issued a four-month administrative detention order. It was later found out that his arrest was to deflect his anger and potential reaction to his sister's arrest and military interrogation.

On the Israeli policy of terrorizing the families and destroying property during house raids, Asma' Asfour from Silwad recalls the Israeli inspection of her house, saying "they didn't leave anything untouched. They moved cabinets and removed the carpets. They broke the cabinet drawers and even went through the fridge." Moreover, Asfour notes that the Israeli soldiers searched their house inside and out, inspecting the area around the house, digging up the dirt, breaking doors, and uncovering a water well that had been closed for years. However, the Israeli forces left behind a trail of destruction without making any arrests or calling anyone in for questioning. Similarly, Widad Yousef of Silwad says that the Israeli forces searched her family house on 19 February 2019, ransacking its content, overturning and destroying furniture, emptying wardrobes, and even inspecting the water tanks on the roof. This goes to show that the primary goal of such Israeli practices is to terrorize the families.



Destruction of Samer Al-Arabid's house

On other occasions, Israeli forces ransack houses without the family members present. On 25 September 2019, Israeli special forces raided prisoner Samer Al-Arabid's family house after he was arrested by an undercover Arabic-speaking Israeli special forces unit in front of his work. Meanwhile, Al-Arabid's wife was arrested at Qalandia checkpoint and detained for around two hours, during which Israeli soldiers raided their house by breaking through the front door with an axe, as well ransacked its content, destroyed furniture and confiscated various property.

Collective punishment was not limited to the aforementioned practices, but also included demolition of prisoners and detainees' houses. Prisoner Issam Barghouti's house in Kobar village was demolished in March 2019, while the houses of prisoners Islam Abu Hmaid, Khalil Yousef Jabbarin (Yatta village), Ahmad Assafra, Qasem Asafra, Nassir Asafra, Yousef Zahour (Beit Kahil town), and many more were demolished throughout 2019.⁸⁵ Israeli authorities provide a legal cover of house demolitions in regulation 199 of the Israeli Defense (Emergency) regulations of 1945 which states that "A Military Commander may by order direct the forfeiture to the Government of Palestine of any house, structure, or land ... and when any house, structure or land is forfeited as aforesaid, the Military Commander may destroy the house or the structure or anything on growing on the land." This regulation is upheld by the Israeli courts⁸⁶ that approve the demolition orders in a grave violation of International Humanitarian Law, particularly article 53 of the Geneva Fourth Convention which prohibits "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations" except when such destruction "is rendered absolutely necessary by military operations."

In 2019, Israeli authorities used the media to incite against the Palestinian prisoners and their families, waging a campaign against prisoners who attempt to pursue education during incarceration. Prisoner Mohammad Dahnoun was the target of media incitement after he finished his MA degree in Israeli Studies in prison. Israeli media outlets reported his achievement, publishing Dahnoun's photograph and copies of his certificates in an effort to pressure the Israeli government to further tighten restrictions on the prisoners.⁸⁷

⁸⁵ See: "Israeli occupation arrests more than 5500 Palestinians in 2019" – a report by Addameer Prisoner Support and Human Rights Association, the Palestinian Prisoners' Club, and the Palestinian Commission of Detainees and Ex-Detainees Affairs published on 30 December 2019. Date of access: 2 February 2020 via <https://bit.ly/2Hx4Y3q>

⁸⁶ House Demolition, Hamoked: Center for the defence of the Individual. Last visited on 6 April 2020. Available at: http://www.hamoked.org/topic.aspx?tid=main_3.

⁸⁷ "Five Stars Incarceration: Prisoner with a Life-Sentence finished MA degree in prison." Published on 7 August 2019. Date of access: 28 November 2019 via <https://tplil.com/archives/6501?fbclid=IwAR0wx3x9XaE3LaE82a-yVoMYeMn20dxalBgN2WD7z4WimomlApsH0eAJonw>

Dahnoun was not the only target of Israeli incitement. Prisoner Rami Al-Fakhouri, 29 years old from Jerusalem, was threatened a month before his wedding when an Israeli soldier told him that “they have a surprise for him”. Indeed, one week before his wedding, Israeli authorities arrested Fakhouri on 14 December 2018 and placed him under preventative detention for three days in Al-Mascobiyeh interrogation center. Fakhoury was not informed of whether his detention will be extended which piled on the pressure on Fakhoury and his family as they were not sure if he was going to attend his own wedding or remain detained.

The following day, Israeli news websites published reports inciting against the groom Fakhouri and the bride’s father, the late martyr Mesbah Abu Sbeih. Two days later, Fakhouri’s family was surprised to see a report on the wedding featured on the Israeli television channels Channel 10 and Channel 13. In this case, like many others, the media reports sparked incitement campaigns against the Palestinians. In the wake of the report, the wedding photographer was arrested while the wedding pictures and videos were confiscated. Moreover, Israeli forces raided 20 houses and arrested around 25 people in Jerusalem. While the military prosecution framed the arrests for support of a terrorist organization, the real reason behind the arrests was the detainees’ attendance of Fakhouri’s wedding.⁸⁸

Furthermore, forms of collective punishment extend to include denying family members from visiting the detainees by declaring a state of emergency in the prisons or refusing to issue visitation permits. Israeli authorities incarcerate Palestinian prisoners in prisons inside Israel, which requires the family members to file for a special visitation permit that is often rejected for alleged security reasons. This stands in violation of article 49 of the Fourth Geneva Convention which explicitly states that “individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.”

⁸⁸ For more on Rami Fakhouri’s legal case, see Addameer’s profile published on November 16th, 2019 via <http://www.addameer.org/ar/prisoner/%D8%B1%D8%A7%D9%85%D9%8A-%D9%81%D8%A7%D8%AE%D9%88%D8%B1%D9%8A>

“I will not be your leverage against my husband”: Aman Mansour, arrested to pressure her husband

On 2 January 2019, Ameer Ishtayeh, a 25-year old student in An-Najah National University, was arrested in the middle of the night after an Israeli unit of around 25 masked soldiers raided his family house, searched him and screamed at him. It should be noted that Ishtayeh is a mature student since his higher educational career was repeatedly delayed due to his multiple arrests for his political activism in the university.

Later on, Ishtayeh was transferred to Petah Tikva interrogation center where he was interrogated for 20 days. His wife, Aman Mansour, received a call from an Israeli officer who tried to provoke her and asked her to come to Huwara detention center to answer few questions. When Mansour refused to go, she received another call the following day from an Israeli officer asking if she was on her way to Huwara center or not. Mansour said that she would not come in, refusing to be used as a leverage against her husband.

Mansour realized that her presence in the interrogation center is nothing more than a ploy to pressure her husband and provoke both of them. The following day, on January 21st, Israeli forces raided her house around three in the morning, breaking through the main entrance gate. They started interrogating her immediately, asking her general questions about her refusal to go to the interrogation center. The interrogation lasted for half an hour during which the Israeli forces tried to pressure her further. By the end of the half hour, she was placed under arrest.

Mansour recalls that she was handcuffed and led to a military vehicle parked outside of her house. She heard her husband Ameer calling for her from another vehicle where he could see her but she couldn't see him. During the interrogation, an interrogator pointed a phone at her and started screaming. At that moment, Mansour realized that the interrogator is videotaping the screaming to pressure her husband and terrorize both of them. She notes that during this interrogation session, she was threatened with detention for almost a year. Mansour was later released.

These Israeli practices against many Palestinian families are prime examples of the Israeli arbitrary policies. The repeated house raids and calls-in for questioning aim solely to terrorize the families and pressure

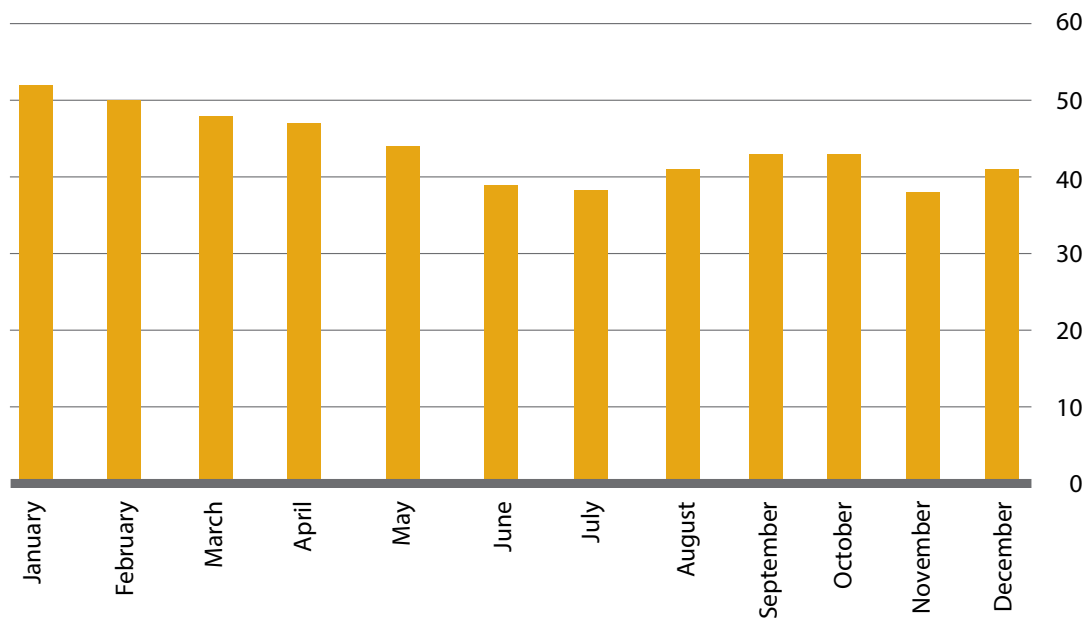
the detainees. On the other hand, following through with the threats of arresting family members, videotaping the late-night house raids, as well as confronting the detainees with their family members aim chiefly to convince the detainees that these arrests are real. Additionally, many Palestinian detainees report that they were threatened with having their family members subjected to interrogation, or even military interrogation which highlights the Israeli cruelty in treatment of Palestinians to the extent of threatening extreme military interrogation.

Women



Prisoners

Israeli authorities arrested 128 Palestinian women in 2019. By the end of year, there were 41 Palestinian detainees, all of whom incarcerated in Damon prison. Throughout the year, Palestinian women prisoners suffered from the continuous violations of their basic rights as Israeli forces arrested them during night raids, snatching them from their children and families in the middle of the night. Moreover, Israeli authorities deprive them of their needs during interrogation, often using them to as a leverage to pressure them. The detainees are subjected to extreme humiliating interrogation techniques, including prolonged positional torture, sleep deprivation, physical assault and beating, numerous threats, as well arrest of family members. Furthermore, the detainees are incarcerated in a shabby prison facility that lacks the basic standards of decent life while simultaneously suffer from medical neglect. These Israeli practices violate international conventions, particularly the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules).



