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Am I Not a Human?

Edited by

Dr. Mohsen Saleh
Rana Sa'adah

Translated by
Baraah Darazi

The Suffering of the
**Palestinian Prisoners
& Detainees**
under the Israeli Occupation



By

Firas Abu Hilal



Al-Zaytouna Centre for Studies & Consultations

Am I not a Human?
(4)

Book series discussing
the sufferance of the
Palestinian people
under the Israeli
occupation

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For Studies & Consultations
Beirut - Lebanon

سلسلة "أولست إنساناً؟" (4)
معاناة الأسير الفلسطيني تحت الاحتلال الإسرائيلي

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First published in 2011 by:

Al-Zaytouna Centre for Studies & Consultations

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ISBN 978-9953-500-52-2

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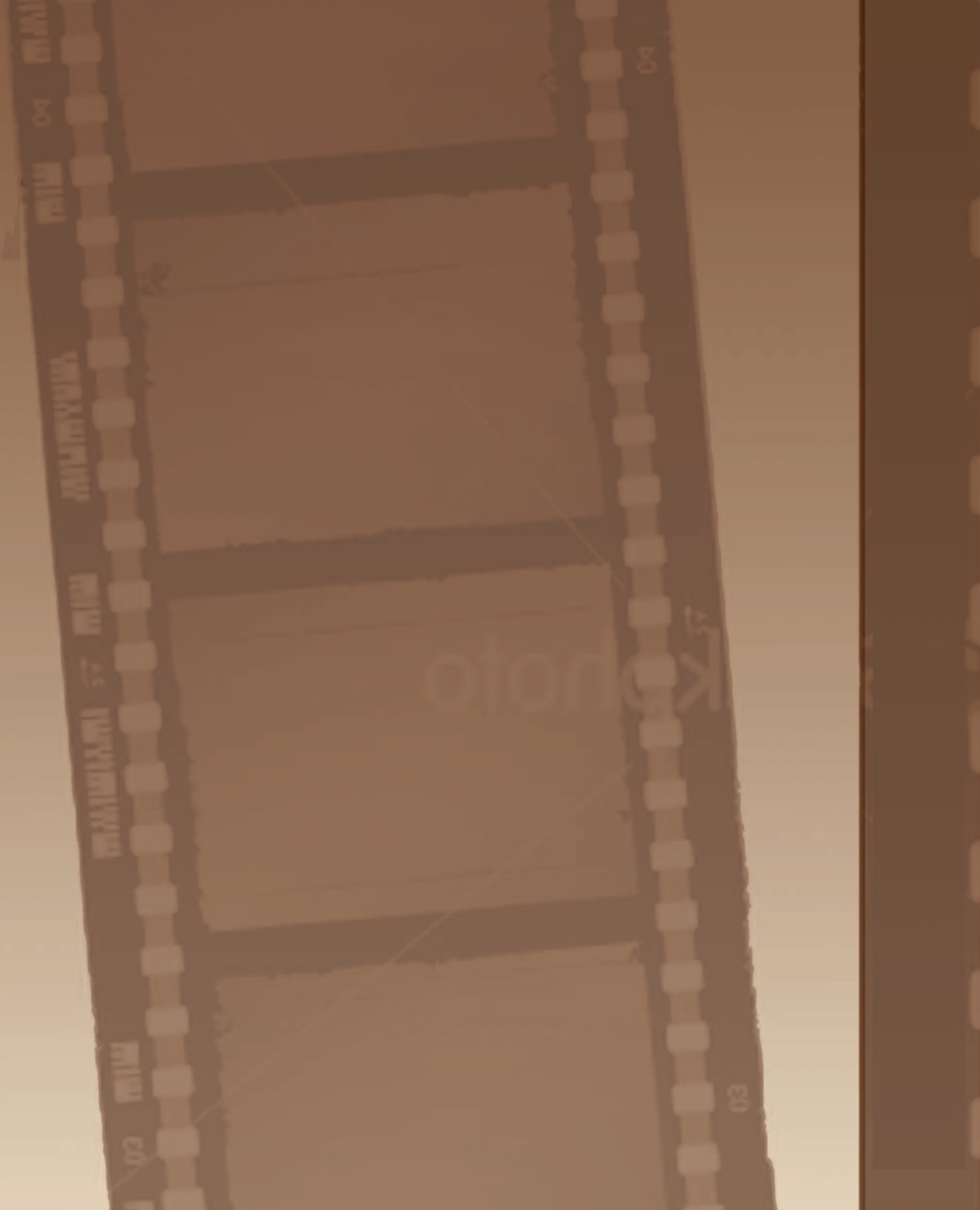
Printed by:

Golden Vision sarl + 961 1 820 434

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Foreword

Al-Zaytouna Centre presents its readers with the fourth book in the series *Am I Not a Human?* through which it sheds light on the different aspects of the suffering of the Palestinian people.

The Suffering of the Palestinian Prisoners & Detainees under the Israeli Occupation deals with the experience of the Palestinian prisoners in all its aspects whether in regards to the conditions of detention, trial or captivity. Further, the book sheds light on torture and the different illegal violations practiced against the Palestinian prisoner.

Captivity as pursued by the Israeli occupation is a systematic policy which does not differentiate between a man and a woman, an adult and a minor, a healthy prisoner and a sick one. It is used as an assault on a large part of the Palestinian people, or even its entirety. Those who have not been, for example in captivity, have some relative in prison, and those who have not spent their youth in the gloomy prisons of the occupation would spend their childhood, youth and old age waiting for a dearly loved one who might never actually return from the darkness of the Israeli dungeons.

The Palestinian prisoners are not a mere big number crammed in prisons; they are a scene which embodies all types of racism, humiliation, torture and inhumanity practiced against them by the Israeli occupation which claims civilization and development. At the same time, the occupation is keen to keep the case of the prisoners in shadow due to its illegal practices which are incompatible with all laws, customs and principles. What adds insult to injury is that while the world demands respect for human's rights, freedom and dignity, it ignores the inhuman conditions of the Palestinian prisoners and their suffering.

This book, like the other books in the series *Am I Not a Human?*, conveys the suffering in a style which addresses the heart and mind within a methodical, scientific frame, illustrated by some stories and pictures that give the reader a better understanding of the ordeal of the Palestinian people under the Israeli occupation.





Introduction

The statement which Benny Kaniak, the director-general of the Israeli Prison Service, made to the Minister of the Interior Avraham Dichter that the Israeli prisons are completely full and congested with prisoners¹ was not a surprising or controversial declaration. Captivity is indeed a systematic policy of the occupation similar to all other policies it uses as an assault on a large segment of the Palestinian people or even its entirety. In fact, he who has not been in capture has at least one family member held in Israeli prisons; and he who has not spent his youth in the gloomy prisons tortured by the interrogators has spent his childhood, youth and old age waiting for the return of a dearly loved one who might never be released from incarceration.

Indeed, how could Israeli prisons not be congested when more than seven thousand Palestinians are kept in confinement? How could the prisons not be crammed when the number of the Palestinians captured since 1967 is more than 750 thousands, i.e., actually more than a quarter



of the Palestinians? How could the prisons not be over-crowded when some prisoners have been held there for 20 or more years?

The occupation authorities have exhausted all ways in the torture of the captives and debasing them, yet they have never succeeded in breaking the prisoners' resolve or their steadfastness. Such steadfastness and resoluteness can be seen, for example, in the words of the Dean of Prisoners Sa'eed Al'ataba Dweikat who had spent more than 31 years in captivity before he was released late in August 2008; and who has lost his father who died of a heart attack after seeing the bad conditions of his son—the following are his words which he said as he entered his 29th year in captivity and which still radiate with the same determination and patience:

This long journey has not fatigued me though fatigue is a human quality, and I might be obstinate if I denied that; however, fatigue is a relative matter and if I have been tired of imprisonment, this does not mean that I have been tired of bearing my cause and my convictions which have led me to prison. I still have the energy to persevere; we as a people do not have many choices, it is a to-be-or-not-to-be matter. So either we go on with the same spirit or we fall and are doomed as humans and as a cause.²

Dweikat added that “he who has ever lived the experience of imprisonment recognizes how long and harsh it is, yet he realizes that there is no room for surrender”; It is a double-faced image:

a brutal, sadistic state and suppression embodied in the jailer on the one hand, and on the other hand, a state of steadfastness and heroism represented by the Palestinian prisoner who could preserve himself as a human being, maintain his identity as a struggler and face these circumstances, thus turning them into a true revolutionary school.³



Nonetheless, it should be noted that regardless of the endurance and heroism the prisoners might show, they remain human beings who are governed by their humanity and dignity; and the violations committed by the occupation authorities are not a mere violation of international charters and laws, but rather practices that defy the human imagination through the “arts” of torture and cruelty, and the exploitation of human feelings to the maximum. To this should be added the Arab and international silence that enfolds the prisoners’ suffering, thus making the experience of Palestinian prisoners under the Israeli occupation an experience that should be highlighted, and an occupational practice that should not only be addressed but also stopped.

This study seeks to address the suffering of the Palestinian prisoners and detainees under the Israeli occupation and the various inhuman practices in this respect, based on the available legal Arab and international reports. This is in addition to the testimonies of the prisoners, taking into consideration that the occupation authorities are very keen to cover up on their practices which constitute humanitarian violations and crimes incompatible with all laws, customs and principles.

We’d better drown all these prisoners in the Dead Sea since the lowest point in the world is there.

- Avigdor Lieberman, Israeli minister of transportation in a statement to Radio Israel, 7/7/2003.





