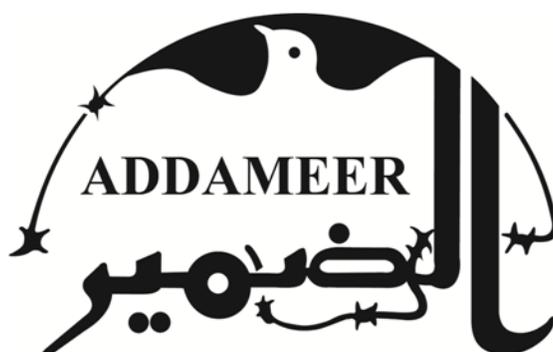


# **Palestinian Political Prisoners in Israeli Prisons**



**Addameer Prisoner Support and Human Rights Association**

**January 2014**

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## About Addameer

*Addameer Prisoner Support and Human Rights Association (Addameer) is a Palestinian non-governmental human rights civil institution that focuses on political and civil rights issues in the occupied Palestinian territory, especially those of prisoners. Established in Jerusalem in 1992 by a group of activists and human rights advocates, Addameer offers support to Palestinian prisoners and detainees, advocates for the rights of political prisoners, and works to end torture and arbitrary detention and to guarantee fair trials through monitoring, legal procedures and advocacy campaigns.*

## Palestinian Political Prisoners in Israeli Prisons

### Overview

Since the Israeli occupation of Palestinian territory in 1967,<sup>1</sup> more than 800,000 Palestinians have been detained under Israeli military orders in the occupied Palestinian territory (oPt). This number constitutes approximately 20 percent of the total Palestinian population in the oPt and as much as 40 percent of the total male Palestinian population. It also includes approximately 10,000 women jailed since 1967, as well as 8,000 Palestinian children arrested since 2000.

As of 1 of December the number of Palestinian political prisoners and detainees is 5,033, spread around 17 prisons, four interrogation centers and four detention centers.<sup>2</sup> All but one of the prisons are located inside Israel, in direct contravention of Article 76 of the Fourth Geneva Convention, which states that an Occupying Power must detain residents of occupied territory in prisons inside the occupied territory. The practical consequence of this system is that many prisoners have difficulty meeting with Palestinian defense counsel and do not receive family visits as their relatives are denied permits to enter Israel on “security grounds”. Out of the total number of political prisoners detained in Israel, 16 are female and 173 are children (16 of whom are from the age of 16). This figure also includes 14 Palestinian Legislative Council members, 145 administrative detainees, held without charge or trial and 395 prisoners from the Gaza Strip who until relatively recently were largely denied access to family visits since June 2007.

The arrest and detention of Palestinians living in the oPt is governed by a wide-ranging set of military regulations that govern every aspect of Palestinian civilian life. These military orders provide for a wide range of offenses divided into five categories: “Hostile Terrorist Activity”; disturbance of public order; “classic” criminal offenses; illegal presence in Israel; and traffic offenses committed in the oPt. The practical implication of these broadly-defined offenses is the criminalization of many aspects of Palestinian civic life. For example, the political parties that comprise the Palestine Liberation Organization (PLO) are still considered “illegal organizations” even though Israel has been engaged in peace negotiations with the PLO since 1993. Carrying a Palestinian flag is also a crime under Israeli military regulations. Participation in a demonstration is deemed a disruption of public order. Pouring coffee for a member of a declared illegal association can be seen as support for a terrorist organization.

### Interrogation, torture and ill-treatment

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<sup>1</sup> Addameer operates under the legal assumption that the West Bank, East Jerusalem and the Gaza Strip comprise the occupied Palestinian territory (OPT), which Israel has held in belligerent occupation since 1967.

<sup>2</sup> Addameer defines as “political prisoners” those prisoners detained in relation with the occupation, as opposed to detainees suspected or convicted of crimes/offenses unrelated to the occupation, as adopted in the Report of the UN Fact Finding Mission on the Gaza Conflict, A/HRC/12/48, 15 September 2009, para. 1434. For the purposes of this document, “prisoners” refers to persons who have been held in prison custody – remandees or convicts. “Detainees” refers to persons held prior to indictment or under administrative detention orders.

A Palestinian detainee can be interrogated for a total period of 90 days, during which he/she can also be denied lawyer visits for a period of 60 days.<sup>3</sup> During the interrogation period, a detainee is often subjected to some form of cruel, inhuman or degrading treatment, whether physical or psychological, and ranging in extremity.

The forms of torture and ill treatment employed against Palestinian prisoners include the following: beatings, tying prisoners in “stress positions”, interrogation sessions that last up to 12 consecutive hours, depriving prisoners of sleep and other sensory deprivation, isolation and solitary confinement, and threats against the lives of their relatives. In past instances, detainees have died while in custody as a result of torture. Confessions extracted through such practices are admissible in court. Israel defends its interrogation techniques as a legitimate way of combating terrorism faced by its citizens, but in reality, these practices are in direct contravention of international law, including the United Nations Convention against Torture (CAT), ratified by Israel on 3 October 1991, which requires any State Party to prevent the use of torture and associated practices.<sup>4</sup> The prohibition is absolute and non-derogable, and allows for “no exceptional circumstances whatsoever.”<sup>5</sup>

On 6 September 1999, the Israeli High Court of Justice ruled to ban the use of torture during interrogation. A seemingly considerable victory for human rights defenders has proved in practice not to be applicable to Palestinian “security” detainees. Indeed, the ruling failed to explicitly forbid the use of torture but rather allowed that interrogation methods such as “moderate physical pressure”—widely deemed as torture—be used in situations where a detainee is considered a “ticking bomb”. Furthermore, the ruling, while banning the use of the “necessity of defense” *ex ante*, continued to allow this defense *post-factum* in cases of “ticking bombs”, thereby effectively allowing for impunity in cases of torture. As it stands in 2013, the use of torture and ill-treatment against Palestinian prisoners by Israeli authorities is so widespread to be rightly characterized as systematic. Since 1967, 72 prisoners have died as a result of torture.

## Military Courts

Palestinians from the West Bank who are arrested by the Israeli military and charged with security violations (as defined by Israel) and other crimes are prosecuted by two Israeli military courts located in Ofer and Salem in the oPt. Not all Palestinians who are arrested are prosecuted in the military courts; some are released while others are administratively detained without trial (see administrative detention below). Of those who are charged, approximately 99 percent are convicted,<sup>6</sup> and of these convictions, the vast majority is the result of plea bargains.<sup>7</sup>

<sup>3</sup> Previously, a Palestinian detainee could be interrogated for a total period of 188 days, and denied lawyer visits for 90 days. This military order was amended to reflect the new interrogation periods on 1 August 2012.

<sup>4</sup> Article 2(1) of the United Nations Convention Against Torture

<sup>5</sup> Article 2(2) of the United Nations Convention Against Torture

<sup>6</sup> Official Report of the Work of the Military Courts in the West Bank, 2010 (Hebrew) (Military Courts Report 2010).

<sup>7</sup> See *infra*. Of the 8,516 cases concluded in the military courts in 2010, full evidentiary trials (in which witnesses were questioned, evidence was examined and closing statements were delivered) were conducted in only 82 – or 0.96 percent – of them.

