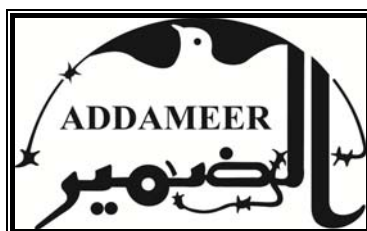


QUARTERLY UPDATE ON PALESTINIAN PRISONERS



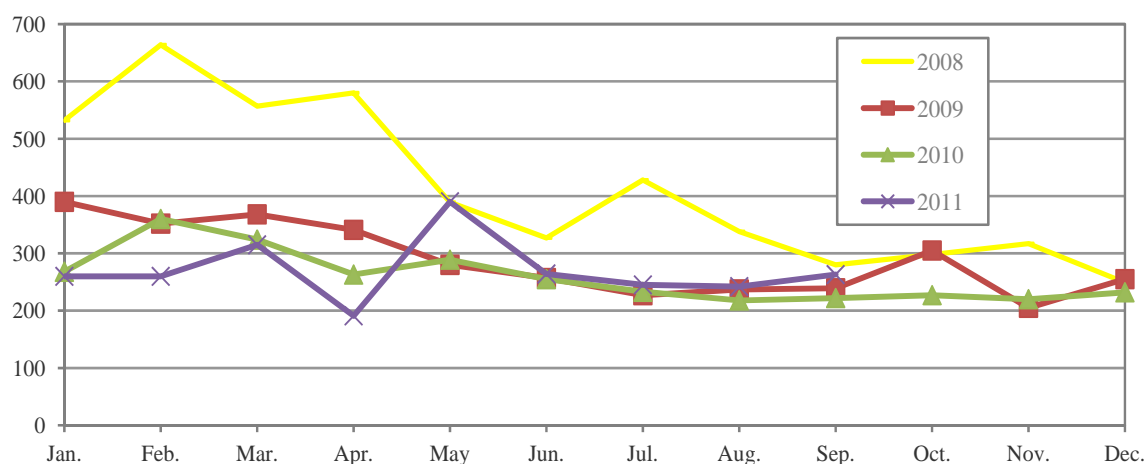
Addameer Prisoner Support and Human Rights Association

(15 July 2011–15 October 2011)

CURRENT ARREST AND DETENTION STATISTICS*

5374	Palestinian political prisoners in Israeli detention, including:
272	administrative detainees, including 3 women and 18 PLC members
36	women
176	child prisoners, including 31 under the age of 16
22	members of the Palestinian Legislative Council
141	prisoners who have been imprisoned for more than 20 years
170	Palestinians from the 1948 Territories
627	prisoners from the Gaza Strip, including 2 detained under the Unlawful Combatants Law
187	prisoners from East Jerusalem
750	approximate number of Palestinians arrested by Israel during the third quarter of 2011 (1 July – 30 September 2011). This marks an 11 percent decrease over the second quarter of 2011, and an 11 percent increase over the same period in 2010.

Number of Palestinians arrested every month by Israel: January 2008 – September 2011



*Detention statistics are based on reports from the Israeli Prison Service and Addameer's monitoring. Because the IPS did not publish the latest statistics before the publication of this newsletter, the detention statistics included are current as of 31 August 2011, except for the number of women and PLC member, which are current as of 15 October 2011 and based on Addameer's own documentation. Arrest statistics are based on figures from the Palestinian Monitoring Group and are current as of 30 September 2011.

PRISONER NEWS & ADVOCACY UPDATE

**Prisoner Swap**

On 11 October, the Israeli government and Hamas announced that they had reached a deal, under Egyptian mediation, to release captured Israeli soldier Gilad Shalit in exchange for 1,027 Palestinian prisoners. Shalit's capture by Hamas-affiliated military groups in June 2006 had been a contributing factor in a number of retaliatory measures, amounting to collective punishment, taken by the Israeli authorities against the Gaza Strip, including the imposition of a total closure and the banning of all family visits to Gazan prisoners in Israeli prisons in 2007 and the winter 2008-2009 offensive on Gaza.

The prisoner swap, which comes after years of negotiations, will take place in two phases, with 477 prisoners released on 18 October and another 550 by mid-December. The publication of the [list](#) of the first 477 names by the Israeli Prison Service on 15 October, however, raised a number of important concerns. While initial reports hinted that prominent Palestinian political prisoners such as Marwan Barghouthi and Ahmad Sa'adat would be released as part of the deal, their names were not included in the first round of releases. In addition, although all female political prisoners held in Israeli prisons were meant to be included in the deal, 9 women were left off the list and remained in prison after the first round of releases. Although there are unconfirmed reports in the days following 18 October that these 9 women would be released, at the time of publication, they remained in prison.



Perhaps most significantly, 205 of the first 477 released prisoners were either transferred to the Gaza Strip or deported abroad as part of the exchange deal—measures that [violate](#) the prohibition on forcible transfer and deportation contained in international humanitarian law and constitute a war crime. A further 55 prisoners were released to their homes in the West Bank, including East Jerusalem, on a number of security conditions, including restrictions on their freedom of movement and obligations to regularly report to Israeli police stations. For a complete analysis of the background and conditions of release of the first 477 prisoner, read Addameer's [factsheet](#) on the exchange deal.