Chapter 1: Statistical and Informational Background

A report published by the expert on Palestinians prisoners affairs ‘Abdul Nasser Farwana stated that from 1967 until the end of 2009, the occupation forces arrested more than 750 thousands,⁴ or approximately 18.8% of the total population in the Gaza Strip (GS) and the West Bank (WB)—estimated to be four million Palestinians,⁵ including around 70 thousands arrested during *al-Aqsa Intifadah* which started on 28/9/2000.⁶ Moreover, a report by the Palestinian Ministry of Detainees’ Affairs cautioned that the rate of arrests has risen in recent years in a way that provokes anxiety, as it increased by 62.2% between 2005 and 2006, and 34.2% between 2006 and 2007.⁷

According to The Supreme National Committee for Prisoners, the number of Palestinian captives languishing in the Israeli prisons till April 2010 is about 7,500 prisoners⁸ held in more than 20 prisons and



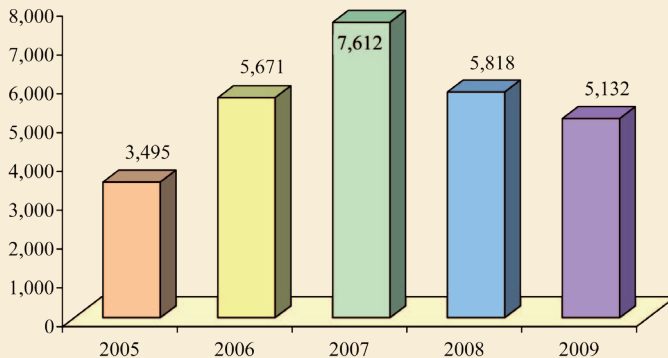


detention centers, the most significant ones being: Nafha, Ramon, Beer Shiva, Ashkelon, Hadarim, Shatta, Ramleh, Jelbou‘, Hasharon, Negev, Megiddo and Ofer.⁹

Table (1): The Increase in the Annual Cases of Arrest¹⁰

Year	Cases of arrest	Rate of the daily cases of arrest (Estimated daily average of cases)
2005	3,495	9.5
2006	5,671	15.5
2007	7,612	21
2008	5,818	16
2009	5,132	14

Cases of Arrest 2005–2009



Out of those prisoners, there are about 5,000 convicted, while 1,900 are in custody, 290 in administrative detention, nine are detained as “unlawful combatants.”¹¹



Table (2) shows the distribution of the prisoners according to some selected indicators such as gender, region, social status, the type of the verdict and the time spent in detention till the end of 2009.

Table (2): Distribution of Prisoners According to Some Selected Indicators till April 2010¹²

Distribution of prisoners based on gender			
Males		Females	
7,463		37	
Distribution of prisoners based on region			
Northern governorates	Southern governorates (GS)	Jerusalem and Palestinians of 1948 (Israel)	
6,340	765	395	
Distribution of prisoners according to social status			
Single		Married	
4,480		2,500	
Distribution of prisoners based on the type of verdict			
Sentenced	In custody	Administrative Detention (without a charge)	
5,000	1,900	290	
Distribution of prisoners based on the time they spent in captivity till April 2010			
More than 30 years	More than 25 years	More than 16 years	Less than 16 years
3	14	427	7,056

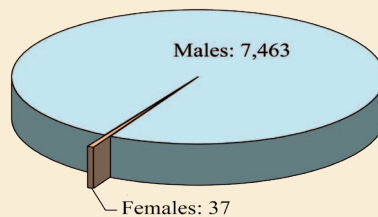
Table (2) shows that more than 400 prisoners have been held in the Israeli prisons for more than 16 years. However, the most prominent figure is the number of the detainees who are less than 16 years which amounts to 7,056 prisoners.



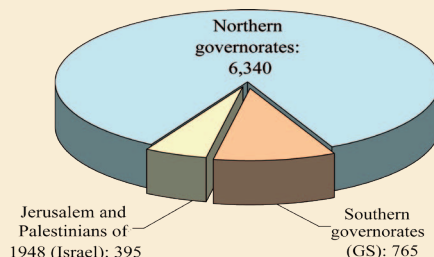


On the other hand, until April 2008 the number of the detainees who were in Israeli prisons, and had entered after *al-Aqsa Intifadah* amounted to 9,230 prisoners,¹³ where the occupation forces escalated their arbitrary and indiscriminate arrests against the Palestinians after the outbreak of the *Intifadah* in September 2000. This was also reflected in a rapidly changing number of prisoners, that used sometimes to vary significantly in a matter of few weeks or even days. In the same context, the occupation forces arrested during the period between 28/9/2006 and 28/9/2007 (i.e., after the capture of Corporal Gilad Shalit) more than eight thousand Palestinians,¹⁴ some of whom were released after hours or days of capture while others are still in custody. The last number is a big one indeed, and it is a clear evidence of the tyrannical practices of the occupation against the Palestinians and the absolute control of their lives. This is in addition to the belittlement and ill-treatment which are also evident in the way the Israeli authorities deal with the Palestinian prisoners and their persecution, the conditions of detention, interrogation and arrest; where 98% of prisoners are beaten and persecuted.¹⁵

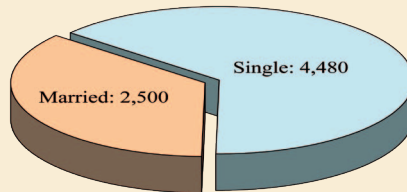
Distribution of Prisoners Based on Gender till April 2010



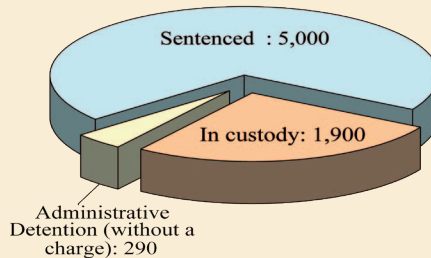
Distribution of Prisoners Based on Region till April 2010



Distribution of Prisoners According to Social Status till April 2010



Distribution of Prisoners Based on the Type of Verdict till April 2010



Palestinian captives are not resistance members or freedom fighters made only men; but they also include women, children, patients, deputies and ministers, laborers, students, mothers and housewives. This policy of arbitrary arrests makes any deal to release prisoners a mere formality. The obvious, painful truth is that regardless of the release of prisoners, Israel continues through its unjust occupation to control Palestinian lands and dominate them, and there is no right or custom or moral rule or law that would prevent it from capturing hundreds or thousands of Palestinians at any moment. Israel has no scruples against arresting anyone, anywhere. It can capture anyone from their homes or offices or even when they are on their way to schools or universities, and conceal them in its harsh dungeons for days and months and years without being accountable to any international inspection or even criticism. Yet, when the Palestinian resistance (rightfully and legally) captures an Israeli soldier during his presence in the occupied areas, the world rushes to condemn and call for his immediate release!



The Prisoners and Captives of the 1948 War

Although the majority of the statistics and figures available about the Palestinian captives in Israeli prisons date back to 1967, accounts and documents indicate that during the war of 1948, Zionist forces set up concentration camps for the civilians who were arrested after being expelled and displaced from their villages. In those camps lots of Palestinians were tortured and killed while the fates of most—or even all—of them were not revealed.

A recent study conducted by the Palestinian Deputy and the Rapporteur of the Committee of Prisoners, 'Issa Qaraqe', has tackled this obliterated period of the history of the Palestinian prisoners movement—which is even obliterated sometimes from the whole saga of the invasion of 1948—and the crimes of genocide and ethnic cleansing committed during this period. David Ben-Gurion wrote in his memoirs that the number of Palestinian and Arab prisoners in the war of 1948 had reached nine thousand prisoners. However, the fact is that the number was much higher.

According to the same study, prisoners were held in five camps including Sarafand and 'Itelet, and in prisons that the Israelis inherited from the British Mandate. In addition, field or temporary detention camps were set up in the Arab villages that were forcefully evacuated from their residents.

Operations of arrest were devoid of any humanitarian or legal commitment to the rights of the prisoners who were exploited in forced labor and treated harshly and inhumanly. Besides, women were raped and harassed and their jewelry were stolen after their arrest. Furthermore, according to documented testimonies and eye witnesses' accounts, prisoners were disposed of through collective execution.

➤ Palestine News & Information Agency (Wafa), 3/5/2008.



Occupation soldiers arresting a youth from the city of Yatta, north of the WB on 11/2/2004, during one of the Israeli incursions there.



A group of Palestinian detainees on the Israeli borders of GS, with handcuffs and blindfolds after their arrest and extradition from GS by the occupation forces on 15/4/2008.



Chapter 2: Legal Background

The Universal Declaration of Human Rights (1948) identified in five of its main articles what could be defined as basic humanitarian principles that should not be violated in dealing with prisoners under any circumstances. These principles are:

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Article 5).
2. All are equal before the law and are entitled without any discrimination to equal protection of the law (Article 7).
3. No one shall be subjected to arbitrary arrest, detention or exile (Article 9).
4. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him (Article 10).





5. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law (Article 11).

In its turn, the International Covenant on Civil and Political Rights (1966) emphasized these rights (Articles 7, 9, 10 and 26). Further, it implied the necessity of taking into account the interest of juvenile persons (Article 14 – see also Articles 37 and 40 of the Convention on the Rights of the Child).

The rights of the prisoners and the way they should be treated in addition to criminalization of torture and arbitrary detention or the holding of hostages, even in time of war, always constituted an important subject for international conventions, treaties and charters. The most prominent of these conventions are the Third Geneva Convention relative to the Treatment of Prisoners of War, the Fourth Geneva Convention relative to the Protection of Civilians in Time of War, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Standard Minimum Rules for the Treatment of Prisoners (1955), and the Basic Principles for the Treatment of Prisoners (1990). Israel is bound by all these conventions either as a party or for being sanctioned by the United Nations General Assembly.

The Third Geneva Convention adopted on 12/8/1949 is considered as the main reference concerning the conditions imposed by the International Law to ensure the rights of the prisoners of war and treating them humanely. The terms of the Convention address the conditions of the prisoners, the state of the facilities, the conditions of the food, medical care, protection and services. This is in addition to the physical and mental activities of the prisoners. Besides, it takes into account specific cases of prisoners such as women, children, clergymen



and those with military ranks. The Convention talks also about the prisoners' visits and correspondences, their earnings, relations with the outside world and their trials.

The Third Geneva Convention is applied to the members of the military or armed groups who fall in captivity. Further, it stipulates that prisoners of war have rights that could not be ignored under any circumstance, namely: the right to humane treatment that fits their humanity and dignity, the right to communicate with their relatives and the International Red Cross, the right to receive letters and packages, the right to keep their clothes, their own eating utensils and their personal effects, the right to be provided with adequate quantities of food, clothing and the necessary medical care according to their health status, and also their right to be paid for any work they have to do. Furthermore, the Convention states that the prisoners should be released immediately after the end of the hostilities or the conflict. States holding captives as prisoners of war should not force them to provide any information other than their names, ages, their ranks and service number, or deprive them of their precious belongings or money (except temporarily and after providing them with a detailed receipt). In addition, states should not distinguish between prisoners on any basis except health, sex, age, military rank or professional qualifications, nor force them to carry out military actions or acts that are dangerous or degrading or harmful to health.