As an Occupying Power, Israel has the right under international humanitarian law to establish military courts in the oPt, but applicable international human rights and humanitarian law restrict the jurisdiction of such courts to violations of criminal security legislation. The jurisdiction of Israeli military courts, however, is far broader and includes offenses unrelated to such legislation. Moreover, it is questionable whether the use of military courts to try civilians can ever satisfy the requirements under international human rights law that trials take place before independent and impartial tribunals. International law also guarantees certain fundamental fair trial rights, but these are regularly flouted by Israeli military courts:

- **The right to prompt notice of criminal charges:** Israeli military orders contain no requirement that the charge be given to the accused without delay, and in a language he or she understands in as required by international law. In practice, information on charges against the accused are often not disclosed by the prosecution until the day of the first hearing, which typically determines whether the accused will remain in detention until the end of the proceedings.
- **The right to prepare an effective defense:** During interrogation, a detainee can be held for up to 60 days without access to a lawyer. Lawyers acting as defense counsel before the military courts highlight many further obstacles preventing an effective defense, including difficulties in meeting with their clients in detention facilities inside Israel; the lack of proper facilities to hold confidential meetings; court documents written in Hebrew; and the provision of incomplete prosecution material.
- **The right to trial without undue delay:** Palestinians can be held in custody for four days before being brought before a judge. Furthermore, a Palestinian can be held without charge for interrogation purposes, by order of a military judge, for an initial period of up to 60 days, which can be extended for another period of up to 30 days. They can therefore be held for a total of 90 days before being charged.
- **The right to interpretation and translation:** Israeli jurisprudence provides that a prisoner must be interrogated in his native language and that his statement also be written in that language, but in practice the detainee's confession or statement is frequently written in Hebrew, requiring the detainee to sign a statement he/she cannot understand. Moreover, all proceedings in the military courts are conducted in Hebrew with insufficient or inadequate translation.
- **The right to presumption of innocence:** Israeli military orders do not include an explicit provision regarding the presumption of innocence. The exceedingly low rate of acquittals in the military courts, the practice of denying bail to the vast majority of pre-trial detainees, and the uncorrected prosecutorial reversal of the burden of proof against the accused all serve to indicate a strong presumption of guilt built into the military court system.

## Administrative Detention

Administrative detention is a procedure that allows the Israeli military to hold detainees indefinitely on “secret information” without charging them or allowing them to stand trial. In the occupied Palestinian West Bank, the Israeli army is authorized to issue administrative detention

orders against Palestinian civilians on the basis of Military Order 1651 (Art. 285). This order empowers military commanders to detain an individual for up to six-month renewable periods if they have “reasonable grounds to presume that the security of the area or public security require the detention.” On or just before the expiry date, the detention order is frequently renewed. This process can be continued indefinitely. As of 1 December 2013, there were approximately 145 Palestinians held in administrative detention by Israel including 10 members of the Palestinian Legislative Council.

International law permits administrative detention under specific, narrowly defined circumstances. In accordance with the International Covenant on Civil and Political Rights (ICCPR) there must be a public emergency that threatens the life of the nation. Furthermore, administrative detention can only be ordered on an individual case-by-case basis, without discrimination of any kind. Administrative detention should not be used as a substitute for criminal prosecution where there is insufficient evidence to obtain a conviction. Israel’s use of administrative detention, however, in its collective and large-scale application, deliberately infringes on these restrictions and amounts to arbitrary and wrongful detention. As such, it violates Articles 9 of the Universal Declaration of Human Rights (UDHR) and the ICCPR.

In many of the legal cases pursued by Addameer, administrative detainees spent years in prison after being sentenced for committing violations, in accordance with military orders. When the period ended, however, rather than be released they were placed under administrative detention under the pretext that they still posed a threat to security. Palestinian detainees have spent up to eight years in prison without charge or trial under administrative detention orders.

## Isolation

One practice utilized routinely by Israel that combines physical and mental abuse is isolation. Every year, dozens of Palestinian prisoners and detainees are held in isolation, for reasons of state, prison or the prisoners’ security. Approximately 58 prisoners are currently held in isolation out of personal choice or for health and other reasons.<sup>8</sup> An unknown number of prisoners are presently held in solitary confinement. Isolation can be ordered by the courts, and by security authorities such as the Israeli Security Agency (ISA),<sup>9</sup> but is most frequently levied by prison officials. The length of time in isolation that prison officials may order can extend from 12 hours to up to longer periods of six to 12 months, with court approval. The courts may order that a prisoner be isolated for up to 12-month renewable periods, and the ISA may order isolation for similar periods when citing security concerns.

Prisoners held in isolation are held in a cell alone or with one other prisoner for 23 hours a day and are only allowed to leave their cell for a daily one-hour solitary walk. Isolation cells in the various Israeli prisons are similar in size—typically from 1.5 by 2 meters to 3 by 3.5 meters.

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<sup>8</sup> A main demand of Palestinian prisoners’ mass hunger strike in April 2012 was for Israel to end its policy of long-term isolation for “security” reasons. Following the conclusion of the hunger strike, Israel agreed to remove 18 out of 19 prisoners from long-term isolation, though one prisoner was kept in isolation and an additional prisoner received a new isolation order.

<sup>9</sup> Formerly known as the General Security Service (GSS).

Each cell usually has one window measuring about 50 cm by 100 cm, which in most cases does not allow in sufficient light or air from the outside.

Isolation is not acceptable under international law. Article 10 of the ICCPR provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. The Standard Minimum Rules for the Treatment of Prisoners clearly express that solitary confinement, as a form of punishment, should be used infrequently and exceptionally. It also stipulates in Article 31 that corporal punishment or punishment by holding a prisoner in a dark cell and any other cruel, inhuman or degrading punishment are prohibited as a disciplinary measure. The Basic Principles for the Treatment of Prisoners encourage the restriction or abolition of solitary confinement as a punishment.

Addameer is concerned by Israel's excessive use of solitary confinement and isolation against Palestinian detainees held in prison custody as well as under interrogation. The use of isolation under interrogation is particularly worrisome as it is applied in combination with other methods in order to exert pressure that may amount to ill-treatment or torture. In addition, the severe and sometimes irreversible mental reactions to isolation, resulting from the minimal environmental stimulation and social interaction, undermine the very definition of isolation as a preventive measure.

### **Medical neglect**

Israeli authorities responsible for prisoners regularly neglect their duties to provide medical support for Palestinian prisoners in their care, as required by the Geneva Conventions. Medical problems are widespread, and range in severity from chest infections and diarrhea to heart problems and kidney failure. Treatment is often inadequate and is delivered after substantial delays. Often medication is limited to over-the-counter pain killers.

Although all prisons include a medical clinic, physicians are on duty irregularly and specialized medical healthcare is generally unavailable. Prisoners are not treated outside the assigned clinic hours and typically must wait for long periods of time before being examined. Once they are examined, however, most prisoners are simply prescribed painkillers without any thorough medical follow-up. Transfers to hospitals for needed treatment may take place only after weeks or months.

Detention conditions have a huge impact on the health of prisoners and detainees. As a result of their imprisonment, released detainees are often faced with chronic health problems such as skin diseases, extreme fatigue, anemia and weakness, kidney problems, rheumatism, problems with their teeth and ulcers. Since 1967, 53 prisoners have died as a result of medical neglect.