Addameer has represented, or provided legal advice to, 39 of the 477 released prisoners on some aspect of their most recent detention or previous arrests. Addameer lawyers notably followed 14 of the released prisoners during their interrogation, 5 throughout the course of their arrest and trial, and 2 during previous detention in administrative detention. In addition, Addameer has also followed 9 of the prisoners with regard to medical issues and 5 with regard to isolation.



It remains to be seen who will be included in the next round of releases, with the final say seemingly left at Israel's discretion on the basis of a number of requirements set by Hamas, including the release of sick and long-serving political prisoners. In the past, Israel has been known to renege on its commitments in such deals by releasing Palestinian criminal prisoners or political prisoners with very little time left to serve, instead of respecting conditions

set by Palestinians. Human rights groups have expressed their [hope](#) that the approximately 170 Palestinian children who remain in prison, as well as the approximately 270 Palestinians held in administrative detention without charge or trial, will be included in the next round of releases.

Hunger strike

On 27 September, Palestinian prisoners held in Israeli prisons [announced](#) the start of a campaign of civil disobedience to protest an escalating series of punitive and collective measures taken against them by the Israeli

Prison Service (IPS) in recent months. Although Palestinian prisoners' detention conditions have been deteriorating for many years, the recent escalation came on the heels of a speech by Israeli Prime Minister Benjamin Netanyahu on 23 June 2011, during which he announced a change in policy aimed at collectively punishing Palestinian prisoners for the continued incarceration of Israeli soldier Gilad Shalit.

Following the speech, the IPS notably cancelled all prisoners' access to university education, newspapers, and books from outside prison, in addition to limiting the number of TV channels available to prisoners. The IPS also started shackling all prisoners' hands and legs to and from all visits, and in some prisons, the duration of family visits was shortened from 45 to 30 minutes. Perhaps most importantly, in recent months the IPS



increased the frequency of its punitive use of isolation for so-called "security" reasons, a policy that has long been decried by prisoners. The IPS also intensified the frequency of night raids and cell searches, including individual strip searches, another long-time grievance of the prisoners. As a result, prisoners from the Palestinian Front for the Liberation of Palestine (PFLP), gradually joined by prisoners from other factions in prisons across Israel, launched a campaign of disobedience composed of several elements, including a hunger strike and refusal to cooperate with a number of IPS rules, such as wearing prison uniforms and participating in multiple daily roll calls.

By 6 October, the [majority](#) of the 400 PFLP prisoners, along with most prisoners held in southern Israel, had joined the campaign. On 10 and 11 October, the entire prisoner population in the prisons of Gilboa (336) Nafha (511), Rimon (716), Eshel (262) and Shikma (142) prisons had reportedly [declared](#) an open-ended hunger strike. Four women were also on hunger strike in Damon prison. In response, Israeli prison authorities transferred hunger strikers to different prisons, mostly Ohal Keidar and Shatta prisons, or into isolation. At Ofer prison, 12 hunger strikers were notably placed in 2 isolation cells that are only meant to hold 4 people each. The prisoners were also beaten and forced to walk around the prison compound in the middle of the night in an effort to exhaust them. Hunger strikers in all prisons were denied milk, juice and salt, their only source of nourishment aside from water, leaving many of them, including PFLP Secretary General [Ahmad Sa'adat](#), in dire health conditions. At Shikma prison, two cells from one of the sections housing long-term prisoners were raided and non-lethal weapons used on the hunger strikers, including Akram Mansour, who has been in prison since 1979 and is suffering from a benign brain tumor.

Lawyer visits to the hunger strikers were effectively banned. Despite being given permission to visit by the Israeli authorities, lawyers reported arriving at the prisons and then being turned away due to a "situation of emergency" being announced by the prison administrations.

On 18 October, prisoners put their hunger strike on hold in light of the release of 477 prisoners as part of the prisoner exchange deal concluded by Israel and Hamas. As most of the measures taken by the IPS against prisoners in recent months were part of a policy aimed at collectively punishing Palestinian prisoners for the continued incarceration of Israeli soldier Gilad Shalit, it was expected that these would be reversed with his release. At the time of publication, the measures had not yet been reversed and prisoners were awaiting final confirmation from the IPS on the change in policy before making a decision on continuing the strike.



Isolation

The IPS's policy of using isolation for so-called "security" reasons as a punitive measure was at the center of developments inside prisons this quarter, with prisoners launching a hunger strike on 27 September to demand its end. While 12 prisoners were held in isolation for "security" reasons in May 2011, 7 additional prisoners were placed in this form of isolation in June alone after Israeli Prime Minister Netanyahu's speech announcing the introduction of harsher detention conditions for Palestinian prisoners. In July, a further three prisoners were placed in isolation, bringing the total number of prisoners in isolation to a high of 20 just before the launch of the hunger strike. During the strike itself, a large number of participating prisoners were placed in isolation,

notably in Ohal Keidar and Shatta prison, but exact numbers were impossible to come by because of limits placed on lawyer visits by the IPS.



Three prisoners previously held in isolation for “security” reasons were released in the first phase of the prisoner exchange deal announced on 11 October. Obeida Said Bilal, who had been placed in isolation in March 2011, was released and transferred to the Gaza Strip for an indeterminate period. Yahia al-Sanwar, who had been placed in isolation in June 2011, was released to his home in the Gaza Strip. Finally, Walid Aqal, who had also been placed in isolation in June 2011, was deported abroad as part of the exchange deal.

