

Violations against Palestinian Prisoners and Detainees in Israeli Prisons and Detention Centers

2070



CICA 0599368585



Violations against Palestinian Prisoners and Detainees in Israeli Prisons and Detention Centers

Annual Report 2010

**43 Years of Confrontation:
Resisting Israel's Onslaught on the Palestinian
Prisoner Movement**



Addameer Prisoner Support and Human Rights Association

Ramallah – Palestine

2011



© Addameer Prisoner Support and Human Rights Association 2011

Rafidein Sq., Sebat Bldg., 1st Floor, Ramallah
Telephone: +972 (0)2 296 04 46 / +972 (0)2 297 01 36
Fax: +972 (0)2 296 04 47
Email: info@addameer.ps
Website: www.addameer.org

Addameer's annual reports on the violations of prisoners' rights in Israeli prisons are part of the organization's overall efforts to protect and promote the human rights of Palestinian political prisoners and bring about their unconditional release. By exposing the Israeli Prison Service's systematic violations of prisoners' rights, these reports aim to hold Israel accountable for its actions under international law.

These annual reports are also an essential part of documenting the history of the Palestinian prisoner movement and its struggle against the occupation's oppressive policies, notably by highlighting the Israeli Prison Service's efforts to repress Palestinian prisoners' collective consciousness and as a result undermine the movement's potential.



Table of Contents

Foreword	5
Introduction	9
Chapter 1: Torture, Cruel, Inhuman and Degrading Treatment	17
I. Torture and Ill-Treatment during Arrest.....	19
II. Torture and Ill-Treatment in Interrogation and Detention Centers	21
III. Persistent Victims of Ill-Treatment: Jerusalemite Children	26
Chapter 2: Fair Trial Guarantees	29
I. Administrative Detention	31
II. Detention of Human Rights Defenders and Activists against the Annexation Wall and Settlements	41
Chapter 3: Detention Conditions	47
I. Detention Conditions of Palestinian Female Prisoners.....	49
II. The IPS's Special Intervention Units.....	50
III. Use of Isolation.....	52
IV. Denial of Family Visits	54
V. Use of Fines.....	55
VI. The Right to Food.....	56
VII. Medical Negligence	57
VIII. The Right to Education, Culture and Religion	59
IX. Petitions and Complaints on Detention Conditions	60
Conclusion	63
Recommendations	67

Foreword

In 2010, Israel forged ahead with its oppressive policies against Palestinian society in its continued bid to suppress Palestinian aspirations for freedom and independence. In particular, the year was marked by Israel's regular use of arbitrary killings, detentions, and evictions, as well as its imposition of restrictions on the Palestinian economy.

Detention remains one of the key pillars of Israel's colonialist policy in the occupied Palestinian territory (oPt), one that is aimed at the permanent suppression of Palestinian identity by obstructing the economic, political, social and psychological growth of Palestinian society.

When examining and analyzing the specific violations committed against Palestinian prisoners and detainees in Israeli prisons and detention centers,¹ it is important to keep in mind that the occupation's military, political, security and judicial institutions operate according to a single integrated vision. Indeed, a comparison of the occupation's overall and detention-specific policies reveals how identical and cohesive they are. Israel's policy of fragmenting the Palestinian territories and restricting people's movement to socially isolate them from one another, for example, is paralleled in the Israeli Prison Service's (IPS) policy of holding Palestinian prisoners in different prisons, sections and cells depending on their geographical origin and political affiliation.

Similarly, just as the 1994 Paris Protocol on Economic Relations between Israel and the PLO resulted in the incorporation of the Palestinian economy into Israel's—and its subjugation to it—and allowed the Occupying Power to absolve itself of its economic responsibilities toward the Palestinian population, the IPS has managed, through a set of agreements with the Palestinian Ministry of Prisoner Affairs,² to rid itself of its financial obligations toward Palestinian prisoners over the past ten years. At the same time, Israeli military courts and the IPS have continued to implement their excessive fining policies. As a result, in 2010, the Palestinian Ministry of Prisoner Affairs paid NIS 500,000 in fines on behalf of Palestinians, in addition to transferring over NIS 13 million to Palestinian prisoners to assist them in purchasing food and other basic necessities from the prison canteens.³

While there are many more examples exposing the symmetry of the occupation's overall and detention-specific policies, the best illustration is perhaps Israel's designation of the Gaza Strip as an enemy entity. Israel has besieged Gaza politically and economically since 2006, using various methods including geographical isolation to punish its residents and destroy the integrity of Palestinian society. In

1 From this point on, the term "prisoner" will be used to signify both prisoners and detainees. Similarly, the term "prison" will be used to signify both prisons and detention centers.

2 Pursuant to one agreement on prison canteens, the IPS agreed to transfer money from the Palestinian Authority to security and criminal prisoners from the West Bank and Gaza Strip in the amount of NIS 250 per prisoner per month. In February 2005, this amount was doubled for one month only, subject to agreement by the IPS. In total, a prisoner can only receive a maximum of NIS 1,300 per month from all sources combined.

3 In 2009, the Palestinian Ministry of Prisoners Affairs paid NIS 369,195 in fines on behalf of Palestinians and transferred NIS 28 million to imprisoned prisoners.

parallel, Israel has also deprived Gazan prisoners from receiving any family visits starting in 2007 and further isolated them by holding them in different sections from other Palestinian prisoners.

The combined effect of these colonialist and racist institutions, legislations, and policies is to comprehensively oppress Palestinian prisoners. In order to secure their unconditional release, Palestinian society must therefore develop a national strategy focused on securing collective protection for the prisoners.

The Importance of the Annual Violations Report

Addameer is a legal and human rights organization established over two decades ago to defend the cause of Palestinian political prisoners, protect their legitimate rights under international humanitarian and human rights law, and work toward their ultimate release.

The organization's legal representation work before Israeli courts is combined with a rights-based approach, which aims to raise prisoners' awareness of their rights and empower them to use all available legal mechanisms to challenge the IPS's violations, notably through the publication of annual reports such as this one. Addameer further believes that monitoring and documenting the violations of prisoners' and their families' rights are an integral part of documenting the history of the Palestinian prisoner movement in light of the absence of a specialized documentation institution focused exclusively on prisoners.

6

Addameer's annual reports also play an important role in exposing the Israeli Occupying Forces' (IOF) violations against Palestinians to the international community, in particular international human rights organizations working on the oPt. This in turn provides an effective basis to build advocacy campaigns in support of prisoners at local, regional and international levels.

Finally, Addameer hopes to spur a serious discussion among officials, organizations working for the defense of prisoners, as well as among prisoners and ex-prisoners, aimed at forging a clear vision and protection strategy in support of the Palestinian prisoner movement and securing the release of all prisoners.

Methodology

This report uses a descriptive analytical methodology to serve the objectives mentioned above. Addameer's lawyers collected 120 sworn affidavits from prisoners and held 300 interviews with prisoners in Israeli prisons in 2010.

The violations perpetrated against prisoners and their families were examined and analyzed within the framework of international humanitarian and human rights law regulating prisoners' rights. The report also reviews IPS regulations applied to Palestinian prisoners in order to compare them to relevant international standards.

It also highlights the violations that prisoners were subjected to throughout 2010 starting from the moment of arrest and interrogation and going all the way through the detention and imprisonment periods. In addition to its focus on children, the

report pays particular attention to the treatment of administrative detainees, “unlawful combatants,” detainees in isolation, and women.

More generally, the report emphasizes the prisoners’ cause as an undivided collective one, based on Addameer’s belief that all Palestinian prisoners, whether from the West Bank, including East Jerusalem, the Gaza Strip, or from the 1948 Territories, are part of one people, bear the same burdens and face the same harsh conditions and violations in their struggle for dignity and freedom.

Finally, this report provides a comprehensive overview of major developments in the ongoing confrontation between the prisoner movement and the IPS. As will be seen, the prisoner movement’s successful efforts over the past few decades to obtain some of their rights as enshrined in international humanitarian and human rights law have been systematically reversed by the IPS. In particular, following its successful crushing of a prisoner hunger strike in 2004, the IPS has adapted its policy, resorting to measures used in the early years of Israeli detention and aimed at suppressing any form of collective consciousness and mobilization by Palestinian political prisoners.

Nothing is harder for a person than to live with a feeling of oppression and torture without being able to describe it or identify its cause and source. When insecurity is added to oppression, it gives rise to feelings of impotence and loss of human dignity. It seems then, that not only has the world given up on you, but your own language has betrayed you and rendered you unable to describe and identify your torture. You cannot even say “ouch” in a way that would make the other—the free—understand.

Walid Daka, excerpt from *Consciousness Molded or the Re-Identification of Torture*

Introduction



Human rights organizations and researchers exert maximum efforts to monitor and document detention by the IOF in the oPt and violations of prisoners' rights. However, many detentions take place in areas where IOF-imposed measures, especially restrictions on liberty of the press, make it impossible to obtain sufficient information, thereby allowing the IOF to conceal their crimes and eschew accountability.

Israel notably refuses to provide Palestinian human rights organizations working on the prisoner issue with the information and statistics necessary to perform their work effectively. It also tries to raise doubts about their credibility, notably by accusing them of breaching the law.

The following section contains the statistical information collected by Addameer on prisoners in 2010, using data provided by the IPS to Israeli human rights organizations such as B'Tselem and Addameer's own documentation obtained through prison and field visits. It should be noted that while the statistics provided by the IPS indicate the number of prisoners held in Israeli prisons, they do not include the number of Palestinians held in detention centers, meaning that the statistical information provided by Palestinian organizations is always more accurate than official Israeli figures.

Statistical Overview of the Situation of Palestinian Political Prisoners

In 2010, the IOF detained approximately 4,168 Palestinians, with an average of 347 detentions per month or 11 per day.⁴ This represents an 18.8% decline compared to the previous year.⁵ These detention campaigns were carried out in all Palestinian cities, towns, villages and refugee camps and against Palestinians of all ages and from all walks of life, including children, women and the elderly.

Based on the information provided by the IPS, Palestinian prisoners were held in 13 prisons and 4 detention centers in 2010. All of these, with the exception of Ofer Prison, are situated outside the oPt in contravention of international humanitarian law, especially Article 76 of Fourth Geneva Convention.

4 According to Palestinian researcher Abdel Nasser Farawneh, 377 detentions were reported in January, 322 in February, 478 in March, 247 in April, 292 in May, 314 in June, 283 in July, 287 in August, 485 in September, 326 in October, 423 in November, and 307 in December.

5 7,612 detentions were documented in 2007, 5,818 in 2008, and 5,132 in 2009. The average number of daily detentions were as follows: 21 in 2007, 16 in 2008, and 14 in 2009.

Number of prisoners held in Israeli prisons (2009-2010)⁶

Year	Pre-Oslo prisoners	Jerusalem prisoners	1948 Territories prisoners	Administrative detainees	Child detainees	Members of the legislative council
2009	319	199-198	180-200	564-278	389-306	34-17
2010	300	200	200-180	264-219	337-225	11-9

Prisoners Arrested before the Oslo Peace Process

In 2010, more than seventeen years after the beginning of the Oslo Peace Process, Israel still held 300 Palestinian political prisoners who were arrested before the Oslo accord was signed. Of these, 115 had been imprisoned for more than 20 years, 13 for more than 25 years and 3 others for more than 30 years (Nael Barghouti, Fakhri Barghouti and Akram Mansour).⁷ One hundred and twenty five of these prisoners were from the West Bank; 115 from the Gaza Strip; 39 from Jerusalem; 20 from the 1948 Territories and 1 from the occupied Syrian Golan Heights.

Jerusalemite Prisoners⁸

The IOF detained hundreds of Palestinians from Jerusalem in 2010, most of them children. According to information provided by the IPS, 200 Jerusalemite prisoners were serving sentences in 2010. Of these, 73 were serving life sentences and 20 had already been in prison for more than 20 years.

Prisoners from the 1948 Territories

Palestinian prisoners from the 1948 Territories were entirely excluded from negotiated prisoner releases during the Oslo process as they were viewed by Israeli authorities as prisoners under the authority of the State of Israel, rather than political prisoners of the Israeli-Palestinian conflict, a view that was implicitly adopted by Palestinian negotiators. Their number went from 200 at the beginning of 2010 to 180 by its end. More than 21 of them were serving life sentences, 16 had already been held for more than 20 years and 4, such as Sami Younis and Muhklis Burghal, for more than 25 years.

Palestinian Ministers and Members of the Palestinian Legislative Council (PLC)

In 2006, 51 Palestinian ministers and PLC members were arrested following the legislative elections in which the Hamas-affiliated Change and Reform List won the majority of the vote. In 2010, twenty of these ministers and PLC members were re-arrested. While some of them were released in the course of the year, in December 2010, 9 PLC members remained in Israeli prisons.

⁶ The numbers represent statistics at the beginning and end of the year.

⁷ Report by Friends of Humanity, 2010, p. 4.

⁸ For more information on the situation of Jerusalemite prisoners, see Addameer's background paper, "Forgotten City, Forgotten People: Jerusalemite Political Prisoners, the Oslo Process and a Struggle for Freedom," available at: <http://www.addameer.org/etemplate.php?id=366>.

Number of PLC members held in Israeli prisons in 2009-2010

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2009	34	34	37	37	37	36	35	35	25	24	18	17
2010	N/A	11	15	14	12	12	12	12	9	9	9	9

Administrative Detainees

In 2010, the IOF issued 714 administrative detention orders, representing a 55% decrease compared to 2009, when 1,304 such orders were issued. Of these orders, 413 were confirmed, 9 were cancelled, and 306 were either shortened or determined to be the final detention order. In only one case did the military commander shorten a detention order before review by a military judge.

Addameer's documentation shows that 264 Palestinians were held in administrative detention at the beginning of 2010, with the number decreasing to 219 by the end of the year.