Number of Palestinian Female Prisoners 2019⁸⁹

Palestinian women prisoners are incarcerated in Damon prison near Haifa, which was founded during the British mandate in Palestine. In 1953, the Israeli Minister of Public Security at the time re-opened the prison. The

⁸⁹ These numbers refers to the number of female prisoners that still in Prison by the end of every month, not the total arrests of women.

prison was originally designed of multiple buildings that were previously used to store tobacco and as a stable. Thus, the buildings were primarily designed to absorb and retain humidity inside and were never meant to house people. Due to the horrifying detention conditions in the facility that can only be described as unfit for human habitation, IPS decided to close the prison in 2000. However, it was reopened in 2001 as a detention center to hold Palestinian “working migrants” that enter Israel without a permit.⁹⁰

Mothers in Handcuffs

In 2019, more than 20 Palestinian mothers were held in Damon prison. The Israeli policies do not take into considerations that they are mothers kept away from their children, but rather deny them from seeing their children for prolonged periods of time. Prisoner Lama Khater recalls that Israeli soldiers at a checkpoint once tore her daughter’s visitation permit⁹¹. Moreover, Israeli forces threatened multiple times to arrest her son Osama Fakhouri, which ultimately happened at the end of 2019 when Osama was arrested days before his mother’s release. Additionally, prisoner Wafa’ Mihdawi, 54 years old from Tulkarm and a mother of six, told Addameer lawyer the details of her arrest. She woke up to find a group of Israeli soldiers accompanied with dogs looming over her after they blew up the front door of the house. The soldiers searched the house and fired stun grenades inside which set one chair on fire. Moreover, the soldiers began interrogating her in the house before she was strip-searched, blindfolded, handcuffed and led outside to a military vehicle. Mihdawi was transferred to an army post near her house.

Prisoner Sanaa Awiwi, 40 years old from Hebron and a mother of three, recalls how she was injured during her arrest, “an Israeli army unit raided my house. After identifying me, they searched me thoroughly and confiscated various laptops and mobile phones. After that, I was handcuffed and blindfolded before they led me to a military vehicle. While I was climbing in, one soldier pushed me and I hurt my knee. During the

⁹⁰ A fact sheet published by the Nelson Mandela Foundation, the Palestinian Counseling Center, as well as Addameer Prisoner Support and Human Rights Association in July 2009.

⁹¹ It should be noted that in such cases, the family has to apply for a new visitation permit, a process that can take up to a month.

transfer, I sat on the vehicle floor for hours which caused immense pain.” On the other hand, many mother prisoners pay the price of motherhood; prisoner Wafa’ Mihdawi, mother of martyr Ashraf Na’alwah, reports that Israeli soldiers deliberately assaulted and abused her once they knew she was Ashraf’s mother. During her court transfer, the soldiers escalated their cruel treatment of her as they cursed at her, as well double-cuffed her and painfully tightened the handcuffs.⁹²

Cruel Living Conditions in Damon Women Prison

Damon prison lacks the basic standards of decent life. Most prison rooms are poorly ventilated with insect infestations. While the old building retains humidity, the prison concrete floor makes the rooms extremely cold in winter and exceptionally hot in summer. The humidity affects the prison electricity. Prisoner Safa’ Abu Sneina complained that the electricity problem posed a real threat to the prisoners’ lives. A table-top stove exploded in room 10 while the heater in room 2 burned. Sneina reports that her notebook caught on fire when the stove exploded as did another prisoner’s clothes. It should be noted that the women prisoners persisted in their demands to fix the electricity problem in the prison; their efforts paid off as IPS has finally fixed the electricity problem in the last few months of 2019.

Moreover, women prisoners suffer from arbitrary policies that include holding them in isolation, as well depriving them from family visits or access to the prison canteen on occasions. Despite the cruel conditions, the prisoners continue to strive for better living and visitation conditions. In 2019, the prisoners were able to better the conditions of the visitation rooms by providing bathroom facilities and seating areas, as well better IPS treatment of their families.

Medical Neglect of Women Prisoners

Israel continues to neglect the health of Palestinian women prisoners,

⁹² For more on the incarceration conditions of Palestinian women prisoners, see Addameer Prisoner Support and Human Rights Association report “The Occupation Forces Deprive (22) Female Prisoners from Celebrating with their Children on Mother’s Day” published on 21 March 2019. Available via <https://bit.ly/2Uji5v5>

constantly dismissing their medical needs and disregarding their conditions primarily through stalling medical tests and delaying diagnosis. At the time of writing this report, five women prisoners suffer from health conditions that require medical treatment in Israeli prisons. One prisoner is Ansam Shawahneh who began to experience pain in her pelvis and right leg in February of 2019. Shawahneh sought treatment in the prison clinic but was only offered muscle pain relief ointments. On her second visit to the clinic, she informed the prison doctor that the pain persisted despite the ointments, so he simply suggested painkillers.

Shawahneh refused to take the painkillers without a diagnosis which is within her basic human rights. With her continuous refusal to take painkillers, she was transferred to an Israeli hospital on 9 September 2019. Even though the hospital doctor requested medical imaging, IPS stalled for around 2 months before finally transferring her to Beilinson Hospital on November 22nd to undergo medical imaging. Two weeks later, she was diagnosed with a bone infection that had spread to most of her body. Shawahneh's case shows the Israeli medical neglect of Palestinian women prisoners considering that a simple test ordered by her doctor took more than two months while an accurate diagnosis took more than six.

On the other hand, the women prisoners note the ill-treatment they receive at the hands of the prison doctors and nurses whose poor treatment is a testimony to the hatred and prejudice against Palestinians. When prisoners head to the clinics to receive their medication, they often return empty handed as the medical staff claim unavailability.

Women Prisoners Seek a Prison Library

In 2019, the women prisoners in collaboration with the Palestinian Commission of Detainees and Ex-Detainees Affairs filed court appeal no. 19/05/31677 requesting a prison library as there is a suitable vacant room in the prison.⁹³ The Commission of Detainees and Ex-Detainees Affairs based the appeal in article 21B of IPS directive no. 03/02/00 which states the prisoners' right to a prison library. The commission lawyer Yamen Zeidan

⁹³ The women prisoners noted in the appeal that there is a vacant room in Damon prison that could be used as a library. However, IPS refuses to obliged, finding the few shelves in the prison canteen enough for the prisoners.

notes that the appeal highlighted that the right to read is derived from the Israeli Basic Law on Human Dignity and Liberty.⁹⁴ Thus, continuing to violate the prisoners' right is politically motivated, rather than a legal matter as there is nothing in IPS directives preventing the women from establishing a prison library. The court rejected the appeal, noting that the prisoners do not have the right to tell IPS how to run the prisons, so they do not have the right to tell IPS how to utilize the prison rooms. On the other hand, the court invalidated the prisoners' request, claiming that Damon prison already houses a library, in reference to the few shelves in the canteen.⁹⁵

As for the canteen shelves, the women prisoners note that they are used for the canteen supplies and there is not enough room for both the supplies and their over 500 books. Currently, the prisoners store the majority of the books in carton boxes which leaves them vulnerable to humidity damage.

Women Prisoners Endure to Extreme Interrogation Conditions



They held me in a dirty cell infested with cockroaches and ants. The bathroom window overlooked the prison hallway so I couldn't even take a shower.

Hiba Al-Labbadi

Israeli forces deliberately subject Palestinian women prisoners to extreme interrogation conditions. Numerous prisoners have reported being held in either extremely cold or exceptionally hot dirty prison cells that lack proper ventilation and have insect infestations. Additionally, the rough texture of the cell walls makes it difficult for the prisoners to lean on. Moreover, the prisoners are threatened repeatedly during interrogation. Prisoner Hiba Al-Labbadi, a 32-year old Jordanian citizen, was arrested on 20 August 2019 from Al-Karamah border crossing on her way to attend a family wedding

⁹⁴ See Basic Law: Human Dignity and Liberty published on the Israel Ministry of Foreign Affairs website. Date of access: November 5th, 2019 via <https://mfa.gov.il/MFAAR/InformationaboutIsrael/GovernmentInIsrael/Pages/Human%20Dignity%20and%20Liberty.aspx>

⁹⁵ Interview with Yamen Zeidan, the Palestinian Commission of Detainees and Ex-Detainees Affairs' lawyer on November 10th, 2019.

in Jenin. Al-Labbadi was interrogated for almost a month in Petah Tikva interrogation center, and banned from meeting with her lawyer for 25 days. Al-Labbadi detailed the conditions of her arrest and interrogation in a meeting with Addameer lawyer, saying that she was interrogated for hours on end especially in the early days of her detention. Some interrogation sessions lasted from 7AM to 2AM. Furthermore, Al-Labbadi was cursed at and verbally humiliated, sleep deprived, as well threatened with prolonged administrative detention and preventing her from returning to Jordan. The Israeli authorities also claimed to arrest both her sister and mother to pressure her.



They gloated and made fun of me the whole time. When I asked why there were Israeli soldiers in my house, one officer said “we’re here to take you.” During the arrest, one officer kept videotaping me. When I asked why, he said “it’s for Facebook.”

Khalida Jarrar

Once interrogation ended and the military prosecution failed to produce evidence to charge Al-Labbadi, she was issued a six-month administrative detention order starting on 26 September 2019. This prompted her to go on a hunger strike for 42 days until the Israeli and Jordanian authorities reached an agreement to release her and fellow Jordanian prisoner who was also on hunger strike Abdel Rahman Mar'i.

On the other hand, Israeli forces once again arrested member of the Palestinian Legislative Council Khalida Jarrar in 2019. She had been released in February 2019 and was arrested again on October 31st when an Israeli army unit raided her house in Ramallah and detained her without an arrest warrant. Jarrar was interrogated before she was transferred to Hasharon prison. She recalls her transfer in a small military vehicle where she was held in an extremely narrow, cold and dark cell that leaves the detainee feeling enclosed in a dark box. The only source of light was small holes in the vehicle. Jarrar adds that upon arrival in Hasharon prison, she was searched and then held in a dirty prison cell.

Israel has legally pursued Jarrar long before 2019. Over the past few years, Jarrar, a prominent Palestinian political and social activist, was arrested multiple times due to the continuous Israeli efforts to arrest and obstruct political activists. The Israeli prosecution based its latest charges against Jarrar in her acceptance to hold a leadership position in an organization deemed unlawful, a repeated offense from her previous arrests. This report has previously noted that the Israeli military prosecution embellished the initial charge sheet against Jarrar by listing over 30 items. Following the first deliberations, the items were reduced to only two.



Name: Mais Abu Gosh

date of birth: 11 august 1997

Area of residence: Qalandia refugee camp,
Jerusalem

University major: Media studies, Birzeit
University

Arrest

Israeli forces arrested Mais Abu Gosh on 29 August 2019 during a night raid at her house in Qalandia refugee camp. At the time, Abu Gosh was awake studying for a test when she heard the front door break open and the rushing footsteps of Israeli soldiers in the house. The soldiers ransacked her house and confiscated several electronics. Abu Gosh was subjected to abuse and humiliated during her arrest and transfer to Al-Mascobiyeh interrogation center. One female soldier forced her to walk between a group of male soldiers who cursed at her in Arabic and Hebrew.