At the time of publication, prisoners had put their hunger strike on hold while awaiting confirmation from the IPS that all prisoners previously held in isolation would be reintroduced into the general prison population. The IPS’s response in the first few days after the release of Israeli soldier Gilad Shalit had been to agree to end the isolation for “security” reasons of all prisoners except three prominent Hamas prisoners, Abdallah Barghouthi (held in isolation since 2003), Mahmoud Issa (held in isolation since 2002) and Ibrahim Hamed (held in isolation since his arrest in 2006).

Update on the detention of Palestinian lawmakers

Ahead of the Palestinian Authority’s United Nations bid for statehood in late September, Israeli authorities carried out a spate of arrests targeting a wide range of individuals, including Palestinian Legislative Council (PLC) members and other party leaders. In total, seven Change and Reform PLC members were arrested during the reporting period, bringing the number of imprisoned PLC members up to 22 as of 15 October 2011, with 18 of them in administrative detention. None of the PLC members were included in the first round of the prisoner exchange deal concluded by Hamas and Israel on 11 October.

- Change and Reform PLC member **Ali Romaneen** was released from administrative detention on 31 July. He had been rearrested on 3 May and placed in administrative detention for 3 months, after serving over four years in Israeli detention from June 2006 to October 2010.
- Change and Reform PLC member **Khaled Abu Tos** was arrested on 30 July in a dawn raid near Tubas, and was released on 27 August after 28 days of interrogation.
- On 21 August, Change and Reform PLC member **Muhammed Abu Jahaisha** was detained during a mass arrest in Hebron and placed in administrative detention for four months, due to expire in December. Abu Jahaisha had previously served a 40-month sentence after being arrested following his election in the 2006 legislative elections and was released from Israeli prison in June 2009.
- On 26 August, Change and Reform PLC member **Anwar Zaboun** was arrested and placed in administrative detention for six months, due to expire on 4 March 2012. Zaboun had previously served a 49-month sentence after being arrested following his election in the 2006 legislative elections and was released from Israeli prison in April 2010.
- On 31 August, Change and Reform PLC member **Hassan Yousef** was rearrested by Israeli authorities after being released from a 6-year sentence on 4 August 2011. After 6 days in detention, he was released on 6 September 2011.
- On 6 September, Change and Reform PLC member **Mohammed Abu Tir** was arrested from his home outside Ramallah, receiving an administrative detention order for a period of 6 months, due to expire on 6 March 2012. He was previously arrested on 30 June 2010 and served four months in prison for entering East Jerusalem after the Israeli interior ministry stripped him of his Jerusalem residence permit following the 2006 elections and expelled him to Ramallah.
- On 15 September, Change and Reform PLC member **Sheikh Fadel Hamdan** was arrested during a night raid and placed in administrative detention for six months, due to expire in March 2012. Hamdan had previously served a 39-month sentence after being arrested following his election in the 2006 legislative elections and was released from Israeli prison in September 2009.
- On 26 September, Change and Reform PLC member **Ahmad Attoun** was arrested by undercover police at the entrance of the International Committee of the Red Cross (ICRC) office in East Jerusalem. Attoun, along with another Hamas legislator and a former Hamas government minister, had been taking refuge in the ICRC office for over a year, after Israeli authorities revoked their Jerusalem residencies.

He is currently detained in Moskobiyyeh Detention Center until the end of his trial and has been charged with entry into Jerusalem without a permit. Ahmad was presented with a plea bargain to be released on a 50,000 shekel bail if he signed a pledge not to enter Jerusalem, which he refused.

- PLC member and Secretary General of the Popular Front for the Liberation of Palestine, **Ahmad Sa'adat**, was at the center of the prisoners' hunger strike launched on 27 September, with one of the main demands being the immediate end of his and other prominent prisoners' isolation. Sa'adat, who entered his 32nd consecutive month in isolation in October, actually started the hunger strike three weeks before its official launch along with Sheikh Ahmad Abu al-Heija, with whom he is held in isolation. On 6 and 9 October, lawyers from Addameer and other organizations were finally able to [visit](#) Sa'adat in Nafha Prison. They reported that he had already lost 5 kg and was showing signs of extreme fatigue and low levels of concentration, with the visits having to be cut short as a result. During both visits, Sa'adat fainted and reported that he had been coughing up yellow liquid. On 9 October, Addameer sent a request to the IPS for the immediate hospitalization of Sa'adat and all other hunger-striking prisoners in bad health. On 16 October, the IPS complied with this request, but at the time of publication, Sa'adat had just been transferred back to Nafha Prison from Ramleh Prison hospital and had his isolation renewed by an Israeli military court.



Detention of Palestinian officials

Leaders and officials from various Palestinian parties were also detained throughout the reporting period. On 17 September, Fatah Secretary-General Adnan Ghaith was immediately arrested upon his return home to Silwan, following an 8-month ban from entering Jerusalem implemented in January 2011. Ghaith was forcibly returned to Ramallah and issued a renewed ban from entering Silwan, based on accusations that he insists are fabricated. Ghaith's expulsion from Jerusalem represents a continued trend of attempts to strip Palestinians of their right to residency in Jerusalem.