Number of administrative detainees held in Israeli prisons (2008-2010)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2008	813	788	766	790	761	730	691	649	598	578	569	546
2009	564	542	506	487	449	428	387	363	335	322	219	278
2010	264	259	237	222	213	203	199	189	212	213	205	219

Longest serving administrative detainees in 2010

Name	Date of detention	Date of release	Place of detention
Ayed Muhammad Salem Dudeen	19\10\2007	9\6\2011	Ketziot
Omar Ali Muhammad Jabrini	26\10\2007	2010	Ketziot
Hassan Zahi Safadi	28\6\2007	2\12\2010	Ketziot
Ibrahim Hassan Ali Jabr	17\5\2008	14\4\2011	Ketziot
Loai Sati Mohammad Ashqar	9\4\2008	30\8\2010	Meggido
Basim Za'rir	1\1\2009	1\1\2011	Ketziot
Issam Rashid Hassan al-Ashqar	17\3\2009	8\9\2010	Meggido

Children

It is estimated that the IOF has arrested more than 8,000 children since the beginning of the second intifada in September 2000. In 2010 alone, more than 1,000 Palestinian children were arrested, many of them in occupied East Jerusalem neighborhoods such as Silwan, Issawiya, Sheikh Jarrah, Ras al-Amud, Mount of Olives, Izzariya and Abu Dis. These arrests fly in the face of international humanitarian and human rights law, which holds that detention of children should only be used

as a last resort. A report by the Palestinian Ministry of Prisoner Affairs⁹ shows that these children were subjected to various forms of physical and psychological ill-treatment and torture, with 95% of them reporting being beaten and humiliated.

Women

In 2010, the IOF continued to arrest and detain Palestinian women for their participation in cultural, social, and political activities. The number of women held in Israeli prisons ranged between 34 and 39 throughout the year. In December 2010, of the 39 women held, 28 were serving a sentence, 5 were detained for interrogation or until the conclusion of their trial, and 4 were held in administrative detention. These women were held in three different prisons, 22 in HaSharon, 14 in Damon and 1 in solitary confinement in Neve Tirza. Thirty-four women were from the West Bank, including 5 from East Jerusalem, 3 from the 1948 Territories, and 1 from the Gaza Strip (Wafa' al-Bis).

2010 in Review

On 6 February 2010, the IOF arrested 16-year-old **Mohammed Halabiyeh** in the town of Abu Dis in the vicinity of Jerusalem. During the operation, Mohammed broke his right ankle requiring his hospitalization. At the hospital, however, Mohammed was tortured by IOF soldiers, who applied pressure to his broken ankle, stuck needles in his arm, punched him in the face and deprived him of sleep.¹⁰

14

On 1 March 2010, the IOF arrested 9-year-old **Amir al-Muhtasib** and his 12-year-old brother **Hassan al-Muhtasib**, holding them in Ofer Prison for a week. They were released on 7 March 2010 on NIS 5,000 bail (approximately \$1,340).

On 28 March 2010, the **Israeli High Court of Justice** rejected a petition submitted by three Israeli human rights organizations, (the Association for Civil Rights in Israel, Hamoked Center for the Defence of the Individual and Yesh Din) demanding that the policy of holding Palestinians from the oPt, as well as court proceedings, inside the 1948 Territories be reconsidered because it constitutes a blatant violation of provisions contained in the Fourth Geneva Convention (articles 66, 76, and 116) and infringes on the detainees' right to a fair trial, an effective defense and family visits.

On 13 April 2010, **Military Order No. 1650 Regarding Prevention of Infiltration** (Amendment No. 2) entered into force. This law expands the definition of "infiltrator" used by Israel to include anyone who enters the West Bank "unlawfully" or who is present in the area without a "lawful" permit. The penalties for such "infiltration" include fines, imprisonment of up to seven years, and deportation. This is only one measure among many implemented by Israel to expel Palestinians from the West Bank on charges that their residence there is "unlawful."¹¹

9 Report for December 2010.

10 For more information, see Mohammed's profile: <http://www.addameer.org/etemplate.php?id=335>.

11 For more information on military order no. 1650, see Al-Haq's analysis: <http://www.alhaq.org/attachments/article/299/legal-analysis-of-new-israeli-military%20Orders.pdf>.

On 15 April 2010, a military judge confirmed a six-month administrative detention order against 16-year-old **Moatasem Muzher**.

On 16 April 2010, **Raed Mahmoud Ahmad Abu Hamad**, from the East Jerusalem neighborhood of Izzariya in the vicinity of Jerusalem, died in a solitary confinement cell in Eshel Prison. Raed, who had served 5 out of a 10-year prison sentence, had spent 18 months in solitary confinement prior to his death.

On 6 May 2010, **Ameer Makhoul**, a prominent human rights activist and the director of Ittijah - The Union of Arab Community-Based Associations, was arrested two weeks after a travel ban was imposed on him by the Israeli Ministry of Interior. He was later charged with espionage, assistance to the enemy in a time of war—which carries a maximum sentence of life imprisonment—contact with a foreign agent, and other “security” charges.

On 31 May 2010, the Israeli navy attacked an international flotilla sailing toward the Gaza Strip with humanitarian aid in an attempt to break the siege imposed on the Strip since 2006. During the attack, which took place in international waters, Israeli forces killed 9 Turkish nationals aboard one of the ships and arrested hundreds of participants, including Palestinian member of the Israeli Knesset **Haneen Zubi** and leader of the northern branch of the Islamic Movement in Israel **Sheikh Raed Salah**.

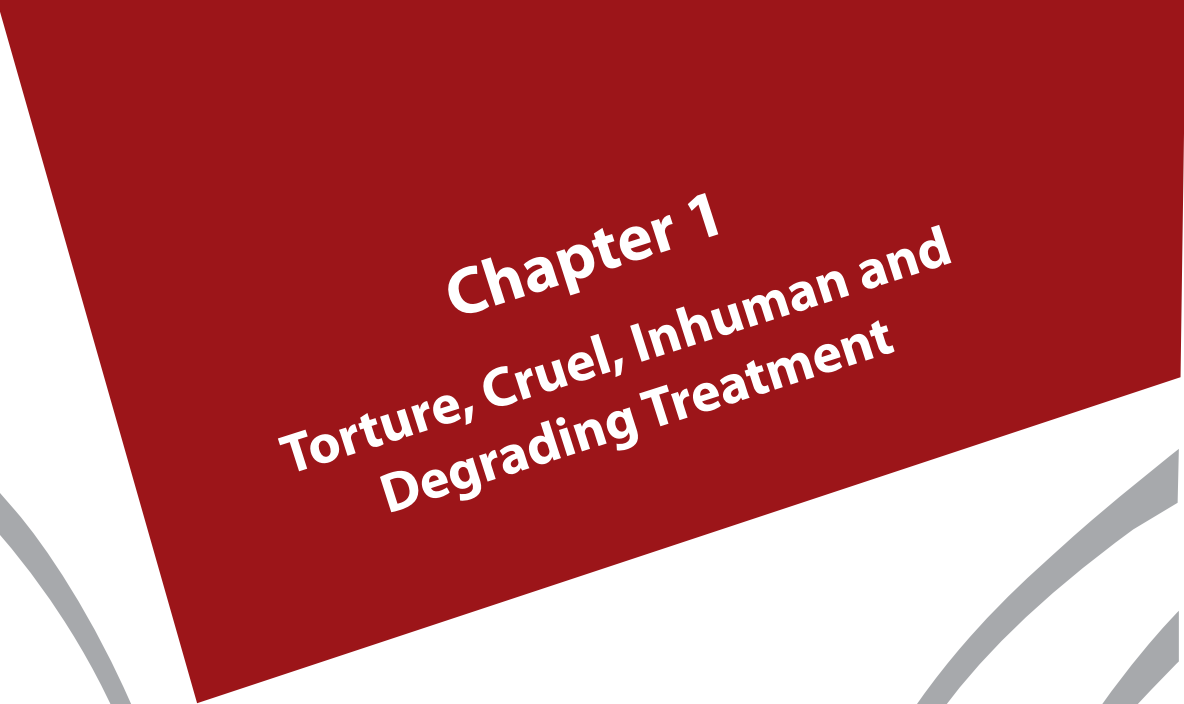
On 10 June 2010, **Mohammed Abdulsalam Mousa Abdin**, a 39-year-old Palestinian man from Jerusalem, died in a cell in Ramleh Prison due to deliberate medical negligence. He was serving a 14-month sentence at the time of his death.

On 11 October 2010, Ofer military court sentenced **Abdallah Abu Rahma**, coordinator of the Bil’in popular committee against the wall and settlements, to 12 months in prison. Although he was meant to be released on 18 November 2010, on 22 November, the military court of appeal extended his detention past the term of his sentence following an appeal by the military prosecution to aggravate his sentence.¹²


On 10 November 2010, the IOF arrested **Mahmoud al-Ramahi**, a 52-year-old PLC member and Secretary-General of the Change and Reform bloc. After six days of detention, he was placed in administrative detention for an initial period of six months.

On 8 December 2010, the IOF expelled **Mohammed Abu Tir**, a 54-year-old Change and Reform PLC member, from East Jerusalem, following a decision by an Israeli court to this effect. He was detained for five months for rejecting the expulsion decision, which had set 19 June 2010 as a deadline for him to leave the city.

¹² For more information on Abdallah Abu Rahma’s case, see his profile in the second chapter of this report.



Chapter 1
Torture, Cruel, Inhuman and
Degrading Treatment



This chapter presents a number of case studies of Palestinian detainees, particularly minors, who were subjected to some form of torture, cruel, inhuman or degrading treatment during their arrest or detention in 2010. These cases represent a snapshot of the widespread abuse that detainees are subjected to by Israeli authorities.

Torture and Ill-Treatment during Arrest

As Israel continues to exercise de facto control over all areas in the West Bank, the IOF, the Israeli Security Agency (ISA) and special and undercover forces detain Palestinians throughout the oPt regardless of the provisions contained in the Oslo Accords, which granted the Palestinian Authority security control over limited areas (Area A – primarily the cities throughout the West Bank).

Arrests often take place late at night, with the IOF raiding Palestinian homes, intimidating, insulting and beating family members, and often damaging property, notably by destroying religious books, pictures of martyrs and national flags. Every year, hundreds of Palestinians are also arrested at military checkpoints and roadblocks erected by the IOF at the entrances of Palestinian towns. These arrests can be extremely violent and over the years, 74 Palestinians have been killed during arrest operations.

Below are a number of testimonies from detainees, some as young as 13, who were subjected to serious forms of ill-treatment while being arrested by Israeli forces.

Mohammed Tareq Abdullatif Mukheemer, 13, from the village of Beit 'Awr near Ramallah, was detained on 1 September 2010 at 6:00 p.m. while he was walking with his friends on Route 443, a highway connecting Israeli settlements to Tel Aviv and Jerusalem that crosses the arable land of the village. Mohammed reports:

While we were walking, a settler car stopped without any reason and the settler began to call us names. I picked up a stone and threw it at his car, but it hit another car coming from behind. A military jeep arrived and started pursuing us. They captured us and tied our hands behind our backs with plastic shackles. They tightened them in a painful manner and blindfolded us. Then they held us in a nearby military camp in a room that was very cold as result of the air conditioning being turned on. They kept us there hand-cuffed and blindfolded for six hours in the freezing cold. When I slept because I was exhausted, a soldier came and dragged me to another room and forced me down on the floor. He began to beat me on the leg with the butt of the gun. I cried and wept, but they kept me in that room for a day and a half without food or water. They forced me to sit on a dirty floor soiled with urine and took many pictures of me during this time with their mobile phones... They forced me to take off my clothes, which they returned to me after five minutes without letting me know why or what the purpose of taking them was.

Mohammed Mahmoud Dawoud Halabiyeh, 16, from the village of Abu Dis in Jerusalem, was arrested on 6 February 2010 while he was distributing wedding invitation cards with his friend Anas Ayad. A soldier grabbed him as he attempted to run away, causing Mohammad to fall from the floor of an unfinished house, from a height of approximately 5 meters. As a result he broke his left leg just above the ankle.

While I was feeling the pain in my leg, a soldier looked at me, laughed and then threw a stun grenade in my direction. It fell just one meter away from me. He then took off his steel helmet and punched me in the chest. Four soldiers then attacked me and began to beat me everywhere including on my broken leg. They forced me to walk on my broken leg and beat me on the back. After I walked about ten meters in this way, two soldiers carried me and the others continued punching me. They also cursed and called me names.¹³

Another child, **Abdulhamid Abu Haniyeh**, 17, recounted his arrest experience:

When they arrested me and my four friends, they tied our hands behind our backs with plastic shackles and blindfolded us. The soldiers beat us severely while we were in the military vehicle on the way to the detention center.

Emad Mohammad Salem al-Ashhab, 17, who suffers from a rare health condition that has caused partial paralysis in his arm, requiring regular physiotherapy, was detained on 21 February 2010 while he was in the company of his father on their way from Hebron to the industrial zone of al-Khan al-Ahmar where they work. At the Container checkpoint between Bethlehem and Ramallah, Israeli soldiers stopped their car and checked their identity cards. After a few minutes of examining them, the soldiers asked Emad to get out of the car without any explanation. They held him in a temporary detention facility near the checkpoint under harsh conditions in which he was not allowed food, drink, or use of a bathroom. He was also forced to sit on a plastic chair with his hands and feet tied from 9:00 a.m. until 1:00 p.m. He reported to Addameer that the soldiers covered his head with a woolen bag, tied his hands and beat him with a wooden stick while they were transferring him to an undisclosed location. They also put out their cigarettes on his hand despite his medical condition.

Mohammed Azzam Sudqi Kifayah, 25, from al-Ama'ari refugee camp was detained on 10 December 2010 when the IOF raided his house at 1:00 p.m., breaking down the doors and intimidating the residents.

Eight soldiers attacked me and threw me down on the floor. Then, they tied my hands behind my back, beat me on the head with their guns and gagged me with a piece of cloth. They beat me on my stomach and chest causing a fracture to one of my ribs. They didn't stop beating me from the moment they took me from my home until we arrived at Ofer prison. After that they placed me in administrative detention.

Saher Sahwel, from Abwein on the outskirts of Ramallah, was detained on 16 May 2010 from his home. One of the soldiers who raided his room pressed hard on his neck while he was sleeping in bed and threw him to the floor. After that, the other soldiers started kicking him in the neck, blindfolded him, tied his hands, and pulled him by his hair along the road outside his house.

Mohammed Ali Rashid Radwan, 18, from the village of Azzoun to the east of Qalqilya, was detained on 3 August 2010 at 2:30 a.m. from his house. The soldiers forced all his family outside and searched the house before arresting him.