Article 3 of the Convention prevents, at all times and places, taking hostages or aggression on liberties and physical integrity. It also prevents torture, cruel treatment, assault on personal dignity, and the issuance of sentences or execution of statements without a trial before a legal court that should ensure all the necessary judicial guarantees for





those who have not directly participated in the hostilities. This should include, among others, members of the armed forces who have laid down their weapons, and the disabled who could not kill because of illness, detention or any other reason.

The Convention adds that even those who have taken part in the hostilities must in their trial be submitted to the laws and regulations of the armed forces in the state that holds them, taking into account the different levels of loyalty and ranks while securing the generally accepted guarantees of independence and impartiality. In addition, the prisoner has the right to have a defense lawyer, to call witnesses and be notified-together with his lawyer-of the charge sheet a reasonable time before his trial. The Convention prohibits applying collective punishments for individual acts, corporal penalties, the imprisonment in facilities without daylight, and, in general, the infliction of any kind of torture or cruelty.

On the other hand, the Fourth Geneva Convention on the protection of civilians gives them the right to decent humane treatment at all times. It also ensures respecting their dignity and properties; and prohibits using them as human shields, holding them as hostages, or coercing them to give information. In addition, the Convention affirms the aforementioned guarantees of the due process of law.

The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984) does not allow any justification for torture on the grounds of exceptional circumstances, even in the case of war, threat of war, state of emergency or threat to internal stability; nor in the pretext of administrative orders issued by a public authority or employees of higher rank. In this context, the Convention defines torture as:



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.

Yet the definition excludes “the pain or suffering arising only from, inherent in, or incidental to, lawful sanctions.”

Israeli Law and International Law

While the Universal Declaration of Human Rights (1948) states that “everyone charged with a penal offence has the right to be presumed innocent until proven guilty according to law” (Article 11), the Israeli law after 60 years finds no embarrassment to state just the opposite:

In order to arrest any person who is a member of a “terrorist” organization (...), it is not necessary that this person has contributed whether directly or indirectly in the hostilities (...), and on this basis any person is defined as “unlawful combatant” (...) and his release from detention would comprise a threat to the security of the state, as long as the contrary is not proved.

- Paragraph 21 of "Unlawful Combatants" Judgment which was approved by the Israeli Court in case "HCJ 3261/08–Anonymous vs. The State of Israel."

Valentina Azarov, Israeli High Court of Justice's "Unlawful Combatants" Judgment Allows Harmful Detention Legislation in Through the Back Door, Alternative Information Center (AIC), 7/7/2008.





The 262nd Letter

...On Sunday, 20 August 2006, Israeli occupying forces kidnapped the Secretary-General of the Palestinian Legislative Council, Dr. Mahmoud Al-Ramahi, raising the number of democratically elected officials who have been kidnapped by Israel, the occupying Power, over the past month to 30. Israeli occupying forces, together with Shin Bet internal security agents, surrounded the home of Dr. Al-Ramahi in the West Bank town of Al-Bireh, in broad daylight and kidnapped him in front of his four children and wife. Dr. Al-Ramahi is the fourth-ranking official in the Palestinian Legislative Council and is responsible for many administrative and procedural matters. This illegal act comes a day after Israeli occupying forces kidnapped Palestinian Deputy Prime Minister and Education Minister, Dr. Nasser al-Sha'er, also from his house in Ramallah. During that incident, Israeli occupying forces cordoned off the house of Dr. Al-Sha'er and ordered him via loudspeakers to surrender. He was taken to an undisclosed location.

...The present letter is in follow-up to our previous 261 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory (...), [that] constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. Moreover, we reiterate that for all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

- United Nations (UN), General Assembly, Security Council, Identical letters dated 21 August 2006 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council, 21/8/2006, A/ES-10/355,
<http://unispal.un.org/UNISPAL.NSF/0/5B6E5EC2176EA7FF852571D200483090>



Israel might be the only party to this Convention that legalizes torture in its domestic laws, while the Convention clearly states that “each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.” Further, the Convention contains details concerning the cases of torture that occur in the party States and the necessity of questioning the states that practice torture and investigating them in this respect.

With regard to the conditions and environment of imprisonment, a set of criteria that forms the Standard Minimum Rules for the Treatment of Prisoners was identified in the UN Document A/CONF/611 adopted on 30/8/1955, so that all member states should make every effort to ensure its application. The criteria exclude the category of young prisoners who should not be sentenced to imprisonment. The Document is divided into two parts: the first must be considered in all cases; while the second is specific and should be considered, along with the first part, in special cases as those who are awaiting trial or insane and mentally abnormal prisoners.

The first paragraph of the Document includes general rights as the principle of non-discrimination and the need to respect the prisoners’ opinions and their political beliefs. Then it sets out in secondary, separate paragraphs rules related to the registration of detainees, including the need for distributing them on the basis of sex, age, criminal record and the legal reason for their detention; hence the separation of males from females, minors from adults, those who have been convicted and sentenced from those who have not been tried yet, and those imprisoned for debt and other civil prisoners from those with felonies and serious crimes.





Regarding accomodation, the Document stipulates that conditions of the facilities should be taken into consideration, such as the amount of air, floor space, heating, lighting, ventilation and windows. Health conditions, such as those related to cleanliness, adequate number of private toilets and showers, and the requirements of good appearance and personal hygiene must also all be taken into consideration.

The Document stipulates further conditions such as the need to ensure appropriate, clean clothing for the prisoners as well as bed linen; the need to provide drinking water and adequate, healthy food at usual meal times; the necessity to allow the prisoners to be exposed to fresh air at least an hour daily; provide medical care for them and transfer the patients who need special medical care to equipped facilities or civilian hospitals; and provide pre-and post-natal requirements in women's places of detention. In addition, the Document contains articles concerned with discipline and internal penal codes of the prisons, visits and communication with the outside world, the right of the detainees to pursue their studies and have access to books, news and the latest updates.

The United Nations has confirmed what is mentioned above in the General Assembly Resolution A/Res/45/111 issued in 1990, when it approved a list of 11 articles that summarized the basic principles for the treatment of prisoners in a humane way that respects human rights without discrimination, especially those identified in the Universal Declaration of Human Rights; with the intention to confirm that prison is not a punishment or a place for torture but rather a school for the rehabilitation of the offenders who have already sinned, and a new chance for them to start over. However, Israeli jails are more like "graves," where the innocent are hurled and tortured by inhumane



means, in a policy pursued by the occupation to halt the Palestinian resistance that confronts settlement and expansion practices, and to kill the hope in the future of the Palestinian people who spend their youth in prisons and come out ill, crippled or uneducated.

In defiance of being a signatory to the aforementioned conventions and agreements, Israel has never stopped its violations against the Palestinians in a permanent, systematic and blatant manner that infringes on their basic rights, let alone the physical and psychological torture, the deliberate humiliation of prisoners, the arbitrary, indiscriminate detention campaigns, and the efforts to conceal the facts and practices in this respect, which are frequently unveiled when discussed in the Knesset.¹⁶

The terrible conditions of Palestinian prisoners languishing in Israeli jails stem, inter alia, from the fact that the occupation authorities do not grant those prisoners any clear rights or classify them in clear categories. If they were classified as prisoners of war then they should be tried before military tribunals which might be true as a formality, yet in reality they are tried on the basis of highly indiscriminate and arbitrary laws. The biggest problem, however, ensues from the fact that most of the prisoners are civilians and thus should be classified as “hostages,” which comprises a crime in all circumstances, or they should be classified among the civilian detainees who are entitled to the protection of the occupation forces but not subject to arrest, torture, prosecution or investigation. Yet, it is clear that in both cases the occupation authorities violate the basic rights of the prisoners whether they were civilians or activists in armed resistance.





In defiance of the whole world, the Israeli authorities still refuse to apply the provisions of International Law regarding the rights of the captives, trials, the conditions of detention and capture or cessation of torture. Moreover, these authorities do not even feel embarrassed to detain lawyers and human rights activists or restrict their freedom whether within the WB and the GS or to and from the country, so that the public opinion—especially at the international level—does not take notice of the conditions and suffering of Palestinian prisoners in Israeli prisons.¹⁷



The Secret Prison Facility “1391”

Facility 1391, close to the Green Line, the pre-1967 border between Israel and the West Bank, is different. It is not marked on maps, it has been erased from aerial photographs and recently its numbered signpost was removed. Censors have excised all mention of its location from the Israeli media, with the government saying that secrecy is essential to “prevent harm to the country’s security.”

Facility 1391 has never been independently inspected, not even by the International Red Cross... What happens there is a mystery. But, despite government attempts to impose a news blackout, information about more than a decade of horrific events at Facility 1391 are beginning to leak out... What little information is available suggests that interrogation methods using torture are routine... no one, apart from a few senior Israeli government and security officials, knows how many inmates there are in Facility 1391. Testimonies from former inmates suggest it is crowded with detainees.

“Anyone entering the prison can be made to disappear, potentially forever,” says Leah Tsemel, an Israeli lawyer who specializes in advising Palestinians.

Although Israel has confirmed to the courts that Facility 1391 is a secret prison, it is unclear whether it is the only one in Israel... Several detainees, known to have been held in a secret prison, say that they could hear the sound of waves. Facility 1391 is some distance from the sea. Others say they could hear the sound of planes taking off or gunfire, possible from a military firing range. There are up to 70 Taggart buildings—heavily fortified police stations built during the British Mandate—so several could be used without raising suspicion.