Additional detentions of Palestinian party leaders include the 19 September arrest of Hamas leader Abdul Jabbar Jarrar from his home in Jenin and the 8 September arrest of Palestinian Popular Struggle Front (PPSF) politburo secretary and PLO central and national council member Awni Abu Ghosh. Awni was sentenced on 20 September to 30 days' house arrest, which the PPSF described as part of the Israeli policy to restrict Palestinian officials' movement ahead of the Palestinian Authority's September UN statehood bid.

Arrest of Al Jazeera journalist



Samer Allawi, Al Jazeera's Kabul bureau chief, was detained on 10 August by Israeli Shin Bet officers at the Allenby border as he attempted to cross back into Jordan after a three-week vacation in his hometown of Sabastiya, near Nablus. Samer, who holds a Palestinian identity card, was interrogated about his work, finances, and personal relationships. Despite a public outcry against his arrest, Samer was detained until 26 September. He was convicted by an Israeli military court of having links to Hamas, and received a suspended eight-month prison sentence and 5,000 shekel (\$1,351) fine under a plea bargain and was permitted to return to Afghanistan. Following his release, Samer commented that his contacts with Hamas and other Islamist groups were solely part of his work as a journalist, and that Israel used his arrest to "extort"

Al Jazeera, which Israeli officials have historically targeted.

East Jerusalem

In East Jerusalem, arrests continued throughout the reporting period, with at least 108 Palestinians arrested between July and September. In Silwan alone, the Wadi Hilweh information center, which monitors detention cases in this East Jerusalem neighborhood, documented 91 detentions between June and August. Israeli Occupation Forces (IOF) persisted in their targeting of children, with 73 of the 91 arrests documented by the Wadi Hilweh center concerning children, 39 of them under the age of 15. All the children arrested reported that they were subjected to ill-treatment during their arrest and prevented from receiving



appropriate medical care. On 22 July, a security camera [recorded](#) the arrest of three youths, including a 13 year old, in Ras al-Amud, exposing the reality and brutality of such operations.

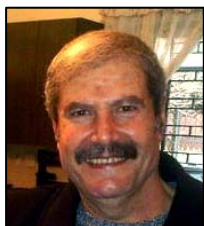
Hebron arrests

Following an escalation of violence in Gaza on 20 August, mass arrests were carried out in Hebron and the nearby villages of Dura, Surif, Beit Ula, Nuba, Yatta and Samu. Israeli forces detained as many as 120 Palestinians in coordinated overnight raids on 21 August alone, with one of the men arrested being Change and Reform PLC member Muhammed Abu Jahaisha, who was subsequently placed in administrative detention. During the entire month of August, it was estimated that 150 Palestinians were arrested, in what Palestinian security officials called the largest detention campaign in the city since 2003. More than 12 children were arrested and interrogated during the raids. Of the Palestinians arrested, 30 reported being exposed to harsh interrogation techniques in Ashkelon, Al-Moskobiyyeh, Petah Tikva and al-Jalameh detention centers, including psychological and physical ill-treatment and torture. A further 20 Palestinians were placed in administrative detention although the majority of them have since been released.

STOP ADMINISTRATIVE DETENTION CAMPAIGN

As of 15 October 2011, there were approximately 272 administrative detainees, 18 of whom are PLC members. This number includes the three women in administrative detention who were released as part of the prisoner exchange deal on 18 October. This represents a 17 percent increase on April 2011, when Israeli authorities held 229 administrative detainees without charge or trial.

Ahmad Qatamish, a prominent writer and political scientist, received his second administrative detention order on 2 September for an additional 6 months. Although the order was due to be reviewed by a military judge on 5



September, the hearing was postponed upon request by the military prosecution. On 25 September, Ahmad was brought before the judge but no decision was given regarding the administrative detention order until 2 October, when the judge confirmed the order. Ahmad was originally [arrested](#) on 21 April and [issued](#) an administrative detention order for a period of 4 months. His lawyer and international human rights groups assert that there is no evidence against him and that he is a prisoner of conscience. Ahmad's case has been taken up by [Amnesty International](#) and the [World Organization against Torture](#). Ahmad was previously held in administrative detention for a period of five and a half years from 1992-1998, making him one of the longest-serving administrative detainees held without charge in Israeli prison. His writings include a memoir in which he accounts his experiences of being tortured while in detention. Ahmad Qatamish is the second case in Addameer's [prisoners at risk](#) campaign, which was launched on 17 April with the case of Ayed Dudeen (see below). Click [here](#) for a detailed profile of Ahmad Qatamish.

Ayed Dudeen, the first [case](#) in Addameer's prisoner at risk campaign, was re-arrested on 9 August. His arrest came two months to the day after his release from over three and a half years in administrative detention. Just



before his release on 9 August, an Israeli military commander had warned Ayed that he would not be free for more than two months. On the night of his arrest, the same military commander was present at the house and aggressively reminded Ayed that his threat was now being fulfilled. Ayed was interrogated for two weeks at Shikma prison, during which time he was not asked anything about his time outside prison but instead about what political action he was planning to take in relation to the Palestinian Authority's upcoming bid for statehood at the UN. Ayed was given a 6-month administrative detention order, which was confirmed on 25 August, due to expire in January 2012. At the time of his release in June, he was the longest held administrative detainee, receiving 30 administrative detention orders since he was arrested in 19 October 2007.