13 For more information, see Mohammed's profile: <http://www.addameer.org/etemplate.php?id=335>.

They shackled my hands and blindfolded me in front of my family and pushed me into a military vehicle. After 15 minutes of driving, they took me out of the car, removed my blindfold, gave me a mobile phone and asked me to talk to "Captain Shukri." He asked me to collaborate with the army and turn in a gun. I told him that I didn't know what he was talking about and that I have no weapons. He insulted me and began to call me names. I asked him to stop, but he refused. I turned the mobile off and gave it back to the soldiers. Five of them then began to kick and beat me with their hands and the butts of their guns. They continued to beat me in this way for five minutes and after that pushed me back into the vehicle.

Torture and Ill-Treatment in Interrogation and Detention Centers

The sworn statements of Palestinian detainees, as well as reports from numerous local and international organizations, clearly reveal that various methods of physical and psychological torture are used in order to extract forced confessions from Palestinians, leading to their conviction and imprisonment.¹⁴ The methods of torture used have changed over time, in accordance with laws and regulations in place. Before 1999, interrogation methods used against Palestinians were not regulated but instead conducted according to the recommendations of a commission of inquiry formed in 1987 to examine the ISA's procedures (the Landau Commission). These recommendations allowed the use of "moderate physical pressure," with the end result that torture and ill-treatment were used regularly with complete impunity. In 1999, the Israeli Supreme Court issued a decision banning torture, although it once again allowed illegal interrogation methods to continue to be used in certain circumstances with impunity. The Israeli judicial system has therefore contributed to eroding Palestinians' rights and given legal cover to the occupation's military and security apparatus, allowing it to avoid proper monitoring and accountability.

The testimonies collected by Addameer attorneys reveal that interrogators systematically use harsh detention conditions as a bargaining chip, whereby detainees are given the option of being moved to a different cell on the condition that they confess to the offence they have been accused of, which inevitably leads to them being charged and convicted in the military courts. Interrogation can last for several weeks in a row, during which time detainees are often deprived of sleep, held in complete solitary confinement, and shackled and blindfolded for long periods of time. During this time, detainees are also frequently denied any contact with the outside world, including family and lawyer visits.

The following are extracts from testimonies that highlight the poor conditions and severe human rights violations that detainees are subjected to during interrogation in different detention centers.

¹⁴ Addameer has conducted several studies and published reports that highlight the patterns of torture faced by Palestinian detainees during interrogation. For more information, see <http://www.addameer.org/etemplate.php?id=294>. Over the past decades, approximately 70 Palestinian detainees have died as a result of torture and hundreds more have sustained long-term disabilities.

Al-MoskobiyeH Interrogation Center (Russian Compound)

Adham Jaradat, 20, from East Jerusalem, was arrested by plain-clothed undercover forces on 16 March 2010 while on his way to visit his grandfather who lives in the Al-Jouz neighborhood of the city. The forces beat him with the butts of their guns, inflicting a deep wound to his right eye, before blindfolding him and tying his hands behind his back. With his eye still bleeding profusely from the attack, Adham was transferred to Al-MoskobiyeH interrogation center, where he was forced to stand in a painful contorted position for many hours. The interrogation team was made up of three officers who beat Adham as they asked him questions. One of the interrogators asked him which of his eyes was bleeding and then punched him on it causing the injury to get deeper and worse. He was not given any food or water from 9:00 a.m. until 11:00 p.m. After the first round of interrogation and before transferring him to a cell, the interrogators strip-searched him and held him in a cell with criminal prisoners.

Kifah Qatash, 37 and a mother of two, was detained on 1 August 2010 from her home in Ramallah. She was held in Al-MoskobiyeH interrogation center and subjected to interrogation by three ISA officials. Kifah suffers from rheumatism and a chronic autoimmune disease called Systemic Lupus Erythematosus, as well as Raynaud's syndrome and chronic bronchitis.¹⁵ Her interrogators threatened to keep her in the same interrogation center for a year and a half under administrative detention and to extend her detention until after the wedding of her 16-year-old daughter Duha. They also threatened to arrest her husband Hazem Qatash. In a bid to extract a confession, the ISA, fully aware of her medical problems, deliberately used the air conditioning system to drastically alter the temperature in her cells, which led to a serious deterioration of her health.

22

Exposing Children to Electric Shocks in Huwwara Interrogation Center

Abdelhamid Abdellatif Said Abu Haniyeh, 16, a student in the 11th grade, was arrested on 5 August 2010 while he was on his way home with four friends from Mar Elias village near the Annexation Wall. Israeli forces surrounded the five youths, arrested them without telling them why and blindfolded them, tied their hands behind their backs, and took them by military jeep to an undisclosed location.

After half an hour's drive, they arrived at a military camp and conducted medical checks on me. At the same time, I heard my friend crying and being subjected to beatings. They transferred us to an interrogation center in Ariel settlement where the interrogator pressured me to confess to throwing stones. When I told him that I didn't throw stones, he suggested that I should confess to throwing stones on previous occasions. When I refused to incriminate myself, he gave me an electric shock using an electric device. He repeated this several times and every time I refused to incriminate myself of something I didn't do, he threatened to use the electric shock treatment again. I felt pain from the electric shocks, especially seconds afterwards, in the muscles of my body; he subjected me to this 6 times in the thighs and the hands. Because of this torture, I admitted to throwing stones

¹⁵ See Kifah's full profile in the second chapter of this report.

without mentioning dates, but the interrogator was writing down the dates he wanted.

Yahia Ali Abu Abdelhafik Adouin, 15, from the village of Azzoun, was detained at the same time as Abdelhamid. During his interrogation, he was beaten on the head and the face and subjected to electric shocks five times.

Etzion Interrogation and Detention Center

Salman Khadir Abdullah Masalmah, 17, was detained with his cousin on 5 January 2010 after the IOF took his father as a hostage to pressure him to turn himself in. He was moved from one interrogation center to another and was held for nine days in Etzion where he was repeatedly threatened in an effort to force him to confess.

Asqalan Interrogation Center (Shikma)

Salman Masalmah underwent different forms of physical and psychological torture while being interrogated at Asqalan. On the first day of his detention, he told the doctor who was conducting a medical check that he was suffering from severe pain in the sides of his body, but the doctor failed to give him further attention and instead just gave him with an Acamol pill, a standard painkiller that is frequently given by doctors in Israeli prisons and detention centers to Palestinian detainees.

The ISA agent interrogating Salman threatened to deny him the right to see his lawyer unless he admitted to the allegations against him. He also threatened to interrogate him for six full months, detain his father and finally with the prospect of a life sentence. During the interrogation, Salman began to feel more pain in the side of his body and kidneys. Every time he asked for medical treatment, the interrogator put further pressure on him to confess in order for him to receive the treatment he needed. This continuing psychological pressure led Salman to threaten that he would commit suicide. The ISA responded by ordering the prison guards to hold him in a small cell, tie him to a bed, and shackle his feet. He was kept in this position for four days except when taking meals or using the toilet. On the following day, he was transferred to a collaborators' cell in the prison of Be'ersheba where he was held for 24 hours before being returned to Asqalan. Salman told Addameer that because of the pain he was in and the threats that were made to detain members of his family, he confessed to the charges that the interrogators wanted him to admit to.

Saher Sahwel was interrogated by ISA officers in Asqalan and subjected to humiliating and dehumanizing insults. Saher reported that he underwent several rounds of interrogation that lasted 12 hours each. He was deprived of sleep for most of the time except for 2 hours a day. He added that one day, he was subjected to interrogation for 21 hours in a row with his hands cuffed.

They held me in a small cell which had neither windows, lighting, nor blankets; it was full of dirt and filth. I was not allowed to take a shower for five days. I was also deprived of any meals suitable for my health condition although they knew that I suffer from an ulcer.

Ashraf Shafiq Hassan al-Khatib, 32, an ambulance officer from Rafah in Gaza, was detained at Erez checkpoint on 23 June 2010 while he was on his way to Ramallah to take part in a medical workshop held by the Palestinian Red Crescent in cooperation with the International Committee of the Red Cross.

In Asqalan, Ashraf was subjected to harsh interrogation techniques by a team of five interrogators. Starting from the second week of his detention, each interrogation session lasted 20 hours, during which he was not allowed to use the toilet. He was also only allowed to take his meals inside the interrogation room. He was subjected to physical torture, in particular from an intelligence officer who told Ashraf that he was a medical doctor and who beat him on his shoulders. The interrogators also cursed and insulted him. Although the interrogation team was aware that Ashraf was suffering from cartilage inflammation, they held him with his wrists tightly cuffed behind his back, keeping him contorted and in severe pain. His family was not informed of his arrest nor of the place of his detention and his lawyer was not allowed to visit him for thirty days.

Mohammed Omar Abdelghani Hamid, from the village of Silwad northeast of Ramallah, was arrested on 18 June 2010 at dawn. He was transferred to Al-Moskobiyeh interrogation center in Jerusalem where he was held for two days and then transferred to Asqalan for interrogation.

They tied my hands behind my back during the interrogation and forced me to sit on a small chair, despite the fracture I have in my hand, of which I told the interrogators. The interrogations would last between three and five hours. The only break they gave me was to have meals. They didn't allow me to sleep either, except for once every two days. On the second day of interrogation, a new interrogator, "Yogi," joined the first one who was called "Baz." Yogi stood before me while I was sitting on the chair with my hands cuffed behind my back and caught me by my shoulders. He began to shake me back and forth frantically for a minute. When I got dizzy and was about to faint, he stopped for one minute and then resumed the shaking for another minute. I got dizzy again and was about to faint. It was painful; I felt as if I was dying.

24

Petah Tikva Interrogation Center¹⁶

Linan Abu Ghulmeh, 30, from Beit Furik village near Nablus, was detained by the IOF on 15 July 2010. After bringing her to Petah Tikva, the ISA issued a decision prohibiting her from meeting her lawyer. Linan was subjected to extensive interrogation for 40 consecutive days, during which she was held in solitary confinement. The intelligence team decided to interrogate her at night for long hours to increase her physical and psychological discomfort. The interrogation sessions would start at 6:00 p.m. and continue until the early hours of the following morning. She was then allowed to sleep for 3-4 hours during the rest of the day before being taken for further interrogation. She was given no breaks during the interrogation, except for 10 minutes at mealtimes. On 25 August, Linan was

¹⁶ For more information on the detention conditions in Petah Tikva, see the report of Hamoked and B'Tselem "Kept in the Dark: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israeli Security Agency," October 2010.

informed that the previous day the Military Commander had ordered her to be held in administrative detention for a period of six months.

Al-Jalameh Interrogation Center (Kishon)

On 23 April 2010, the IOF arrested **Ahmed Abdelrahim Isleem**, 17, from the village of Azzoun near Qalqilya after raiding his home late at night and transferred him to al-Jalameh. Ahmed was held in cell 34, which he describes as windowless, measuring only 1.5 by 2 meters and containing nothing but a mattress and a Turkish toilet, falling short of acceptable hygiene standards. Ahmed was interrogated numerous times over the course of the first five days of his detention, with each session lasting between 6 and 13 consecutive hours, with very little sleep in between. During this time, Ahmed's hands and legs were tied; he was threatened with physical torture, rape and even killing; and finally on the fifth day he was beaten and insulted by one of the interrogators after continuing to deny the allegations against him.

He [the interrogator] said that he was crazy, and he started throwing blows at my face and my head. He held a kind of thick iron sheet and he hit me with it three or four times on my head from behind. I felt dizzy and saw stars above me. My vision became blurry, but I did not lose consciousness.¹⁷

Provisional Detention Center in Ma'ale Adumim Settlement

Mustapha Mohammed Khaled Jafal, 16, was arrested on 16 September 2010 at 2:00 a.m. from his home in Abu Dis on the outskirts of Jerusalem when the IOF raided his house, tied his hands behind his back and blindfolded him in front of his family members. He was taken to an interrogation center inside the settlement of Ma'ale Adumim. During the journey he was beaten and slapped, and once they arrived at the center, the ISA started interrogating Mustapha while he was still handcuffed and blindfolded. They accused him of throwing a Molotov cocktail, a claim he denied, and slapped him in the face several times. After the first session of interrogation was finished, the interrogator wrote a statement in Hebrew, a language Mustapha does not read, and forced him to sign it. Mustapha told Addameer that over the course of his detention he was held in solitary confinement for 3 days and spent more than 8 consecutive hours without food or water. On the fourth day of interrogation, Mustapha and his lawyer were shocked to find that the military prosecution at Ofer Military Court had submitted an indictment listing ten charges against Mustapha, based solely on the Hebrew statement he signed, without any further evidence.

¹⁷ For more information, see Ahmed's profile: <http://www.addameer.org/etemplate.php?id=153>.

Persistent Victims of Ill-Treatment: Jerusalemite Children

In 2010, the IOF escalated their policy of arresting Palestinian children, with more than 1,000 children, aged 15-17, arrested all over the oPt. This constitutes a 43% increase compared to 2009, during which 700 Palestinian children were detained.

Palestinian children in East Jerusalem were particularly targeted by this policy, with approximately 1,200 of them interrogated and 226 detained on suspicion of throwing stones and Molotov cocktails during the year, according to lawyer and human rights activist Nisreen Elian. In addition, military courts also placed 60 Jerusalemite children under house arrest outside of their own homes.

According to the testimonies of these Jerusalemite children, the arrest and detention operations take place in the middle of the night with Israeli forces raiding neighborhoods, searching homes without warrants, and destroying property. Many children were detained by force and subjected to severe beatings in front of their relatives. The affidavits of the children represented by Addameer show that the occupying forces sprayed them with pepper spray, beat them with the butts of their guns, tied their hands, and blindfolded them, usually also beating them severely en route to al-Moskobiyeh Interrogation Center. These children were also subjected to physical and psychological pressure during interrogation in a bid to recruit them as collaborators for the benefit of Israeli police and intelligence.

In 2010, the IOF also often used undercover forces and vehicles carrying the logos of well-known companies and businesses to infiltrate public gatherings and carry out arrest operations.

26

Reports and testimonies collected by Addameer demonstrate that Jerusalemite child detainees face serious violations of their rights and are not afforded the basic protective measures contained in Israel's Youth Law, which should apply to all Israeli citizens and Jerusalem residents. In many cases, the families of these child detainees were denied the right to attend their children's interrogation sessions, a key provision in the Youth Law. This denial is another method of exerting pressure on already traumatized children, with the aim of forcing them to sign statements in Hebrew, a language they often cannot read. These statements are then used as the sole basis for the charges against them, which in the majority of cases leads to a conviction and sentence of between two to six months.