### **Denial of Family Visits**

Family visits are routinely, and often arbitrarily, restricted or cancelled. Moreover, many Arab-Israeli, West Bank prisoners and Gaza prisoners are denied their visitation rights completely. This is in complete contradiction with Israel's responsibility, as the Occupying Power, under

international law. The right to family visits is an entrenched right in international law, expressly provided for in the Fourth Geneva Convention, the Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the European Prison Rules, and, in relation to child detainees, the Convention on the Rights of the Child.

Israel detains Palestinians from the oPt in detention centers outside 1967 occupied territory. This practice is illegal under international law and poses significant challenges to Palestinian prisoners' ability to receive family visits as they must acquire permits to enter Israel in order to visit their relatives in prison.

When family visits are able to take place, severe restrictions are placed on them by the IPS. Only first-degree relatives may visit, but any male family member aged between 16 and 35 is typically prevented from visiting. Once at the prison, family members can only expect to communicate with their loved ones from behind glass separation walls or by telephone.

For Palestinian prisoners from Gaza, the situation is particularly dire: prior to 2007, they were permitted family visits, but following the 2006 Palestinian election results and the capture of Israeli soldier Gilad Shalit, Israel denied residents of Gaza held in Israeli prisons family visits due to "unspecified security reasons", a measure that can be understood as collective punishment of the Gaza population. On 9 December 2009, the Israeli High Court of Justice rejected an appeal contesting the policy's legality.

During Palestinian prisoners' mass hunger strike in April 2012, one main demand of the prisoners was to reinstate family visits to Gaza prisoners. Though Israel agreed to resume the visits upon the conclusion of the hunger strike, as of January 2014, it remains unclear whether any will receive consistent visits.

## **Women**

As of 1 December 2013, there were 16 female Palestinian prisoners held by the IPS in Hasharon prison in northern Israel. Female prisoners are also often held in Damon prison, and in interrogation centers throughout Israel.

Both Damon and Hasharon prisons lack gender-sensitive approaches. This is to the detriment of female Palestinian prisoners' health and hygiene. A study conducted by Addameer in September 2008 revealed that approximately 38% of Palestinian female prisoners suffer from treatable diseases that go untreated. For instance, those suffering from diseases such as asthma, diabetes, kidney and eye diseases, sickle cell anemia, cancer, and seizures have little to no access to medical services. Long delays in providing substandard medical treatment are typical. Although all prisons include a medical clinic, physicians are on duty irregularly and specialized medical healthcare is generally unavailable. To date, there are no specialized gynecological services available for Palestinian women held in Israeli prisons and detention centers, despite their continuous requests for access to such services and complaints launched against the IPS's repeated denials. Also of particular concern is the absence of trained Arabic-speaking female medical specialists.

Female prisoners are subjected to the same psychological and physical abuse as their male counterparts; female prisoners report beatings, insults, threats and sexual harassment. Female prisoners are also routinely humiliated by intrusive body searches, which often occur before and after court hearings and during the night as punitive measures.

## Children

Each year approximately 700 Palestinian children under the age of 18 are prosecuted through Israeli military courts after being arrested, interrogated and detained by the Israeli army.

As of 1 December 2013, there were 173 children held in prisons by Israel. Of these, 16 are under the age of 16, a policy that is a violation of the United Nations Convention on the Rights of the Child (CRC), which defines a ‘child’ as “every human being below the age of eighteen.”<sup>10</sup> The policy is also duplicitous since Israel’s own civilian court system (applying to Israeli citizens) defines the age of legal majority as 18, whereas the age of majority in military legislation prior to 27 September 2011 was 16 (applying to Palestinians). On that date, OC Central Command signed an amendment to raise the age of Palestinian minors in the military court system from 16 to 18 years. However, the amendment also contains a variety of stipulations that will not necessarily provide Palestinian minors with increased protection under the law, including a provision that states that minors over the age of 16 may still be held in detention with adults, which is contradictory to the requirements of international law. Furthermore, children are still sentenced on the basis of their age at sentencing rather than when they committed the offense, again in contradiction to the sentencing policy of Israel’s civilian courts when dealing with Israeli citizens, who are sentenced according to age when the alleged offence was committed.

The rights of Palestinian children are violated in a number of ways during their arrest, interrogation, detention and trial. Palestinian children are often held for the purposes of interrogation without being accompanied by their attorney or an adult family member, which is a clear violation of Israel’s duties under the Fourth Geneva Convention, the CRC, and the ICCPR. Furthermore, torture and ill treatment are routinely used against children to illicit forced confessions. Most worrisome is the prevalence of sexual harassment and sexual abuse directed toward Palestinian children in Israeli detention. In 2010, DCI-Palestine characterized the use of these methods to obtain confessions as “widespread and systematic”.<sup>11</sup> It estimates that close to every affidavit signed by child prisoners contains an aspect of sexual harassment or sexual abuse during the interrogation phase of detention.

In July 2009 the Israeli authorities established a separate military court for the prosecution of Palestinian children under Military Order 1644. Previously the Israeli authorities prosecuted Palestinian children and adults in the same court system. Since its implementation, however, Addameer contends that Military Order 1644 has done little to improve the protection of Palestinian children before the Israeli military legal system since it did not increase the age of majority or stop the practice of sentencing children according to their age at sentencing.

<sup>10</sup> Article 1, United Nations Convention on the Rights of the Child

<sup>11</sup> ‘Palestinian Child Prisoners’, *Defence of Children International*, June 2010.

## Human Rights Defenders

In light of Israel's non-compliance with the International Court of Justice's advisory opinion on the construction of the Annexation Wall issued on 9 July 2004, Palestinians in villages affected by the Wall have adopted a number of strategies to oppose its construction and Israeli land annexation, including petitions to the Israeli High Court of Justice, non-violent resistance and weekly demonstrations, and increased international advocacy efforts. In response to these strategies, Israel has adopted a policy of arrest, detention, intimidation, threats and, at times, collective punishment. Leading Palestinian human rights activists, prominent figures, such as mayors and teachers, and members of the Popular Committees, who are instrumental in coordinating weekly protests and advocacy efforts including legal cases, are often personally targeted and arrested in an attempt to sideline them from organizing the protests, or to discredit them and their efforts. Local cameramen and photographers, as well as members of the press, are also targeted.

Addameer documented at least 292 confirmed cases of Palestinian human rights defenders who were detained and arrested since between 2003 and August 2009 in 16 villages affected by the Wall, including many children as young as twelve. Since then, the number has continued to increase. In 2009 alone, some 89 Palestinian human rights defenders were arrested in relation to their advocacy work against the Wall. In 2010, at any point in time there were between 40 and 100 human rights defenders in prison. By the end of 2011, there were at least 295 documented cases for the year of Palestinian human rights defenders held in Israeli custody for their involvement in protests against the unlawful construction of the Wall and the annexation of their land for settlement expansion.

Some of the protestors and human rights defenders are prosecuted in the Israeli military courts under military order 101, which criminalizes many civic activities including organizing and participating in protests; taking part in assemblies or vigils; waving flags and other political symbols; printing and distributing political material. In addition, the order deems any acts of influencing public opinion as prohibited "political incitement". Under the heading "support to a hostile organization", the order further prohibits any activity that demonstrates sympathy for an organization deemed illegal under military orders, be it chanting slogans, waving a flag or other political symbols.

