

## Quarterly Newsletter — July to September 2018

Throughout the quarter, July to September 2018, Addameer has documented ongoing human rights violations against Palestinian prisoners and detainees amidst the current escalation, which began in the beginning of October 2015. Administrative detention continues as a policy which deprives detainees of the right to a fair trial, and the chance to defend themselves against any formal charges. Key issues persistently include the detention and ill treatment of women, child prisoners and the ongoing detention of journalists, Jerusalemites and human rights defenders. Addameer maintains that the meeting of human rights and humanitarian law standards is crucial, and that ill treatment, torture, and arbitrary detention represent grave violations.

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### Detention in Numbers

This quarter, from July to September 2018, arrests and detention were perpetrated on a large scale by Israeli occupation forces. At the end of July 2018, there were approximately 5820 Palestinian political prisoners, including approximately 446 administrative detainees, 270 child detainees, 63 female prisoners and 5 Palestinian Legislative Council member. At the end of August 2018, there were 5781 prisoners, including 456 administrative detainees, 280 child detainees, 65 female prisoners and 5 PLC member. Finally, at the end of September 2018, there were 5640 prisoners, including 465 administrative detainees, 270 child detainees, 53 female prisoners and 5 PLC members.

#### PLC Member Khalida Jarrar at Risk of Fourth Renewal of Administrative Detention



On 2/7/2017, at approximately 4:00 am, Israeli occupation forces surrounded the house of Palestinian Legislative Council (PLC) member Khalida Jarrar in Al-Ersal neighborhood in Ramallah. The soldiers raided Jarrar's home, where she lives with her husband Ghassan and her daughter Suha, after destroying the main door. They searched the house and confiscated an iPad, a hard-disk, and her mobile phone.

Later, Jarrar was taken to a detention center in Ofer prison for interrogation. She was only interrogated for 30 minutes before being placed in a small prison cell with no windows for four hours. By 4:00 pm on the same day, Jarrar was transferred to

HaSharon prison, one of the two prisons where dozens of Palestinian women are held.

Jarrar was to be released on 1 January 2018 after receiving six months administrative detention order, her order was renewed on 27 December 2017 for an additional six month period. Again, before she finished her second administrative detention order Khalida got renewed for another four months of administrative detention. On 28 October 2018, Khalida received the fourth renewal of her administrative detention order. This new renewal is for another 4 months, ending on 28 February 2018 and making a total of 20 months of administrative detention for Khalida.

#### PLC member Nasser Abd al-Jawad Tortured during Interrogations



On 1 January 2018, at 1:30 pm a member of the Palestinian Legislative Council, Nasser Abdel Jawad, was arrested from his house in Deir Balut in Salfit. During the arrest, soldiers searched the entire house and confiscated some of his belongings including a computer, a mobile phone, some documents, and a collection of books.

After 45 days of interrogation, the detainee felt a pain in his chest while being in a stress position. The detainee pointed that he needed to go to the clinic to make heart-scan and medical check-ups. Thus, the doctor refused to give an approval on continuing the interrogations because of his health problems. He was taken to the cell and given some medications with two glasses of water. Nasser refused to drink water but after 3 hours of getting examined his condition improved.

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#### Ayman Nasser, Addameer's Legal Unit Coordinator under Administrative Detention



Ayman Nasser, the coordinator of Addameer's legal unit, was arrested by Israeli Occupation Forces from his home in the West Bank on 9 September 2018. He is currently being held without charge or trial in Ofer prison.

His wife informed Addameer that this morning, Sunday 9 September 2018, soldiers broke into the house at 2:00 am. They woke up Ayman's children and kept the entire family in the living room while they were searching the house. There were around ten soldiers inside the house and tens of soldiers outside the house.

Ayman's wife added, "they took all of our IDs and phones, and then they returned all of them but Ayman's. They also took Ayman and our two boys Ameen (20 years old) and Naji (18 years old) outside for interrogation. After half an hour, they allowed Ayman to say goodbye to us and to take his medication and they all left with him."