Addameer lawyer **Mohammed Mahmoud**, who represents hundreds of child detainees from Jerusalem, confirms that in most cases, Israeli courts do not clear child detainees of the charges against them when the prosecution fails to make an indictment or give sufficient evidence on which to base its allegations. Instead, Israeli courts often adopt the demands of the prosecution, which generally consist of one or more of the following:

1. Expelling children from their homes and imposing house arrest in other residential areas on the pretext that they should live far away from the volatile areas where they live; which are also the areas subject to demolitions and forced evictions to make way for Israeli settlers.

2. Imposing house arrest on children and setting conditions whereby they cannot leave their homes, depriving them of exercising the right to a normal life and education.
3. Charging bail or fines, ranging between NIS 3,000-5,000, which are also used as a pretext for re-arresting these children when they fail to comply with the conditions set out for the bail. The aim is to force families to police their own children in accordance with conditions set by the Israeli authorities.

Addameer has documented dozens of cases of children subjected to house arrest in their own homes or in homes belonging to relatives. **Wisam Muhammad Talji Samur Sidir**, 17, from the Old City of Jerusalem, for example, was detained dozens of times during 2009-2010 for interrogation. He told a lawyer from Addameer:

When they arrested me on 16 March 2010, they put me under house arrest at my brother's house in Ras al-Amud. They prohibited me from visiting the old city from sunset until sunrise and conditioned my release on a bail of NIS 5,000 which my father and brother signed.

Amid ongoing tensions in the Jerusalem neighborhood of Silwan in March 2010, Israeli forces arrested dozens of children and placed them under house arrest:

- Ahmad Dawoud Siam, 12, was placed under house arrest for one week;
- Ahmad Dia' al-Din Gheif, 13, from Batin al-Hawa, was placed under house arrest for 2 weeks outside of Silwan and his family had to pay a NIS 4,000 bail;
- Mohammed Tawfik Gheif, 15, was placed under house arrest for 3 months in his uncle's house in Beit Hanina.

Chapter 2

Fair Trial Guarantees



The focus of this chapter is Israel's violation, in its military judicial procedures, of minimum fair trial guarantees contained in international humanitarian and human rights law, whether through its use of administrative detention or its detention and prosecution of human rights defenders.

The first section will look at administrative detention as one of the main arbitrary measures used against Palestinian prisoners. In this context, Israel's standard administrative detention practice in the West Bank will be illustrated by examining the cases of Kifah Qatash, a Palestinian woman and Emad al-Ashhab, a Palestinian child. This section will also look at administrative detention of Palestinians from Gaza under the so-called "Unlawful Combatants" Law.

The second section of this chapter will address the detention of human rights defenders and activists working against the Annexation Wall and settlements by looking at the case of Abdallah Abu Rahmah, a human rights defender from the village of Bil'in.

Administrative Detention

Although the table below shows that the use of administrative detention has declined somewhat in 2010, it should be emphasized that this does not imply that the IOF has changed its overall policy on the matter.¹⁸ Indeed, the IOF still uses administrative detention whenever and against whomever they want, whether children, women or men.

Administrative detention is also the IOF's preferred means of punishing Palestinian journalists, authors and writers who attempt to exercise their right to express their opposition to the occupation. The continuing detention of journalist and writer **Ali Jaradat** is clear evidence of this form of repression.¹⁹ Palestinian university students and professors are also regularly placed in administrative detention, as illustrated by the detention of physics professor **Isam Rashid Ashqar**, for example, who was arrested in March 2009 directly from university.²⁰

Palestinians in administrative detention (2008-2010)²¹

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2008	813	788	766	790	761	730	619	649	598	578	569	546
2009	564	542	506	487	449	428	387	363	335	322	291	278
2010	264	259	237	222	213	203	199	189	212	213	205	219

18 For more information on the illegality of administrative detention as practiced by the IOF, see Addameer's reports "Administrative Detention in the Occupied Palestinian Territory – A Legal Analysis Report" (July 2010 update) and "Administrative Detention in the Occupied Palestinian Territory – Between Law and Practice" (December 2010).

19 For more on Ali Jaradat's case, see Addameer's report "Administrative Detention in the Occupied Palestinian Territory – Between Law and Practice" (December 2010), p. 20-21.

20 Isam Ashqar was released in September 2010.

21 Source: Israeli Prisons Service, via B'TSelem

Administrative Detention of Women

At the time of writing this report, there were five Palestinian female prisoners in administrative detention:

1. Raja' al-Ghoul, 40 years old: administrative detention due to expire on 15 September 2010.²²
2. Hana Shalabi, 28 years old: administrative detention due to expire on 11 March 2011.²³
3. Muntaha al-Taweel, 45 years old: administrative detention due to expire on 8 February 2011.
4. Kifah Qatash, 37 years old: administrative detention due to expire on 5 April 2011.
5. Linan Abu Ghulmeh, 30 years old: administrative detention due to expire on 25 July 2011.²⁴

Of these five women, **Muntaha al-Taweel**, **Kifah Qatash** and **Linan Abu Ghulmeh** were all placed in administrative detention in 2010. **Muntaha al-Taweel** was arrested on 8 February 2010 and charged with belonging to an enemy organization and holding a position in that organization. A military judge found that the prosecution's evidence was insufficient to sustain these charges and ordered that Muntaha be released on bail. The prosecutor, however, requested that the release order be postponed for seventy-two hours, during which time an administrative detention order was issued against Muntaha by the Israeli military commander. **Linan Abu Ghulmeh**, 30 years old, was arrested on 5 July 2010 from her sister's home in the village of Burin near Nablus. Despite being interrogated for 40 days, the military prosecution failed to substantiate the allegations against her, and instead, on 24 August 2010, the military commander issued a six-month administrative detention order against her. **Kifah Qatash**, 37 years old, was arrested from her home in Ramallah on 1 August 2010. After the ISA failed to extract a confession from her, she was placed in administrative detention on 9 August for an initial period of four months. This detention order was subsequently renewed and is now due to expire 5 April 2011.

22 For more information, see Raja' profile: <http://www.addameer.org/etemplate.php?id=167>.

23 For more information, see Hana's profile: <http://www.addameer.org/etemplate.php?id=161>.

24 For more information, see Linan's profile: <http://www.addameer.org/etemplate.php?id=152>.

Case Study: Kifah Qatash

Date of Birth: 11 November 1973

Place of Residence: Al-Bireh, Occupied Palestinian Territory

Occupation: Third-year university student majoring in social work at Al Quds University

Marital Status: Married and a mother of two

Health Condition: Kifah suffers from rheumatism, Systemic Lupus Erythematosus and Raynaud's phenomenon

Date of Arrest: 1 August 2010

Place of Detention: HaSharon Prison

Number of detention orders: Two

Expected End of Current Detention Order: 5 April 2011



ARREST

Kifah Awni Othman Qatash was arrested in her home in Al-Bireh on 1 August 2010. At 1:30 a.m., Israeli military vehicles carrying a large number of Israeli soldiers entered the neighborhood. Al-Bireh is located in Oslo-defined area A, which is under full civil and military control of the Palestinian Authority.

The intelligence officer leading the arrest, who identified himself as "Gordon," told Kifah that he had a court order to arrest her, adding that he knew she was sick and that a military doctor would therefore accompany the soldiers during the arrest. Despite these claims, Kifah and her husband were never shown an arrest or search warrant. During the arrest, "Gordon" also claimed that Kifah was suspected of being involved with Hamas and transferring funds on their behalf, although he also informed her that these alleged funds were not used for military purposes. At about 3:30 a.m., Kifah was arrested and taken to al-Moskobiyyeh (Russian Compound) detention and interrogation center, located in West Jerusalem.

HEALTH CONDITION

Based on the diagnosis of Dr. Muhyeddin Omar, a doctor who has been following her for seven years, Kifah suffers from rheumatism and a chronic autoimmune disease called Systemic Lupus Erythematosus, which results in tissue damage and inflammation. According to Dr. Omar, she also suffers from Raynaud's phenomenon, which causes discoloration of the fingers and toes and in the worst cases can lead to necrosis. In fact, part of one of Kifah's fingers has had to be amputated because of necrosis. Kifah also suffers from chronic bronchitis, associated with frequently inflamed lungs. Kifah's medical conditions deteriorate when she is exposed to cold water and cold weather. In the past she has often needed to be hospitalized for treatment and is still taking immunosuppressive medication to control her diseases.

Although Israeli intelligence officers were already aware of Kifah's health condition as a result of their 2008 raid on her apartment, Kifah's lawyer also gave the Israeli intelligence his client's medical file in an effort to protect her from interrogation techniques or detention conditions that could accelerate the deterioration of her health.

INTERROGATION

At 5 a.m. on 1 August 2010, Kifah reached the Moskobiyyeh detention center, which is known for the harsh interrogation methods used there. She was examined by a doctor for only ten minutes and was strip searched, photographed and fingerprinted by the female soldiers who participated in her arrest.

Kifah was first interrogated by the intelligence officer "Gordon" for one hour and then by another investigation officer named "Dennis" intermittently until 2 p.m. on 2 August. During the interrogation, Kifah was initially handcuffed with her hands behind her chair, blocking her blood flow and causing her severe pain. However, the investigator undid the shackles when he saw how Kifah's hands became blue and her general condition deteriorated. During her interrogation, which lasted a total of 32 hours, Kifah was held in different solitary confinement cells in the basement of the detention center, sometimes as small as 1.5-2 square meters. Already aware of Kifah's medical conditions, the investigation team intentionally used the air conditioning to put Kifah's life at risk by drastically increasing and decreasing the temperature in her cells.

The interrogators questioned Kifah about her family and friends, as well as her relationship to Hamas. "Gordon" insisted that they were not concerned with the 2005 elections but only with the money she was accused of transferring. In 2005, Kifah ran for the municipal elections on the Change and Reform election list in Al-Bireh, but was not elected. Kifah was repeatedly threatened with prolonged administrative detention and the arrest of her husband. In contravention of both Israeli and international standards, "Dennis" also offered her a deal whereby she would receive five months of administrative detention instead of a prison sentence if she admitted to transferring funds for Hamas. Administrative detention is allowed by international humanitarian law "for imperative reasons of security" only when applied as a preventative measure and can never be used as a substitute for prosecution.

Throughout the interrogation, Kifah denied the accusations against her and stressed that any cash transfer she might have been involved in related to the traditional distribution of small amounts of money donated by affluent individuals to families in need during the month of Ramadan. These donations amounted to as little as 10 shekels. In other cases, she took 100 shekels from her mother or sister to give to her sister-in-law.

ADMINISTRATIVE DETENTION ORDER

On 5 August 2010, a full three days after Kifah's interrogation ended without obtaining a confession, Israeli Military Commander Ronin Cohen issued the first four-month administrative detention order against her on the premise that she posed a threat to the "security of the area."

At the judicial review of the first order, which took place on 9 August 2010 at the Court of Administrative Detainees in Ofer Military Base, military judge Shimon Ashwal confirmed the order for the entire four-month period during a hearing that lasted no more than ten minutes. Ashwal based his decision on “secret information” submitted by the Israeli Security Agency that alleged that Kifah had contacts with Hamas and transferred funds on the movement’s behalf. It is submitted that if the authorities had evidence supporting these accusations, Kifah could have been charged under military orders and tried in the military courts immediately after her interrogation. Instead, it appears that administrative detention has been used in contravention of the Fourth Geneva Convention as a substitute for criminal prosecution instead of as a last resort to be used only for imperative reasons of security.

Although administrative detention orders issued by the Israeli military commander are the subject of review and further appeal by a military court, neither lawyers nor detainees are permitted to see the “secret information” used as a basis for the detention orders, rendering any possible legal defense meaningless. Kifah’s lawyer filed an appeal against her administrative detention order, notably focusing on her worsening health as a result of her detention, but the appeal was dismissed on 6 September 2010.

Kifah’s detention order expired on 5 December 2010 and was immediately renewed for another four months. Kifah is now set to be held without charge or trial until 5 April 2011.

PERSONAL INFORMATION

Kifah is married with two children: a 17-year-old son, Ma’ath and a 16-year-old daughter, Duha. Because HaSharon Prison is located inside Israel, Palestinians from the West Bank who do not possess an East Jerusalem identity card must obtain permission to visit their detained family members. Although Kifah’s family applied for a permit, it was denied and the family has been unable to visit her. Addameer filed a complaint in this regard on 25 November 2010 but no decision has been taken yet.

Before her arrest, Kifah had been determined to continue her education and help provide for her family. She obtained her high school certificate in 2006, more than 13 years after she dropped out of school. She then started social work studies at the Open University of Al Quds and was in her third year when she was arrested.

Administrative Detention of Children

Although administrative detention orders are mostly imposed on adults, a number of children have also been placed in this form of detention and held in the same prison sections as adults, in contravention of international human rights law. At the time of writing this report, two children were held in administrative detention:

- **Moatasem Muzher**, 16 years old, was released on 26 December 2010 after 282 days in detention without charges or trial;
- **Emad al-Ashhab**, 17 years old at the time of his arrest, turned 18 in administrative detention on 2 January 2011.

Case Study: Emad al-Ashhab

Date of birth: 2 January 1993

Age at arrest: 17

Place of residence: Hebron

Date of arrest: 21 February 2010

Place of detention: Ofer Prison, section 13

Number of administrative detention orders: Four

Expected date of release: 4 February 2011

Charges: None - Administrative Detention



ARREST AND INTERROGATION

Emad was arrested when he left his family home in Hebron in the early hours of 21 February 2010 to accompany his father to Al Khan Al-Ahmar, a Bedouin area between the Israeli settlements of Maale Addumim and Kfar Adumim. Emad had been regularly helping his father who works at an Israeli printing house after he dropped out of school a year and a half prior to his arrest.

At approximately 9:30 a.m. the bus carrying Emad and his father reached the Container Checkpoint located on the Wadi Nar road between Bethlehem and Ramallah. The Israeli soldiers manning the checkpoint were stopping every car that morning, checking everyone's identity cards and searching cars. Eventually, the soldiers stopped Emad's bus. They asked to see all passengers' identity cards. After a few minutes they asked Emad to get off the bus and without providing any explanation, took him to a provisional detention room located at the checkpoint.

Emad was kept in the provisional detention room at the Container Checkpoint until 1:00 p.m., without food or water. During this time, he was not allowed to use the bathroom once. He was told to wait in a chair with both his feet and hands shackled. At 1:00 p.m., Emad was transferred to a different location but was not informed where. From the first undisclosed location, Emad was then transferred to a second detention center, but again was not informed of its name or location. Later that evening Emad was transferred for a third time, and at approximately 7:00 p.m., he arrived in Etzion Detention and Interrogation Center near Bethlehem. At this point, he was allowed to use the bathroom for the first time all day.