Youths and children as young as twelve are often the first ones to be arrested in mass arrest campaigns, either during demonstrations, immediately after them or during night raids. Evidence suggests that the purpose of their arrest and detention is threefold. First, targeting the youngest and most vulnerable is intended to exert pressure on their family and the entire community to put an end to all advocacy efforts and social mobilization. Second, ISA officers often arrest children for recruitment purposes. Addameer has collected testimonies suggesting that children from Wall-affected communities are routinely asked to become informants and provide information on both prominent figures involved in advocacy efforts and other children participating in demonstrations. Lastly, arrest is also used as a strategy to deter children from participating in demonstrations and from throwing stones at the Wall or other targets.

Despite the lack of evidence or independent witnesses, and the vague or empty basis of the charges levied against human rights defenders, the vast majority of activists will be found guilty of committing a “security offense” and sentenced to a term of imprisonment. In the Israeli military courts, the accused inalienable right to due process is never upheld. Soldiers’ testimonies and, occasionally, photos of individuals at a demonstration, are very often sufficient for an individual to be found guilty of an offense under the military orders that govern the West Bank. Moreover, if the detainee has been coerced into signing a confession, they will invariably be sentenced and serve time in a military jail. Increasingly high fines and bail charges are being requested by the military courts to secure the release of activists’ arrested in relation to opposition to the Wall. Evidence suggests that these amounts have been increasing drastically in recent months, and are being used as a financial means of repressing the protests.

### **Palestinian Legislative Council Members**

Although according to international law and Israeli courts no one can be detained for their political opinions, in practice Palestinian political leaders are routinely arrested and detained as part of an ongoing Israeli effort to suppress Palestinian political processes – and, as a necessary result, political sovereignty and self-determination.

In recent years, this process has focused particularly on members of the PLC. Following the capture of an Israeli soldier on 25 June 2006 by Hamas at the Kerem Shalom Crossing on the Gaza Strip border, Israeli forces seized dozens of leaders and activists associated with Hamas in coordinated raids across the West Bank, including PLC members. The latter were either placed in administrative detention or charged with offenses based on their membership of the “Change and Reform List”, which the Israeli authorities allege is affiliated with Hamas, an illegal party according to Israeli military legislation. These detentions occurred despite the fact that Israel itself allowed the elections to be held and did not oppose the Change and Reform List’s participation in these elections. In fact, it was only in February 2007 that the Israeli authorities declared the Change and Reform List to be illegal, almost a year after most of the initial arrests.

As recently as 2009, nearly a third of all Palestinian legislators were held in Israeli detention, preventing the PLC from reconvening since mid-2007. As of 1 December 2013, 14 members of the Palestinian Legislative Council (PLC) continued to be held by Israel, the majority of them (10) under administrative detention. Many of the PLC members placed in administrative detention in the past few months were released only within the past two years after serving a full sentence following their arrest in 2006.

### **Recommendations**

Addameer calls on the international community to raise the issue of political prisoners in all their meetings with Israel. In particular, it calls on the international community to ask that Israel:

- Stop applying the jurisdiction of the military courts in the oPt to civilians in such a broad manner and instead apply it in accordance with the provisions of international law;
- Respect fair trial standards for all political detainees, including those accused of committing acts that are considered crimes according to international law;
- Release all administrative detainees held on account of their political views or activities and ensure that the judicial review of administrative detention orders meet the minimum international standards for due process;
- Afford every child under the age of 18 their rights as enshrined in the Convention on the Rights of the Child;
- Bring an end to its institutionalized policy on torture and ill-treatment, and ensure that these abusive practices cease to be used against prisoners in its care and that any such abuse is properly investigated and punished;
- Guarantee that minimum standards of detention be respected, particularly with regard hygiene, nutrition, and access to health care;
- Allow visits of family members according to the principles of international law, including by immediately resuming family visits to all prisoners from the Gaza Strip, extending visitation rights to non-family members and allowing “open visits” and physical contact to all detainees.

Addameer is particularly concerned about the continuing impunity with which Israel is allowed to act with regard to its treatment of Palestinian prisoners and detainees. It therefore calls on the international community to seek avenues to hold Israel accountable for its violations of international law, including by calling on State parties to the Geneva Conventions to fulfill their obligation to ensure Israel’s compliance with international humanitarian law; promoting the use of universal jurisdiction, supporting referral to the International Criminal Court, and any other avenues deemed fit.

## Appendices

## Current Israeli Detention Statistics (1 December 2013)

Type of Prisoners	Number of prisoners
Total number of political prisoners	5,033
Administrative detainees	145 (10 PLC)
Female prisoners	16
Child prisoners	173 (16 from 16)
Palestinian Legislative Council members	14
East Jerusalem prisoners	169
1948 Territories prisoners	216
Gaza prisoners	395
Prisoners serving life sentences	494
Sentence above 20 years	445
Prisoners serving more than 25 years	16
Prisoners serving more than 20 years	48
Prisoners detained before Oslo Agreements	53

## Case Study: Torture of a Child

### MOHAMMAD MAHMOUD DAWOUD HALABIYEH

**Date of birth:** 22 October 1993

**Place of residence:** Abu Dis, occupied East Jerusalem

**Occupation:** Student

**Date of arrest:** 6 February 2010

**Place of detention:** Ofer Prison

**Postal address:**

Ofer Prison

Givat Zeev, P.O. Box 3007

via Israel

*On 6 February 2010 Mohammad Halabiyeh, a 16 year-old Palestinian boy was arrested by the Israeli Border Police, in his hometown of Abu Dis. During the arrest operation, Mohammad broke his left leg, just above the ankle. Nonetheless, the soldiers beat him all over his body and intentionally kicked his injured leg. Torture and ill-treatment continued for five consecutive days following his arrest and reached its peak at the Hadassah hospital, where the Israeli soldiers pushed syringes into the boy's hand and leg multiple times, covered his mouth with adhesive tape, punched him in the face, hit him in the abdomen with a stick and deprived him of sleep in an attempt to deter the boy from reporting the ill-treatment to the Israeli police. Mohammad was undeterred and made an official statement to his interrogator in which he attempted to describe the abuse and torture he was subjected to, even after the other interrogators threatened him with killing and sexual abuse. Mohammad, who is now 17, has been on trial before the Israeli military courts for a little over year on five charges related to throwing Molotov cocktails. He remains in Ofer prison in a section with adult prisoners in contravention of international law. On 6 June 2011, the military judge found Mohammad guilty on all charges and on 18 July 2011 sentenced him to three years in prison.*



### TORTURE AND ILL-TREATMENT DURING ARREST AND INTERROGATION

On the evening of 6 February 2010, **Mohammad Mahmoud Dawoud Halabiyeh** was walking with his friends Anas and Ayyad in their hometown of Abu Dis, an East Jerusalem neighborhood cut off from Jerusalem by the Annexation Wall. As they walked past the Israeli military base near their town, they were surprised by an Israeli Border Police patrol coming from behind a nearby stand of olive trees. The soldiers kept their guns trained threateningly at the boys as they advanced towards them. When they reached the boys, the soldiers first seized Anas, who raised his arms in surrender. Petrified at their sight, Mohammad started running in the direction of his home. In the process, he jumped off an unfinished house and fell face first into a ditch approximately four to five meters deep, fracturing the tibia and fibula bones of his left leg, just above the ankle.