- Jonathan Cook: Facility 1391, Israel’s Guantanamo, the Palestinian Information Center quoting *Le Monde diplomatique* newspaper, France, 12/11/2003, <http://www.jkcook.net/Articles2/0125.htm>





Chapter 3: Detention, Trial and Conditions of Captivity

Since its beginnings, the detention process has witnessed many violations against the Palestinian prisoners who are seized according to a set of military commands, or randomly without any arrest warrant or justifications. In most cases, the captives are not accused of a specific charge but nonetheless are interrogated and tortured so that they confess—under persecution and pressure—to what they have not committed. In case they are tried, the prosecution takes place in military courts that are headed by one or three Israeli judges appointed by the military, where two of them are usually chosen from a weak legal background. The Israeli military court does not take into account the basics of a fair trial that are stipulated legally and internationally to safeguard the prisoners' right to equality before the law and the appearance before a competent, independent and impartial tribunal established according to the law.¹⁸





Regarding detention and arrest centers, Palestinian prisoners who are continuously subjected to torture, physical abuse, insults and provocations, live in extremely difficult, inhumane conditions that start with buildings and rooms, and do not end with hygiene, food and necessary medical care, not to mention communication with their families and other conditions that will be discussed in this chapter.

1. Arbitrary Arrest

Usually all arrests are done without prior warning or clear reasons for the arrest. In most cases, apprehensions are accompanied by house raids and naked inspection. In addition, pressure is exerted on the detainees through their family members such as wives and children. Those operations are mostly carried out at midnight or shortly before dawn, in order to cause the highest sense of terror and intimidation possible for the innocent Palestinians who are secure in their houses and neighborhoods. Mahmud Kallab (23 years, Nablus) says:

[The Israeli occupation forces] brutally knocked on the door so I opened it. [After that] they ordered us to get out thus sparking fear in the hearts of the little children, without telling me about the reasons. After they searched the house thoroughly, wreaking havoc here and there, they arrested me, together with my brothers where they tied our hands behind our backs with plastic handcuffs, blindfolded us and led us to a military jeep. [After they have taken us] to Petah Tikva, they searched me in the nude, took me to an investigation room, sat me on a chair, tied my hands and legs to the back while they kept the fetters tied to the chair with chains, a position which causes severe pains in the back, and they investigated me from noon till midnight while I was fastened to that chair.¹⁹



Most of the arbitrary arrest operations during incursions are carried out collectively, where Palestinians aged between 15 and 45 years are ordered through loudspeakers to come to a certain point where they are apprehended and searched in the nude. In addition, they are not allowed to eat or to use the bathroom at their will. The Israeli soldiers pursue the worst practices against the prisoners in order to humiliate and torture them. Describing his personal experience of arrest, the prisoner Ahmad Khaled al-Jayousi says:

The Israeli Special Forces invaded and occupied Tulkarem camp on 8/3/2002. They took us to the UNRWA office, sat us on the ground, checked our ID cards, arrested us without telling us why, and did not show us any arrest warrant. They tied our hands to the back with plastic shackles, blindfolded us and left us sitting on the ground for hours in spite of the cold weather. We remained without any blankets or mattresses till the morning. They beat anyone who tried to move his body on the ground and they prevented us from going to the bathroom, so we had to urinate in our clothes. [When] I asked the soldier to loosen the tight fetters that caused swelling and unbearable pains, he responded by kicking me and grabbed me while I was chained to hurl me on a heap of glass that broke under my skinny body, thus causing serious injuries and wounds all over my aching body.²⁰

Moreover, the Israeli authorities keep hundreds of Palestinian detainees in custody for a long period of time without bringing them to trial and without any charges. However, the authorities might release them later without interrogation or even compensation for the arbitrary arrest whereas International Law stipulates that there should be compensation for those who have been arrested arbitrarily.²¹ In an opposite sense, the Israeli authorities might actually keep those prisoners in detention.





Occupation forces arresting an elderly Palestinian on Gilo crossing in Bethlehem in the WB on 15/10/2004, to prevent him from going to pray in *al-Aqsa* Mosque on the first day of Ramadan.

Driving a group of Palestinian detainees in Rafah Refugee Camp south of GS on 19/5/2004.





Human rights reports revealed that the frequency of arbitrary detentions has risen during the first *Intifadah* (1987–1993), then during *al-Aqsa Intifadah* (2000–2005). According to a report by Amnesty International, the Israeli authorities seized during 2001 more than two thousand Palestinians, many of whom were detained for long periods in isolation from the outside world without being allowed to contact their lawyers or their families.²²

The same scene was repeated in the following years. The year 2002 witnessed many incursions of WB. During the first incursions from 27/2/2002 some 2,500 Palestinians were arrested, and by 17/3/2002 all but 135 were released.²³ A report by Addameer Association mentioned that during spring 2002 more than 15 thousand Palestinians—mainly males—were detained. According to the same report, eye witnesses testified that many villages and residential compounds were emptied of all males over the age of 15 after the occupation forces arrested them.²⁴

During 2003, the annual report of Amnesty International revealed that thousands of Palestinians—including hundreds of minors—were arrested; later, most of them were released without being convicted or even interrogated.²⁵ According to reports, arrests reached a peak between 29/3/2003 and 11/4/2003 where more than six thousand Palestinians were detained.²⁶ Also according to the report of Amnesty International, thousands of Palestinians were apprehended between 23/5/2004 and 23/5/2005, most of whom were released without a charge; however, more than three thousand Palestinians were convicted of committing security crimes,²⁷ which causes us to believe that the “majority” that was released exceeds some thousands.

In the period between September 2006 and September 2007, the Palestinian Ministry of Detainees’ Affairs recorded the detention





of thousands of Palestinians for limited days or even hours before their release without being charged. The Ministry indicated also the continued detention of 5,564 captives without trial until 28/9/2007. This is in addition to other 950 administrative detainees.²⁸ Whereas in the beginnings of 2010, it was still keeping 290 administrative detainees in its dark prisons.²⁹ All this confirms Israel's utter disregard for human rights including the right to liberty, and its specific disregard for prisoners' rights where Amnesty International reports affirm that most of "those still in custody are held without charge or trial, often under administrative detention orders which may be renewed indefinitely. There is strong evidence that the majority of those detained have been arbitrarily detained." The report adds, "Palestinian detainees were not brought promptly before a judge, and they were denied access to lawyers and to their families."³⁰

The figures mentioned above regarding arbitrary detention, exercised unscrupulously by the occupation authorities, are just some documented evidence that does not show the real practices of the occupation where those arrests are repeated on a daily basis, thus forming an integral part of the policy of collective punishment practiced by the Israeli occupation against Palestinians.

a. Special Laws of Arrest and "Legal" Violations

The occupation authorities have gone so far as to "legalize" the arbitrary and administrative arrests despite their direct contradiction to domestic and international legal principles and their violation of the rights of prisoners.

The occupier applies a series of unjust military orders, which seek to control the lives of the Palestinians. Regarding arrest, these orders entitle the occupation authorities to arrest any Palestinian without informing



him or her about the reason for their arrest or bringing them to a court. Further, the detainee could be prevented from meeting with his lawyer, while the army is not required to inform the prisoner's family about the reason or place of detention. The Israeli military order number 1500, issued on 5/4/2002 and effective retroactively from 29/3/2002, permits the army to hold a detainee for a period of 18 days without meeting with an attorney. At the end of the 18 days, a detainee should be brought before a judge who may extend the detention and may also place an order prohibiting access to a lawyer.³¹

Nevertheless, detention is not always limited to this period of time as the captives are either transferred to arbitrary administrative detention which might be indefinitely renewed, or left to wait for a trial which may or may not come. According to the Israeli laws pertaining to Palestinians, the duration of detention awaiting prosecution might be extended to 180 days. Furthermore, the military order number 1530 limited the duration of trial to two years, where previously it was open-ended and non specific.³² However, the Israeli authorities hardly stick to the durations mentioned above. They rarely open investigations into these issues or accept objections and revisions. In fact, the Israeli violations in this respect have become the rule.

In mid 2008, Israel continued its disregard for and manipulation of international laws and human rights in its codes and legislations, with the constant use of the law of "illegal combatant," which entitles the authorities to overcome any custom or law when they perceive of a prisoner as an illegal fighter. Thus, they could hold him for indefinite time and without trial for example. The latter law specifically targets resistance members or those who participate in acts of resistance and do not confess under torture. Israel uses this law in order to disengage





Chains that Exclude None

The Occupier Detained 12 **School Students and Beat Them up**

...from al-‘Arub Camp, from the same school and class, and as they were leaving school after taking their exam last Wednesday...

- *Al-Hayat al-Jadidah* newspaper, Ramallah, 27/5/2008.

Three **Ministers and 44 **Palestinian Deputies** in the Israeli Prisons in a Dangerous Precedent and a Serious Blow to Democracy**

...adding that the number of the kidnapped public representatives in Israeli prisons is now 47. The number has reached 56 ministers and representatives in the prisons of the occupation before a few of them were released.

- *Al-Rayah* newspaper, Qatar, 5/7/2008.

The Occupier Shoots on Gazan **Fishermen and Arrests 26 of Them**

...the Israeli gunboats surrounded the fishing boats and forced those on board to strip and jump into the water, before they beating and taking them on one gunboat.

- *Alghad* newspaper, Amman, 28/5/2008.

The Occupation Forces Detain a Number of **Money Changers in the WB and Confiscate Their Money**

...the occupation forces confiscated three million shekels from 14 money changers, while it detained five of them.

- The site of Arabs 48, 12/2/2008, www.arabs48.com



(...) At night they arrest dozens of wanted gunmen, and in the morning decide to release several hundred, just so long as the supply of prisoners doesn't dry up and a few dozen candidates for immediate release are always available. (...) If at any given moment there is a pool of candidates for release, it stands to reason they could have been released long ago.

- An endless pool of prisoners, *Haaretz* newspaper editorial, 22/11/2007.



February 2008

170 administrative arrest decisions since the beginning of the month

- *Al-Khaleej* newspaper, al-Shariqa, 24/2/2008.

March 2008

Hebron: detention of **103** citizens during last March including 15 patients and 22 students...

- *Al-Ayyam* newspaper, Ramallah, 3/4/2008.

April 2008

The occupation army seized **363** Palestinians last month...

- *Addustour* newspaper, Amman, 4/5/2008.

May 2008

The occupation authorities arrested **312** citizens during this month including 17 children...