Emad was held at Etzion for five days; during this period he was also taken to Ofer Military Base near Ramallah for interrogation sessions. Officers from the ISA questioned him during these sessions about his political affiliations, but Emad denied all of the interrogators' suspicions.

At no point during the interrogation process was Emad accompanied by either his legal counsel or a parent, a right which the Israeli authorities routinely deny Palestinian children arrested under the military regulations. On the fifth day of his interrogation, Emad was handed his first administrative detention order, informing him that he would be held without charge or trial.

ADMINISTRATIVE DETENTION

Number of order renewals: Four

Emad's first administrative detention order was set for a six-month period. At the judicial review of the order, the judge of the Military Court of Administrative Detainees in Ofer Military Base confirmed the order as drafted. Emad's legal counsel, Advocate Anwar Abu Amer, appealed the judge's decision. The administrative detention order was then shortened to two and a half months at the appeal hearing. However, on 6 May 2010, the expiration day of the first order, Emad's administrative detention was renewed for a further six months. At the judicial review hearing for the second order, it was shortened to a three-month period ending on 4 August 2010. Adv. Abu Amer subsequently filed a second appeal, but it was denied. A few days before the expiry of the second order, Emad's administrative detention was renewed again. During the judicial review of the order on 4 August, the military judge confirmed Emad's administrative detention for a period of three months, setting his possible release for 3 November 2010. The order was then renewed for the fourth time which was set to expire on 4 February 2011.

DETENTION CONDITIONS & HEALTH CONCERNS

Emad suffers from Erb's Palsy, a partial paralysis of the arm caused by injury to the arm's main nerves following a shoulder dislocation at childbirth that requires ongoing rehabilitative therapy. When he was younger, Emad followed the therapy at a hospital, but, over time, his mother took over these responsibilities and even undertook special training in order to be able to massage his arm whenever necessary. This sort of specialized physiotherapy is not available at the prison's clinic and Emad suffers from pain in his arm as a result of his lack of treatment.

There is no special section for child detainees at Ofer Prison. Neither is there a special section for administrative detainees, who according to both international and Israeli law should be held separately from convicted prisoners. During his incarceration Emad was held in section 13 at Ofer and shared a room with both adult detainees who are awaiting transfer to their detention facility and convicted prisoners.

Detention under the “Unlawful Combatants” Law

In 2002, the Israeli Knesset passed the Incarceration of Unlawful Combatants Law, which is used to detain residents of the Gaza Strip without trial. Under this law, Palestinians can be interned for an indefinite period of time, to be reviewed every six months. While the law was initially used to legitimize the continued detention of Lebanese nationals, after 2005 it started being used to detain Gazans. During Israel’s winter 2008-2009 offensive on the Gaza Strip, 17 Palestinians were held under this law. In 2010, this number decreased to 6.

“Unlawful Combatants” held in Israeli prisons in 2010

Personal information	Date of arrest ¹	Place of detention	Additional information
Hamed Abu Amreh, 48, from Deir al-Balah	21.5.2003	Ketziot	Hamed was placed in detention under the “Unlawful Combatants” Law immediately after serving a full prison sentence.
Abdallah Ahmad Ali, 27, from Khan Younis	21.11.2003	Ketziot	Abdallah was placed in detention under the “Unlawful Combatants” Law immediately after completing a full prison sentence.
Osama Hajaj Musa al-Zari’i, 34, from Deir al-Balah	6.2.2008	Ketziot	Osama was placed in detention under the “Unlawful Combatants” Law immediately after completing a 1-year prison sentence.
Mohammed Khalil Salah Abu Jamous, 28, from the Gaza Strip	20.7.2007	Ketziot	Mohammed was placed in detention under the “Unlawful Combatants” Law immediately after completing a 20-month prison sentence.
Raed Abdallah Ayash Abu Maghsib, 29, from Deir al-Bala	22.12.2003	Ketziot	Raed was placed in detention under the “Unlawful Combatants” Law immediately after completing a full prison sentence.
Ziad Hussein al-Hindi, from al-Rimal	N/A	N/A	N/A

Administrative Detention of PLC Members

In 2010, the IOF continued to arrest and detain members of the PLC, placing many of them in administrative detention.

PLC members in Israeli prison in 2010

	Name	Date of detention	Place of residence	Affiliation	Detention term	Place of detention
1	Nizar Ramadan	16.3.2010	-	-	Released on 8.9.2010	-
2	Azzam Salhab	16.3.2010	Hebron	Change and Reform	Released on 8.9.2010	Ketziot
3	Hatem Qafisha	18.10.2010	Hebron	Change and Reform	Six-month administrative detention	Ketziot
4	Mahmoud al-Ramahi	10.11.2010	Ramallah	Change and Reform	Six-month administrative detention	Ofer
5	Nayef al-Rujoub	1.12.2010	Hebron	Change and Reform	Four-month administrative detention	Ofer
6	Khalil al-Rabia	28.12.2010	Hebron	Change and Reform	Four-month administrative detention	Ofer
7	Mohammed Abu Tir	29.6.2006	Jerusalem	Change and Reform	Released on 23.5.2010	-
8	Mohammed Toutah	29.1.2007	Jerusalem	Change and Reform	Released on 6.2.2010	-
9	Abd al-Jabar al-Fuqaha'	1.5.2009	Ramallah	Change and Reform	Administrative detention	Ketziot
10	Ayman Daraghmeh	19.3.2009	Nablus	-	Released on 16.11.2010	-
11	Khaled Tafish	19.3.2010	-	Change and Reform	Released on 17.3.2010	-
12	Bassie Za'arir	1.1.2009	Hebron	Change and Reform	Released on 30.12.2010	Ketziot
13	Anwar Mohammed al-Zaboun	29.6.2006	-	Change and Reform	Released on 25.4.2010	-
14	Ahmad Mubarak	3.12.2007	-	Change and Reform	Released on 31.1.2010	-
15	Ali Maslim Rumanin	29.6.2006	Jericho	Change and Reform	Released on 19.10.2010	-
16	Mohammed al-Natsheh	17.7.2002	Ramallah	Change and Reform	Released on 12.9.2010	-

Detention of Human Rights Defenders and Activists against the Annexation Wall and Settlements

In 2010, the IOF continued to repress all forms of peaceful popular struggle against the occupation. Villages active in mobilizing protests against Israel's ongoing construction of the Annexation Wall in the oPt through grassroots action and popular land defense committees were particularly targeted. Demonstrations were dispersed using violent means, such as rubber-covered metal bullets and tear gas, and local human rights defenders and activists were arrested. Evidence collected by Addameer indicates that these arrests are used as a means of stifling any form of individual or collective resistance from these communities. In the first quarter of 2010 alone, 103 human rights defenders were held in Israeli prisons, most of them from villages where land has been confiscated as a result of the construction of the Annexation Wall, such as Ni'lin, Bil'in, Budrus, Nabi Saleh, Azzun near Salfit, al-Ma'asara near Bethlehem and Beit Ummar near Hebron.

These arrests are carried out mainly on the basis of Israeli Military Order No. 101 on "incitement and hostile propaganda," which criminalizes any opposition to the occupation, including putting up political posters, writing political slogans, participating in demonstrations, being in possession of a Palestinian flag, and belonging to any political party. In addition, the trials of these human rights defenders violate minimal fair trial guarantees in a number of ways. Fundamental provisions of international law provide that the onus of proving the actual occurrence or "truth" of any allegations against a defendant lies with the military prosecution. In practice, however, evidence gathered by Addameer and other advocates and court observers indicates that the Israeli military courts operate on a "presumed guilty" rather than "presumed innocent" assumption. Moreover, the charges against human rights defenders relate to alleged activities committed over long and vague periods of time, violating the basic principle of due process requiring that information provided to a defendant, particularly with regard to charges against him/her, contains sufficient detail to enable him/her to prepare a defense. Charges against human rights defenders usually fail to specify days, times and frequencies in which the accused were engaged in the alleged activities, making it virtually impossible for them to prove their innocence. This vagueness deliberately exacerbates the "presumed guilty" underpinnings of the military court system, eliminating any prospect for a fair trial.

41

Below is a list of notable arrests of human rights defenders in 2010:

- On 12 January 2010, the IOF arrested the coordinators of the Ni'lin popular struggle committee, **Ibrahim Amira and Zaidun Sarur**.
- On 2 February 2010, the IOF arrested two activists of the Ni'lin popular struggle committee, **Sabti Khawaja**, 21, and **Mahmoud Nafa'**, 19, both of them university students. Sabti was released after 80 days on NIS 8,500 bail (approximately \$2,270), and Mahmoud was released after 77 days on NIS 5,000 bail (approximately \$1,340).²⁵

²⁵ For more detail on the arrest and detention of Sabti and Mahmoud, see Addameer's profile for the two activists: <http://www.addameer.org/etemplate.php?id=147>.

- On 6 May 2010, **Ameer Makhoul**, a prominent Israeli Palestinian political activist and Director General of Ittijah, the Union of Arab Community-Based Associations, was arrested in his home in Haifa by the ISA.²⁶
- On 28 March 2010, twelve Palestinians, including Fatah Central Committee member **Abbas Zaki**, were arrested while they were taking part in a peaceful march from Bethlehem to Jerusalem.
- On 1 June 2010, the IOF arrested human rights activist **Abeer Abu Khudeir** while she was participating in a peaceful demonstration in front of the American consulate in East Jerusalem in solidarity with the 9 Turkish citizens who were killed by Israeli commandos aboard the Mavi Marmara as it attempted to break the siege on the Gaza Strip.
- On 11 October 2010, **Abdallah Abu Rahma**, a leader of the Bil'in popular struggle committee, was sentenced to 12 months of prison after being arrested in January 2009.
- On 25 November 2010, the IOF arrested two human rights activists, **Yousef and Mousa Abu Maria**, from the village of Beit Ummar.

26 For more information on Ameer's profile: <http://www.addameer.org/etemplate.php?id=344>.

Case Study: Abdallah Mahmoud Mohammed Abu Rahma

Birth date: 10 November 1971

Date of arrest: 10 January 2009

Place of residence: Ramallah

Occupation: High school teacher

Place of detention: Ofer Prison

Sentence: 16 months' imprisonment, 6-month suspended sentence for a period of three years and a NIS 5,000 fine

Number of arrests: Three



INTIMIDATION AND ARREST

Abdallah Mahmoud Mohammed Abu Rahma was arrested from his family home in Ramallah at 2 a.m. on 10 December 2009, the International Day for Human Rights. Approximately 10 Israeli military jeeps came to his house in the al-Tireh neighborhood, entered the home and arrested Abdallah in the presence of his wife Majida and their two daughters Loma, 7, and Leann, 5, and son Laith, 1.

Abdallah was then taken to Ofer military base near Ramallah in his pajamas, where he was immediately subjected to interrogation, but refused to answer any questions.

Abdallah's arrest followed weeks of harassment and intimidation of his family and other anti-Wall activists by Israeli soldiers. This included raids of Abdallah's home by approximately 50 Israeli soldiers and ransacking of the family home while Abdallah's wife and three children were confined to one room. During this period, Abdallah's life was also threatened by undercover Israeli intelligence forces that came to his house and set up surveillance points and checkpoints around Bil'in village.

CHARGES

Abdallah was charged with four offenses under Israeli military orders: incitement, throwing stones, possession of arms and organizing and participating in demonstrations without a permit. Abdallah was later acquitted of two of the four charges: throwing stones and possession of arms.

Under the charge of incitement, Abdallah was accused of “attempting to influence public opinion” between 2005 and 2009 through his membership of the Bil’in Wall Committee, his instrumental role in organizing and leading Friday demonstrations against the Wall and his distribution of Palestinian and Palestinian Authority flags (an act still considered a security offence under military law). The charge sheet also lists allegations that he “incit[ed] the public to harm security personnel”, by telling demonstrators not to “allow them [Israeli soldiers] to shoot at you” and by directing demonstrators to throw stones “in the direction of security personnel” and cut the wires forming part of the Wall installed by security forces.

Under the arms possession charge, Israeli authorities accused Abdallah of collecting empty M16 cartridges and empty sound bomb canisters and teargas grenades, which had been used by Israeli soldiers to disperse demonstrators, and exhibiting them in a Bil’in museum.

Persecution of human rights activists

Every village that has been active in mobilizing protests against Israel’s ongoing construction of the Annexation Wall in the OPT through grassroots action and popular land defense committees has experienced various forms of intimidation and coercion through raids, harassment and targeted arrests by the IOF. While there are differences in the degree to which arrests are used, based on the decisions of the Israeli military, arrests appear to be carried out against protesters regardless of their methods of protest, and are particularly targeted at leaders of the popular movements and children.

Not only is Abdallah’s detention and ongoing trial an institutionalized attempt to repress anti-Wall activism in Bil’in within the now well-established strategy of targeting the movement’s leaders, the possession of arms charge is also an attempt by Israel to cover up the violence it employs to “disperse” demonstrators. The “dispersal” techniques used by Israeli soldiers have resulted in at least 16 documented deaths and dozens of severe injuries to peaceful demonstrators in the years since construction of the Wall began in 2002.

Israel’s decision to charge Abdallah with a serious offense for collecting the remains of the very weapons used by the IOF to kill, injure and terrify Palestinians for display in a local museum is also a gross abuse of power. Furthermore, it constitutes a breach of the *UN Declaration on Human Rights Defenders*. On receiving the indictment, Abdallah’s lawyer Gaby Lasky said that “the army shoots at unarmed demonstrators, and when they try to show the violence used against them to the world by collecting and displaying the remnant tear gas canisters they are persecuted and prosecuted”.

Extended detention

On 10 January 2010, the military court remanded Abdallah until the conclusion of the legal proceedings against him. At a hearing on 14 April 2010, Abdallah’s lawyers submitted a request to the military court to have Abdallah’s extended detention reviewed. It failed, however and Abdallah remained in detention throughout the 8 month trial.