Soon after, one of the soldiers threw his steel helmet from above at Mohammad who lay injured on the ground and then worked his way down. When Mohammad told the soldier that he broke his leg, he did not believe him and instead started laughing and threw a sound bomb at him. Mohammad recalls, “*I heard some laughing, and one of the soldiers looked at me, laughed and threw a sound bomb at me...The bomb landed almost one meter away from me.*” The soldier then started beating Mohammad on his face

and kicking him on his body as a group of other soldiers witnessed the scenes. Mohammad states in an affidavit given to Addameer, *“When I cried out from the pain in my [injured] leg, one of them, with a dark complexion and black hair, twisted my leg in a painful way.”*

The soldiers then forced Mohammad to stand, but as he was visibly limping, two soldiers assented to carrying the injured Mohammad. However, as they carried him, blows from the other soldiers and sexually degrading insults against Mohammad’s mother and sisters continued to rain down. Israeli soldiers and interrogators often psychologically abuse Palestinian detainees and deliberately exploit Palestinian society norms where women are traditionally given more protection and special status, while the preservation of their honor is of utmost importance.

After they arrived at the Israeli military base, the soldiers lay Mohammad on the ground and started shaking his leg while questioning him about his family and friends. They then went back to beating the boy until they forced him to sit on the ground, blindfolded him and handcuffed his hands to the front with plastic cuffs, which they tightened painfully.

The unrelenting physical and verbal abuse lasted about half an hour until a white private car arrived to take Mohammad to the Hadassah hospital, located in Mount Scopus in East Jerusalem. During the 40-minute drive, a soldier continued to punch Mohammad in the face and kick his broken leg. Mohammad’s right eye became swollen from these punches.

### **Day One: Ill-Treatment by Israeli Soldiers at Hadassah Hospital**

The abuse from the soldiers continued even after their arrival at the hospital where Israeli soldiers accompanied Mohammad during every stage of the medical examinations. After medical staff examined Mohammad, they took him in a wheelchair for X-rays of his leg. The soldiers continued to hit Mohammad whenever the doctor and other medical staff were away, both in the X-ray room and in the patient room where they hid their actions behind a privacy curtain that they placed around Mohammad’s bed.

Mohammad recalls that the beatings, administered at this point with an “iron bar” by two Israeli soldiers from the Abu Dis base, one heavy and fair with a buzz cut and the other thin with dark hair, were an attempt to force him to remain quiet about the torture he’d endured at the hands of the Israeli soldiers following the injury of his leg.

However, when Mohammad told the soldiers that he would disclose everything that was happening and tried to shout for the doctor, the soldiers covered his mouth with adhesive tape and handcuffed his hands to either side of the bed.

Later, when Mohammad was taken to have a plaster cast applied to his leg without the soldiers present, he told the doctor what was happening to him. The doctor told Mohammad to call him when the soldiers tried to abuse him again. Mohammad was then returned to a patient room and put in a hospital bed behind a curtain.

At that point, the two soldiers again put the adhesive tape on Mohammad’s mouth, repeated their threats not to tell anyone what had happened, and beat him with the iron bar, smeared a tomato they’d brought over his face and pushed syringes into his hand and leg multiple times.

Mohammad’s father Mahmoud arrived at the hospital around 11:00 p.m. that night after he received a phone call from the hospital. Before letting Mahmoud in to see Mohammad, the soldiers removed the

adhesive on Mohammad's mouth and covered him with a blanket. Mohammad told his father that the soldiers were beating him, and when the father asked the soldiers why they were doing this, they yelled at him and told him to leave and closed the curtain once again. Intimidated and worried that his intervention would only increase the abuse, Mahmoud left to bring Mohammad clean clothes. However, before he left the hospital, Mahmoud, used a visitor's mobile phone, and called the Israeli police three times, asking their intervention with the soldiers so that they would stop beating his son. The police never came and the abuse continued.

Throughout the rest of the night, the soldiers remained in the hospital with Mohammad, twisting his injured leg and applying pressure to the cast, which had not fully dried by that point, hitting him with the iron bar in his abdomen and hands and punching the left side of his face, all while telling Mohammad they were going to deform his face and break his other leg. They refused to let Mohammad sleep and would hit him whenever he dozed off. The abuse and torture was intended to inflict so much pain and fear in Mohammad so that he would not complain to anyone about his experience.

Mohammad recalls that, *"For long hours throughout the night, the soldiers used to ask me what I will tell the interrogator, if I would tell about what they did to me. I'd answer that I'd tell everyone about what they did. The beatings intensified all night long [...]"*

### **Day Two: Torture during Transfer to the Police Station and during Interrogation**

The following morning, on 7 February 2010, Mohammad was in severe pain, in particular in his injured left leg and the left side of his chin where he'd been punched repeatedly during the night. When Mohammad's father returned with clean clothes for his son, he noticed how swollen Mohammad's face had become from the sustained beatings. Mahmoud again approached the soldiers about the abuse against his son, but they told him *"Go away [ 'Hijj' in Arabic], or we will beat you too"*.

Mahmoud helped Mohammad put on the clean clothes and then helped him walk outside, as he had no cane. While waiting for the military vehicle that would take Mohammad for interrogation, he told his father about the previous night's abuses. The father was however denied permission to accompany his son to the interrogation center. Mohammad was then shoved into the Israeli military vehicle where the soldiers tied his hands and covered his eyes with a cap, which they tightened around his face.

During the drive to the Ma'ale Adumim police station where Mohammad was to be interrogated, the soldiers in the car continued to assault Mohammad and pressure him not to tell anyone the truth of how he'd sustained his injuries. At one point in the car, Mohammad vomited from the ongoing beating, though he'd not been given anything to eat since his arrest the previous day.

When they arrived at the Ma'ale Adumim police station, in the early afternoon, Mohammad was questioned for several hours by an Israeli interrogator. The interrogator accused Mohammad of throwing Molotov cocktails at Israeli military patrols and told him that his friend Anas had already confessed. He further mentioned that Anas told them that the three boys were on their way to throw Molotov cocktails when they were arrested the previous day in Abu Dis. The interrogator also said that Anas told them that Mohammad had thrown Molotov cocktails 15 times in the past. Mohammad denied the interrogator's accusations.

The interrogator then began to write down a false statement himself, writing that Mohammad said he threw the Molotov cocktails, and tried to force Mohammad to sign the statement. Mohammad refused to sign. The Israeli officer began to threaten to beat and kill him. Then he told Mohammad that he would do "sexual things" to him and that "he liked doing that to young boys".

At 6 p.m. that day, more than 24 hours after Mohammad was arrested, he was finally given something to eat by officers at the Ma'ale Adumim police station. Mohammad gave a statement to his interrogators, reiterating his earlier denial of any involvement in throwing Molotov cocktails and seeking action for the torture he'd undergone at the hands of the Israeli soldiers since his arrest. No copy of this statement was recorded or provided during pretrial disclosure by military prosecutors.

### ***Forced Confession***

At 8:30 p.m. that night, after more than a day with little food and no sleep, Mohammad signed a confession claiming that he'd thrown Molotov cocktails. He later told his lawyer, Addameer attorney Mahmoud Hassan, that he had made this confession out of fear after numerous threats by his interrogators that he would be subjected to further torture if he did not. A video of the interrogation at this point shows the Israeli interrogator drafting the written statement of Mohammad's confession, prompting a tired and fearful Mohammad, asking leading questions and feeding him the words the interrogator wanted him to say.