- *Al-Hayat al- Jadidah*, 19/5/2008.





itself from the requisites of the Third Geneva Convention, which clearly considers fighters as prisoners of war;³³ and Israel is a party to this Convention and bound by it.

Worthy of mention here is the undisguised Israeli racism against the Palestinians in every sphere, including the rampant prejudice and discrimination in the laws of arrest. For example, the Israeli law does not permit the detention of an Israeli citizen for more than 24 hours without bringing him or her before a judge. According to Addameer Association, any Israeli military judge could detain a Palestinian without trial for 90 days, and this period could be extended three more months by virtue of an order from the Israeli judicial counselor of the occupied territories, or an order from a military judge in a military court of appeals.

On the other hand, the Israeli law forbids the detention of an Israeli citizen without a charge for more than 15 days that could be extended 15 more days only. In addition, Palestinian prisoners could be prevented from meeting with their lawyers for 60 days since the day of arrest, whereas for the Israeli citizen the duration of prevention should not exceed 15 days.³⁴

b. Conditions of Detention and Arrest

The process of arrest goes hand in hand with many other practices that further violate the rights of the Palestinian prisoner. Beside what has been mentioned above of arbitrary arrests, there is still a host of other accompanying violations of legal and human rights. Arbitrary mass arrests, naked inspection, humiliating practices, house raids and the use of family members as means of coercion, are just but few examples.



A report by Addameer Association describes the “normal” arrest process as follows: Upon arrest, the detainee is handcuffed and blindfolded, and he is not informed about the reason of arrest or where he is taken. The process of arrest is accompanied with physical violence and humiliation of the detainee. Many prisoners confirmed in their affidavits that they have been subjected to attempted murders and rapes. Lots of times, they have been pushed on the stairs while blindfolded to fall down. This is in addition to other torture practices that the Israeli soldiers commit against them. In many cases, the prisoners were forced to strip naked in front of the others when they were arrested, or to strip during house incursions.³⁵

Prisoners’ legal rights are almost non-existent for the occupation authorities. This includes those rights that control the arrest procedure. The Israeli Prison Ordinance consists of 114 clauses that include the detention process and the conditions that should be provided to the detainees. The paradox here is that it is the Minister of the Interior who is responsible for issuing these proceedings or their amendments while being totally unrestricted by any law or regulation that can guarantee the rights of the prisoners.³⁶ For example, these procedures “regulate” the conditions of detention in a way that prevents holding only more than 20 prisoners in a room, which is not more than five meters long, four meters wide and three meters high; whereas the minimum area provided for one prisoner in Europe and America is 10.5 m².³⁷

The occupation forces usually transfer the prisoners outside the territories of self-governance (i.e., WB and GS), which is a contravention of international law and a war crime in the Fourth Geneva Convention, which stipulates in Article 76 that detainees from the occupied territories “shall be detained in the occupied country, and if convicted they shall





Two looks representing all the difference between the executioner and the victim. The picture was taken in Rimonim prison north east of Tel Aviv on 30/6/2004.



An Israeli soldier blindfolding a Palestinian, who was arrested during an Israeli incursion of Nablus in the WB on 11/4/2006.



serve their sentence therein.” It should be mentioned here that there are five military Israeli detention centers in the occupied territories, only one military prison out of about 27 detention centers, and four investigation centers. The mentioned figures represent the known facilities only as there are lots of secret investigation centers and prisons where the violations are beyond imagination and beggar all descriptions. Israel has confessed to the presence of Camp 1391 as one of these arcane facilities, yet kept its location unknown.³⁸

Palestinian prisoners suffer from the bad conditions in the detention centers, either because of the over-crowdedness and the lack of segregation between adults and minors, or because of ill-equipment especially in sleeping quarters where the detainees sleep on the ground or on thin, sponge mattresses. Besides, the detainees are subjected during investigation to extremely cruel, degrading means of physical and psychological torture, which lead sometimes to the death of some prisoners. The confessions of prisoners extracted through torture are admissible in the Israeli courts. Israeli laws do not criminalize the means of torture but rather provide for their use.

c. Administrative Detention

Administrative detention is considered as a blatant example of random detention, where the person is held for a renewable period of six months without being charged or brought before a court of law. This makes it an arbitrary detention according to the international conventions mentioned before.

This way of detention is based on the systems of defense and emergency imposed by the British authorities in September 1945.³⁹ Those systems were not only adopted by the Israeli authorities but





rather reinforced by eleven military resolutions bearing the numbers: 115, 161, 378, 1229, 1236, 1254, 1270, 1281, 1283, 1299 and 1331.

Those resolutions have furthered the application of administrative detention and gave the minister of defense the power to use it without reference to the judiciary. In addition, some of these resolutions have given the military leaders the power to issue arrest warrants up to 96 hours before being confirmed by the commander of the region. By delegating the power to arrest to an officer of lower rank, the likelihood of abuse in these arrests becomes greater.

Besides facilitating the procedures of administrative detention, those military resolutions have permitted an indefinite period of arrest by allowing extension for additional six months upon the completion of the first arrest period. According to the military Resolution 378 issued in 1970, the extension could be renewed several times for consecutive periods if “the commander of the region believes that the administrative detention should be renewed based on grounded reasons related to the security of the region or the safety of the public.”⁴⁰

Based on the military Resolution 1281 issued on 1/8/1989, the Israeli authorities have regularly resorted to the renewal of the period of administrative detention for one year instead of six months.⁴¹ According to a report by the Palestinian Prisoners Club, some prisoners had their administrative detention extended more than five times. Among these are the administrative detainees Amjad Warrad who has been in captivity since 2002, Saleem Taha who has been detained since 16/8/2001,⁴² and Muhammad Abu ‘Arra who was kept in administrative detention for 57 months. However, the prisoner who was arrested the biggest number of times is Walid Khaled Harb with 67 months in administrative detention.⁴³



Administrative detention is an arbitrary arrest with no apparent reason. For example, Walid Hanatsheh—born in 1969 and living in Ramallah—was arrested on 19/5/2002 when he was in a clinic in Jerusalem. Hanatsheh did not have a permit to enter Jerusalem though his wife is a Jerusalemite. He was investigated about his entry without a permit and his possession of a forged identity card. Then he was interrogated about his relations with suspected or imprisoned persons, yet all investigation records were general and did not include any suspicion or specific charge. Hanatsheh was not tried on the basis of possessing a forged ID card or entering Jerusalem without a permit, but was rather arrested by virtue of a warrant of administrative detention that considered him “an activist in a popular front causing danger to the security of the region.”

In the judicial oversight session held on 23/12/2002, the case was postponed until 26/2/2003, thus keeping Hanatsheh detained until that date. However, when eventually that date came, the intelligence services representative did not attend the session held on 26/2/2003 (the convictions are adopted on the basis of “secret charges” provided usually by the intelligence service without informing the accused or his lawyer of them). But despite the non-attendance of the intelligence services representative, the judge acted on his own and confirmed the detention warrant after he had decided that there was no need for the presence of the representative because the secret charges were “clear.” Hanatsheh’s appeal fell on deaf ears and his detention was extended another four months, and then again for another three months based on the same argument. But this time the judge noted that “the secret charges in the prisoner’s file are not dangerous in themselves, though he has ties with other activists.” In the next appeal hearing (October 2003), the judge reiterated that “the decision to arrest Hanatsheh stemmed from a





dangerous, specific activity he has been doing for a long time and never changed during his detention.”

The same scenario was repeated until 10/10/2004, when the seventh administrative warrant against Hanatsheh was issued for three more months. When Hanatsheh tried to appeal this time because of the serious health status of his wife who was suspected to have a brain tumor, the judge decided that the dangerous security situation was more important than the health status of Hanatsheh’s wife, and thus he was not allowed to stay with her even under some sort of house arrest. On 5/12/2004, the detention was extended for the 8th time, this time not because of him being a threat to security or because of his activities, but rather because of the “unstable situation outside, especially the obscurity of the stance of the Palestinian Authority... but, if no emergent changes broke out, it would be difficult to keep him in detention.”⁴⁴

The occupation authorities resort to administrative detention especially in cases where they are unable to convict the captives with genuine charges, and as a form of leverage exercised against the “eminent figures in the national and Islamic factions who have not confessed to anything during investigation.”⁴⁵ Further, administrative detention is used to target the social elite such as politicians, members of the Palestinian Legislative Council, social activists, scientists and academics, let alone the members of municipal councils, clubs, local bodies, university students, school teachers, doctors, engineers, and other activists who could not be easily charged or proven guilty.⁴⁶

Needless to say that the intensity of administrative detention increases as the resistance increases its action. The pace of these arrests has intensified during the first *Intifadah* (1987–1993), such that the Israeli authorities had to open Ansar 3 Detention Camp in the desert of Negev to accommodate the large numbers of administrative detainees held in that period.



During *al-Aqsa Intifadah*, the number of administrative detentions increased from 34 in 2001 to more than 960 during 2002.⁴⁷ Since then, administrative detentions continued with an average of 1,000 to 1,500 detainees annually,⁴⁸ especially after Hamas' victory in the municipal and legislative elections and its military takeover in GS. The Israeli military court has declared that the number of administrative detention warrants issued in 2007 amounted to 3,101 including detentions or extensions of detentions even of deputies or former ministers. This figure is "the highest one ever" according to the researcher in Palestinian prisoners' affairs, Fouad al-Khafsh, who estimated the number of warrants at 2,850 in 2006.⁴⁹ According to a report published by the specialized researcher in the issue of Palestinians prisoners 'Abdul Nasser Farwana, the number of administrative detention warrants issued in 2008 amounted to 2000, and in 2009 it amounted 1,200 warrants, including new detentions or extensions of detentions.⁵⁰ In addition, the total number of administrative detention decisions taken since the outbreak of *al-Aqsa Intifadah* in 2000 and until 21/11/2009 has reached 19 thousand decisions.⁵¹

Even though the Israeli law grants the captive the right to object to the decision of administrative detention before a military judge, the procedures followed during the prosecution preclude the achievement of justice and legitimize the detention instead of preventing it. Those procedures are also incompatible with the international rules prohibiting the principle of secret terms in military trials. This principle essentially denies the accused and his lawyer their rightful access to the indictment provisions, which makes it impossible for the lawyer to appeal against the arrest or plead that his client be acquitted.