TRIAL

On 24 August 2010 Abdallah was found not guilty of the charges of stone-throwing and of possession of arms. He was however convicted on the charges of organizing 'illegal' demonstrations and of 'incitement'. Hearings in the trial heard numerous witnesses for both sides, including Bil'in youth, an Israeli military videographer and interrogators for the prosecution, and Israeli MK Dov Khanih, Abdallah's brother Rateb and an Israeli activist, all of whom participate in the demonstrations, for the defense. Abdallah's conviction was based on the forced testimonies of minors who were arrested from their beds at the middle of the night and denied their right to legal counsel. Not a single piece of material evidence was presented during the entire trial, despite the fact that the military film every demonstration.

Reactivating Military Order 101

Under Israeli military law, incitement is defined as "The attempt, verbally or otherwise, to influence public opinion in the Area in a way that may disturb the public peace or public order" (section 7(a) of the Order Concerning Prohibition of Activities of Incitement and Hostile Propaganda (no.101), 1967), and carries a 10 years maximal sentence.

In an exercise in draconian legal argument and reasoning by the military prosecutors and the court respectively, Abu Rahma's conviction on organizing and participating in illegal demonstrations was the first time such a type of charge had been used successfully since the first Intifada. Military law defines illegal assembly in a much stricter way than Israeli civil law does, and in practice forbids any assembly of more than 10 people without receiving a permit from the military commander. In essence it is a law whose aim is to take away the internationally recognized and enshrined right of freedom of expression.

On 11 October 2010, Abdallah was sentenced to 12 months of prison. He was expected to be released on 18 November, however, the day before his scheduled release the military prosecution appealed against his release demanding a harsher sentence. On 22 November, Israel's Military Court of Appeal extended his detention period past the term of his sentence pending a decision on the military prosecution's appeal. The Military Court of Appeals heard the prosecution's appeal on 8 December 2010 and on 11 January 2011 ruled to aggravate Abdallah's sentence to 16 months' imprisonment, in addition to a six-month suspended sentence for a period of three years and a 5,000-shekel fine.

COMMUNITY INVOLVEMENT AND HUMAN RIGHTS DEFENDER WORK

Abdallah is the coordinator of the Popular Committee Against the Wall and Settlements in the village of Bil'in. He is also a member of the People's Committee Against the Wall at the national level. He is a world-renowned non-violent activist and Palestinian spokesperson who has attended numerous international conferences in the last three years, including to Greece, Germany and France, to discuss the experience of Palestinians affected by the Annexation Wall and the popular resistance against it.

In adapting to current human rights discourse, oppression and torture have become modern and complex. This discourse, employed by human rights organizations, concentrates its efforts on proving specific violations, which are presented by the Israeli judiciary and media as the exception to the Israel's overriding respect for human and prisoners' rights. The result is that, contrary to its pretense of exposing violations and being transparent, in reality this discourse hides facts and obscures the truth. Modern oppression is hidden. It is a shapeless oppression, not definable through a single picture. It is composed of hundreds of small isolated actions and thousands of details, none of which appears as a tool of torture, unless the whole picture and the logic underlying the system are understood.

Walid Daka, excerpt from *Consciousness Molded or the Re-identification of Torture*

Chapter 3

Detention Conditions



The ill-treatment of Palestinian prisoners during the different stages of detention is part of the IPS's modus operandi, affecting Palestinian prisoners' every right. This chapter highlights how these violations have been deliberately institutionalized by the IPS in Israeli prisons.

First, the chapter examines the detention conditions of Palestinian female prisoners and the violation of their rights by the IPS, in particular its attempt to impose strip searches and deny women the right to communicate with the outside world and their lawyers. Second, the chapter looks at the violations perpetrated by the IPS's special intervention units, the Nahshon and Metzada units, as these units put prisoners' lives at serious risk and act with complete impunity. Third, the chapter delves into the IPS's use of isolation as a form of punishment and torture against the leaders of the prisoner movement, in contravention of international law. Fourth, it looks at the denial of family visits as a strategy aimed at further isolating prisoners. Fifth, the IPS's excessive use of financial penalties against Palestinian prisoners is examined. Sixth, the chapter provides an analysis of how the IPS's prison canteen system represents a violation of basic international standards concerning the treatment of prisoners, particularly in relation to Israel's obligations as an Occupying Power to provide adequate food and basic supplies to prisoners. Seventh, the chapter addresses the IPS's deliberate policy of medical negligence, which has led to the deaths of many prisoners over the years. Eighth, it reviews the status of prisoners' right to education, culture and religion. Finally, the analysis is wrapped up by looking at prisoners' right to file complaints and petitions regarding their detention conditions and the various violations examined throughout the chapter.

Detention Conditions of Palestinian Female Prisoners

49

The IOF continued to detain dozens of Palestinian women throughout the year for their participation in political, cultural and social activities, with the number of women held in Israeli detention centers fluctuating between 34 and 39 prisoners. The following is a brief overview of the detention conditions of Palestinian female prisoners held in Israeli prisons, as described by the women themselves in testimonies to Addameer lawyers.

Damon Prison

On 25 June 2010, a 6-person strong special intervention unit raided the Palestinian women prisoners' section at Damon prison and stormed into cells number 4 and 5 where **Amal Juma'** and **Amna Muna** are held. They forced the prisoners out of these cells and locked them up in another room where they were subjected to degrading strip searches by female prison guards and a female ISA officer. **Amal Juma'** recounts:

They searched us using a magnetometer in a degrading and humiliating way. It seems they have resumed previous search methods that we thought were no longer being used. The search of our cells lasted from 9:00 a.m, until 4:00 p.m., and when we returned, we found the tiles of the floor destroyed and the water taps broken. They searched the cells inch by inch and dismantled everything, including the fans and the electric equipment used for cooking.

Amna Muna reported that she found the raid to be much more violent than in the past, highlighting that strip searches are extremely humiliating and affect the women's personal and psychological stability.²⁷

Women are also ill-treated while being transferred from one prison to another or from prison to court by the Nahshon unit. **Sumoud Karajeh**, who was arrested in October 2009 and is held in Damon prison, said that she was forced out of her cell a day before the date of her trial and held in the temporary lockup for the rest of the day in the same prison. She was also strip-searched upon entry and exit. She added that she was transported in the same vehicle as Israeli female criminal prisoners, who tried to attack and humiliate her on the way to court.

HaSharon Prison

According to **Shireen al-'Isawi**, a Palestinian lawyer who was arrested on 22 April 2010, Palestinian prisoners were subjected to provocations and humiliation by Israeli female criminal prisoners throughout the year in HaSharon Prison. After arguing with one of these prisoners, Shireen was subjected to solitary confinement for three days without a blanket or access to potable water.

The IPS's Special Intervention Units

The IPS's intervention units are known for their excessive use of violence, which have led to the deaths of 7 Palestinian political prisoners over the years. In 2007, for example, Mohammed al-Ashqar was shot in the head²⁸ by Metzada forces during a raid on Ketziot prison. There are three main units active in Israeli prisons. The Nahshon unit traditionally transports prisoners from prison to prison or between prison and court. The Metzada unit usually carries out search operations following actions such as hunger strikes, but the Nahshon unit may also fill this function. The Drior is the name given to the special unit operating in southern prisons, like Ketziot and Beersheba, but according to the IPS's official website it fulfills the same functions as both the Nahshon and Metzada units.

In 2010, the IPS's special intervention units, the Nahshon, Metzada and Drior forces, carried out a number of systematic raids and searches in the prisons. According to estimates from the Palestinian Ministry of Prisoner Affairs, these forces undertook 120 attacks. While the IPS claims that the Nahshon, Metzada and Drior unit only intervene in prisons for legitimate "security" reasons, the increased frequency of raids and searches in 2010 should actually be analyzed against the concurrent increase in mobilization efforts by the prisoner movement aimed at securing their rights as guaranteed under international humanitarian law. Indeed, in 2010 Addameer observed persistent attempts by the prisoner movement to rebuild and strengthen itself and develop a consistent strategy to confront the IPS's violations. In that context, the IPS's increasing attacks on prisoners through its special intervention units can be understood as attempts to undermine these developments. Furthermore, it also seems that this policy was aimed at worsening

27 Testimonies of Amal Juma' and Amna Muna in Damon prison, 25 July 2010.

28 For more information on the raid that killed Mohammed, see <http://www.addameer.org/evideo.php?id=112>.

detention conditions so as to force Palestinian political prisoners to apply pressure on Palestinian factions to conclude a deal to release captured Israeli soldier Gilad Shalit as quickly as possible, which inevitably would have been less favorable to the Palestinian side.

In 2010, Addameer collected 23 prisoner testimonies about the special intervention units. Extracts from these testimonies below reveal the true nature of the interventions and the excessive use of violence that accompanied them.

Mohammed al-Salhi, a prisoner held in **Megiddo Prison**, where Palestinian children are also detained, reported that a large force of prison guards accompanied by 10 members of the Nahshon unit entered the prison on 4 July 2010 at 9:00 a.m. under the pretext of conducting a prisoner count. Once they entered, they ordered all the prisoners not to move and broke into the cells where adults like Mohammed were being held. They also searched the children's cells, destroying the floors and the prisoners' lockers. The prisoners were shocked by the damage caused to their cells and belongings, and responded by throwing empty cans at the prison guards who were gathered in the yard.

As a response, the prison authorities and the Nahshon unit forced them out of their cells to conduct another search, ordering them to clean the prison yard. During the search, a mobile phone was found hidden in the laundry room. When the unit operatives asked who the phone belonged to, Mohammed told them that it belonged to him in order to avoid collective punishment of all the inmates by the prison authorities. As a result Mohammed was fined NIS 3,000, denied family visits for two months, and transferred to Shatta prison. Despite this, another prisoner, Mohammed Dukan, reported that the prison authorities also imposed a collective punishment on all the prisoners held in the section, including children. They were fined a total of NIS 42,000, with NIS 200 deducted from each prisoner's account and the Palestinian Ministry of Prisoners Affairs responsible for the remainder.

Zahran Abu 'Asbeh, a prisoner receiving treatment in **Ramleh Prison Hospital**, reported that in October 2010 the Drior unit raided the section for ill prisoners and started searching it aggressively from 6:00 a.m. to 2:00 p.m. During the search campaign, they treated the prisoners barbarically and paid no attention to their health conditions. They also destroyed the walls of the rooms, tore the prisoners' blankets and ransacked their belongings.

Ehab Masoud, a prisoner held in **Nafha Prison**, reported that the Metzada unit raided the prisoners' cells late at night on five occasions during the third week of October 2010, forcing the prisoners to hold their arms up throughout the operations, which lasted more than five hours each. Ehab added that prison guards destroy the property and belongings of the prisoners, such as beds and lockers, every time they search the rooms, and that it can take up to a week to have the rooms return to their normal state. He also confirmed that prison guards use dogs during search operations. According to another prisoner held in Nafha, **Maher Abu Kirsh**, in the third week of December 2010, four units of the special intervention forces raided section 11 of the prison, where 120 prisoners are held. All of them were moved to another section. The search operation lasted for three days, during which the forces found mobile phones and, as a result, imposed a number of penalties on the prisoners, including fines.

Nahshon and Metzada units raided section 15 of **Ofer Prison** during the second week of September 2010, outraging the prisoners who began chanting "God is great." The forces responded by firing 40 tear gas canisters into the cells and beating dozens of prisoners with batons, injuring 60.

Abdelkarim Hanani, a prisoner held in **Ashkelon Prison**, confirmed that search campaigns increased in the latter part of the year, reaching a peak in November and December 2010. Special units raided the prison 6 times during those two months, although they failed to find any mobile phones or other banned items. They nevertheless caused damage to the walls and floors of the rooms and destroyed prisoners' belongings.

Abdelnasser Issa, a prisoner held in **Hadarim Prison**, said that the Drior forces raided the prison six times in the middle of the night during 2010.

Abu Hanish, a prisoner held in **Rimon Prison**, said that most of the search campaigns are carried out late at night as a provocation to the prisoners and as a means of intimidation. The special units raid the prison wearing riot control gear such as helmets and using batons and tear gas canisters. He added that they subject the prisoners to cruel and inhuman treatment, holding them outside the cells in the yard with their hands cuffed tightly. The rooms are then ransacked, food spoiled, electric equipment damaged and personal documents confiscated. According to Abu Hanish, the prison authorities refuse to compensate the prisoners for the loss incurred and instead they have to purchase everything they need from their own canteen accounts, including items which should be provided by the prison authorities themselves.

52

Marwan al-Muhtasib, a prisoner held in **Eshel Prison** in Be'ersheba, said that the Metzada unit raids the prison once every six months accompanied by prison guards. They strip the prisoners naked during the search operation and these and other humiliating measures taken against the prisoners have escalated compared to previous years. The units also damage prisoners' belongings and property but according to Marwan, the prison authorities do compensate them for these damages and replace broken things with new ones.

Use of Isolation²⁹

At the end of 2010, approximately 45 Palestinian prisoners were held in isolation, with no contact with the outside world. Prisoners may be isolated on so-called "security" grounds, or due to suffering from mental health problems, where they may pose a threat to themselves or to other prisoners. A prisoner held in isolation may be held in a cell alone (solitary confinement) or with one or two other prisoners (isolation). While most of the 45 prisoners were isolated for medical reasons, 11 of them were isolated for so-called "security" reasons based on an IPS or ISA decisions. It is widely understood that the IPS uses isolation for "security" reasons as a punitive measure and often in response to prisoners' demands for improved living conditions.

29 For more information on the IPS's use of isolation, please refer to Addameer and Physicians for Human Rights's report, "The Sounds of Silence, Isolation and Solitary Confinement of Palestinians in Israeli Detention," July 2008.

Prisoners held in isolation are denied the right to family visits, as well as food, clothes and books from outside the prison. In some cases, they are also denied the right to lawyer visits. They are also subjected to regular transfers from one prison to another without any justification. Prisoners held in isolation believe that these measures are aimed at disorientating them and breaking their will. It should also be remembered that these punitive measures are taken in addition to the penalties that are already regularly imposed on prisoners for allegedly contravening IPS regulations, including:

- Fines ranging from NIS 150450-;
- Denial of access to the canteen to buy extra provisions;
- Denial of university education;
- Denial of letters from relatives and family members;
- Denial of newspapers;
- Confiscation of TV, radio and cooking machines;
- Confiscation of books, paper and pens.