Extreme Interrogation in Al-Mascobiyeh

Abu Gosh was interrogated in Al-Mascobiyeh interrogation center for 30

days, of which she was banned from meeting with her lawyer for 25 days. Throughout her interrogation, Mais endured extreme and cruel torture techniques as she was subjected to military interrogation for three days, as well as sleep deprived and threatened with the arrest of her family, banishment outside of Palestine, and threatened with demolishing her family house for a second time.⁹⁶



Destruction of Abu Gosh household

Abu Gosh recalls the details of her interrogation, “they brought me into a very cold windowless room with harsh white lighting. There was a pile of blankets on the floor in the middle of the room. The room also had tables on the side; on top of one table there were metal handcuffs, a water jug, two packs of cigarettes, and athletic wrist wraps. They started the military interrogation with few questions. When I denied their claims, a female interrogator covered

my eyes with a black blindfold and slapped me on the left side of my face. I felt my face going numb and an electric shock run through my body

Furthermore, the Israeli interrogators subjected to Abu Gosh to extreme positional torture by forcing her into various cruel stress positions, including the banana position, against-the-wall position, squatting without leaning on the walls, as well handcuffing her hands behind her back in an upward position and bounding them to a table higher than her chair. Moreover, the interrogation techniques show the extent of the Israeli cruelty and inhuman treatment of Palestinian women prisoners as Abu Gosh was denied access to menstrual hygiene products and was only allowed to use the bathroom at the discretion of the interrogators regardless of her needs.

⁹⁶ Mais Abu Gosh’s mother and father were called into Al-Mascobiyeh interrogation center multiple times; on one occasion, they saw their daughter. Additionally, her brother Sulaiman Abu Gosh was arrested.



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Military Prosecution's Allegations

In reality, Abu Gosh's arrest aimed to pressure and extract confessions of other detainees. This became apparent when the military prosecution charged Abu Gosh with charges that deviated completely from the course of her interrogation. In the charge sheet against Abu Gosh, the prosecution noted her student union activism in Birzeit University, as well as accused her of "communicating with the enemy" due to nurturing a professional relationship with a Lebanese journalist. The Israeli authorities considered Abu Gosh's trip to Lebanon and communication with a Lebanese journalist in order to prepare a report on her brother, martyr Hussain Abu Gosh, a form of "communicating with the enemy."

The Israeli allegations fail to take into consideration that Abu Gosh is a student of media studies in Birzeit university. Thus, her participation in many activities and conferences stem from her work as a media student and future journalist. The report Abu Gosh made on her brother comes first and foremost as part of her professional journalism work that aims primarily to deliver the voice of the Palestinian people and show the world what they go through. Moreover, the report is voiced through a grieving sister so how can

97 Banana position: The detainee is bound sideways on the chair, with feet and hands shackled to the chair legs to prevent movement. The chest is pushed backwards and away at an obtuse angle to the chair which causes immense pain in the abdomen; all the while, the interrogators continue to apply pressure on the chest. The human body cannot hold this position for long, so the detainee falls back on the floor or on the knees of the interrogator sitting behind the detainee.

the military prosecution manipulate a Palestinian's effort to share her grief and pain of losing a family member into an illegal offense?

Thus, Abu Gosh's case shows how Israeli authorities often arrest and interrogate Palestinians on certain activities, but later file a completely different set of charges that deviate from the course of their interrogation. Abu Gosh was subjected to extreme torture technique only to be charged later with minor offenses. This begs the question: what was the real reason behind the military interrogation?



I tried to hug my daughter but she recoiled in pain. She told me: I cannot hug you; everything hurts.

Detainee Mais Abu Gosh's mother

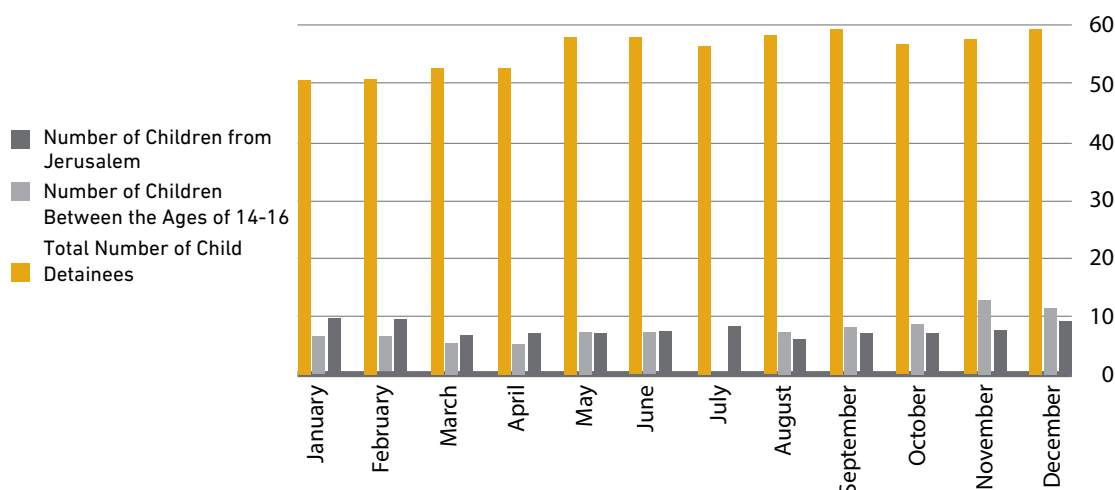
Child



Prisoners

CC: AIQUDS news Agency.

Israeli forces have continued to arrest Palestinian children, especially Jerusalem residents. In 2019, around 800 Palestinian children were arrested, including children under the age of 16. Child prisoners are held in three prisons: children from southern West Bank in Ofer prison, children from northern West Bank in Megiddo prison, and children from Jerusalem in Damon prison.



Number of Children Detainees in 2019

Additionally, Israeli forces place Palestinian children under inhuman detention conditions that do not meet the minimum standards of international guarantees of children's rights. The children are held in rooms that lack proper ventilation and lightening. Moreover, the children fall victims to IPS medical neglect, as well suffer from shortage in food and clothing, isolation and ill-treatment. Child prisoners are also punished with hefty fines, particularly children detained in Ofer prison where fines against child prisoners in March and April amounted to ILS78,000, and more than ILS60,000 in May alone.⁹⁸

Furthermore, 2019 witnessed an increase in Israeli intelligence calling in Palestinian children for questioning, primarily to terrorize them and pressure them to provide information on their families or other Palestinians. In an unparalleled precedent, Israeli authorities called in four-year old Moham-

⁹⁸ "Detainees' institutions: occupation authorities arrested (905) Palestinians during March and April," a report by Addameer Prisoner Support and Human Rights Association, the Palestinian Prisoners' Club, and the Palestinian Commission of Detainees and Ex-Detainees Affairs. Date of access: 6 February 2020 via <https://bit.ly/37MGA8B>

mad Alayyan and six-year old Qais Ubaid from Al-Issawiya neighborhood in Jerusalem,⁹⁹ along with their parents, for interrogation on allegations that the children threw stones at Israeli forces. Similarly, eight-year old Malak Sadar from Hebron and her parents were called in for questioning¹⁰⁰. These experiences fundamentally affect the children's relationship with their parents; interrogation can terrorize and take a lasting psychological toll on the children, so having the parents take their children into the interrogation centers can undermine the children's trust in their parents.

■ Children are not Safe from Attacks and Abuse

Child prisoners are not exempt from IPS attacks as children in Ofer and Megiddo were brutally attacked by the IPS special forces Metsada. On August 4th, 2019, Metsada units raided section 19 in Ofer prison (the child prisoners' section) and another adult prisoner's section. Metsada forces beat the children, pepper-sprayed them, handcuffed them, as well put many in isolation. Prisoner Usaid Abu A'di, an adult prisoner who was present during the attack on section 19, notes that Metsada forces raided the section, screamed at the children, and bound them in tight plastic handcuffs. The Israeli forces beat him with a baton on the head, back, and legs which left him in immense pain.¹⁰¹

■ Children under Administrative Detention

Israeli authorities continue to place Palestinian children under administrative detention. In 2019, four children were placed under administrative detention, including Sulaiman Abu Gosh, 17 years old from Qalandia refugee camp, who was issued two administrative detention orders in the same

⁹⁹ Detainees' institutions: occupation authorities arrested (615) Palestinians during July 2019," a report by Addameer Prisoner Support and Human Rights Association, the Palestinian Prisoners' Club, and the Palestinian Commission of Detainees and Ex-Detainees Affairs. Date of access: 8 January 2020 via <https://bit.ly/3a2KlZl>

¹⁰⁰ "Detainees' institutions: occupation authorities arrested (470) Palestinians during August 2019," a report by Addameer Prisoner Support and Human Rights Association, the Palestinian Prisoners' Club, and the Palestinian Commission of Detainees and Ex-Detainees Affairs. Date of access: 6 February 2020 via <https://bit.ly/2uXbZrP>

¹⁰¹ For more testimonies of prisoners who were attacked in Ofer prison, see the section on prison conditions in this report.

year. Israeli forces arrested Abu Gosh on 13 January 2019 for “incitement on social media,” as the prosecution claimed that Abu Gosh’s posts on social media platforms pose a threat to the Israeli public security and order. The military judge rejected the prosecution’s request to extend Abu Gosh’s detention, ordering his release on a ILS4000 bail. However, the prosecution requested additional time to issue an administrative order. On January 22nd, Abu Gosh was issued a 4-month administrative detention order and was released after serving it.¹⁰²

Nevertheless, Abu Gosh was arrested for a second time in the end of 2019, and was issued a 4-month administrative detention order starting on 14 September 2019. Abu Gosh’s first arrest was just before the annual anniversary of his brother’s death who was killed by Israeli forces. It was clear that this arrest was arbitrary in nature and that the prosecution’s attempt at building a legal case against him on charges of incitement on social media is nothing more than a fabrication. He was arrested the second time after he was called in for questioning, an effort by the Israeli intelligence to pressure his detained sister who was being interrogated at the time.