On another level, the feeling of instability results in a psychological torture which is the most difficult aspect of the administrative detention.





Here, the captive is not only unaware of the reason for his or her capture, but also does not know whether he or she would be released. The few months that the administrative decision provides and which must not exceed six months might actually extend to “decisions” and years. The actual duration could not be determined in advance as it is subject to the unpredictability and multiplicity of the decisions of the occupation authorities to extend the detentions, thus adding to the suffering of the detainees and their families. Salim Abu Hawash relates his story with administrative detention; he says:

By the end of 1994 I was serving three months’ administrative detention due to end on 1 November 1994. The prison guard came with the numbers of the detainees to be released. At that time I was in the bathroom finishing getting washed. I was about to get dressed and say goodbye to the prison and the prisoners, when my friend said from outside the bathroom, ‘Take your time washing and getting dressed’. I said I would before the words could sink in. I swallowed a bitter lump in my throat and waited a long time in the bathroom. So my detention would begin again and I didn’t know yet how long the new administrative detention order was for. The other prisoners had left that day and I had not seen them or said goodbye to them. In the evening I learned my detention was for five more months... longer than the first order.

My family were waiting for me on the road... and my wife (who was pregnant) was waiting for me at home. Those released reached the place where the family was waiting but I wasn’t amongst them. My mother cried a lot, and soaked the place in tears. She was carried away, to our home. My wife fainted from shock when she realized that I was not released.

I asked the officials either to release me or continue the investigation and bring me before a court; my request was in vain.⁵²



Please... Who Will Help Me Get Daddy Released?

Majd Dalayshah, the daughter of the administrative detainee in the Israeli prisons, Khaled Dalayshah

My name is Majd. I am now ten years old. When I was five, my daddy was put in administrative detention. They said to me at that time that it was only for six months. I did not know that this six months would be extended.... The hardest thing about this detention is that every six months my sisters and I put on our best clothes and wait... and wait. But he doesn't come. We ask mummy, 'Why didn't he come?' She says, 'Because they renewed his detention for another six months.' We continue asking, 'Then when will he come back home?' Mummy replies, 'This is too difficult a question as I don't know. If only I knew when he would come back!' So we wait another six months... and another six months.... We don't know when this difficult and painful situation will end. I am tired out. Please help me. Nothing in this world can tempt me any more, not new clothes, or sweets, or even the fun fair. All that I need is for daddy to be at my side. How I need him to hold me, carry me, make a fuss of me and take me along to school like the rest of my friends.

I wish I could call out to him, 'Daddy, daddy.' Please help me. We used to live as a happy family but now we are miserable. So who... who will help me so that we can again become a happy family as before? Who can answer our difficult question, 'When will daddy come home?'

- Amnesty International, Report on Israel and the Occupied Territories, "Administrative Detention: Despair, Uncertainty, and Lack of Due Process," 30/4/1997.





2. The Trial

While the trial is expected to be the phase when the right is revealed and the validity of the charges against the prisoner is determined, it denotes for the Palestinian prisoners in Israel the onset of a new chapter of suffering with a pre-settled outcome. The horrendous characteristic in this phase is the discrimination and deliberate arbitrariness whether in terms of the unjust laws, procrastination, fabricated charges, commissions of investigation or the fictitious possibility to appeal, thus resulting in additional suffering for the captives, even during their transfer from the detention centers to the court and vice versa.

All Palestinian captives are brought before the Israeli military courts,⁵³ even those who are arrested on the basis of civilian cases such as traffic accidents with Israelis.⁵⁴

Before the trial, the captive is severely persecuted in the basements of interrogation where he is charged with many accusations, on the basis of a list prepared in advance by the Israeli Intelligence. In case the captive does not confess, he would be informed of the administrative detention. Otherwise, he or she would be given the option to confess to some charges and a shorter sentence, or have the court approve all the charges and try him or her on this basis. In addition, a captive might be given the choice between extradition and the incarceration the Israeli prisons.⁵⁵

The Israeli authorities do not spare any means or opportunity in order to arrest Palestinians under any pretence, where the rigmarole of sham trials would start all over. Carrying the Palestinian flag for example, is a charge, so is the removal of the rubbish and rubble which the Israeli soldiers have left in the streets. Serving coffee to a member of an organization deemed by the Israeli authority as illegal (which is the case with all Palestinian organizations) is also a charge.⁵⁶



Furthermore, there always remains the pretext of the “secret file” and “security reasons,” which the occupation authorities employ at any time for administrative detention that could be extended for an unlimited number of times.

The irony of the administrative detention can be seen clearer in the travesty of “justice” that takes place at courts that convene to issue such verdicts in the absence of any clear accusation, save the “secret file.” This makes it impossible for the captive to know his or her charges, and for the lawyer to know what he would defend his client against! After the administrative detention decision is issued, it is reviewed by a court which either approves it or decides to release the captive. However, the court, called the “Magistrates’ Court,” usually consolidates or confirms the decision. The case might be associated with appeals or a reduction of the duration of the detention. Yet this does not change anything as the decisions of administrative detention are usually renewed on the basis of the same charge: the “secret file.”⁵⁷

Sometimes, some prisoners who have completed their sentences are transferred to administrative detention as with the case of the prisoner Shukri al-Khawaja for example. Instead of being released after spending his sentence of eight years and a half in incarceration, al-Khawaja found himself in administrative detention for a new period of 18 months. Similarly, the prisoner Saleh al-‘Arouri completed his five year term of imprisonment to be transferred to administrative detention. Then, he was tried once again on the basis of new charges and again transferred to administrative detention to spend a total of 15 years in prison, and be released on 11/3/2007. However, just after three months of release, ‘Arouri was arrested and put again under administrative detention.

Moreover, some prisoners are rearrested on the same day of their release, such as the prisoner ‘Abdul Hadi Taha who was arrested just





after he had walked out from prison and reached the nearest Israeli checkpoint. The Israeli authorities resort to this policy as a form of psychological warfare against the prisoners and their families, in order to leave them with a sense of instability and continuous anticipation, and to deprive them of any hope to come together for some hours or even few moments.⁵⁸

As in detention, racism and discrimination are the main characteristics of the Israeli laws and trials where the verdicts for the same charge, as well as the possibility of early release, vary among Palestinian prisoners and their Israeli counterparts. For example, Sana', a 14 year old Palestinian child from the city of Hebron, was arrested after her sister had tried to stab a settler with a knife. Although Sana' did not know the reason for her capture, she was tried for planning to stab a settler and she was sentenced to one year of imprisonment without considering her tender age or the fact that she did not stab any settler; stressing here the fact that the latter is a settler (i.e., illegitimate resident and a usurper of a land in an occupied territory). In contrast, the settler Nahum (37 years) was only sentenced to six months of community service and a fine, after he had been convicted of beating to death an 11 years old Palestinian child, according to eye witnesses!⁵⁹

A comparative study of the period between 1987 and March 2001 showed that 119 cases of murder against Palestinians were committed by settlers in the Occupied Territories of 1967 (i.e., WB and GS), including 23 children under the age of 17. In those cases, only 22 settlers were convicted of murder: 6 for manslaughter, 7 for negligent homicide, and 2 for firing in residential areas and the possession of weapons without permit. This while 39 files were closed without taking any legal action whatsoever. On the other hand, the same period witnessed the killing of 115 settlers by Palestinians in the Occupied Territories. Only 10 files were closed, while 33 Palestinians received life sentences; none of them



was acquitted on the basis that he or she had acted in self-defense. As for the others, the occupation forces murdered 15 suspects even before being brought to trial, demolished or shut down the houses of the 22 convicted Palestinians.⁶⁰

(...) They gave me a form that said that I could remain silent but that this would harm me. There were apparently rights written there that I don't remember in full. I remember, for example: to be represented, to remain silent, that they can't use force, that I have the right to sleep, to eat, etc. None of these was implemented. (...) In the hearing regarding extension of detention in Kishon, I complained before the judge regarding the torture methods. The judge said he'd look into it. When I returned, the Major's deputy came to me and said—'What did you complain about against us?' I said that I hadn't complained—that the lawyer had asked and I answered (I was afraid to admit that I had complained). He said that he didn't care, because they had to beat me, and if he went to court, he would say that that's what I deserved.... When I was at [the] Megiddo [detention facility] someone came to me who said he was from the Ministry of Justice. He had a tape recorder and he also took notes. I told him about the interrogation methods and he said: "So what did you think a military interrogation was supposed to be?"

'Abed al-Halim Raif Khalil 'Eiz a-Din, arrested on 27/10/2005.

- Ticking Bombs, Public Committee against Torture in Israel (PCATI), May 2007, <http://www.stoptorture.org.il/files/pcat%20new%20web%20file%20eng%20light.pdf>

Lawyers face lots of difficulties in this respect as they are usually not allowed to visit or enter prisons. In addition, there is the problem of the small number of lawyers available to defend the increasing number of Palestinian detainees. During the hearings, lawyers face additional problems such as the arbitrariness of the Israeli military laws and legal procedures. In most cases, the lawyers are not notified of the date of the sessions. The worst part however comes with the confessions extracted under coercion by torture and the secret files, on which the





court depends or even fabricates, thus making the task of defending the captives or refuting the accusations futile.⁶¹

3. Conditions of Captivity

The Palestinian prisoners in the Israeli jails live in extremely harsh circumstances due to the absence of the least humanitarian conditions and the ongoing violations of the international laws and conventions. The occupation authorities deliberately follow this policy of continuous infringements and violations to turn the lives of the prisoners into a living hell. The suffering starts with the facilities and its surroundings, the narrow rooms that lack ventilation and light, the dirty or peeled walls, the mold and humidity, the absence of sanitation and the poor food. This is, in addition to the arrogant treatment they receive from the jailers who try to intensify the prisoners' suffering, let alone the various methods of torture. The suffering continues with the deprivation of fundamental rights such as the right to medical care, where the prisoners are denied access to medical services and are even turned into subjects for research and experimentation. Prisoners are denied other essential rights as the right to education, the right to practice religious rites, and most importantly the right to communicate with the outside world whether with their lawyers or families, both through visits and correspondence.