An additional problem demonstrated by the video is language. It is obvious from viewing the recording that the interrogator, called Avi Teveoni, did not have sufficient Arabic skills to question the boy and understand his version of events. On many occasions, the interrogator asked Mohammad to repeat his statement as he hadn't fully understood the boy's account. It is thus likely that the interrogator made mistakes in the statement that he wrote, and by doing so, altered Mohammad's statement. This is even more problematic when one considers that this statement serves as the primary evidence against Mohammad in his trial before the military courts.

Further, the written statement taken at this time was drafted by the interrogator in Hebrew, a language that Mohammad does not understand. The interrogation video, obtained by Adv. Hassan only after military prosecutors accidentally exposed its existence to him, reveals that the written statement omits most of Mohammad's repeated references to the torture he endured at the hands of the Israeli soldiers in Abu Dis and at the hospital. The video also reveals that the interrogator did not read the written statement aloud to Mohammad, although he had claimed to have done so.

Moreover, Addameer submits that even a cursory analysis of the written statement reveals the coercive role of the Israeli interrogators. At one point in the forced confession, for example, Mohammad says he threw Molotov cocktails with a friend in late 2009; that friend, however, has been detained by Israel since December 2008, so this could not possibly have happened. As Adv. Hassan notes when discussing the coerced confession, "*When you fear for your life, you will say anything, give any name to make the pain, or the fear of pain, stop*".

### ***Day Three: Transfer from Etzion Detention Center to Ofer Prison and Back to Etzion***

That night, after seven or eight hours of interrogation, Mohammad was taken to Etzion Detention Center south of Bethlehem, to a cell holding a number of other detainees who were already sleeping. Mohammad recalls that the room was extremely cold, but the guards refused to give him a blanket when he asked for one. In the afternoon of the next day, on 8 February 2010, a doctor came, gave Mohammad a cursory medical examination and gave him a paracetamol tablet with a glass of water for his pain.

Afterwards, two Nahshon officers took Mohammad for transfer to Ofer Prison, which is located in Ofer Military Base near Ramallah. Mohammad at this point was handcuffed and had no cane, hopping painfully on his one good leg. Mohammad arrived at Ofer at around 7 p.m., but was made to wait inside



the Nahshon transfer vehicle until midnight before the Nahshon officers came to move him into the facility. However, **when the prison officer at Ofer saw Mohammad and the state of his injuries, he refused to admit Mohammad to the prison there, instead instructing the Nahshon officers to take him to a hospital.**

Instead, however, the Nahshon officers returned Mohammad to Etzion, where the boy spent another cold night.

#### ***Day Four: Transfer Back to Ofer Prison***

The following day, on 9 February, Mohammad was transferred back to Ofer, where he was held in a room with an iron grid, referred to as 'the cage'. Later that day, Mohammad saw a prison doctor who promised to bring him a cane. That evening, prison officials brought Mohammad a pair of crutches, which he used for two days before obtaining a pair previously used by a friend from Abu Dis named Wael Younis who was also being held at Ofer.

#### ***Day Five: Mohammad Finally Receives Medical Treatment***

On the fifth day following his arrest, Mohammad was finally taken to Hadassah Ein Karem, a hospital located in the southwest of Jerusalem. The physicians there took X-rays of Mohammad's injured jaw and gave him medication for the pain and to promote healthy repair to the injured bone.

Mohammad was then returned to Ofer, where he remains at present. All motions to release him on bail were so far denied.

### **CHARGES AND TRIAL**

On 16 February 2010, Israeli military prosecutors filed charges against Mohammad under the Israeli military orders that govern the oPt. Mohammad is accused of five offenses related to throwing Molotov cocktails in Abu Dis on a number of occasions between November 2009 and the date of his arrest in February.

Mohammad's trial, which is currently underway at Ofer Military Court inside a military base near Ramallah, began on 12 April 2010 with the reading of charges and the entering of Mohammad's plea. On 26 August 2010, Adv. Hassan filed a request to the Military Court to release Mohammad on bail until the conclusion of the legal proceedings, but this petition was denied. The next hearing in Mohammad's trial is scheduled for 14 February 2011. At a hearing on 11 January 2011, the judge requested that the commander of the Israeli forces that arrested Mohammad present photo and video evidence of Mohammad's charges, which the commander claims are in his possession but failed to present on 11 January. On 17 March, the prosecution made its final arguments, followed by the defense two weeks later. The military judge is due to make her final decision on Mohammad's case in the weeks to come.

### **POLICE INVESTIGATION INITIATED INTO ABU DIS SOLDIERS**

The Israeli police initiated an investigation into the soldiers who arrested Mohammad based on the boy's statement given on 7 February 2010, before Avi Teveoni, one of the interrogator at Ma'ale Adumim police station. In this statement, Mohammad mentions several times the type of abuse and ill-treatment he was subjected from the Israeli soldiers. This information was however concealed from Adv. Hassan who learned about the police investigation accidentally, on 9 August 2010, when he questioned a police officer, who testified before the court as a military prosecution's witness at Mohammad's last hearing.

Subsequently, Adv. Hassan requested from the military prosecution and the military court to see the investigation materials. The request was noted in the hearing's protocol and the judge promised to make these documents available "as soon as possible". More than two weeks later, the information related to the police investigation had not been disclosed to Adv. Hassan.

Importantly, Addameer also requested Mohammad's medical file by submitting an official letter to the Israeli Prison Service, on 17 July 2010. The full report, including reports from the Hadassah hospital were only disclosed to Addameer attorneys on 29 August 2010, approximately 40 days following the request. Although the report confirms the tibia and fibula bone fractures in Mohammad's lower left leg, as well as swelling and bruising around Mohammad's right eye, there is no mention, however, of other marks, bruises or wounds following the beating, punches, kicking and pain administered by pushing syringes into the boy's body. Further, there is no mention of the cause of Mohammad's injuries. Addameer strongly condemns the concealing of any information that would constitute evidence in the investigation against the Israeli Border Police guards who abused and ill-treated Mohammad.

## **FAMILY/PERSONAL INFORMATION**

Mohammad is one of nine children. During the first four months following Mohammad's arrest, he did not receive a single visit from a family member. This situation is not unusual, given that Israeli authorities seek to isolate prisoners during the initial period of detention and, for this reason, typically do not issue visit permits. As the use of telephones is also not permitted for Palestinian "security" detainees, Mohammad had virtually no contact with the outside world apart from meetings with his attorney. He was able to see his parents at court hearings only, but not speak with them, given that the Israeli authorities forbid any form of contact between the detainee and his family inside the military court.

Mohammad's mother, Yusra, and father, Mahmoud, have been able to visit him in detention at Ofer only once a month. By comparison, other Israeli prisons holding Palestinian detainees permit family members to visit every two weeks. None of the boy's three brothers or five sisters has been able to visit thus far.

At the time of his arrest, Mohammad had completed grade 11 and was working part time in a restaurant in Abu Dis.