The administrative detention of **Mazen Natsheh**, the administrative secretary for a charity working with disabled persons, was renewed for the fifth time on 4 August and is due to expire on 4 December. [Mazen](#) was arrested from his home in Hebron on 7 October 2009 and has been held in Ketziot Prison for the past two years. Since his first arrest in 1994, Mazen has spent a total of 8 years in Israeli prisons, 7 of them in administrative detention. His most recent arrest came only 4 months after his release from 4 consecutive years in administrative detention after his fifth arrest 2004. Mazen suffers from colitis (an inflammation on the wall

of the large intestine), a condition that requires continuous treatment, regular medical check-ups and a special diet including large amounts of fluid and fruits. Despite this, Mazen has been deemed healthy by the IPS and is therefore not entitled to a special diet or proper health care in prison, receiving only painkillers when he demands them.

Eighteen PLC members are currently in administrative detention, five of whom – **Muhammed Abu Jahasha, Anwar Zboun, Mohammed Abu Tir, Sheikh Fadel Hamdan, and Ahmad Attoun** – were arrested during the reporting period on 21 August, 26 August, 6 September, 15 September, and 26 September respectively.

CHILD PRISONERS

As of 15 October 2011, there were approximately 176 child prisoners, 31 of whom are under age 16. This represents a 16 percent decrease from July 2011, when Israeli authorities held 211 children, 39 of them under the age of 16. At least 294 Palestinians under the age of 18 have been arrested so far this year, 83 of them during the reporting period.



Fourteen-year-old **Islam Dar Ayoub Tamimi**, who was arrested on 24 January and placed under house arrest on 5 April, awaits the verdict in his ongoing trial. The military prosecution has yet to file its final pleas, though Islam and his lawyer have been waiting for over a month since the expected date. Islam remains on house arrest and is only allowed to leave home to attend school. His lawyer is in the process of filing a motion to release Islam from house arrest. Throughout Islam's "trial-within-a-trial" procedure, his lawyer has disputed the admissibility of the evidence against him due to Islam not having been granted access to a lawyer or family member for 5 hours, during which time he was subjected to ill-treatment. In May, Islam's lawyer attempted to submit expert opinions from former UN Special Rapporteur on Torture, Manfred Nowak, and from a child psychologist who underlined the effect of detention on minors, which were initially rejected by the military judge. Though the child psychologist's expert opinion was eventually heard by the court in July, Mr. Nowak's testimony was officially rejected during the reporting period. Although a verdict has not yet been reached in his own trial, Islam has also been expected to give testimony in the trial of human rights defender Bassem Tamimi. Due to a failure of the military prosecution to properly summon him as a witness to the past two hearings, he is set to take the stand in November. Click [here](#) to read Islam's full profile.



Mohammed Halabiyeh, now 17 years old, was sentenced on 19 July to three years in prison, which his lawyer is appealing. He was arrested in February 2010 and subjected to torture and ill-treatment by Israeli forces during his arrest. A year and four months after his arrest, on 6 June 2011, he was found guilty of all charges against him, despite the fact that the Israeli military judge explicitly stated in her decision that she believes that he was tortured. Disconcertingly, the military judge [argued](#) that the torture did not influence his confession and should therefore not be taken to nullify his statements. Click [here](#) to read Mohammed's full profile.

PROTECTION OF FEMALE PRISONERS

As of 15 October 2011, there were 36 Palestinian women in Israeli detention in HaSharon and Damon prisons inside Israel. At least 11 women were arrested by the Israeli authorities during the reporting period, all but three of whom were released after interrogation.

During the reporting period, one woman, Sumud Karajeh, was sentenced to 20 years' imprisonment, while two women were released, Aisha Ghneimat after completing her sentence and [Kifah Qatash](#) upon the expiry of her administrative detention. Aisha was arrested in September 2009 at the age of 18 and sentenced to two years in prison. Kifah Qatash, 38 years old, had spent a year in administrative detention in Hasharon Prison after being arrested in August 2010.

On 18 October 2011, a further 27 women were released as part of the prisoner exchange deal concluded between Hamas and the Israeli government. Although the deal was meant to include all female political prisoners, 9 women were not included in the first round of releases. Of these women, 4 were sentenced and had been in prison at least since 2009, while the other 5 had been arrested between June and September 2011.

Although there unconfirmed reports in the days following 18 October that these 9 women would be released, at the time of publication, they remained in prison. The 9 women are:

- **Lina Jarbuni**, 35 years old, was arrested in April 2002 and sentenced to 17 years' imprisonment. She is therefore due to be released in April 2019.
- **Wurud Qassem**, 25 years old, was arrested in October 2006 and sentenced to 6 years' imprisonment. She is therefore due to be released in October 2012.
- **Khadija Habash**, 44 years old, was arrested in January 2009 and sentenced to 3 years' imprisonment. She is therefore due to be released in January 2012.
- **Suad an-Nazzal**, 25 years old, was arrested in August 2009 and sentenced to 2 years and 4 months in prison. She is therefore due to be released in December of this year.
- **Muna Qa'dan, Bushra al-Taweel, Haniya Naser, Fida Abu Sanina and Rania Abu Sabeh** were all arrested between June and September of this year and were being held for interrogation purposes at the time of the prisoner exchange deal.