The use of isolation as a punitive measure, imposed so sweepingly against Palestinian political prisoners, is further confirmation of Israel's racist and discriminatory policies against the Palestinian people and its indifference to international human rights mechanisms aimed at protecting them. Below is a sample of affidavits from Palestinian political prisoners describing their experience in isolation:

Ahed Abu Ghulmeh and Saleh Dar Mousa were held together in isolation in Ramleh Prison during 2010. According to Ahed,

Al-Ramleh's isolation section is the worst of its kind. It has no ventilation, only a small window in the ceiling of the room overlooking the internal corridor. You do not see daylight except for the afternoons when you are allowed to go to the yard, which is 12 square meters with very high walls and surrounded with high buildings that often block the sun. The Shabas [IPS] ties the hands and feet of the prisoner when they are taken out of their room to the yard, and this also happens when they are returned from the yard or when they are taken to meet with their lawyers.³⁰

Mahmoud Issa, who has been held in isolation since 2002, describes how the IPS ignores the impact of isolation on the prisoners' psychological state:

While the IPS refuses to release these prisoners despite their worsening psychological state, it also refuses to provide them with the necessary treatment, giving them only sedatives and pain killers.

Sheikh Raed Salah, who was detained several times in 2010 and held in isolation, confirmed the discriminatory and racist nature of the treatment of Palestinian prisoners compared to that of Israeli (Jewish) "security" inmates. In particular, he stressed the extent to which Palestinians are deprived of access to books, newspapers and other educational and cultural material.

30 Affidavit taken on 8 April 2010.

Prisoners held in isolation cells for “security” reasons

	Name	Date of isolation	Most recent place of isolation
1	Mahmoud Mousa Issa	October 2002	Rimon
2	Hassan Salamah	January 2003	Rimon
3	Abdallah al-Barghouti	2003	Rimon
4	Jamal Abu al-Haija	2004	Nafha
5	Ahmad al-Maghribi	2004	Eshel
6	Ibrahim Hamed	May 2006	Hasharon
7	Hisham Sharabati	November 2006	Eshel
8	Ahmad Sa’adat	March 2009	Nafha
9	Abbas Zaki	January 2010	Ramon
10	Saleh Dar Mousa	October 2010	Eshel
11	Ahed Abu Ghulmeh	January 2010	Ayalon

Denial of Family Visits

54

Forty five minutes pass as fast as the blink of an eye before I am separated from him again for another two weeks. It is the most difficult moment for all the prisoners. Everyone tries to steal extra minutes from behind the glass pane that separates the families from their loved ones who languish in prison.

Janan Abdu, researcher, activist and wife of prisoner Ameer Makhoul

Palestinians are regularly prevented from visiting their relatives in prison, either because of bans imposed on the prisoners themselves or because of being denied permits by the Israeli civil administration to travel into the 1948 Territories, where the majority of prisons are located.

In 2009, it was estimated that 2,250 prisoners out of 7,286 (30%) were denied family visits. Documentation by Addameer shows that during 2010 approximately 2,000 Palestinian prisoners out of 5,977 (33%) were denied visits, indicating that this policy is not on the decline. This also reflects the failure of the international community in calling on the IPS to refrain from using restrictions on family visits as a tool to punish prisoners in contravention of article 116 of the Fourth Geneva Convention.

In 2010, Israel continued to deny prisoners from the Gaza Strip, numbering 686 at the end of the year, the right to family visits for the fourth consecutive year. This policy has been upheld by the Israeli Supreme Court, which, in December 2009, ruled that family visits are not a basic humanitarian need for Gaza residents.³¹

31 See Adalah's press release: http://www.adalah.org/eng/pressreleases/pr.php?file=09_12_10_9.

Use of Fines

Fines imposed by the IPS for “breaches” of its security regulations can amount to as much as NIS 3,500 (approximately \$980). The Palestinian Ministry of Prisoners Affairs estimates that the total amount of fines imposed on prisoners by the IPS in July 2010 alone amounted to NIS 250,000, which suggests that the annual cost of fines imposed on prisoners can be as high as NIS 3,000,000. This amount is deducted from prisoners’ canteen accounts registered with the IPS.

Following the failure of the last collective hunger strike in 2004, an increase in the use of punitive measures, including excessive fining, has been observed and should be understood in the context of the relative decline of the prisoners’ movement and the growth of a culture of dependency among prisoners. Concurrently, the IPS also changed the administration of prisoners’ canteen accounts used to purchase goods from the prison canteen and pay for fines. While in the past there was one public account for all Palestinian political prisoners, each prisoner now has a personal account, facilitating the imposition of individual punishments and the ascendancy of individualistic values over what had traditionally been a collective value system.

The IPS’s policy of imposing financial penalties is principally aimed at undermining the prisoners’ struggle to secure their rights as guaranteed under international humanitarian law and weakening their will to resist, by punishing any challenge to the continuous violations against them, and instilling doubt about the validity of their demands and the benefits to be gained from their struggle.

The following is a sample of testimonies gathered by Addameer that demonstrates the IPS’s excessive use of fines.

55

Hadarim Prison

Prisoner **Ibrahim Alkam** told a lawyer from Addameer on 12 September 2010 that special intervention units regularly carry out search campaigns looking for mobile phones. When they find a mobile phone, they impose a set of penalties. By the end of 2010, he said that fines had been imposed on 110 prisoners, totaling NIS 500 each.

Megiddo Prison

Prisoner **Mohammed Thukan**, said that following clashes between prisoners and prison guards, the IPS imposed a collective fine of NIS 42,000 on detainees awaiting trial and deprived convicted prisoners of family visits. He added that the prison administration told them that it would deduct NIS 200 from the accounts of each prisoner and ask the Palestinian Ministry of Prisoner Affairs to pay the rest.

Ohal Keidar Prison

Prisoner **Tayseer al-Buhtari** said that the IPS imposed a collective fine of NIS 4,800 on sixteen prisoners after finding a mobile phone in their cell, on the assumption that they all used it.

Nafha Prison

On 28 December 2010, the prison administration imposed individual NIS 125-fines on 20 prisoners along with other penalties when it found a small piece of metal in one of the cells.

Prisoner **Maher Abu Kirsh** said that in January and November the prison administration punished 60 prisoners by imposing individual fines ranging between NIS 250-450. He confirmed that negotiations between the prison administration and prisoners over punishments generally do take place but not with regard to fines, where the IPS appears to harden its position and refuse any negotiation.

The Right to Food

In the last few years, the IPS has pursued a deliberate policy of neglecting its obligations to provide for prisoners' basic needs, which, in concurrence with the relative decline of the prisoner movement, has forced prisoners to purchase more and more basic necessities from the prison canteens to improve their living conditions.

In violation of basic international standards relative to detention conditions, the IPS has lowered the quantity and quality of food provided to Palestinian political prisoners, as well as changed the method of preparation of this food,³² to such an extent that it is now viewed as a secondary source of nourishment by prisoners. The IPS's increasing failure to meet basic standards of nutrition also coincided with the imposition of greater restrictions on the amount of provisions that prisoners can receive from their families or community-based organizations. Furthermore, over the same period, the IPS also reduced the "Asbaka"—the monthly supplies it allocates for each prison section, including tea, coffee, sugar and other goods like toothpaste and shaving cream. According to prisoners' testimonies, these supplies do not cover more than 20% of their daily needs, forcing them to buy the remainder from the prison canteens using their own money to ensure a basic standard of living.

As a result, the prison canteen system, meant as a strictly supplementary market, has in fact become a necessity. In parallel, it has also become a profit-generating business benefiting the IPS, with basic necessities such as food and sanitary products supplied at extortionate prices. For instance, the IPS no longer provides shaving blades as part of the "Asbaka" forcing prisoners to purchase electric shavers, the only available shaving equipment in the canteens, at the excessive price of NIS 685.

Prisoners' testimonies suggest that prison administrations deliberately started to provide expensive footwear and clothes through the canteen system after the IPS started prohibiting prisoners from receiving such items from their families. Of even greater concern is the fact that prisoners have reported that many of the goods provided through the canteen are produced by illegal settlements in the oPt. One of the prisoners commented:

32 For more information, see Addameer's 2009 annual report "Violations against Palestinian prisoners in Israeli prisons and detention centers."

They steal our land, kill us and detain us when we ask for our freedom and then they force us to buy products from their settlements, which are built on our hills and plains. It is sad to say that we as Palestinians facilitate this by accepting these policies under flimsy pretexts.

According to estimates given by prisoners to Addameer, non-smoking prisoners spend approximately NIS 800 per month in the canteen while smokers need to spend approximately NIS 1,300 per month to cover their basic needs. To support this expenditure, the Palestinian Ministry of Prisoner Affairs transfers more than NIS 13,000,000 every year to the prisoners.

Medical Negligence

To date, approximately 51 Palestinian and Arab prisoners have died in Israeli prisons as a result of the IPS's policy of deliberate medical negligence. Combined with harsh detention conditions that are conducive to different contagious, chronic and life-threatening diseases, the impact of this medical negligence can amount to physical and psychological torture.³³

Medical, legal and human rights organizations report that approximately 1,500 prisoners suffer from health problems, hundreds of them from chronic or life-threatening diseases like cancer, heart problems, hemiplegia, osteoporosis and spinal disorders.

In 2010, Addameer documented more than 120 cases of sick prisoners. The affidavits collected, as well as medical reports, show that the IPS's policy of medical negligence leads to deterioration of these prisoners' health, notably because they are prevented from undergoing monthly or annual medical exams and from receiving necessary medication in a timely manner. Below are some examples of violations experienced by sick prisoners in Israeli prison:

- **Loai al-Ashar** was subjected to severe physical torture during his interrogation in Kishon interrogation center. During one extended interrogation session, Loai was held in the "banana" position, in which detainees are tied to a chair with their hands cuffed while bent backwards over the seat of a chair, for three consecutive days. As a result of this torture, three vertebrae in his spine were broken. The IPS subsequently failed to provide him with adequate medical treatment for this injury, and, as a result, he is now completely paralyzed in his left leg;
- **Ismael Ayed** was shot in the foot during his arrest. He was denied treatment for his wound, leaving him with an inflammation that affected him throughout his imprisonment;
- Prior to his arrest, **Salem Kasab** suffered from an eye disease that affected only one of his eyes. In prison, the disease spread to his other eye, requiring that he undergo surgery. Sometime after the surgery, however, it was discovered that a

³³ For more information on the prisoners' health conditions, see Addameer's 2009 annual report "Violations against Palestinian prisoners in Israeli prisons and detention centers."

pin had been forgotten in his body during the operation.

The IPS's medical negligence also means that prisoners' pre-existing health conditions often spread to different parts of the body, particularly in cancer patients. As a result, sick prisoners have gone on prolonged hunger strikes to demand an end to the IPS's negligent practices and secure their right to appropriate medical care. **Rassem Hussein** told one of Addameer's lawyers that although he needed a surgery for his left eye, the IPS rejected his request. When he filed a complaint, the IPS tried to make a deal with him whereby he would withdraw his complaint in exchange for getting their approval for the surgery. He went on a hunger strike for 26 days and was transferred from Ramon to Eshel Prison, where he was placed in isolation and fined in attempts to break his will. Despite his complaints, the IPS did not change its position on denying him treatment.

Palestinian women prisoners have been particularly affected by the IPS's policy of medical negligence, particularly given its failure to take into account their gender-specific health needs. The combination of medical negligence and the insufficient food provided inside prison means that most women also suffer from malnutrition-related diseases, such as anemia.

The IPS's effort in recent years to eschew its responsibility to provide Palestinian prisoners with appropriate health care has been very clear. Instead, the IPS has transferred the financial burden for prisoners' treatments to the prisoners themselves, reflecting Israel's broader policy of transferring the cost of the occupation to the Palestinian population. Addameer's documentation and research since 2004 shows that the IPS's attempts in this regard are supported by the Israeli judicial system, as illustrated by the case of Palestinian political prisoner **Ahmad Yousef Tamimi**, 45, from Ramallah.³⁴

58

Ahmad was being treated for kidney failure in Ramleh Prison Hospital three times a week and was in need of a kidney transplant. His nephew offered to donate one of his kidneys but the IPS refused to accept him as a donor. In September 2005, the IPS finally agreed to the kidney transplant operation on condition that Tamimi himself find a donor and cover the cost of the operation, estimated at NIS 350,000 (approximately \$100,000). When Tamimi filed an appeal on 28 September against the IPS's decision, demanding that it abide by its legal obligations with regard to prisoners' health, an Israeli judge ruled against the appeal. In complete contradiction to international humanitarian law, the judge questioned Tamimi's right to medical treatment and held that the IPS's decision to grant medical treatment should depend on Tamimi's alleged offence, arguing that "The principal question is whether we should we finance a kidney transplant operation for someone who intended us harm."

34 Arrested in November 1991 and sentenced to life in prison, Ahmad Tamimi became sick in 2001.

The Right to Education, Culture and Religion

As part of its policy of denying Palestinian prisoners their basic rights and in implementation of the recommendations of an Israeli ministerial committee formed in March 2009,³⁵ in 2010 the IPS denied more than 1,800 prisoners the right to take the general secondary examination (Tawjihi).

Additionally, in 2010 the IPS spared no efforts to paralyze any attempts by prisoners to undertake cultural activities inside the prisons by preventing them from investing time in reading and learning. For example, in 2010, the IPS prevented prisoners, regardless of their resources, from receiving books from outside prison. In parallel, the IPS also failed to deliver on its obligation to make books available through prison canteens, as ordered by the Israeli Supreme Court after a petition by Israeli human rights organizations Adalah and the Association for Civil Rights in Israel.³⁶ Immediately following the decision, the IPS signed a contract with a company to provide books in the prison canteens, but this turned out to be nothing more than an act of deception as the contract was never actually implemented.

In 2010, the number of prisoners allowed to pursue university education inside prison decreased to 280. When allowed to study, Palestinian political prisoners can only pursue university education through the Israeli Open University (by correspondence), where the tuition for one year amounts to NIS 9,800. Tuition for prisoners pursuing Bachelor's degrees therefore never amounts to less than NIS 40,000, with the Palestinian Ministry of Prisoner Affairs spending NIS 641,774 on university tuition for prisoners in 2010 alone.³⁷ While tuition fees alone are enough to deter prisoners from pursuing their studies, the IPS also uses other tactics to disrupt or discourage prisoners' education, notably by selling stationary and other education material in the prison canteens at very high prices, regularly transferring prisoners from one prison to another, or placing them in isolation.