On Sunday, 16 Sep 2018, the Israeli military commander of the West Bank issued a 6-month administrative detention order against Ayman. This order should finish on 8 March 2019 but can be indefinitely renewed.

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### Military Courts in the Occupied Palestinian Territory



On June 7<sup>th</sup>, 1967, three proclamations and a series of military orders were issued as proclamations throughout the West Bank and Gaza Strip. Proclamation Number 1, announced the administrative takeover of the Israeli military and the powers of preserving public security and order. Proclamation Number 2, assured the continuity of a judiciary system, and declared the powers of the military commander of Israeli occupation forces. Finally, Proclamation Number 3, put forth legal procedures of Military Courts, and Order Number 3 established the military courts (initially Jerusalem, Hebron, Jenin, Nablus, Ramallah, and Jericho). The Order Concerning Security Provisions was replaced in 1970 to a new order 378, "Order Concerning Security Provisions" which has become the basis of the Military Courts which

routinely administer the detention, interrogation, prosecution, trial, and sentencing of Palestinians.

Additional courts were opened during the first intifada (1987-1993) in Hebron and Jenin. Following, the Oslo Accords, these courts were closed. Currently, there are two military courts which operate in the West Bank, Ofer Court and Salem Court, located in closed military zones, that prosecute Palestinians from the West Bank who are arrested by the Israeli military and charged with security violations (as defined by Israel) and other crimes.

#### **Categorical and Geographical Scope of the Military System**

A wide-ranging set of military regulations governs every aspect of Palestinian civilian life, including when Palestinians living in the oPt are arrested and detained. These military orders provide for a wide range of offenses divided into five categories: "Hostile Terrorist Activity"; disturbance of public order; "classic" criminal offenses; illegal presence in Israel; and traffic offenses committed in the oPt. These sweeping offenses criminalize many aspects of Palestinian civic life. As one example, even though Israel has been engaged in peace negotiations with the Palestinian Liberation Organization (PLO) since 1993, the political parties that compose the PLO are still considered "illegal organizations." Carrying a Palestinian flag is also a crime under Israeli military regulations. Participation in a demonstration is deemed a disruption of public order. Even pouring coffee for a member of a declared illegal association can be seen as support for a terrorist organization.

These military courts are used to prosecute Palestinians living in the occupied territory, while Israel settlers living in illegal settlements in the occupied territory are prosecuted in civilian courts. In addition, it is military officers who make judgment and are therefore prone to bias.

It may be argued that the categorical and territorial scope the military court transcends its requirements under international law. The Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, also addresses the use of military courts in Article 66, which states:

*In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its **properly constituted, non-political military courts**, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country [emphasis added].*

#### **Fair trial procedures**

According to international humanitarian law, Israel has the right to establish military courts in the oPt as an Occupying Power, but relevant international human rights and humanitarian law restrict the jurisdiction of such courts to violations of criminal security legislation. However, the jurisdiction of Israeli military courts is far broader and includes offenses outside of the relevant legislation. This overgrown jurisdiction has meant the inclusion of vast sections of the domestic Israeli criminal code into the operations of the military court. This has included the utilization of precedents from domestic Israeli cases in the military court itself. Meaning that Palestinian lawyers must be fully versed in all relevant domestic Israeli cases in order to effectively represent clients, putting them at a distinct disadvantage.

Furthermore, it is questionable whether the use of military courts to try civilians can ever satisfy the requirements under international human rights law that require trials to take place before independent and impartial tribunals. Under international law, fundamental fair trial rights are guaranteed, but Israeli military courts consistently disregard these rights.

### Al-Mascobiyya: Torture in the Heart of Jerusalem

Throughout the period of 2015 to 2017, Addameer collected testimonies from 138 individuals who were held under interrogation in Al Moscobiyyeh interrogation centre in the Russian Compound of Jerusalem. These findings were turned into the forthcoming report *I've Been There: A Study of Torture and Inhumane Treatment in Al-Moscobiyyeh Interrogation Center*.