## Case Study: Administrative Detention

### AHMAD QATAMISH

#### UPDATE: AHMAD QATAMISH WAS RELEASED FROM ADMINISTRATIVE DETENTION ON 26 DECEMBER 2013

*“I hugged him then like I was meeting him for the first time and asked him to promise not to be gone for so long again. Being impeccably honest, he said: ‘I wish I could. They must first get out of our lives before I can make such a promise.’”* Haneen Qatamish

**Date of birth:** 1 April 1951

**Place of residence:** Al-Bireh

**Occupation:** Writer and political scientist

**Marital status:** Married with one daughter

**Place of detention:** Ramon Prison

**Date of Arrest:** 21 April 2011



#### ARREST

At 2 a.m. on 21 April 2011, Ahmad Qatamish was arrested by the Israeli Occupying Forces at his brother’s home in Ramallah. One hour earlier, Ahmad’s wife, 22-year-old daughter and two other female relatives, including a 14-year-old child, were taken hostage by Israeli troops in his home in order to compel him to surrender himself. Shortly before 1 am, Ahmad’s daughter, Haneen, and wife, Suha, heard pounding on the door and found thirty to forty heavily-armed soldiers surrounding the house in combat formation. Ahmad was at his brother’s house, where he was spending the night. Haneen, along with her mother, went to alert her 69-year-old aunt and 14-year-old cousin who were sleeping to the presence of the soldiers. Their movement agitated the soldiers who had entered the house, and they ordered them to stop while aiming their guns at the two women’s heads. Some of the soldiers moved to the apartment directly above, whose owners were traveling abroad at the time. Inexplicably, they knocked down the door and ransacked the apartment.

Without yet mentioning any reason for the attempted arrest or producing an arrest warrant, the soldiers confiscated all phones and insisted they would not leave or release the family until Ahmad turned himself in. They then forced Haneen at gunpoint to call her father and demand his surrender. When Haneen reached him, one soldier grabbed the phone and ordered Ahmad to surrender, threatening to destroy the house and continue to hold his family if he did not comply. In response, Ahmad demanded that they leave his family out of his arrest. An hour after invading his house, a group of the soldiers went to arrest him at his brother’s home. Before leaving his house, the remaining soldiers continued to taunt and terrorize the four women with insults and threats.

Following his arrest, Ahmad was taken to Ofer detention center in Beitunia.

#### ADMINISTRATIVE DETENTION ORDER

At 8:30 pm on 3 May 2011, the Israeli military authorities issued a six-month administrative detention order against Ahmad, despite informing him and his lawyer only hours earlier that he would be released that day.

Certain that they would be reunited with him shortly, Ahmad's relatives spent the evening of 3 May 2011 waiting for him at the gates of Ofer Prison, where he is currently held, after the Ofer Military Court informed Ahmad's lawyer at 12:00 pm that his client would be released by 5:00 pm. At approximately 5:00 pm, Ahmad himself was also given the same news by the Israeli Prison Service. Only half an hour later, however, Ahmad's lawyer was told that his client's detention would in fact be extended and was asked to come to court. His lawyer immediately called the military prosecutor in Ahmad's case, who contradicted this information, insisting that he was in fact going to be released. At 7:45 pm, after more than two hours of confusion and uncertainty, the military court informed Ahmad's lawyer that a final decision would be made by 9 or 9:30 pm. At 8:30 pm, he was informed that the Israeli military commander of the West Bank had issued an administrative detention order against Ahmad but was given no further information. Ahmad's lawyer and family had to wait until 11 pm to find out from the Israeli Prison Service that the period of his administrative detention had been set at six months. He was therefore left for at least 3.5 hours without a clear legal status, since his remand officially ended at 5:00pm.

In addition, the detention order issued against him on 3 May 2011 contained several errors. It called for an extension of his administrative detention, despite the fact that it is Ahmad's first order in years, and referred to him being a suspected Hamas activist; this despite the fact that the authorities had originally given the grounds for his arrest as his membership of the Popular Front for the Liberation of Palestine, a claim which Ahmad has vehemently denied. It had also been tampered with using correction fluid to include Ahmad's name, making it clear that this was actually a copy of someone else's detention order. Furthermore, although the order was signed by the Head of the Central Military Command, Avi Mizrahi, as required under Israeli military legislation, it was stamped by a less senior Commander for the Region, Yair Kolam.

The Israeli military authorities issued a new detention order the following day in an apparent effort to correct the previous one; however it was once again stamped by Yair Kolam.

Finally, on 8 May at Ofer Military Court, the Military Judge requested that the previous detention orders be discarded and a new one be presented that was stamped and signed by Avi Mizrahi. The current one now states that Ahmad is being held for posing an unspecified security risk. The ISA was meant to present any secret evidence against Mr. Qatamish to the Military Judge, in order for her to decide whether to approve the administrative detention order, during a closed hearing on Thursday, 12 May 2011, which neither Ahmad nor his lawyer were permitted to attend. However, the ISA failed to turn up that day, and so the hearing was delayed until 15 May. Ahmad then waited another 4 days, until 19 May, before being told that his detention order was approved by the Military Judge for a period of four months. This unnecessary delay demonstrates one of the many flaws of the Israeli military order regulating administrative detention, which states that reviews of administrative detention should take place 8 days after the order is first issued at the latest but does not impose a limit on how much time a judge can take to reach a decision thereafter. The order was confirmed for four months, due to expire on 2 September. In the three weeks that Ahmad spent in detention before his administrative detention order was confirmed, he was only interrogated once for 10 minutes, when he was first arrested on 21 April.

Addameer's lawyer filed an appeal against the judge's decision on 3 June on the basis of the many errors on his detention orders highlighted above. On the same day, the prosecution also lodged an appeal requesting that Mr. Qatamish be detained for the full six months that it had originally requested. On 21 June, a military judge rejected both appeals, claiming that the court of first instance had already dealt with the issue of the detention order errors, notably by reducing the detention period from six to four months.

On 2 September, a new administrative detention order was issued against Mr. Qatamish for an additional period of 6 months. Although the order was due to be reviewed by a military judge on 5 September, the hearing was postponed upon request by the military prosecution. On 25 September, Mr. Qatamish was brought before the judge but no decision was given regarding the administrative detention order. Finally on 3 October the administrative detention order was confirmed for 6 months, on the grounds that the Judge was still convinced, from information contained in the secret file, that Mr. Qatamish posed a threat to security. On 23 February 2012, Mr. Qatamish's order was renewed once again for another 6-month period, and again on 23 August.

Following an appeal the Israeli military courts decided that Ahmad's last administrative detention order should not be renewed. However, in July 2013 the Israeli High Court overruled this decision and ruled that Ahmad can continue to be held in administrative detention.

## PREVIOUS ARREST

Ahmad was first arrested in 1992 in front of his three-year-old daughter. Following his arrest, he was detained for more than a year - during which time he was tortured - before being placed in administrative detention in October 1993, despite the Military Judge ordering his release. Ahmad's detention orders were repeatedly renewed for the next five and a half years, despite a lack of evidence purported against him. Due to pressure from international campaigns, Ahmad was finally released in 1998, becoming one of the longest-serving administrative detainees held without charge in Israeli prison. His memoir, *I shall not wear your tarboosh [fez]*, accounts his experiences of being tortured while in detention.