This is expressed poignantly in a letter by the prisoner Wissam Rafeedie:

I have not been punished just once but endure a whole series of punishments: when I am stuffed inside an airless room, with fifteen other detainees with one toilet and one bath; when I cannot find suitable conditions to read and write; when I cannot visit family and friends; when I cannot reassure myself as to the health of my mother and brothers and sisters.⁶²



Suffering in captivity is an experience, the description of which is agreed upon by most liberated prisoners who could speak about their experience. Israeli prisons are a purgatory place, “that lacks the simplest constituents of regular life. The rooms are damp and rotten and sun rays do not enter because the windows are closed with iron shields”; food is uneatable, “we try to fix some of it, re-cook it to make it eatable. We do not use much of the food as it is full of cockroaches.” The details of this suffering become a “routine” that does not change.

The prison cell is 2 × 2 meters, with a latrine which is a hole in the ground full of wastes and very smelly... I sleep on the ground on a malodorous, humid mattress... The walls are dark grey and rough. There are no windows. The light is dim yellow and hurts the eyes... The jailers are very harsh and they are always shouting, swearing and provocative.⁶³

Besides the permanent procedures of inspection which are associated by blindfolding and handcuffing,⁶⁴ tightness occurs in the minutest details of the prisoners' lives. For example, they are punished and fined for any scuffle or altercation with one of the jailers or they are deprived of continuing their studies for trivial reasons. Moreover, prisoners are fined even for returning the horrible meals; and in order to shave, they have to apply a week in advance; and nonetheless, their application is still likely to be declined.⁶⁵

a. Facilities and Rooms

Currently, there are 26 known Israeli detention centers. They are distributed as follows:⁶⁶

1. Interrogation centers: Ashkelon, al-Maskubiyyah, al-Jalameh/Kishon and Petah Tikva.
2. Detention centers: Salem, Huwara, Qadomim/Kedomim, Etzion and Benyamin





3. Prisons: Ofer, Negev, Megiddo, Nafha, Ramon, Central Ashkelon, Hasharon for juveniles, Hadarim for adults, Telmond for women, Nitzan (Ramleh), Ayalon (Ramleh), Ramleh Prison Hospital, Shatta, Jalboo', Damoun, Kfar Yona, and Be'er Sheva.

Most if not all of those buildings lack the humanitarian conditions necessary for detention. The buildings are incompatible with international criteria regarding captivity. The following points reveal such infringements:

- Holding of detainees in areas other than those where they have been arrested, mostly outside the territories of self-government.
- Specifications of buildings, where the rooms are small and crowded, poorly painted and humid with dirty and rotten walls; and the lack of proper ventilation as the windows are closed with iron plates.
- Serious, and sometimes deliberate lack of services and essential equipment in rooms such as toilets and showers, or in prisons such as recreation yards (arenas for prisoners where they could be exposed to the sun and to exercise); access to those services is so restricted to the extent that the prison administration requires the prisoners to use the toilets at specific times only!⁶⁷ In Damoun Prison, the bath place and toilet are one—a mere hole in the ground emitting foul smells and is dramatically surrounded by insects, which have caused many skin diseases for the detainees. As for the recreation yard, it is so small that it can barely accommodate 10 persons. Nonetheless, it is meant to host the lodgers of five cells simultaneously, which makes it impossible for them to move. Besides, the yard is full with stuff that prevents any sports or exercise. In winter, the recreation yard is open to rain and coldness.⁶⁸



The cell is designed for 10 persons and we were 12 detainees. The room measures 4 x 4 meters, there are 10 mattresses in the room-some are in very bad condition, they're ripped and smell bad. Some are covered and others aren't. One mattress is moldy and is dirt black. Each detainee has one blanket. The walls are smooth and painted but the ceiling is covered with mould, there is only one light from a window measuring 1.50 or 1.10 square meters. It has metal bars and glass wiring, the ventilation is insufficient. We go out for a walk once a day for an hour. In the morning, we only go out for 10 minutes. We can only use the bathroom three times a day; sometimes the soldiers won't let us out more than three times so we have to urinate in a bottle in the room.

➤ According to a sworn affidavit given to Addameer Association on 25/4/2004 regarding the conditions at Azion Detention Center, Summary of Israeli Public Defenders Office Report, Prisoner Support and Human Rights Association (Addameer), <http://addameer.info/?p=585>

- Presence of insects, cockroaches, rats and sometimes scorpions in the prisoners' sleeping quarters and among their stuff. Snakes are found in the Negev desert prison. Prisoners' complaints about the presence of such dangerous reptiles and poisonous creatures have always fallen on deaf ears.⁶⁹
- Difficult weather conditions like the scorching heat in the Negev desert prison.⁷⁰ Moreover, the occupation authorities sometimes deliberately create abnormal climatic conditions as the extremely hot or cold chambers, to intensify the suffering of the prisoners. The sudden change of temperature through air-conditioning (extreme heat followed by severe cold) is also used as a means of torture against the prisoners.

b. Health Conditions and Medical Negligence

Palestinian captives suffer from serious diseases and different health problems due to the tragic circumstances they face in Israeli prisons.





These health conditions could be summarized as follows:

- The food provided to the prisoners is poor in quality and quantity, cleanliness, and nutritional value. The state of prisoners who have heart diseases, pressure or diabetes is not taken into account. Since the food is usually inedible, prisoners have to depend on the food their families bring or they buy from the canteen (the prison shop) despite their difficult financial situations. It is also hard for the families to bring food for the prisoners as getting a permit to visit the captives is such a complex process, and passing food through checkpoints to the prison is even more complex.⁷¹ The case with drinking water is as bad as with food. Most of the time, water is not available, and when it is there, it is usually impure. Prisoners in Damoun center affirm that the color of water served to them is closer to that of milk, so they have to filter it by putting a piece of cloth on the opening of the tap. What they get after they remove the cloth is a handful of sand, gravels and rust.⁷² This leads to the spread of diseases such as malnutrition, anemia, gastric diseases and constipation among the prisoners.⁷³
- Lack of hygiene and prevention of bathing for long periods of time, which leads to the spread of epidemics and skin diseases.⁷⁴ In addition, the prison administration does not allow the regular collection of garbage while some prison departments suffer permanent problems in the sewage systems.⁷⁵ Besides, there is the problem of insects which is exacerbated by the refusal of the prison administration to provide insecticides.⁷⁶
- The drastic shortage of clothes and blankets, added to the delay in handing the prisoners the benefits sent to them by their families or the Ministry of Detainees' Affairs.⁷⁷ In some cases, prisoners



are not provided with the toiletries necessary for cleanliness to the extent that prisoners who have been injured upon arrest or during interrogation have to stay in their blood-stained clothes for months. The shortage in the requirements of hygiene includes basic toiletries; thus the prisoners have to depend again on the canteen with its consequent financial burdens which further exhaust the prisoners and their families.⁷⁸

- Deprivation of sleep, which results from the harsh conditions in the prison cell, the lack of mattresses or the provision of dirty, humid ones or because of the imprisonment in narrow cells as in cases of isolation. Most of the times, the prisoner is deprived of sleep due to the nonstop interrogation that might proceed for more than 20 hours, during which the interrogators alternate so that the prisoner loses his focus and power.⁷⁹
- Deprivation of necessary treatment, medical negligence and supplying the patients only with palliatives (mostly Acamol) instead of prescribed medications and treatment,⁸⁰ although a significant number of prisoners suffer from injuries sustained during the arrest, or from chronic diseases.⁸¹ In addition, the patients with infectious diseases are not isolated except a long time after their disease is detected. Usually a prisoner assumes the role of a nurse due to the rare presence of one. Worse than all of that is imposing punishments on the prisoners without considering their health status, and even depriving them of their medicine as a disciplinary penalty!. Patient prisoners could also be fined for trivial reasons, deprived of family visits or put in solitary confinement, while they need extra medical attention and special care.⁸²





A Scene from the Torture of the Sick Prisoners

I was in a coma for five days, and on the sixth day the Special Forces kidnapped me from the [Intensive Care Unit]. I was put on medical apparatuses. At hospital door they replaced the apparatuses with others they have brought with them. Then, I was comatose again as I felt [nothing] afterwards and did not know what happened at that time. When I woke up I found myself in Beilinson Hospital where I stayed for 25 days during which I was transferred for interrogation in Pitah Tekva. When my state deteriorated I was taken back to Beilinson then to Ramleh Prison Hospital. There, my state deteriorated greatly and I entered in a third coma due to the lack of care and the neglect of what was happening to me in health centers that have nothing to do with health. They kept transferring me from one hospital to another without giving me any treatment. They just monitored my state while providing me with some antibiotics. (...) They put me in isolation in Ramleh Prison and cut my supply with antibiotics which were not useful by any way. I stayed in Ramleh for about three months almost without treatment so I burnt the room in hospital in complaint against their neglect of my state. Then, I was transported to Hadarim in December 2004.

[I still] suffer from serious injury in my left hand where two fingers were cut while the rest are almost paralyzed and could not be moved, and they badly need physical treatment. There is also an injury in my left leg. As a result of my injury upon their breaking into hospital room the first time, my spleen had to be removed, three quarters of my stomach and four centimeters of the pancreas as well. There is a serious injury in my body especially in the left kidney. I have severe pains and I do not get fit treatment. This is in addition to the procrastination intended by the doctor who participates in torturing us, physically and psychologically!

The prisoner 'Uthman Ibrahim Yunus

- Testimonies of prisoners who have faced brutal torture during arrest or interrogation, 29/11/2005, sabiroon website, www.sabiroon.org



Usually, the following diseases spread widely among prisoners:

- Chest infections, inflammations and discomfort, which result from the humidity and coolness of the cells, the shortage in blankets, and the bad quality of the mattresses used.
- Skin diseases caused by the insalubrious conditions of the cells, the spread of insects and rats, water shortage, and the prevention of prisoners from bathing.
- Eye diseases such as weakness in the cornea and the continuous pouring of tears, due to the poor lighting and the long stay in underground, dungeons and dark prisons.
- Stomach ulcers, hemorrhoids and abdominal swelling, due to poor nutrition and lack of fluids.
- Winter related diseases resulting from over-crowdedness, humidity, the lack of exposure to the sun and fresh air, and the shortage of blankets and covers.
- Chronic diseases resulting from neglecting the injuries caused by gunshots upon arrest.
- Diseases and illnesses that ensue from torture and repressive practices such as asthma and lung diseases,⁸³ the risk of developing malignant tumors in the long run due to the “spraying of gas, sound bombs, and the radiations that emanate from widely deployed devices that jam communications.”⁸⁴ This is in addition to the development of sexual problems and low fertility.⁸⁵
- Psychological and neurological diseases caused by the inhuman practices of the soldiers and prison administration.