HUMAN RIGHTS DEFENDERS AND ANNEXATION WALL-RELATED ARRESTS

Arrests of activists engaged in demonstrations against the Wall and settlements continued during the reporting period. **As of 15 October 2011, there have been at least 225 documented cases of arrests of human rights defenders this year. Approximately 123 of those arrested this year were under the age of 18, and some as young as 14.** Of the 28 documented detentions that occurred during the reporting period, 10 took place in Beit Ummar, 7 in Nabi Saleh, 5 in Al-Walaja, with additional arrests in Bil'in, Budrus, Beituniya, and Al-Ma'sara. Two Palestinians were also arrested during non-violent demonstrations marking the Palestinian Authority's bid for statehood at the UN in late September.

Bassem Tamimi's trial

The trial of [Bassem Tamimi](#), protest organizer and coordinator of Nabi Saleh's popular committee, was continuously postponed throughout the summer months due to cancellations by the prosecution, but finally opened on 25 September with the testimony of the prosecution's first witness, Major Michel Dahan. The testimony contained contradictory information and the witness was unable to provide evidence beyond hearsay and speculation, further delegitimizing the prosecution's case against Bassem. On 11 October, the military judge rejected a motion filed by Bassem's lawyer to revisit a decision to hold him until the end of trial proceedings. Filed nearly seven months after his March 24 arrest, the motion argued that Bassem was not receiving a fair trial, as only one witness had come before the court during the entire period of his detention. Because the prosecution still maintains another 23 witnesses, Bassem's lawyer claimed that the duration of the trial would exceed his anticipated sentence if he is convicted. The judge denied the motion despite the exceptional delays in the trial. The trial was expected to continue on 24 October, but was further postponed when the military prosecutor failed to summon witnesses.



LEGAL NEWS

Israeli court study

A study of Israeli courts commissioned by Israel's Courts Administration and the Israel Bar Association found that Palestinian citizens of Israel (or "Arab-Israelis") are more likely to be convicted for crimes than Jewish Israelis. Researchers concluded in the preliminary study that the Israeli justice system gives harsher sentences to Arab defendants. The initial report revealed a shocking discrepancy in sentencing, with 63.5 percent of Arabs convicted of violent crimes sentenced to prison compared to only 43.7 percent of Jews convicted of violent crimes. Furthermore, the average prison sentence for Arabs was 14 months, while the average prison sentence for Jews was 9.5 months. Recommendations based on the research have not yet been determined.

Army raises age of minors

On 27 September, the OC Central Command signed an amendment to raise the age of Palestinian minors in the military court system from 16 to 18 years. Amendment 10, of the Order Regarding Security Provisions, redefines the age of minors from the West Bank, thus rendering minors the same age according to both Israeli military court law and Israeli penal law. The age of minors prosecuted in Israel was already 18, marking a two-year discrepancy for Palestinians prosecuted under military law as minors prior to this amendment.

Another stipulation of the amendment is a requirement to immediately notify the child's parents upon his or her arrest and interrogation. However, the amendment gives interrogators many openings to avoid this requirement. Furthermore, the amendment requires interrogators to inform minors of their right to an attorney, but states that they will only notify an attorney "whose particulars were provided by the minor," which is highly unlikely to occur. An additional provision refers to the length of time that has passed since an offense was committed. Previously, if the offense was committed two or more years earlier, the minor could not be prosecuted; the new amendment reduces this period to one year. However, the reduced period is negated in instances of "security offenses," which include some of the most common charges against Palestinian youths, such as stone-throwing and participating in demonstrations. Lastly, despite the minority age being raised to 18, the amendment states that minors over the age of 16 may still be held in detention with adults, which is contradictory to the requirements of international law.

Despite the official raising of the age of minors in the military court system, it is evident that the rights provided to Palestinian minors under law remain at a much lower level than the rights granted to Israeli minors under Israel's youth law.

UNITED NATIONS NEWS

UN membership initiative

Following its announcement on 17 May that it would seek full UN membership as a state and international recognition of Palestine on the basis of the 1967 borders, the Palestinian Authority formally submitted its membership application to the UN Secretary-General on 23 September. The application was transmitted to the Security Council on the same and has been officially discussed by the Council's standing committee on the admission of new members on a number of occasions since then, with the Council's recommendation likely coming to a vote around 11 November. If recommended by the Security Council, the membership bid will be forwarded to the General Assembly for a final vote.

Flotilla report

On 2 September, the report of the Panel of Inquiry into the 31 May 2010 Gaza flotilla incident was submitted to the UN Secretary-General. The conclusions of the report came under immediate attack by human rights organizations and experts for overstepping the panel's mandate and concluding that Israel's naval blockade of the Gaza Strip is legal. Human rights organizations [stressed](#) that this conclusion, as well as its finding on the legal status of the Gaza Strip and Israel's intentions in imposing the closure, are inconsistent with other more authoritative UN reports resolutions. On 13 September, five UN independent experts issued a [statement](#) criticizing the report's conclusions along similar lines, stressing that "in pronouncing itself on the legality of the naval blockade, the Palmer Report does not recognize the naval blockade as an integral part of Israel's closure policy towards Gaza which has a disproportionate impact on the human rights of civilians."