In an interview in June 2010 with a lawyer from Tadamon, prisoner **Yasser Abu Baker**,³⁸ held in Ashkelon prison, reported: *"Since the IPS started to confiscate prisoners' books, it has confiscated more than 300 books and prohibited prisoners from owning any book apart from the Quran. In the past, each prisoner was allowed to have 16 books at any time. The IPS also continues to prevent a number of prisoners from enrolling in Israeli and Palestinian universities."* At the start of the academic year in November 2010, the administration of **Hadarim prison** rejected the application of 20 out of 25 prisoners who had applied to pursue their university education, citing undefined "security reasons."

For the second consecutive year, the IPS has also prohibited prisoners from watching channels broadcasting informative and educational programs like al-Jazeera, which has been known to highlight the prisoners' conditions and the broader question of Israeli detention of Palestinians.

35 The committee was formed under the chairmanship of the Israeli Minister of Justice to study and evaluate the conditions of prisoners and present suggestions for tougher detention conditions and thereby pressure Palestinian factions holding Israeli soldier Gilad Shalit to conclude a deal.

36 For more information, see http://www.adalah.org/eng/pressreleases/pr.php?file=09_06_28.

37 Statistics from the Palestinian Ministry of Prisoner Affairs.

38 Yasser Abu Baker, a leading figure from Fatah, was arrested on 9 April 2002 and sentenced to three life terms and fifty years.

In addition to limitations on educational and cultural activities, the IPS also restricts Palestinian prisoners' right to practice their religion. Palestinian prisoners are prevented from celebrating religious occasions and the IPS censors Friday prayer sermons, notably forbidding any mention of martyrs who have died for the Palestinian cause as is custom in religious, cultural and national teachings.

Petitions and Complaints on Detention Conditions

Petitions

Article 101 of the Fourth Geneva Convention guarantees the right of administrative detainees to file petitions to ensure that their detention conditions conform to international humanitarian law. This right is extended to all Palestinian political prisoners in IPS Ordinance 00\31\04, titled "Prisoners' Petitions."

In accordance with the law, prisoners must submit prisoners' petitions to the district court whose geographical jurisdiction includes the prison in question. According to a High Court of Justice ruling on 23 November 2010 following an appeal filed by Adalah, these prisoners' petitions should be regarded as "specific petitions that relate to the particular conditions of each individual prisoner, and not as a procedure that allows prisoners to challenge general prison policies."³⁹ When challenging principle issues related to the IPS's basic policies, prisoners must instead resort to the Israeli High Court of the Justice, and in such cases petitions should be filed jointly, a lengthy and expensive process. Adalah's appeal requested that prisoners be allowed to file collective petitions challenging the public policies of the IPS to district courts, instead of forcing them to go to the High Court.

60

In 2010, Addameer documented 24 violations of prisoners' right to file petitions, with petitioners subjected to punitive measures in attempts to make them retract the petition or to punish them for petitions already filed.

In August 2010, the Palestinian Ministry of Prisoner Affairs reported that Israeli courts dismiss 95% of prisoners' petitions. The ministry quoted prisoner **Shadi al-Shurfa**, held in Shikma Prison, who claimed that most petitions are dismissed by the presiding judge of Beersheba district court, Betan el-Yahu. Al-Shurfa pointed out that when petitions are not dismissed, petitioners are often punished by being transferred to other prisons or placed in isolation. In October 2010, al-Shurfa further told an Addameer lawyer that the administration of Shikma Prison prevented him from continuing his education on six occasions as punishment for the petitions he filed with the district court to demand improvements in prisoners' detention conditions. The statements of other prisoners confirm al-Shurfa's claims, in particular with regard to petitions on prisoners' right to receive adequate medical treatment and access to specialist physicians.

39 See Adalah press release: http://www.old-adalah.org/eng/pressreleases/pr.php?file=23_11_10.

Complaints

Prisoners may also file complaints directly with the prison administration with regard to detention conditions or treatment by individual prison guards or members of the IPS's special intervention units. These complaints can be addressed through meetings between prisoner representatives and officials from the prison administration and the IPS or through written complaints filed in compliance with specific procedures.

On 8 December 2010, al-Shurfa told Addameer's lawyer that "getting a response from the prison administration, especially from its legal advisor and state comptroller, is difficult. When they receive a complaint, some IPS officials claim that a response is not obligatory."

Prisoner **Kifah Tafish**, held in Rimon Prison, told Addameer's lawyer in December 2010 that the prison administration tries its best to deprive prisoners from exercising their right to file complaints and instead prefers to reach compromises with them that do not address the core issue. Concerning complaints filed with the IPS's investigation unit against prison administration officials, Kifah claims that in some cases, instead of solving the issue, the prison administration tries to punish and embarrass the complainant. He adds that *"in light of the prisoners' movement's weakening, filing complaints has become the only recourse for prisoners."* **Maher Abu Kirsh**, who is held in Nafha Prison, told an Addameer lawyer on 29 December 2010 that the prison administration generally gives complainants the impression that it will take steps to solve the problem. If the administration feels that the complaint's subject matter focuses on the very philosophy of its policies, however, it punishes the complainant by transferring him/her to another prison or into isolation.

Nader Tabish, held in Ramleh Prison told Addameer when asked about the issue of complaints that *"the prisons and the IPS always dismiss requests relating to the ISA or to security issues, but they address simple ones relating to access to clothes, goods and medicine. They also tend to agree to requests for visits by specialist physicians. While the IPS dismisses almost all complaints it receives, complaints filed with prison administrations enjoy a higher rate of success."*

In the event that a complaint is dismissed, prisoners can resort to district courts, but when the latter rule in favor of the complainant, the prison administrations often refuse to execute these rulings on security pretexts. For instance, when a court ruled to allow prisoner **Abdulkader Masalmah** to communicate with his family members, the prison administration refused to implement that decision.

Ahmed Isleem, 17 years old,⁴⁰ was subjected to torture during his interrogation, and accordingly filed a complaint with the help of Addameer against his interrogators. Since then, however, the prison administration has punished him on a number of occasions and the IPS has tried to both cajole and threaten him into dropping the case. They notably accused him of being a liar and warned that unless he changes his mind, his decision would only bring him further harm.

40 For more information, see Ahme's profile: <http://www.addameer.org/etemplate.php?id=153>.

Conclusion

The image features a white background with a large red triangle in the upper right corner. The word "Conclusion" is written in white, bold, sans-serif font within this triangle. On the left and right sides of the page, there are several thick, grey, wavy lines that curve inwards towards the center, creating a sense of depth and movement.

Israel's occupation of the Palestinian territory is the longest in modern history. Its aim is to remove the Palestinian people from their land by crushing any form of Palestinian resistance, fragmenting Palestinian society and undermining any sense of national identity. Israel's treatment of prisoners is reflective of this overall policy. Prisoners are cut off from the outside world and subjected to torture, ill-treatment and repressive policies aimed at destroying any attempt at forming a collective movement or obtaining rights as a collective group.

This report has highlighted a number of issues of concern in 2010. In particular, it has shown how the IOF has targeted Palestinian children, interrogating over 1,200 Jerusalemite children throughout the year. Although the overall number of Palestinians held in administrative detention decreased in 2010, the IOF continued to arbitrarily place children, women and men in this form of detention in contravention of article 78 of the Fourth Geneva Convention. Administrative detention orders were also imposed on members of the PLC, especially those affiliated with the Change and Reform Bloc. In addition, a number of Palestinians from the Gaza Strip continued to be held under the "Unlawful Combatants" Law, another form of detention without charge or trial.

Concerning the IPS's treatment of prisoners, its use of the Nahshon and Metzada forces to raid prisons increased in frequency in 2010. These forces regularly commit serious violations of prisoners' rights during such raids, subjecting them to humiliating strip searches, violent beatings and indiscriminately using tear gas and other "non-lethal" weapons. In addition, these forces deliberately cause damage to prisoners' belongings during such raids, thereby placing additional burdens on the prisoners' already strained finances.

In parallel, the IPS uses its racist regulations targeted specifically at "security" prisoners, the overwhelming majority of whom are Palestinian, to collectively punish Palestinians in its prisons, notably by isolating them and depriving them of visits and access to education. At the end of 2010, the IPS held 11 prisoners in isolation for so-called security reasons, some of whom have been in isolation since 2002. Another example of these policies is the continued ban, for the fourth consecutive year, of family visits to the 686 Palestinian prisoners originating from the Gaza Strip. The IPS has also continued its unprecedented financial campaign against Palestinian prisoners, depriving them of a number of basic necessities and thereby forcing them to purchase goods from the prison canteens. As a result, in 2010, the Palestinian Ministry of Prisoner Affairs had to pay NIS 13,633,885 (approximately \$3,895,395) to subsidize prisoners' purchases from prison canteens.

With regard to medical care, the IPS persisted in its policy of denying prisoners the right to proper health care, demonstrated by the increase in the number of sick prisoners to 1,500 in 2010, despite a concurrent decrease in the total number of the prisoners. At the same time, the IPS spared no efforts in transferring the financial burden for the prisoners' treatment to their families.

Finally, the IPS has also attempted to prevent prisoners from gaining legal recourse for the violations they are subjected to, placing obstacles to their access to Israeli courts and punishing prisoners who file complaints, notably by transferring them from prison to prison and placing them in isolation.

Recommendations



Through its documentation of the violations perpetrated by the IOF, the ISA, and the IPS, Addameer attempts to expose the Israeli authorities' practices at all levels, with the aim of contributing to the elaboration of a comprehensive national Palestinian strategy to support the prisoners' cause and hold Israel accountable for its violations.

This report has shown that the IPS continues to try to absolve itself of its legal and financial responsibilities toward the prisoners. This trend has accelerated since the IPS successfully broke up the last collective hunger strike by Palestinian prisoners in 2004, after which many of the prisoner movement's achievements over the past four decades were reversed.

Addameer believes that the Palestinian political division and the absence of a national strategy and an accompanying national discourse on resistance to the occupation, has also negatively impacted the unity and organization of the prisoner movement, weakening it and allowing the IPS to press ahead with its repressive policies.

In light of this, Addameer makes the following recommendations:

- All Palestinian factions should maximize their efforts to end internal Palestinian division, notably by electing a new Palestinian National Council representative of all Palestinians, in order to develop a national Palestinian strategy in support of the prisoners;
- The PLO and all other Palestinian factions should pay the prisoners' cause the attention it deserves, and work seriously to ensure prisoners' rights and ultimate release. Without the support and protection of a united Palestinian society, the prisoner movement cannot be expected to achieve its goals or successfully challenge the IPS;
- The Ministry of Prisoner Affairs, with the help of non-governmental organizations, should review all its agreements with the IPS in order to critically evaluate the impact of its financial support to the prisoners. Indeed, this policy has had a number of negative consequences, notably strengthening individualism among prisoners and allowing the IPS to exploit this support by making Palestinian society foot the bill for the imprisonment of Palestinians by Israel;
- Non-governmental organizations working on the issue of prisoners should review the legal defense strategies they use in the Israeli military and civilian court system. Organizations should develop a common legal strategy and boycott Israeli military courts because of their illegitimacy and failure to conform to minimum fair trial guarantees;
- Legal organizations, and in particular the Palestinian Bar Association, should raise the issue of the Palestinian political prisoners in international legal arenas, and, whenever possible, start legal procedures to hold the IPS accountable for the violations it perpetrates against them, most notably its policy of medical negligence;

- Palestinian and Arab media should work to raise Palestinian, Arab and international awareness on the issue of the prisoners and challenge any false allegations about the prisoners circulated by the Israeli government.

Addameer Prisoner Support and Human Rights Association

Addameer is a Palestinian non-governmental, civil, human rights organization. Established in 1992 by a group of activists interested in human rights, the center's activities focus on offering support for Palestinian prisoners, advocating the rights of political prisoners and their families. Addameer works to end torture, oppose arbitrary detention and guarantee fair trials, through monitoring, free legal aid, and advocacy campaigns.

Addameer is surrounded by a group of grassroots supporters and volunteers, Addama'er, who share with Addameer beliefs and goals, and actively participate in its activities and endeavor to support Addameer both financially and morally.

Addameer is a member of the Palestinian NGO Network, the Palestinian Coalition for the Defense of Civil Rights and Liberties, and the regional and International Coalition to Abolish Death Penalty. Addameer is also a member of the International Network Against Torture.

Addameer believes in the internationality of human rights based on the respect of human dignity as a priority, the totality of which is constructed upon international laws and conviction.

Addameer also 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 strives to:

- End torture and other forms of cruel, inhumane, or degrading treatment and punishment.
- Abolish death penalty.
- End arbitrary detention and arrest.
- Guarantee fair, impartial, public, and just trials.
- Support and endorse prisoners of conscience and all political prisoners by providing them with social and moral care, legal aid, and maximum media exposure of their plight.
- Contribute to pushing for legislating laws that guarantee human rights principles and basic freedoms, as well as ensuring their implementation on the ground.
- Contribute to raising community awareness of human rights issues, democracy, and the rule of law.
- Ensure the respect of democratic values in Palestinian community, based on political diversity and freedom of opinion and expression.
- Participate in lobbying for International support and solidarity around Palestinian legitimate rights.

Addameer Programs:

1. Legal Aid Program: to provide free legal services to prisoners and their families, including legal follow up on cases of torture, legal representation at tribunal and trials, working on cases of precedent in the issue of torture and fair trials, legal and rights counseling, and regular visitation by lawyers.
2. Documentation and Research Program: to collect and collate all information and statistics on conditions of detention and violations against prisoners and their families, and to prepare and publish reports and studies on these violations by conducting regular visits to prisons and through field work to families, detainees, and other institutions.
3. Lobbying and Solidarity Program: to disseminate information, reports, and studies and to build local, Arab and international solidarity campaigns to end torture, arbitrary detention, or other violations of prisoners rights; and to lobby on their behalf using international human rights protection mechanisms or by lobbying various policy makers.
4. Awareness and Training Program: this program is three-fold; awareness raising of Palestinian local public on their rights and the rights of prisoners and their families, training of lawyers working on the issue of Palestinian prisoners to be better equipped and to integrate international law in their work, and through Addama'er program to train and build capacity of local grassroots activists, especially youth, in addressing and human rights issues and to mobilize the community to defend their rights.

Ramallah, Rafidein Sq., Sebat Bldg., 1st Floor, Suite 2 Tel: +972(0)2 296 0446

Fax: +972 (2)2 296 0447 Postal Address: P.O.Box 17338 Jerusalem

General email: info@addameer.ps

Website: www.addameer.org