Abu Gosh was not the only Palestinian child placed under administrative detention in 2019. Israeli forces arrested Hafez Zayoud, 16-year old high school student from Jenin, on August 26th. He was issued a 4-month administrative detention order that was later reduced to three months after the defence appealed the original order. However, a few days before his release, Israeli forces issued a new administrative detention for a new three months. It should be noted that Zayoud’s arrest coincided with the new academic year which will affect his preparations and performance in the general secondary education certificate examination. Similarly, children Sulaiman Abdel Rahman and Nidal Amer were issued administrative detention orders in 2019.¹⁰³

102 Special profile on prisoner Sulaiman Abu Gosh by Addameer Prisoner Support and Human Rights Association, published on 20 February 2019. Date of access: 28 January 2020 via <http://www.addameer.org/prisoner/suleiman-abu-ghosh>

103 “Occupation routine, December 2019: Four teenagers held for months without trial” published on B’Tselem website on 6 February 2020. Date of access: 7 February 2020 via https://www.btselem.org/arabic/administrative_detention/2020009_four_teenagers_held_for_months_without_trial

Racist Court Rulings against Palestinians

Israeli authorities tend to overstate charges against Palestinians to raise their sentences. One prime example is the case of prisoner Rushdi Khatib, 19 years old from Hizma village near Ramallah. On 10 April 2018, Khatib, who was a minor at the time, was arrested on claims of throwing stones at an Israeli settler's car. Nevertheless, the prosecution charged him with attempted murder, claiming that Khatib and another child threw a large rock at a car which broke the windshield and injured the driver. This is another example of the racist Israeli policies in prosecuting Palestinian children. While Khatib was arrested for stone throwing, the prosecution overstated the offense to attempted murder that can carry a life sentence.

On the other hand, one can note the double standards in Israeli courts. While charges against Palestinians are overstated and house demolition orders are expedited, Israeli settlers are treated in a completely different fashion when committing crimes against Palestinians. Israeli courts are notorious for showing leniency towards Israeli criminals, like the cases of the Israeli settlers who set fire to child Mohammad Abu Khdeir and Al-Dawabsheh family, as well the Israeli settler who threw a rock at a Palestinian woman's car causing her death. For example, one of the defendants in Al-Dawabsheh family case entered a plea deal with the Israeli prosecution in which he confessed to conspiracy to commit murder in exchange of striking any direct involvement in planning the arson of Al-Dawabsheh house by claiming that he did not get to the house which makes it difficult to prove his intent to commit said crime.

The prosecution offered the deal even though Shabak had reliable information confirming the settler's involvement, along with another settler, in the arson and murder of Al-Dawabsheh family. The plea deal included no jail time for the settler on the charge of arson and stated that the defence will request the settler's release after serving three years in prison.¹⁰⁴ Similarly, the Israeli court rejected a request to order the house demolitions of the

¹⁰⁴ new released by the Palestinian Commission of Detainees and Ex-Detainees Affairs titled: "Plea Deal to acquit Dawabsheh's killer" official terrorism and public incitement for killing Palestinians

settlers who set child Mohammad Abu Khdeir on fire. The court justified its decision saying that house demolitions are part of an Israeli deterrence policy, and the court does not believe that “terrorism” is rampant in Jewish communities as it is in Palestinian communities, and as such does not see the need to demolish the houses of Abu Khdeir’s murderers. The court showed the same leniency to Al-Dawabsheh family’s murderers and numerous other cases.¹⁰⁵ Consequently, the double standards in Israeli courts contribute to creating two separate judicial systems that deal with Palestinians and Israelis separately. Persons before the courts are discriminated against on the grounds of their nationality and political association in line with a clear racist discriminatory policy. These double standards are fundamentally the result of two general prosecution branches, military and civilian. Palestinians are charged by military prosecution which is staffed by military personnel, unlike the civilian prosecution staffed by civilians.

■ **Jerusalem Children: Unjustified Repeated Arrests**

Jerusalem is the target of unrelenting Israeli violations as Israeli forces raid Palestinian neighborhoods in Jerusalem almost every day. Israeli forces consistently attempt to arrest Jerusalemite children as part of a systematic policy that aims to obstruct the children’s normal life. The frequency of the arrests that often coincide with school exams mostly halt the children’s education.

One example of this policy is the repeated raids, harassment, and arrests targeting the residents of Issawiye neighborhood in Jerusalem, especially the children. Mahmoud Al-A’war’s mother, whose son was arrested five times in Issawiye, notes that “if Mahmoud did nothing but sit on our doorstep, he was arrested.” On the other hand, Mahmoud recalls his most recent arrest when Israeli soldiers kept him in the waiting room of the Jerusalem police station for long hours, provoking him by preventing him from drinking water or using the bathroom. Al-A’war notes that the frequency of his repeated arrests made him leave school.¹⁰⁶

¹⁰⁵ Visit <https://www.middleeastmonitor.com/20170304-218204/>

¹⁰⁶ A field visit conducted by Addameer’s field research staff on 10 March 2019.

Child Prisoners in Ofer Prison¹⁰⁷

Living space in children sections

In the wake of the Israeli Supreme Court ruling on the living space allocated for every prisoner, the living space in Ofer prison was expanded. The children's section, Section 10, is divided into ten 3.5x7-meter rooms. Originally, each room housed 10 child prisoners, but once IPS started implementing the court ruling, each room now holds 6 children instead.

Educational and Cultural Life

The Palestinian prisoners' movement continuously strives to maintain a certain structure for the child prisoners. The child prisoners' representatives install educational and cultural programs based on the children's academic levels. The children participate in daily 45-minute classes in Arabic and Math, as well a weekly session to learn Hebrew. Moreover, the representatives prepare an extracurricular program where the children can learn new languages, as well attend literacy classes and sometimes religious meetings.

Yard Time

Not unlike the adult prisoners, child prisoners spend their yard time in a 22x8 meter yard. Prisoners are allowed in the yard sixty at a time.

TV

The child prisoners' representatives choose the TV stations that the children can watch. The channels, which are changed every six months, are exclusively Arabic with the exception of two Israeli channels: Channel 10 and Channel 13.

Red Cross

The International Red Cross regularly visits child prisoners in Ofer prison, around once every six weeks. The visits aim primarily to bring games into the prisons; however, some of these games are confiscated later on.

¹⁰⁷ Information in this section were obtained through an interview with released prisoner Lo'ai Al-Mansi, former child prisoners' representative in Ofer prison. The interview was conducted on 12 January 2020.

■ Child Prisoners in Damon Prison ¹⁰⁸

Education

IPS in Damon prison brings in teachers to give classes in Arabic and math to the child prisoners. However, this process is almost a formality as Arabic classes are incredibly elementary focusing on teaching the alphabet. The same can be said for the math classes that mainly teach basic mathematical formulas: addition, subtraction, multiplication, and division. As the educational process is severely subpar, the Palestinian organizational committee in the prison organizes an alternative educational program of training courses on various topics, including literacy, Palestinian history, spelling, character building, self-development, and others. Moreover, the children conduct group reading sessions where they read, summarize, and discuss books together.

Red Cross

The International Red Cross visits the child prisoners every three months, primarily to bring in games.

Canteen

Child prisoners buy 80% of their food out of pocket from the canteen since the prison administration fails to provide sufficient nourishment.

Punishment and Inspections

Child prisoners in Ofer, Megiddo, and Damon prisons are not spared from punishment and inspections. Former child prisoners' representative Durgham Al-A'raj notes that raids on the children's section in Damon are few and a far between, usually coinciding with thorough inspections of the section. Nevertheless, IPS imposes various forms of punishment on the children, including bans on visitation or solitary confinement for up to a week. Occasionally, IPS resorts to collective punishment like vandalizing and destroying the prisoners' property and the contents of the rooms.

¹⁰⁸ Information in this section were obtained through an interview with released prisoner Durgham Al-A'raj, former child prisoners' representative in Damon prison. The interview was conducted on January 8th, 2020.

Findings and



Recommendations

Addameer concluded the following key findings:

- The Israeli occupation resorts to physical and psychological torture, as well inhuman and degrading treatment against Palestinian detainees in order to weaken them and break their spirit. Such practices start at the arrest when Israeli forces often brutalize the detainees by handcuffing and beating them in front of their families. The degrading treatment escalates during interrogation when Palestinian detainees are subjected to various forms of torture, including physical assaults and beatings, positional torture, as well threats of arresting family members, house demolitions, administrative detention, as well revoking residency rights of Palestinian residents of Jerusalem.
- In 2019, the Israeli public continued to incite against the Palestinian prisoners in order to pressure the Israeli government to impose further restrictions, as well deny them of numerous rights that were labeled as “privileges.” One prime example is the continuous incitement against allowing the Palestinian prisoners to pursue higher education in prison.
- Throughout the year, Israeli forces escalated the use of Palestinian families as a leverage to further pressure the detainees, subjecting them to extreme psychological torture as they could be the possible cause of jeopardizing their family members and putting them in harm’s way. These practices are standard form of the Israeli collective punishment policy against the Palestinian community.
- In 2019, Israeli authorities used “incitement on social media” as a legal cover for widespread arrest campaigns, as well building cases against many prisoners when the Israeli prosecution failed to present adequate evidence against them.
- One Israeli policy that surged into the spotlight in 2019 is recasting the detention of Palestinians on charge sheets to administrative detention and vice versa. Throughout the year, Israeli authorities recast the files of dozens of Palestinian detainees.
- IPS special forces units launched numerous attacks against Palestinian prisoners in various prisons, like Naqab, Ofer, and Ramon prisons. These attacks left behind a trail of injured prisoners.

Recommendations

- Addameer recommends the urgent need to legally pursue and hold accountable the Israeli occupation for its crimes against the Palestinian people, including the continuous violation of the guarantees of a fair trial, administrative detention without a charge or trial for indefinite periods of time unbeknown to the detainees, as well crimes of torture that almost led to the death of prisoner Samer Al-Arabid in 2019.
- Addameer calls on the High Contracting Parties of the Geneva Conventions to uphold their obligation to ensure respect of the four Geneva Conventions, demanding them to compel Israel to abide by its obligations as the occupying power, as well uphold the four conventions in the occupied Palestinian territories and in all Israeli prisons in relation to Palestinian prisoners.
- Addameer recommends calling on the International Criminal Court to launch an immediate investigation into the Israeli systematic and public crimes against the Palestinian people that fall under the ICC jurisdiction, including crimes of torture, forcible transfers, extrajudicial killings, and arbitrary arrests.
- Addameer recommends the United Nations special rapporteurs and the Human Rights Council working groups to take on serious and immediate efforts to expose the Israeli crimes against the Palestinian people, as well hold Israel accountable for its crimes of torture against the Palestinian detainees during arrest, detention and interrogation, and the extrajudicial killing of Palestinian detainees during arrests. Furthermore, Addameer calls on the special rapporteurs and working groups to pressure Israel to uphold its responsibility towards the Palestinian prisoners, especially in terms of providing necessary health care and halting its medical negligence policy.