## AHMAD'S FAMILY

Ahmad's extensive detention and arrests have been extremely difficult for his wife, Suha, a board member of Addameer and the Palestine Red Crescent Society, and his daughter, Haneen, a university student at the American University in Cairo. Suha recalls of his most recent arrest, "A few days ago, when they arrested my husband, I found out that there are very deep marks on my daughter's spirit. She was three years old at that moment [when they arrested her father in 1992], and the marks are still there. When the soldiers told her that [they] arrested her father again, she almost collapsed." Suha and Haneen hoped that Ahmad would be released before Haneen's graduation in January. The event was very important to Ahmad, particularly because he feels as though he was not able to watch his daughter grow up for much of her childhood.

More than ten years after he was released from his previous detention, it had not occurred to Ahmad's wife Suha that they might have to suffer through the same ordeal once again. The torment of his arrest is made even worse by the uncertainty of administrative detention and not being able to prepare for his release, as the family is already all-too-familiar with the prison authorities' practice of renewing administrative detention orders every six months. She condemns his imprisonment as a prisoner of conscience, arrested for his ideas and political activism, and calls on the international community to continue to assert pressure on his behalf.

## Case Study: Human Rights Defender

### AYMAN AMEEN AHMAD NASSER

**UPDATE: AYMAN NASSER WAS RELEASED ON 21 OCTOBER 2013**

**Date of Birth:** 20 June 1970

**Date of arrest:** 15 October 2012

**Residence:** Saffa village (near Ramallah)

**Marital Status:** Married with four children

**Occupation:** Researcher with Addameer Prisoner Support & Human Rights Association and part time lecturer at Al Quds Open University

**Place of detention:** Ofer Prison



*'I believe that every human being has opinions and positions and if it's not violating the law he can freely think and speak these opinions. I am a human rights defender who supports the Palestinian prisoners and I represent my opinions in the public media. My thoughts are not secret, they are public, and everyone knows them'*

Ayman Nasser addressing Israeli military court, 18 October 2012

#### ARREST AND INTEROGATION

At 1.00am on the morning of 15 October a large number of Israeli Occupying Forces (IOF) raided Ayman's home in the village of Saffa, near Ramallah. The raid lasted about 1.5 hours, during which time IOF used sniffer dogs to search each room in the house and confiscated Ayman's computer and mobile phone.

They also searched the computer of Ayman's children and confiscated some of its pieces. Ayman's wife was kept in a separate room during the raid with two Israeli soldiers pointing their weapons at her for the duration of the raid. At approximately 3.00am Ayman was taken away by IOF and is currently being held in Moskobiyyeh detention center in Jerusalem.

As of 4 December 2012, Ayman has spent 45 days in Israeli interrogation and detention. These interrogation sessions have steadily increased in length from a few hours per day after his initial arrest to over 20 hours per day. During interrogation Ayman is held in painful stress positions.

When not under interrogation, Ayman is held in a windowless isolation cell and subject to numerous forms of intimidation, including sleep deprivation from a constant fluorescent light, freezing temperatures from an air conditioning unit and lack of proper clothing and blankets. Furthermore, Ayman is routinely denied the proper medication he needs for pre-existing health issues. Under these conditions, his health has deteriorated drastically in detention.

The lengthy duration of the interrogations are causing Ayman immense pain, particularly in his back, due to his existing back problems. The pain is further compounded when his hands are shackled behind his back.

#### COURT APPEARANCES

On October 18 Ayman appeared in an Israeli military court in Jerusalem, where the prosecution requested that his interrogation period be extended by another 15 days. During the court appearance Addameer lawyer Mahmoud Hassan refereed questions to the prosecution regarding the failure of the interrogators to

provide Ayman with his medication, as Ayman is currently only getting two out of the five medications that he requires daily.

During his court appearance Ayman said that the main focus of the interrogation had been his involvement in the Handala Center, which is an educational, artistic center in Ayman's village Saffa and of which he is the Chairperson. Ayman argued that the center is completely transparent and is registered with the Palestinian Authority, in full compliance of Palestinian law.

Addressing the court Ayman said he believes 'that every human being has opinions and positions and if it's not violating the law he can freely think and speak these opinions. I am a human rights defender who supports the Palestinian prisoners and I represent my opinions in the public media. My thoughts are not secret, they are public, and everyone knows them'.

The judge ruled that based on 'secret evidence' he would extend Ayman's interrogation period for another seven days and referred the situation of the medicine to the doctor at Moskobiyyeh detention center. This referral to the doctor is quite worrying as it has been well documented by Addameer and other human rights organizations, that the withholding of medication or medical treatment is systematically used by doctors in the Israeli Prison Service (IPS) to pressure prisoners into complying with IPS demands.

Since Ayman's first court appearance on 18 October 2012 he has had his period of interrogation extended on a number of occasions. In total, Ayman spent 45 days in Israeli interrogation before charges were brought against him on 28 November 2012. The charges include support and solidarity with Palestinian prisoners, participating in the annual Prisoner's Day on 17 April (the charges specified participation in 2011 and 2012), as well as participating in solidarity activities during hunger strikes (both collective hunger strikes and individual hunger strikes), in addition to attending a festival anniversary of Martyr Abu Ali Mustafa on 27 August 2012.

Ayman was denied bail and will remain in Israeli detention until the end of his trial. The next court appearance will take place on 26 August 2013. Ayman is currently being held in Ofer prison.

### **PREVIOUS ARRESTS**

Ayman has previously spent six years in Israeli prisons. He was arrested in 1992 and eventually released on 27 October 1997.

### **AYMAN'S EDUCATIONAL AND PROFESSIONAL BACKGROUND**

At the time of Ayman's imprisonment in 1992, he had earned his high school certificate. However, upon his release he completed his BA in Social Work. In 2010, he also earned his Masters in Social Educational Psychology from Abu Dis University.

Since 2008 Ayman has been working with Addameer as a researcher in its documentation unit and has represented Addameer in many local human rights coalitions, including the Coalition against Torture and the Coalition against the Death Penalty. He is also Addameer's representative on the 'High Committee for Palestinian Political Prisoners', which includes various human rights organizations, representatives from the Ministry of Prisoners Affairs and political parties that advocate on behalf of Palestinian political prisoners.

Ayman has also been lecturing on a part-time basis at Al Quds Open University where he teaches BA students Social Work.

He is also the Chairperson and one of the founders of the Handala Center in Saffa which was established 1999. The Handala Center is an educational, artistic and sports center that is based on the principal of voluntary work and serves all the residents of Saffa.

Prior to his arrest Ayman was standing as a candidate on the 'United Saffa' list in the upcoming local elections in his village of Saffa, which believes in justice, development and the rule of law. While under Israeli interrogation Ayman was elected to the village council and like many other Palestinian elected representatives, serves his people from the confines of an Israeli prison cell.

### **HEALTH CONDITION**

Ayman suffers from a number of health issues including inflammation in his colon and back pain. Prior to his arrest he was receiving medical treatment by specialized doctors and is in constant need of medical attention.

### **FAMILY**

Ayman has been married to his wife Haleema for almost 20 years. They have four children together, Ameen (13), Naji (11), Nadeem (8) and Mohammad (3). According to Ayman's wife Haleema, their children are "looking forward to see their father, a father who taught them the meaning of freedom and loving life". Ayman is an extremely well educated man, who is an avid reader with extensive knowledge about cultural, social and political aspects of life.