For generations of Palestinians, the Russian Compound has represented the most severe interrogation facility in all of the occupied territory. It has been the place of intentionally inflicted suffering for hundreds of prisoners. Its location in the heart of Jerusalem, next to the Old City, is something of a metaphor for the whole apparatus of the occupation. The domination is hidden in plain sight.

The Russian Compound was built by the Imperial Orthodox Palestine Society in 1864, sponsored by the Caesar of Russia, to cater for Russian pilgrims to the Holy Land.

In 1917, the British took the compound and turned a number of buildings into the police headquarters and an interrogation facility. The facility has been continuously used for such purposes until this day.

#### **Torture in International Law**



The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defined the term "torture" to mean: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

This is the definition which was applied throughout the research, and is the foundation for Addameer's assertion that the occupation routinely engages in the practice of torture.

#### **Torture under Occupation**

The Israeli security forces continue to use the violation of the rights to physical safety and inherent dignity as a means to pressure Palestinians to submit totally to the occupation. This activity utilizes the legal cover provided by the Israeli Supreme Court decision in 1999.

In this case, the Court recognized that the Israeli Security Agency, commonly known as Shin Bet or Shabak, did in fact commonly practice torture, and ruled that it could no longer use "moderate physical pressure" on suspects under interrogation. However, it allowed the use of torture and physical pressure in the case of a "ticking bomb" scenario, where security officials believe that a suspect is withholding information that could prevent an impending threat to civilian lives as stated in Article 1/34 of the Israeli Penal Code of 1972. This exception constitutes a grave legal loophole that legitimizes the continuation of torture and cruel treatment by Shabak interrogators against individuals suspected of withholding information on "militant operations", and provides interrogators with legal impunity for their actions.

#### **Practices of Al Moscobiyyeh**

By conducting interviews with those who had been, or currently were being, held inside Al Moscobiyyeh, Addameer was able to get a clear picture of what goes on inside of this facility.

The sheer majority of individuals held there were arrested during the early hours of the morning (58%), and from their homes (75%). The majority were arrested by soldiers (67.5%), with the remainder being arrested by a mix of special forces, intelligence officers, and presenting themselves at police stations. A large portion (77.5%) of these individuals were arrested without warrants, and 88.5% were unaware of the location that they would be taken to. The average person is thus taken from their homes, with no warrant against them and no idea of their fate.

In transport, individuals are blindfolded (66.3%) and handcuffed with plastic ties (75%). They are often beaten (42.5%), and struck with the weapons of the soldiers (28.8%). The released prisoner A.Z., 18 years old, stated that during his arrest Israeli soldiers hit him twice on the head with their M-16 automatic weapons, which resulted in him losing consciousness for a short period of time during arrest.

Once an individual arrives to the facility, there are 8 distinct forms of torture that they may endure. These include: Positional Torture such as 'stress positions'; Beatings during interrogation; isolation/Solitary Confinement; Sleep Deprivation and long interrogation; Threats to family members; Being subjected to sounds of torture; Deliberate Medical Neglect;

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### Child Detention

In 2017, the number of Palestinian children detained in Israeli prisons reached 1467 children from various parts of the Palestinian territories. This number was particularly effected by the events in the last quarter of the year. Addameer's documentation showed that each year around 500–700 Palestinian children get arrested. However, these statistics do not reflect the whole situation of the comprehensive framework of the excessive arrests carried out around the occupied Palestinian territories. Many arrests were not officially documented, as Palestinians were arrested and interrogated for a few hours before their conditional or unconditional release.



Month	Number of Palestinian Children held
July 2018	270
August 2018	280
September 2018	270

The Convention on the Rights of the Child, ratified by Israel on 3 October 1991, states in article 37 that "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment." The article also states that "No child shall be deprived of his or her liberty unlawfully or arbitrarily" and that detention, imprisonment or arrest should be used only as a last resort.