Annexes

Annex (1)

Affidavit by prisoner Abdullah Hmeideh on IPS attack in Naqab prison

Affidavit

I, the undersigned, Abdullah Sameer Abdel Aziz Hmeideh, born on February 23th, 1984, resident of Beitin town in Ramallah, and work as a carpenter, under penalty of perjury, state the following:

- I, released prisoner Abdullah Sameer Hmeideh, married with a son, was released from Naqab prison on 11 April 2019 after serving 20 months of administrative detention. I was arrested on 17 August 2017. I witnessed the recent attack in Naqab prison.
- On 24 March 2019, at precisely 9:30PM, prisoners in section (4) were moved to section (3) under the pretext of an inspection. We, the prisoners who were moved to section (3), were 98 prisoners. During the move, the other prisoners and I heard yelling in Arabic and Hebrew as there were 10 prisoners held somewhere between the two sections.
- At the time, we did not know what was happening. We later found out that an Israeli prison guard was stabbed during the move. We heard noises and the sound of Israeli forces attacking the guys that were being moved. We understood then that something happened so those who already got to section (3) crowded at the door to see what happened. That's when we knew about the stabbing so we all backed away from the door because we were certain that the special forces unit will soon raid the section and attack us. Right then, the Metsada unit opened the door and raided the section.
- The second the unit got into the section, they started firing a particular type of weapon we call Khartoush [shotgun]. They were shooting indiscriminately – left and right with zero consideration of where the bullet would land. All the prisoners, including myself, raised our hands and backed away to the other end of the section.
- At that moment, around 9:45PM I think, we backed away to the other end of the section. The section is made up of 7 tents and the yard, all of which

surrounded by a concrete wall. When I say we backed away, I mean we moved back from the entrance of the section to the very end, where the bathrooms, the canteen and the kitchen are located. Some of the prisoners told us not to do anything, especially since the Metsada unit was on high alert.

- We all decided against a confrontation, so we backed away with our hands in the air. Meanwhile, the Metsada unit advanced and a large number of Israeli soldiers entered the section. At the time, I counted about 50 soldiers of the unit other than the large number of soldiers we could hear moving and speaking outside the section. In this attack, both the Metsada and Keter units joined forces in great numbers for the attack.
- After we backed away, the unit advanced towards us. As prisoners, we know that the job of the Metsada unit is to subdue and hand over the prisoners to the prison guards for punishment or isolation. Unfortunately, this time the unit continued to advance with the clear intent to assault, beat, and harm us. Once the unit members were about a meter to two meters away from us, and others were right in front of us, they opened fire.
- Once the shooting started, we were all afraid so we ran to hide under the metal bed frames or behind the closets to take cover from the rubber-coated metal bullets. They were also firing something resembling a plastic bag that had metal pellets. We saw those after the end of the attack; they looked like small balls that would spread and injure a large number of prisoners when fired. They shot those at us directly. Some prisoners said that the Israeli forces used pepper spray but I personally did not see it. However, pepper spray leaves burn marks on the skin and I saw many prisoners with these marks.
- In those moments, I tried to hide under the bed frame. Initially, I was on top of it and I was shot with two bullets, one in the back and one in the shoulder. Naturally, I screamed out in pain. I hid under the bed after one Metsada soldier gestured something that I did not understand so I went under the bed in fear of being shot in the head next. The soldier then went around and came at me from the opposite direction and pointed his weapon at me. I stood up from under the bed raising my hands in the air and handed myself in. I found myself walking between the Metsada unit members who were subduing and handcuffing the prisoners. No one noticed me as they were busy with the other prisoners so I wasn't handcuffed, but I walked next to them with my

hands behind my back as if I were handcuffed until I got to the middle of the yard next to the handcuffed prisoners sitting on the ground. I threw myself down in the same position “kneeling” with my hands behind my back, knees on the floor and head bowed to the front.

- After three hours in the same position, I was afraid that the soldiers would notice me without any handcuffs and would beat me more. When it was time for a headcount, one member of the Keter unit noticed that I was not handcuffed so they brought a pair of plastic handcuffs and bound my hands in front of me quite tight. While I was in the yard kneeling after being handcuffed, I was exhausted because of the downward angle of my head so I lifted my head up a little. Immediately, I felt something strike the front of my head as one Keter unit member hit me with his boot to lower my head, leaving bruises and causing a lot of pain.
- Back to number 9 (of this affidavit), as I walked between the Metsada unit, the soldiers were jumping on each prisoner, placing his hands behind his back, and handcuffing them with handcuffs that were so painfully tight, the prisoners would not be able to feel their hands anymore. Once a prisoner was handcuffed, he was passed over to another Metsada member whose sole job was to beat us on the head with his hands or the unit-issued baton. Some prisoners were shot in the head while others were beat with batons during the handcuffing process. After the beating, a Metsada unit member would hand the prisoner over to the Keter unit, a special guards unit equipped with metal batons.
- The moment the Keter unit received a prisoner, the soldiers would drag him for around 1020- meters to the center of the yard while other soldiers lined up around him to beat him as he was being dragged. By the time the prisoner made it to the center of the yard, he was brutalized and beaten all over his body before being thrown to the ground, head first. With the prisoners' hands handcuffed behind their backs and unable to shield themselves, aggressively throwing them head-first to the ground left many with contusions in the head, nose and upper body. The prisoners were thrown to the ground in a barbaric manner; they threw the first prisoner on the ground, then threw the second prisoner on top of him. They piled the prisoners on top of each other.
- Even then, the battle was not over. In the middle of the yard stood the prison

guards and the Keter unit who piled us on top of each other, beat us, and yell “on your knees” in Hebrew (which not all the prisoners understood). Automatically, we would pull ourselves together and kneel. Once in that position, anyone who lifts his head up or speak was beaten with boots and batons. Of course, the physical assault was accompanied with a string of curses degrading our mothers, sisters, God, religion, and prophet.

- This continued for about half an hour until the Israeli special forces had all the prisoners under control. For a second, I thought that it was over and we will be moved back to our cells. Nevertheless, the prison guards, along with the Keter and Metsada units, circled us and started kicking us with their boot-clad feet. The boots had steel plates and they did not care where they hit us. Several prisoners were injured as a result.
- After that, they started lining us up for a headcount but continued to beat anyone who lifted his head or moved. This continued for another three and a half hours. While we were in the yard, it started raining very heavily, which posed a different kind of problem as our clothes got wet and we were all cold. We were so cold that we were shivering and could not feel our limbs anymore. The only silver lining was that the heavy rain and the cold helped stop the bleeding. If it did not, it was very possible that they would end up martyrs [dead].
- Almost half an hour later, one prison guard came over and told us in Hebrew that they wanted to take the injured prisoners to the hospital. They only transferred 11 prisoners from the first row, leaving behind around 50 other injured prisoners. There were around 82 prisoners who suffered head injuries; plenty of prisoners bled so much that blood pooled across the yard. They only transferred 11 prisoners to the clinic. This lasted for an additional three hours.
- After that, while we were still kneeling in the yard and our hands bound behind our backs in plastic handcuffs, they untied the plastic handcuffs and bound our hands in front of us with metal handcuffs instead. This was due to concerns that tightly handcuffing our hands behind our backs in the same position (on our knees, head bowed down and body tilting forward) for a prolonged time would cause paralysis.
- We were still in the same position at 4.30 in the morning. Having been forced

into the position around half an hour after the start of the attack, this means that by 4.30, the prisoners had been handcuffed in that position in the cold for around seven hours. At the time we felt suffocated because of the lowered angle of our heads. It was catastrophic. There were prisoners suffering from different health conditions (open heart surgeries, chronic illnesses, and shortness of breath). Some prisoners started suffocating so the Israeli unit would tilt them sideways without removing the handcuffs when they noticed. Of course, they did not stop hitting us the whole time. Even if they did not hit us with their equipment, a soldier would hit us with their feet or batons.

- After all that time, they lined the prisoners in a different manner. We thought the attack was over. They moved us one by one back into the tents. They had emptied the tents in section (3) of all their content, including the chairs, tables, mattresses, blankets, suit bags, radios, televisions, and kettles. The section was emptied completely, stripped down to the bare metal bed frames. Moreover, the Israeli forces raised the tents off the ground, exposing the inside of the tents to the cold outside. That was intentional for sure.
- I forgot to talk about one thing: the dogs. During the attack, when the prisoners were being beaten, dogs walked all over the prisoners thrown to the ground in the middle of the yard. Four prisoners say that the dogs urinated on them while they were handcuffed.
- Going back to the moment we were moved back into the tents, some prisoners who spoke Hebrew heard the unit commander give out instructions to cease the beating inside the yard because of the surveillance cameras. When we were taken back inside the tents, they came at us again away from the cameras. After they bound my hands in metal handcuffs in front of me, they handcuffed my right hand and foot to prisoner Saleh Al-Ja'bari's left hand and foot with metal shackles. They told me to stand up so Saleh and I could be moved into the tents, but we couldn't stand up due to the pain and numbness, so they dragged us. They had a dog with them as we approached the entrance of the tent. The dog was advancing towards us, jumping at us with his front legs resting on our bodies and growling at us. After that, as we neared the 10-centimeter high edge of the tent, one member of the Keter unit tripped me so both Saleh and I fell to the ground. Other Keter members started hitting and punching, as well stomping on our backs and stomachs. The beating continued until we got to the beds.

- The tents were out of the yard cameras' range. The Israeli forces would bring in the prisoners inside the tents two at a time, handcuffing the hands and feet of the two prisoners together with metal shackles. They only used the metal shackles at that stage. They dragged us because we couldn't walk due to the beating and the fact that our legs were completely numb after seven hours of sitting on the hard ground in the kneeling position. When we approached the 10-centimeter high edge of the tent, they would trip us and push us to the ground aiming for us to hit our heads on the metal beds. Many prisoners got injured that way. Every time we fell to the ground, they would order us to stand up. When we couldn't because of exhaustion, they would beat us again with their hands, feet and batons until they got us on the beds. They handcuffed some of the prisoners to the beds with handcuffs and shackles.
- This continued for some time until they changed their mind and untied the handcuffs to the bed. They left our hands and feet shackled as we sat on the beds, not allowed to move a muscle. This was despite the fact that both us and the beds were wet because of the rain. The metal beds were extremely cold while the raised tents allowed icy air inside. We were left freezing.
- At this point (while they were moving the prisoners back to the tents), they brutalized us to no end. A large number of the prisoners were assaulted with batons which resulted in new open head wounds and the previously injured prisoners were left bleeding again. Around 20 prisoners were hit in the face and eyes during the move back to the tents.
- Around 5.30AM, they left us to our own devices in our current state and locked the section. Of course, they were monitoring us the whole time they were leaving, yelling at any one who moved or sought a more relaxing position, and asking everyone to keep our heads down. Every once and a while, a Metsada unit would enter the section to monitor the situation until around 10.30AM when they usually perform the noon headcount. The section officer and the officer responsible for the headcount came into the tents and asked the Metsada unit to untie everyone. We had been in handcuffs for almost 13 consecutive hours, from 9.30PM to 10.30AM. They untied and counted us before we returned to our beds and they left. This marked the end of the attack but the start of a new kind of suffering.
- I want to go back and talk more about the Metsada unit. If you see them, they look just like special forces, in full military camouflage gear with knee pads

and full protective equipment, including large hats covering their necks as well. They are all masked and there is a light at the top of their hats. Even though the section was lit when they raided it, the lights on their hats were on. They carried hunting or light rifles and carried backpacks. The only one with a real heavy weapon was the unit chief.