International Court of Justice

On 13 October, the Arab League, meeting in Cairo, issued a decision expressing its intent to request an advisory opinion by the International Court of Justice (ICJ) on the legal status of Palestinian and Arab prisoners held in Israeli prisons. The request, made at the initiative of the Palestinian Authority, is aimed at determining whether some Palestinian prisoners should be considered as prisoners of war, as defined in the Third Geneva Convention and Protocol Additional I to the Geneva Conventions. Prisoners of war are combatants of parties to an armed conflict who fall into the hands of the adverse party in the course of their legitimate participation in hostilities. Since their activities are legitimate, they cannot be prosecuted or sentenced for their participation in the conflict and must be released at the end of the conflict. Although Israel frequently refers to the Israeli-Palestinian conflict as a war, it has never accepted the status of prisoner of war claimed by some Palestinian prisoners, instead defining them as "security" prisoners. The request to the ICJ would have to be made through a resolution in the UN General Assembly. The Arab League's decision also included a call for the General Assembly to send a fact-finding mission to investigate the detention conditions of Palestinians in Israeli prison.

Upcoming events

- The UN [Special Rapporteur on Freedom of Expression](#), Frank La Rue, will visit Israel and the oPt between 4 and 18 December 2011. His visit, originally planned for January 2011 had been postponed several times. The mandate of the Special Rapporteur is to gather all relevant information of

discrimination against, threats or use of violence and harassment directed at persons seeking to exercise or promote the exercise of the right to freedom of opinion and expression.

- The UN [Committee on the Elimination of Racial Discrimination](#) is set to review Israel's 14th to 16th periodic [reports](#) during its 80th session, which will take place from 13 February to 9 March 2012. NGO "alternative reports" should be submitted to the Committee before 30 January 2012.

EUROPEAN UNION NEWS

On 5 October, Addameer together with other members of the Palestinian Council of Human Rights Organizations (PCHRO), sent a [letter](#) to the European Parliament's (EP) Subcommittee on Human Rights, the EP's Delegation for Relations with the Palestinian Legislative Council and the Parliamentary Assembly of the Council of Europe calling on them to immediately take up the question of Palestinian political prisoners. Both letters were sent in the context of worsening detention conditions inside Israeli prisons and the hunger strike launched by Palestinian prisoners on 27 September. On 6 October, PA President Mahmoud Abbas addressed similar issues in a speech to the Council of Europe, stating: "the occupying power is detaining in its prisons more than six thousand Palestinian prisoners, including 21 elected representatives from various parliamentary groupings who a few days ago announced a hunger strike in protest at their cruel and humiliating conditions of detention. We wish to see them free to be with their families, just as Gilad Shalit's family wishes to see him free to be once again with them." On 10 October, the General Delegate of Palestine to the European Union circulated a letter to European parliamentarians, calling on them to condemn unlawful Israeli measures and send an EP fact-finding mission on the situation of Palestinian political prisoners in Israeli jails, as had been suggested by the Palestinian Minister of Detainees and Ex-Detainees to the EP on 15 March 2011. On 11 October, the PCHRO [followed up](#) on its initial letter to the European Parliament, providing them with updates on the retaliatory measures adopted by the IPS against hunger striking prisoners and urging them to heed the Palestinian delegate's call for a fact-finding mission into Israeli detention conditions of Palestinian prisoners.

On 12 October, EU High Representative Catherine Ashton issued a [statement](#) in the wake of the announcement of the conclusion of a prisoner exchange deal between Hamas and the Israeli government. The statement, which "warmly welcome[d]" the news of Gilad Shalit's release, failed to make any mention of the 1,027 Palestinian political prisoners due to be released in the deal or the more than 4,300 prisoners who will remain in prison after the exchange is completed. On 18 October, the president of the EP, Jerzy Buzek, issued a similar [statement](#), omitting any reference to Palestinian political prisoners and instead commenting at length on an exhibition of illustrations to a story Shalit had written as boy that opened in the EP the week before.

Upcoming events

- The EP's [Delegation for Relations with the Palestinian Legislative Council](#) will visit the Gaza Strip between 30 October and 4 November 2011, where they plan to meet with Palestinian political prisoners released as part of the prisoner exchange deal concluded by Hamas and Israel on 11 October.

ADDAMEER NEWS

Israel Imposes Restrictions on Movement of Two Addameer Board Members

During the reporting period, Israel imposed restrictions on the movement of two Addameer Board members, Yousef Habash and Abdullatif Ghaith. On 13 September, Mr. Habash was [prevented](#) from leaving the oPt to travel to France for the second time in three months, clearly indicating that a travel ban has been imposed on him, although he has yet to be informed of the duration of, or the reason for, this ban. On 10 October, one of the



founders of Addameer and Chairman of Addameer's Board of Directors, 70-year-old East Jerusalem resident Abdullatif Ghaith, [received](#) a six-month ban on entering the West Bank, due to expire on 3 April 2012. Similar to the vague language of Israeli administrative detention orders, Mr. Ghaith's order states that his ban was deemed necessary to protect the security and public order of the "area." Addameer stresses that the de facto annexation of East Jerusalem by Israel has never been recognized and violates international humanitarian and customary law. As such, Mr. Ghaith, who resides in East Jerusalem, already finds himself in the West Bank, effectively rendering the ban meaningless. Both bans violate these individuals' fundamental right to freedom of movement, and fail to acknowledge the protections afforded to them as a human

rights defender, as defined by the UN General Assembly.