\*UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations

#### **Detainment, Interrogation and Sentencing for Children in East Jerusalem**

Based on the collection of information by Addameer's dedicated lawyer, additional documentation staff, and the consultation of additional resources, patterns and trends have become clear in regard to the detainment of Palestinian children in East Jerusalem. It is safe to say that the average experience of a Jerusalemite child under arrest is one of humiliation, intimidation, and the denial of their basic rights.

Children are either arrested from the homes, in the early hours of the morning, or from the street in the afternoon. Then they are either taken to the interrogation facility in the Russian Compound, known as al-Mascobiyya, or they are taken to a police station in Jerusalem.

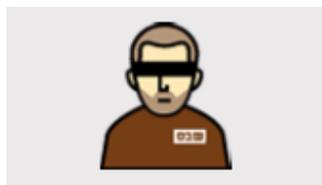
A.Z, a 17-year-old child from al-Issawiya, who has been arrested 6 different times since he was 14, recalls his latest arrest in 2017. He said that "soldiers broke into our home at 4:00 am, they searched the home, handcuffed me and carried me to the jeep, which then drove me to al-Mascobiyya."

A.H. recalls that during her arrest, "one of them [the police] hit me on my chest; the blow caused internal bleeding." She was later denied adequate medical treatment for her injuries, with prison guards giving her medicine in the water without her knowledge.

Interrogations often begin without parents being aware of their child's whereabouts and, occasionally, even that they have been arrested. These interrogation sessions are conducted without a parent, guardian, or attorney being present, leaving the children completely in the hands of their arrestor. Interrogations can last for hours, and, contrary to domestic and international legislation, involve physical and psychological abuse. The most common abuses observed in the cases documented were slapping, and verbal threats to the child or their family members.

### Stop Administrative Detention!

This quarter, October through December 2017, administrative detention continued to be used as a core policy of the occupation.



**Administrative detention** is a procedure that allows the Israeli authorities to hold prisoners indefinitely, on secret information without charging them or allowing them to stand trial. Administrative detention is used almost exclusively to detain Palestinians from the occupied Palestinian territory (OPT), which includes the West Bank and East Jerusalem. Additionally, the Internment of Unlawful Combatants Law (Unlawful Combatants Law), has been used against residents of the Gaza Strip since 2005, holding individuals without charge or trial for unlimited periods.

#### **Administrative Detention this quarter in numbers**

The following numbers are documented administrative detainees at the onset of each month:

Month	Number of administrative detainees
July 2018	446 (5 PLC members)
August 2018	456 (5 PLC members, 2 females)
September 2018	465 (5 PLC members, 2 females)

### Jerusalemite Prisoners



Israel's unlawful policies and practices in Jerusalem, including the arbitrary arrest of Palestinians, have had a devastating impact on the daily lives of Palestinian Jerusalemites. Immediately following the end of the 1967 war and Israel's illegal annexation of East Jerusalem, the Israeli government proceeded to register Palestinians living there, providing them with the status of "permanent residents" rather than granting

them full legal citizenship. The rationale behind this policy was to slowly erase the Arab population of Jerusalem and replace them with Jewish Israeli citizens. Furthermore, Israel's ideological and material motives were reaffirmed in 1980 when the Israeli Knesset passed the Basic Law declaring Jerusalem as the "whole and united [...] capital of Israel".

This quarter, Palestinians from Jerusalem continued to be subjected to arrest and detention by Israeli forces and police. This includes children who were subjected to night raids on their homes, torture, ill-treatment, in detention, as well as house arrests and penalties as terms of release.

Month	Number of East Jerusalem Prisoners
July 2018	401
August 2018	401
September 2018	401 (50 children)

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### Mohammad al-Rimawi Extrajudicial Killing

18 September 2018

Addameer Prisoner Support and Human Rights Association holds the occupation responsible for the death of prisoner Mohammad Zegrlool al Khateeb al Rimawi (24 years old) from Beit Reyma, in Ramallah governate. Following his arrest this morning, he was severely beaten by occupation soldiers and special forces to the point of passing out. There is a distinct necessity to investigate the circumstances of his death.