- Even when the injured patients were transferred to the clinic, the prison guards lined up and hit the prisoners as they walked by, all the way to the clinic. A large number of the prisoners refused to go to the clinic so they wouldn't be assaulted again. This stemmed from the prisoners' similar experiences in prior attacks so a number of them feared being hit by the Keter unit members.
- Of course, the Givati army brigade interfered at one point. When the injured prisoners left the tents, this brigade would provide first aid. Givati is better than the Metsada because they do not assault the prisoners but only provide first aid. Naturally, there was a great number of prisoners who continued to bleed until the morning and there was no room to ask for medical assistance because of the attack carried out by the other units. However, when Givati saw that some prisoners were bleeding quite a lot, they transferred them in fear of their injuries becoming critical. Aside from that, the prisoner cannot ask for help in fear of being assaulted in the midst of the charged, tense situation.
- One prominent prisoner who sustained grave injuries and was almost beaten to death was Salman Masamleh. He was in the middle of the move between sections (4) and (3) and was close to the location of the stabbing. They brutally beat him on the head and all over his body with metal batons. He fell unconscious. Once he collapsed, they thought that he died so they covered his body with a blanket. The other prisoners saw him strewn near the entrance of the section. When the Metsada entered the section, one soldier stomped on his head back and forth with his boot-clad foot almost 40 times in front of all the nearby prisoners. Before the unit raided the section, they thought that he was dead but he was not; later on he was in a coma for two days in the hospital. Prisoner Uddai Salem was also close by. When he saw the attack on the prisoner who committed the stabbing, he attempted to defend him because he wasn't aware of the stabbing. In retaliation, he was beaten on the head and all over his body with metal batons causing multiple open head wounds and swelling in the face. Prisoner Islam Wishahi, who carried out the stabbing, was beaten almost to death all over his body with boots,

batons and other equipment. The prisoners said that his saving grace was the interference of the Givati brigade that pulled him away from the prison guards and the Metsada unit.

- Mahmoud Amarneh “Abu Islam” is another prisoner who was beaten with batons all over. Other prisoners saw the section officer sitting on top of him and brutally hitting him. Amarneh was hit repeatedly on the head and passed out; he was in a coma for one full day. Prisoner Abdel Kareem Abu Zarr was severely beaten in the same spot on the head with batons. He would pass out with each hit and wake up at the next. He did not slip into a coma but the hospital doctors said that the assault resulted in a hairline fracture in the skull and brain hemorrhage. He received treatment in the hospital for three days only before he was returned to the section. He was in a very bad shape as he couldn't move so we helped him move around because he was experiencing severe back pains, not to mention the marks and bruises on his face and head. Prisoner Jihad Al-Zaghal from Jerusalem was severely hit over on the head, leaving behind multiple open head wound and large lacerations that were each 67- centimeter long. He required stitches for those wounds.
- In addition, prisoner l'nad Barghouti, who was brutally hit on the head, sustained the most severe injuries. Prisoner Imad Abu Ayyash was beaten severely on the head, as well sustained a broken rib and a deep cut in the lip. Prisoner Ibraheem Bayadseh, who has been in prison for 34 years, was severely hit on the head, sustained a deep cut in the lip and his dentures were broken to pieces. He is an old man and he was transferred to the hospital on the first day. Prisoner Hashim Taha was not transferred to the hospital even though he sustained serious injuries. As a result of the assault, his entire face was swollen and discolored with bruises; his eyes were also swollen and he had a deep 5-centimeter cut over his eyebrow. They transferred Taha to the hospital on the third day. Prisoner Manaf Jbarah was beaten inside the tents after the assault in the yard; he sustained 6 deep wounds in the head due to severe beating with metal batons. His wounds were very deep. Prisoner Nidal Mish'al, the section spokesperson, took direct hits on the face that left his face mangled and unrecognizable. He was especially beaten because he was the spokesperson as they particularly targeted the section representatives, spokespersons and coordinators. These are the 12 prisoners who were transferred to the hospital either by ambulance or medical helicopter. There

were others but these were the most critical cases.

- Among the other prisoners are: prisoner Ammar Qazmour, the Islamic Jihad spokesperson in section (3) who was hit repeatedly in the face. He had black swollen eyes and his face looked deformed due to the excessive beating. Prisoner Jalal Ja'arah, the head of the Islamic Jihad in the prison, was also severely beaten. Prisoner Bassel Qutub was hit in the head, and sustained injuries near his eyes and had a broken tooth. Prisoner Khalil Abu Arram was beaten and he was hit by a "pellet" near his eye. When a Metsada member handcuffed him, another kept aggressively hitting him which broke his arm. Prisoners Qattawi and Nodal Adawin were also hit on the head and taken to the clinic. Prisoner Ramzi Al-Rajabi had broken fingers and teeth. Prisoner A'ref Bsharat had broken fingers. Prisoner Ameer Saloum sustained fractures of the lower jaw, teeth, and nose. Prisoner Ahmad Al-Saifi, the section chief representative, was shot three times from a meter away or at point blank and was hit with metal pellets in the abdomen and hip. He was also hit over the head and had various bruises. Prisoner Mohammad Hamayel was shot and hit with metal pellets in the hip, legs, eyes, and ears. Prisoner Nader Naser from Jerusalem was hit directly on the eye and was transferred to the hospital get his eyes cleaned because he had blood in them and couldn't see.
- There were more prisoners transferred to the clinic on the first day but I don't remember their names. However, in total the injuries were: 98 prisoners in the section were beaten and sustained bruises, 82 prisoners had head injuries, 37 prisoners had eye injuries, 47 prisoners were shot including in the head, 9 prisoners had broken teeth, three prisoners had fractures of the jaw, two prisoners had broken ribs, three prisoners had broken fingers, five prisoners had bruising in the chest area, and one prisoner had a broken nose. There were many back and hip injuries, as well numerous leg injuries due to the use of batons and ammunition. On the second, third, and fourth days after the attack, around 18 prisoners were transferred to the prison clinic and a similar number was transferred to Soroka hospital.
- For sure, the worst part was life after the attack. I just remembered something and I want to document it: after the initial 13 hours during which we were forced in the kneeling position and beaten; a number of prisoners requested to use the toilet but the prison guards kept refusing. This continued until just before they untied us. They allowed us to go the toilets two at a time since

each two prisoners were shackled together. It was humiliating. After 10:30AM on March 25th, they closed the doors and locked us in the section around 11AM, which meant that the whole section was transformed to cells that lack any basic necessities or living supplies. We only had the clothes on our backs. The section was isolated from the other sections so prisoners from the other sections were not allowed to visit us. The prison administration locked the section completely with us inside.

- That day, our clothes were wet with rain and blood. At first, we tried to dry our clothes to the point that some prisoners slept on the ground in the yard despite the cold weather to dry their clothes under the sun. By that time, the handcuffs were removed and we were locked inside the section in complete isolation. Naturally, we did not have any clothes to shower and change. We stayed like that until sundown. They brought food late that day after the headcount that usually takes place around 6PM. They brought in small cups of yogurt and few loafs of bread. We didn't eat a lot because we were exhausted and because the administration gave us very little food. It should be noted that the only available water in the section was tap water.
- We continued asking for soap and clothes well into the night. That second day, 25 March 2019, was an extension of the attack as they left us without anything in the section. They didn't give us basic necessities like hygiene products and clothes. At the 11AM headcount, the prison guards once again entered the section with a special forces unit who were screaming and cursing in anger. The prisoners were afraid of a new attack. Even though some prisoners were not able to move, we helped each other to stand in full numbers for the headcount. When they came back for the 6PM headcount, they entered in the same manner, screaming and spewing the same curses. Naturally, the prisoners were not in any condition to respond out of exhaustion and fatigue.
- That day, the prison administration left us without basic life necessities. Some prisoners tried to sleep on the metal beds without pillows or blankets. During the day, we slept on the yard ground under the sun. At night, we moved back inside the tents. It was very cold and our clothes were not completely dried. The beds were metal, so very cold, and we didn't have blankets or even mattresses. Some of us spent the night on the ground while others on the beds. Another group of prisoners slept in the kitchen, a caravan located inside the section near the tents and the yard. Some slept on the canteen shelves.

That night was very cold. In the kitchen we found out that the administration did not take away the small over that we use to heat the food, so we turned it on and slept there; around 50 prisoners slept in the 4.5x3 meter kitchen. It wasn't comfortable. This is how we spent the first, second and third days.

- On the third day, March 26th, we showered and changed our clothes among each other. Some prisoners were wearing 2 pants so a prisoner would lay out one in the sun and wear the other. On the fourth day, March 27th, the administration brought us underwear and small towels, the latter of which we didn't use because they were extremely small. That day, they gave us two small blankets; we slept on one as a makeshift mattress and used the other for cover at night. Despite all of that, we couldn't get warm at all. We all left the tents and went to sleep in the canteen.
- On the fifth day, March 28th, they brought back the mattresses. For every mattress they gave to a prisoner, they took away one of the blankets. The decision to bring in the mattresses was the result of the pressure by political parties. As for the food, they brought us the basic types of food that the administration provides. The section was in complete isolation; we did not have a radio or a TV, our representatives could not leave or communicate with anyone, and we were not allowed lawyer visits or anything of the sort. On this day, they noticed that some prisoners were still injured so they transferred them to the clinic. Back to the food, they served us two meals, in the morning and the evening; the portions were small in comparison with our numbers. We asked for toothpaste, they gave us a small tube without toothbrushes. For the first three days, they only gave us one bar of soap and one bottle of shampoo for the entire section. After the representatives objected to all of this, the administration started giving us larger portions of food and more hygiene products. However, the rice and the chicken were only half cooked.
- It should be noted that the type and quality of food after the attack were different from before. Before the attack, the prisoners were provided with two types of food. The first kind is the "administration-provided food" which is raw meat or chicken that the prisoners themselves cook in the section. The other type was the "prisoners' food" which includes additional quantities of meat, vegetables, fruits, and other assorted kinds that the prisoners buy out of pocket. This prisoners' food also includes frozen and canned food. However, after the attack, the administration only provided small quantities

of food that was not fully cooked. Of course, the canteen was closed and void of any food supplies.