Restrictions imposed on Addameer's lawyers

During the reporting period, Addameer's work was considerably hampered by the effective ban imposed by the Israeli Prison Service on lawyer visits to prisoners participating in the hunger strike. Despite being given official permission by the Israeli authorities to visit most of these prisoners, lawyers reported arriving at the prisons and then being turned away due to a "situation of emergency" being announced by the prison administrations. As the strike progressed, the IPS used other tactics to prevent visits, with authorities in Megiddo Prison and Jalameh detention center telling Addameer lawyers on 11 October that prisoners were too weak to attend the visit. When asked for an official statement on this policy, the prison authorities refused.

In a serious development, on 12 October, when Addameer lawyer Anan Odeh attempted to visit prisoners in Nafha Prison, the head of the prison administration handed him a decision stating that he was banned from visiting political prisoners in all Israeli jails for 72 hours. On 14 October, the order was extended for a further 24 hours and again on 16 October for another 10 days by the head of the IPS. At the time of publication, the IPS had informed Addameer that they intended to ask the courts for an additional 6-month extension of the ban.

Publications

- Addameer has published its [annual report on violations in PA prisons](#) in English. The report focuses on politically-motivated arbitrary detention and violations of detainees' rights by the PA's security forces between January 2009 and September 2010.
- In late summer 2011, the Israeli military courts published an annual report on their activities during 2010, providing detailed statistics on files considered by the courts, hearings held, administrative detention orders issued, and appeals filed by defense and prosecution lawyers. Addameer has [published](#) a summary of the most important aspects of the report on its website.
- Addameer's 2010 [annual report](#), detailing the activities and strategic goals and objectives of Addameer's four units throughout last year, is now also available.

Website

Addameer has officially launched its new website, www.addameer.org! This website allows for easier browsing and includes multimedia content, including [videos](#) from Addameer's existing YouTube [channel](#), [photo galleries](#) and audio of Addameer's radio programs; an extensive [database](#) of prisoner profiles; advocacy toolkits for Addameer's [campaigns](#); and monthly [statistics](#) on prisoners. The new website is currently only available in English but will be available in Arabic within the next few weeks.

PALESTINIAN AUTHORITY ARREST AND DETENTION NEWS

More than five months after the signing of a reconciliation agreement between Hamas and Fatah in Cairo, and despite a series of development including the PA's application for UN membership, the launch of a hunger strike by Palestinian prisoners, and the conclusion of a prisoner exchange deal between Hamas and Israel, political detentions by the PA continued during the reporting period. In total, Addameer monitored and documented 185 cases of arbitrary and politically-motivated arrests by the Palestinian Authority security forces in the West Bank. Arrests also continued to take place in the Gaza Strip, casting shadow on either party's commitment to national reconciliation.

Death penalty

In a continuation of the resumption of death sentences and executions by Palestinian authorities in the Gaza Strip and the West Bank since a moratorium between 2005 and 2010, two executions and four death sentences took place during the reporting period. On 26 July, a father and son were executed in Gaza, after being convicted of collaboration with Israel and murder in November 2004. On 10 October, a Military Court in Jenin sentenced a 23-year-old man to death by firing squad. On 11 and 12 October, the Military Court in Gaza sentenced three men to death. So far in 2011, there have been three executions, all in Gaza, and nine death sentences, including seven in Gaza and two in the West Bank. The implementation of the death penalty in Gaza and the West Bank violates numerous applicable international and domestic standards. The increasing number of death sentences and executions in 2010 and 2011 represents a worrisome threat on the road to abolishing the death penalty in the oPt.

Leader of Gaza youth movement arrested

Abu Yazan, leader of the Gaza Youth Breaks Out (GYBO) movement, was arrested on 14 August after returning from a speaking tour in France. Abu Yazan, whose group of activists publicly condemns Palestinian political factions, was reportedly arrested by Hamas authorities after being called in for questioning on two previous occasions. In addition to calling for national unity, Abu Yazan is also an organizer of weekly demonstrations against Israel's buffer zone. Another member of GYBO remarked that Abu Yazan had been arrested and beaten up on other occasions as well. Abu Yazan was released on 16 August, and faced ongoing investigation in the following weeks.

Arrest of Nablus professor

Dr. Abdel Sattar Qassim, a political science professor at An-Najah University in Nablus, was arrested on 25 August after the president of the university accused him of incitement and defamation. The accusations followed an article written by Dr. Qassim that included criticism of the university administration for failing to implement a Palestinian High Court decision to readmit four expelled students. On 1 September, Dr. Qassim was released on bail, after paying 3,000 Jordanian Dinars. Though he was fired after his arrest, Dr. Qassim is back working at the university due to pressure from civil society. Dr. Qassim is also viewed as a well-known critic of the PA. He was arrested by PA security forces in early 2005, three months after he announced that he would be running for the presidency.

ABOUT US: *ADDAMEER* (Arabic for conscience) Prisoner Support and Human Rights Association is a Palestinian non-governmental, civil institution that focuses on human rights issues. Established in 1992 by a group of activists interested in human rights, the center offers support to Palestinian prisoners, advocates for the rights of political prisoners and works to end torture through monitoring, legal procedures and solidarity campaigns.

For more information on Palestinian prisoners and detainees, please contact us directly at:

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New website: www.addameer.org

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