According to information collected by Addameer's documentation unit, from the victim's brother. At around 4 in the morning, Israeli special forces entered the house. Following their arrival, a larger number of regular soldiers arrived as back up. After removing the door to the house, the soldiers attacked the individual's mother and brought the members of the family into one part of the house. This included the mother, the father and three sons. The soldiers took Mohammad into a separate room, where he was beaten into an unconscious state. He was taken away from the house while in such a state, and taken to an unknown location. After two hours, his family was informed of their son's death. It was added that the dead had been shot in the leg two years ago during clashes in the village.



#### Extrajudicial killing

An extrajudicial killing is an "unlawful and deliberate killing carried out by order of a state actor or with the state's complicity or acquiescence." Accordingly, lethal force can only be used as a measure of last resort, and it must always be proportional and necessary. The usage of firearms against a person can only be only used under imminent threat of death or serious injury. Shooting to kill is only allowed in order to save a life. This requirement would make the use of lethal force proportional and, only if there are no other means to prevent the threat to life, would also make the lethal force necessary.

The number of Palestinian prisoners who were killed since 1967 has increased to 214. This figure includes 76 intentional killings, 7 killed from gunshot wounds in prison, 59 died in prisons as a result of medical negligence, and 72 as a result of torture.

### Joint Statement on the Occasion of Indigenous Peoples' Day 2018

09 October 2018

NGO STATEMENT: Palestinian Support for Indigenous Peoples' Day Commemorations and Historical Justice from Palestine to Turtle Island.

**In August 2018, several Palestinian human rights organizations attended The Red Nation's annual conference in Albuquerque, New Mexico.**

We, the undersigned Palestinian human rights and community organizations, state as follows:



In August 2018, several Palestinian human rights organizations attended The Red Nation's annual conference in Albuquerque, New Mexico. The Red Nation, a community organization dedicated to Indigenous liberation, extended an invitation to Palestinian civil society to participate in the conference, exchange strategies for securing human rights and historical justice, and develop shared language around systems of oppression as well as future visions of decolonization and self-determination.

October 8, 2018 marks Indigenous Peoples' Day, officially celebrated in the United States as Columbus Day. This day marks the arrival of Christopher Columbus in 1492 to indigenous lands in what is now known as the 'Americas', and the arrival of foreign domination over its Native peoples. Though recognized as a historical event, the dehumanizing structures introduced by the European settler-colonization of Turtle Island have allowed for the elimination of the Native people, the confiscation of Native land and the extraction of natural resources. Such institutionalized hierarchy of human life continues to the present day.

We call on the international community to center Native history as the necessary beginning of historical reconciliation and a collectively emancipatory process of decolonization.

In solidarity, we celebrate Indigenous People's Day and the continued strength of the world's indigenous peoples.

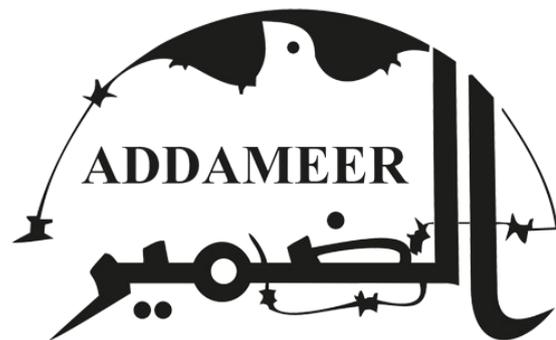
### Addameer's Advocacy Unite holds Several Activities at the United States this Summer

Lana Ramadan and DJ Deuch from Addameer Advocacy Unite spent three weeks in the United States which started late July 2018. After spending three days of meetings in Capitol Hill Washington DC, the two employees had several meetings and events in New York City. Then, they conducted several meetings with NGOs and participated in several speaking events in Arizona.

The trip finished in Albuquerque, New Mexico where they participated in the red nation's annual liberation conference and organized a workshop for 25 individuals coming from around 20 different groups and NGOs in the United States and Palestine.



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