- In the first ten days, life was unbearable. They withheld meat, fish, and fruit. The canteen was closed and empty; no coffee, sugar or tea. After negotiations, they started to gradually bring in food. On the 18th day, they brought in two kettles and two hot plates that were still there by the time of my release. As for clothes, we wore the same clothes until the 19th day after the attack, including the same underwear. We used to wash them with water and a little soap. On the fifth day, they brought us IPS shirts. We used to take off our clothes, wash them and wait until they dry but they were still not clean. There is something important I want to add: on the second day after the attack, they cleaned all the evidence to cover up their crime. They came into the section and got rid of all the plastic handcuffs and metal pallets that were left on the floor after the shooting. They swept the floor and cleaned the dried blood. They also isolated us to prevent us from communicating with anyone else.
- As for the headcount, 15 prison guards accompanied by 15 soldiers of the Keter unit would enter the section at the time of the headcount in armory and helmets. The counting officer would stand in the middle in fear of being attacked by the prisoners. They were also wearing something around their necks. The prisoners would line up in rows of 12. When they were done counting a row, they would ask the prisoners to move to the back until they finish counting everyone and leave.
- This is what happened during the attack. The details are very painful, whether in terms of the living conditions or injuries. Even today, I personally still suffer from the ramifications of the attack after my release. My symptoms include constant numbness and tingling around my thumbs because of the metal handcuffs; the doctor told me that I sustained nerve damage because of tight the handcuffs which will require more time to heal. I underwent medical imaging of my back that showed I was suffering from early stages of a slipped disk. Additionally, I have a lasting earache and I have been hearing a constant ringing in my ear since the attack.

**I hereby declare that the above statement is true, signed on 21 April
2019**

Annex (2): Prisoner Rami Fakhouri Profile



Name: Rami Saleh Deib Fakhouri
Date of birth: 8 November 1990
Age: 28 years
Place of residence: The Old City, Jerusalem
Marital status: Married
Occupation: Islamic studies teacher
Date of arrest: 14 December 2018
Prison: Megiddo
Legal status: 6-month administrative detention

Arrest and Legal Pursuit

Before Fakhouri's arrest, he received multiple threats of arrest from the Israeli intelligence and police. While in the midst of his own wedding preparations, one of Fakhouri's friends relayed a threat from an Israeli officer. The officer had said, "We have prepared a little surprise for Rami's wedding." Indeed, a week before his wedding, he was arrested and transferred to Al-Mascobiyeh interrogation center for three days. He was interrogated on mundane issues, and Fakhouri recalls that the interrogators did not clarify any particular suspicions. He was later released. The day after his wedding, the Fakhouri family was shocked to see Israeli websites buzzing with Hebrew articles inciting against Fakhouri and his late father in law, martyr Mesbah abu Sbeih. Two days later, video reports that included footage of the wedding, along with pictures of Fakhouri himself and his father in law that were broadcast on the Israeli media outlets. After the reports and the accompanying incitement campaign, Israeli forces started arresting the wedding attendees. Among the first arrested was the wedding photographer; all footage of the wedding was confiscated. Moreover, Israeli forces raided around 20 houses, including Fakhouri's but he was not home at the time, so they arrested his father and released him in the morning. The other arrested attendees remained in detention on allegations of supporting an organization deemed unlawful.

On Friday 14 December 2018, less than a month after his wedding, Fakhouri was surprised to notice a car following him. Another vehicle suddenly

appeared in front of him as members of Israeli special forces surrounded his car. They rushed him, opened the door, forced him to cut the engine, took the keys and ordered him out of the vehicle. He was searched before his hands were bound in metal handcuffs in front of him; his feet were also shackled. He was led into the special forces vehicle while his car remained in the street.

Interrogation

Fakhouri was transferred to Al-Mascobiyeh interrogation center. Upon his arrival, he was thoroughly inspected and all his possessions were confiscated. He was placed in a room with detainees that had attended his wedding. Interrogation started the following day and continued for 10 days, during which the interrogators took turns abusing and threatening him. The interrogation focused on his wedding celebrations as part of “a hostile organization” activities. The interrogators played some of his wedding footage, which was the first time Fakhouri saw the tape. They claimed that Hamas flags were flying in the wedding, and that the songs played at the wedding were inciting and in support of “an organization deemed unlawful.” The interrogators told Fakhouri that his father, sister, and wife were all arrested. It later became clear that it was a lie - nothing more than a threat to pressure and provoke him.

Legal Status

The majority of the detained wedding attendees were released days later, but the Israeli authorities extended the detention of Fakhouri and three other young men. The prosecution filed a charge sheet against the latter three that included “support of an organization deemed unlawful.” However, the judge decided in the same hearing to release them until the end of the legal proceedings.

As for Fakhouri, he was charged with “support of an organization deemed unlawful.” In the hearing, the magistrate court judge stated that “democracy is protected in Israel and flying flags is not illegal,” adding that the suspicions were not enough to charge him. The judge ordered Fakhouri’s release on an ILS6000 bail provided that he follows his case and attend the court sessions. Moreover, Fakhouri was ordered to leave Jerusalem for 10 days. As Fakhouri’s family was preparing to post his bail, they were surprised with a renewable 6-month administrative detention order against

him issued by the Israeli Minister of Defense Benjamin Netanyahu.

In the court hearing to uphold the administrative detention order, Shabak claimed that Fakhouri's marriage rendered him more dangerous as he married the daughter of a Palestinian martyr Mesbah Abu Sbeih. The district court judge ruled in favor of upholding the administrative detention in its entirety. The detention order was appealed all the way to the Supreme Court which rejected the appeal and upheld the order in its entirety, citing confidential material (a secret file).

Administrative Detention Overrules Israeli Judges

Israeli authorities undoubtedly resort to arbitrary administrative detention when they fail to present evidence in support of allegations against Palestinian detainees. There are numerous cases where administrative detention orders are issued after the prosecution fails to charge the Palestinian detainees or after the judge orders the release of the detainees on bail. The prosecution claims that the detainee poses a security threat according to secret material not disclosed to the detainee or his lawyer.

Administrative detention orders, like the one against Fakhouri, show that the rule of Israeli judges is symbolic at best. In various legal systems, a judge exercises judicial discretion in cases brought before him. The judicial discretion grants the judge the power to decide on the level of danger a defendant poses, if any. Consequently, the judge has the authority to order the release or detention of a defendant. However, in the Israeli judicial system, as shown particularly in Fakhouri's case, the judge possesses no authority. When the Israeli judge decided to release Fakhouri on bail, the executive branch, represented by the Minister of Defense, intervened against the judge's orders. Even though the judge studied Fakhouri's case and decided to release him, the Minister of Defense overruled his decision and decided to extend his detention. What makes this worse is that the judge claimed that democracy is protected in Israel as he ordered Fakhouri's release, only to have the administrative detention order publicly thrown in his face at the end of the same court session, asserting the racist prejudice of the Israeli state and exposing the arbitrary abuse of power in the use of administrative detention as a tool of punishment and injustice in violation of international conventions. Article 78 of the Fourth Geneva Convention states that "if the Occupying Power considers it necessary, for imperative reasons

of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.” There was no imperative reason of security in Fakhouri’s case that would warrant his administrative detention, aside from him simply practicing his right to freedom of expression and marrying the woman of his choice.

Furthermore, the Israeli authorities and media’s incitement campaign against Rami, particularly through confiscating and featuring his wedding video across media platforms, stands in violation of international conventions, particularly article 17,¹⁰⁹ of the International Covenant on Civil and Political Rights. Moreover, by establishing a link between Fakhouri’s marriage and the “level of danger” he poses, the Israeli authorities violate a person’s right to marriage and family, as well as a family’s entitlement to protection by society and the state as guaranteed in the International Covenant on Civil and Political Rights.¹¹⁰ The Israeli authorities punished Fakhouri and subjected him to arbitrary arrest because of his choice of a life partner as Shabak stated in the court hearing to uphold the administrative detention order. Fakhouri’s case shows the prolific Israeli violations of the basic rights of Palestinian detainees like the right to freedom of expression and the right to marry. Additionally, it sheds light on the symbolic role of the Israeli judges and the extent of the executive power’s dominance over the judicial system. The courts submit to the executive branch’s decisions and orders, citing secret files that primarily infringe upon basic human rights that ought to be protected according to the judge who proclaimed Israel’s democracy; however, these rights are further violated instead.

Pursuit and Abuse after Release

During Fakhouri’s administrative detention, his wife was banned from seeing him while his parents were only able to see him twice due to a periodical ban on visitation. Fakhouri was released on June 20th, 2019, albeit his release did

¹⁰⁹ Article 17 - 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks.

¹¹⁰ Article 23 - 1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. 2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

not stop the Israeli authorities from arresting and interrogating him against mere hours later. He was called in for questioning several times, the latest of which was on Monday 23 September 2019. The continuous Israeli pursuit of Fakhouri after his court-sanctioned release shows the Israeli intention to terrorize and further the abuse against him and his family. This is just another addition to a long string of Israeli violations against Palestinian prisoners, their families, and released prisoners.

Annex (3)

From Student Council President to Administrative Detention

Shatha Hasan: A University Student under Administrative Detention



Name: Shatha Majed Abdel Majid Hasan
Date of birth: May 17th, 1998
Area of residence: Deir as-Sudan, Ramallah
Marital status: Single
Occupation: Fourth-year student in Birzeit University
Prison: Damon
Legal status: Administrative detention

Arrest and Interrogation

An Israeli army unit raided Shatha Hasan's house in Ramallah around 2AM on 12 December 2019. After they identified her, she was thoroughly searched and her hands were bound in metal handcuffs in front of her. She was transferred to Binyamin detention center where she was blindfolded and led into a room; she was left handcuffed and blindfolded in the room for hours before she was transferred to Ofer prison. Upon her arrival, she was led straight into a very cold cell with walls rough to the touch and poor lighting. The cell did not have any ventilation nor a toilet.

Hasan was moved to the interrogation room where she was interrogated on student activities for two hours. She was later transferred in the prison transfer vehicle to Hasharon prison where she suffered through poor incarceration conditions. The toilets inside the rooms overflowed when the

shower was running, while the rooms next to her held civilian prisoners that kept making a loud ruckus.

Administrative Detention

The first court session took place on 15 December 2019 in Ofer military court; Hasan received a 48-hour detention extension to issue an administrative detention order. On December 18th, the military commander issued her a 3-month administrative detention order ending on 11 March 2020 on allegations of being an active member of the Islamic Bloc in Birzeit University. The order can be renewed indefinitely.

In the court hearing to uphold the detention order, the military judge claimed that Hasan is a student activist with financial ties to Hamas. The judge stressed that organizational activities cannot be separated from military activities, basing his ruling in a previous Supreme Court ruling no. 6404/08 that stated “there is no separation between military activities and organizational activities within an organization deemed unlawful.” In Hasan’s hearing, the judge claimed that her organizational activities pose a threat to the security of the region, upholding the administrative detention order against her in its full duration.

After serving the administrative detention order, the Israeli authorities renewed her detention for three more months that can be renewed indefinitely. She is scheduled to be released in June of 2020.

Organizational and Union Activities vs. Military Activities

Shatha Hasan is the president of the student council in Birzeit university, a model of the strong Palestinian woman who pursues her academic career in parallel with her union activism in defence of students’ rights.

It goes without saying that Israeli authorities continuously seek to restrict the Palestinian people’s right to freedom of expression. For long, Palestinian political parties and their student blocs have been deemed “unlawful organizations” by military orders. Article 238 of military order no. 1651 defines an organization deemed unlawful as “a person or any group of persons whose aim it is to harm public security, IDF forces or the public order in Israel or in a held region.” Since the start of the Israeli occupation in 1967, the Israeli Ministry of Defense outlawed 411 organizations, including the main Palestinian political parties, deeming them “hostile,” “unlawful”

or “terrorist.”¹¹¹This effectively prohibits Palestinians from practicing their right to political association, as well the right to freedom of expression and beliefs. In Hasan’s case, the Israeli authorities were unable to file a charge sheet based on the suspicions against her, so in return they placed her under administrative detention without a charge or trial in a clear violation of an individual’s fundamental right to association and freedom of expression.

The broad definition of an organization deemed unlawful in the military orders coincides with the Israeli systematic oppression of the Palestinian people. In the Israeli narrative, freedom of association and the right to form organizations jeopardize the security of the region, which is parallel to the Israeli continuous efforts to ban all Palestinian attempts to exercise freedom of expression, freedom of association and the right to assemble.

The Israeli judicial system’s perception of student activism, deeming it inseparable from military activities, is a stark violation of the International Human Rights Law, especially the protection of the rights to political association and union activities, as well the right to freedom of opinion and expression, which includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.¹¹² This perception held by the Israeli military prosecution and judges fundamentally refutes Israel’s claim of democracy as it continues to arbitrarily detain students for exercising their right to engage in student union activities. Furthermore, it reflects the true nature of the Israeli occupation that tirelessly aims to oppress the Palestinians in any shape or form, imposing restrictions that prohibit the Palestinians from exercising their basic human rights protected in international conventions.

Student union activism is a form of peaceful activity that cannot be compared to military activities. Human Rights Watch documents cases with no call to violence, as well as cases in which the army equated “opposition to its occupation with incitement to violence without showing that the expressive activity was meant to cause violence or was understood by others in that way.”¹¹³This means that the Israeli authorities broadly use the power of

111 Human Rights Watch, “Born Without Civil Rights: Israel’s Use of Draconian Military Orders to Repress Palestinians in the West Bank”. 2019.

112 Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

113 Human Rights Watch – previous reference (7)

military orders without examining the nature of the activities or whether they fall under an individual's right to join and form organizations, and the right to political association.

Shatha and Her Family

Almost one month after Hasan's arrest, Israeli special forces raided her house in Deir as-Sudan and arrested her brother Abdel Majid Hasan, depriving the family from one more member. The siblings' arrests add to the Hasan family's long history of pain and sacrifice. Shatha's father is a former prisoner who had been incarcerated in Israeli prisons for 10 years, most of which under arbitrary administrative detention orders. Additionally, her mother is a former prisoner who suffered through her own experience of interrogation and detention.

Tasneem Hasan describes the family's first meeting with her sister Shatha in the court room, "I asked her if she was cold. She laughed and made a 'so-so' gesture with her hand. My mother asked her if she had eaten, and she said 'a little.' Shatha usually doesn't eat a lot so I'm sure her 'little' meant one bite. I asked her again, 'Shatha, did they give you back your jacket?' and she said, 'No, because it has a hoodie.' I told her, 'prison is cold, Shatha.' She smiled and said '...very cold'."

Annex (4)

List of Prisoners who went on hunger strike in 2019

Name	Area of Residence	Date of Birth	Date of Arrest	Start date of hunger strike	End date of hunger strike	Reason of hunger strike
Hussam Al-Razzeh	Nablus	20/9/1958	17/4/2018	19/3/2019	1/5/2019	Administrative Detention
Khalid Farraj	Dheisheh Refugee Camp, Bethlehem	28/6/1988	24/1/2018	26/3/2019	25/4/2019	Administrative Detention
Mohammad Tabanjah	Nablus	18/10/1980	28/6/2018	26/3/2019	1/5/2019	Administrative Detention
Odeh Al-Haroub	Deir Samet, Hebron	22/6/1986	2/12/2018	2/4/2019	22/5/2019	Administrative Detention

Hasan Al-A'wiwi	Hebron	12/2/1966	15/1/2019	2/4/2019	9/6/2019	Administrative Detention
Mohammad Al-Haymouni	Hebron	35 years old	25/2/2019	27/3/2019	8/5/2019	Administrative Detention
Mohammad Mateir	Qalandia refugee camp	3/3/1987	12/1/2019	21/4/2020	-	Administrative Detention
Salim Rjoub	Hebron	48 years old	1/1/2018	24/4/2019	18/5/2019	Administrative Detention
Tha'er Bader	Beit Liqya, Ramallah	43 years old	-	18/5/2019	-	Administrative Detention
Bassam Abu Akr	Aida refugee camp, Bethlehem	56 years old	27/7/2017	21/5/2019	28/5/2019	Administrative Detention
Ahmad Al-Haroub	Dura, Hebron	30 years old	21/5/2019	21/5/2019	5 days	His arrest
Ja'far Izzeldin	Jenin	7/7/1971	1/2019	16/6/2019	24/7/2019	Administrative Detention
Ehsan Othman	Beit 'Ur, Ramallah	21 years old	13/9/2018	16/6/2019	9/7/2019	Administrative Detention
Ahmad Omar Zahran	Deir Abu Mash'al, Ramallah	5/4/1976	28/2/2019	23/6/2019	24/7/2019	Administrative Detention
Mahmoud Al-Fasfous	Dura, Hebron	29 years old	2/8/2018	20/6/2019	4/7/2019	Administrative Detention
Kayed Al-Fasfous	Dura, Hebron	30 years old	1/8/2018	20/6/2019	4/7/2019	Administrative Detention
Ghadanfar Abu Atwan	Dura, Hebron	26 years old	13/8/2018	20/6/2019	4/7/2019	Administrative Detention
Abdel Aziz Sweiti	Dura, Hebron	30 years old	5/7/2018	20/6/2019	4/7/2019	Administrative Detention
Sa'ed Al-Nammura	Dura, Hebron	27 years old	10/6/2019	20/6/2019	4/7/2019	Administrative Detention
Fadi Al-Haroub	Dura, Hebron	27 years old	-	2/7/2019	10/7/2019	Administrative Detention
Mohammad Abu Akr	Dheisheh refugee camp, Bethlehem	29/7/1994	1/11/2018	1/7/2019	5/8/2019	Administrative Detention
Huthaifa Halabiye	Abu Dis	7/5/1991	10/6/2018	1/7/2019	5/9/2019	Administrative Detention

Mustafa Al-Hasanat	Dheisheh refugee camp, Bethlehem	11/6/1998	5/6/2019	1/7/2019	5/8/2019	Administrative Detention
Fida' Da'mas	Dura, Hebron	15/9/1994	29/5/2018	4/7/2019	9/7/2019	Administrative Detention
Hasan Al-Zaghari	Dheisheh refugee camp, Bethlehem	13/10/1994	9/7/2018	10/7/2019	27/7/2019	Administrative Detention
Ashraf Al-Zaghari	Dheisheh refugee camp, Bethlehem	2/9/1992	8/9/2018	10/7/2019	-	Arrest Administrative Detention
Muneir Zahran	Deir Abu Mash'al, Ramallah	31 years old	-	10/7/2019	5 days	Arrest Administrative Detention
Jamal Al-Tawil	Al-Bireh	-	-	-	5 days	Administrative Detention
Sultan Khalaf	Bruqin, Jenin	27/2/1981	7/7/2019	18/7/2019	22/9/2019	Administrative Detention
Muneir Abdel Jalil Adel Jabbar Al-A'bed	Kobar, Ramallah	22/9/1997	18/2/2019	24/7/2019	Ended his hunger strike days later in exchange of limiting his administrative detention	Administrative Detention
Hamza Awwad	Kobar, Ramallah	28 years old	5/2/2019	24/7/2019	Ended his hunger strike days later in exchange of limiting his administrative detention	Administrative Detention
Isma'el Ahmad Khalaf Ali	Abu Dis	9/3/1988	12/1/2019	21/7/2019	12/11/2019	Administrative Detention
Ahmad Ghannam	Dura, Hebron	7/5/1977	18/6/2019	14/7/2019	23/10/2019	Administrative Detention

Hassan Awwad	Ethan, Hebron	21 years old	23/4/2019	23/7/2019	-	Administrative Detention
Wajdi Al- Awawdeh	Dura, Hebron	20 years old	4/2018	29/7/2019	28/8/2019	Administrative Detention
Tareq Qa'dan 926208422	Arraba, Jenin	46 years old	23/2/2019	31/7/2019	27/10/2019	Administrative Detention
Naser Al-Gada'	Burqin, Jenin	9/10/1988	4/7/2019	7/8/2019	18/9/2019	Administrative Detention
Tha'er Hamdan 851449447	Beit Sira, Ramallah	30 y/o	16/6/2018	12/8/2019	19/9/2019	Administrative Detention
Fadi Al-Haroub	Dura, Hebron	27 y/o	5/9/2019	13/8/2019	4/9/2019	Administrative Detention
Hammam Abu Rahma	Beit Rima	-	-	18/8/2019	29/8/2019	Administrative Detention
Mus'ab Hindi	Till, Nablus	29 y/o	4/9/2019	24/9/2019		Administrative Detention
Ahmad Omar Zahran	Deir Abu Mash'al, Ramallah	5/4/1976	28/2/2019	23/9/2019	12/1/2020	Administrative Detention
Hiba Al- Labbadi	Ya'bad, Jenin	32 y/o	20/8/2019	24/9/2019	4/11/2019	Administrative Detention
Nour Al-Deen Shahrouri	Nablus	-	-	15/6/2020	-	In protest of the detention conditions in Petah Tikva
Muhye Al-Deen Shahrouri	Nablus	-	-	22/3/2020	-	In protest of the detention conditions in Petah Tikva

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. in Human Rights. Established in 1992 by a group of activists interested in human rights, the center offers free legal aid to political prisoners, advocates their rights at the national and international level, and works to end torture and other violations of prisoners' rights through monitoring, legal procedures and solidarity campaigns.

Addameer 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 of the Palestinian Non-Governmental Organization Network (PNGO), the Palestinian Human Rights Organizations Council (PHROC), World Organization Against Torture (OMCT), the Regional Coalition against the Death Penalty, the International Coalition against torture and many other regional and international coalitions.


Addameer's Vision:


Addameer believes in the importance of building a free and democratic Palestinian society based on justice, equality, rule of law and respect for human rights within the larger framework of the right to self-determination. Addameer's work is based on a belief in the universality of human rights as enshrined in international law.

Addameer's Goals:

- Put an end to torture and other forms of cruel, inhuman and degrading treatment inflicted upon Palestinian prisoners and work on abolish the death penalty;
- Put an end to arbitrary detentions and arrests and guarantee fair, impartial and public trials;
- Support political prisoners and their families 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.

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