What has been mentioned above is not a mere depiction of how irresponsible the occupation authority is, or of how it ignores its essential responsibilities towards the prisoners or disavows its task to provide for their livelihoods and medical needs, or incurs new diseases and injuries on the prisoners, but also of how it does not hesitate to adopt medical neglect as a policy against the prisoners.

The occupation authorities, which do not have mercy on children or women, do not have mercy on patients either. Ramleh Prison Hospital shares the main characteristics of prisons and other detention centers, namely: lack of ventilation, poor food, humidity and temperature, insalubrious living conditions, and the horrible conditions of the recreation yard.

Only few prisoner patients could have access to this hospital albeit after deliberate procrastination and neglect. The hospital has eight rooms with an area of 16 m² each. Each room has four or six beds, some of which are bunk beds! When a patient is brought from another prison for a surgery and there is no low bed available, he is made to choose among the bunk bed, sleeping on the floor, or, worst of all, signing on the postponement of the surgery to a further date that might or might not come.

Ill prisoners are taken to courts with their hands and legs in shackles. Instead of transporting them in ambulance cars, they are transferred in unventilated vehicles in a trip that takes two to three days. They usually come back loaded with new diseases due to the bad conditions they had been through. Doctors from outside the hospital are not allowed to enter except rarely as most of the patients' requests in this sense are declined.⁸⁶



Ill prisoners in Ramleh Prison Hospital, who amount to forty patients (March 2008), were described by one journalist as “dead with a stay of execution” due to their harsh living conditions and their delicate state.⁸⁷ One of these prisoners is Mansur Mawqedi from al-Zawiya in Salfit. Upon his arrest, Mawqedi was shot three bullets in his stomach; thus, the lower part of his body was paralyzed and most of his digestive system was replaced as a result with a plastic one (one sac for urine and another for stool, plastic stomach and intestines, and he has to move on a wheelchair). Similarly, the prisoner Rabi‘ Harb has to use sacs to urinate because of the bullets that penetrated his body upon his arrest. Tragically, the bullets have left him with paraplegia, and a rupture in the bladder. The occupation authorities ignored his repeated pleas to get treatment outside prison, and instead sentenced him to two years’ imprisonment.⁸⁸ The captive Salem el Sha‘ir, from the GS, who suffers from cancer in his lungs, was finally given medical care after four years of detention. This period was enough for the cancer to spread leading to a surgical removal of the left lung, and there is a risk that the disease might spread in the right lung and the rest of his body. The prisoner Muhammad Ghawadra, from Jenin, suffered serious infections in his mouth and in the sensitive areas of his body, yet he did not receive any treatment. Therefore, his state got worse and his eye sight deteriorated.⁸⁹

The experience of the prisoner Naji Abu Ne‘meh relates the same anguish. Naji was taken to Ramleh Prison Hospital after the Israeli soldiers shot him in the lower part of his back. The injury caused him





sexual impotency and disruption of the urinary tracts. The treatment he was taking was insufficient as he had to urinate in a plastic bag through a thin tube that remains with him all the time. This sac was not changed since his arrest (more than a year), though his doctor has recommended changing it every month. Naji ended up with severe infections. In spite of his serious condition, he was presented with a list of indictment and he is now under trial!⁹⁰

This is only a sample of the terrible situation in the Israeli prisons, certainly not the whole scene. Reality is harsher and in most cases could not be completely delivered. The number is estimated at more than 1,200 ill prisoners, Many prisoners need surgeries and urgent treatment,⁹¹ or 1,500 according to other estimations. while 149 suffer dangerous, chronic diseases as heart diseases, cancer, diabetes, kidney failure and other illnesses that require special care.⁹²

The stark medical neglect of prisoners and the lack of necessary care, as well as the practice of physical and psychological oppression against them, have led to the death of 51 prisoners since the occupation of the WB and the GS in 1967.⁹³

Following is a summary of the most significant forms of medical neglect and poor health care faced by the Palestinians detained in Israeli prisons, according to reports issued by human rights organizations concerned with the issues of prisoners:

- Shortage of the quantity of medicine and its poor quality as doctors usually offer prisoners sedatives regardless of the medical situation. Some medicines even exacerbate the prisoners' condition, a situation that forces captives to dispense with them altogether.⁹⁴



- Procrastination in providing prisoners with treatment, delay in transferring urgent cases to hospitals,⁹⁵ and late arrival of doctors in the cases that need their presence there. The prison administration does not even feel embarrassed to delay surgeries, which aggravates the condition or reduces the chances of recovery.
- Requiring the prisoners' families to pay the costs of treatment and the refusal to conduct surgeries in case of high costs,⁹⁶ a direct violation to article 30 of the Third Geneva Convention which requires the Detaining Power to bear the expenses of the medical treatment of the prisoners.⁹⁷
- Lack of resident doctors or specialized clinics in the detention centers,⁹⁸ which is contrary to international specifications in this respect.
- Abusing the prisoners, searching their rooms and beating them on hospital beds and during their transport from the prison to hospital.⁹⁹ This is in addition to torturing the wounded prisoners and interrogating them before being treated to force them to confess under pain.
- Bargaining the prisoners to give confessions in order to get treatment.¹⁰⁰

Israeli practices in the realm of health go beyond the deliberate medical neglect as to use the prisoners as guinea pigs or subjects for medical and scientific experiments, practices in violation of international and humanitarian conventions and customs.¹⁰¹ Even senior Israeli officials do not feel ashamed to mention such unethical





practices as the member of Knesset (MK) and former chairperson of the Knesset Science and Technology Committee, Dalia Itzik, who declared that one thousand tests on dangerous medicines under experiment were conducted on the Arab and Palestinian prisoners. Itzik added that her office had one thousand separate permits from the Israeli Ministry of Health given to the major Israeli pharmaceutical companies in order to conduct one thousand drug experiments on Arab and Palestinian captives in Israeli prisons. Moreover, Amy Leftat, Chief of the Division of Medicines in the Israeli Ministry of Health, had revealed that there was a 15% increase in the permits given by the Ministry every year to test drugs on Arab and Palestinian prisoners in Israeli jails.¹⁰² In August 2009, this issue was brought forward to attention, when a Swedish newspaper published two documented reports that accuse the Israeli Army of harvesting organs from Palestinians wounded or killed by soldiers.¹⁰³

All the above nefarious practices and deliberate policies have drastic and lasting consequences on the prisoners in a way that affects their health during imprisonment until after their liberation and remains with them for the rest of their life, causing their death in most times.¹⁰⁴ This confirms again that captivity according to the occupation authorities is but a means for collective punishment against the Palestinian people, and a haughty practice that aims at suppressing the Palestinians and destroying their morale and capabilities, especially among their youth.



Only in this way they
can communicate

The photo was taken
in Jalbou' Prison to the
east of al-'Affoula on
5/3/2006.



c. Isolation from the External World

Like in all its occupational practices, Israel is adamant to exploit the psychological and emotional side of the Palestinians to the extreme, in order to increase their suffering to a maximum. This is exactly what it practices in the case of the Palestinian prisoners in different aspects, trying to isolate them as much as possible from the external world, particularly their families and lawyers. In the first place, the Israeli authorities deny the prisoner the right to immediately inform his family about his arrest or transfer from one interrogation center to another, thus obscuring the destiny of many Palestinians, especially with the presence of secret prisons and detention centers.

Prisoners are also not allowed to meet with their lawyers especially in the phase of interrogation, which is, according to a report by Addameer Association, the most dangerous in the period of detention due to the psychological isolation that aims at exhausting the prisoner





morally and psychologically, and increasing his feeling of loneliness and anxiety, especially first time detainees. Moreover, the occupation authorities sometimes claim that the captive is in a hearing or that he was transported to prevent his counsel from meeting with him.¹⁰⁵

The occupation authorities do not allow Palestinian prisoners to use the phone even in critical cases as the death of a family member or his being in a critical condition, whereas the Israeli criminals are allowed to do that. Sometimes, the authorities prevent the Palestinian prisoners from reading books or following different media so as to increase their forced isolation from the external world.¹⁰⁶

The occupation authorities use family visits as a policy of collective punishment against the prisoners and their families. While international laws and conventions give prisoners the right to be visited by their friends and families, the occupation authorities restricted in 1996 visits to prisoners' next of kin (father, mother, husband, wife, brother, sister, grandmother, grandfather, son and daughter), and only those who are aged below 16 or above 46. Even this excluded category can not visit the prisoner before getting a permit from the occupation authorities, which tend to be arbitrary in issuing permits. For example, the prisoners are denied the visits of their young children for "security reasons."¹⁰⁷ Shockingly, the prisoner 'Amer al-Qawasmi, sentenced to life imprisonment, was deprived of his mother's visits who kept visiting him for 18 years, when abruptly the prison administration informed him that she "was not his mother"!¹⁰⁸

In addition, all permits were annulled shortly after *al-Aqsa Intifadah* in the end of September 2000, and again for all Gazans after Hamas took over the GS. The occupation authorities resort to the deprivation of visits as a "disciplinary sanction" against the prisoners, or as an



indiscriminate practice imposed for trivial reasons. According to figures of October 2007, more than 65% of families were deprived of visiting their detained children, whether individually or in groups.¹⁰⁹

The Israeli authorities are very strict regarding what the families could and could not bring to their captured relatives. They tackle this issue with indiscriminate and arbitrariness, aiming at complicating the life of the prisoners.

When allowed, visits take place in harsh conditions. Visits organized by the International Committee of the Red Cross (ICRC), for example, and which could be cancelled at the last minute, are conducted in very congested rooms through a glass barrier which makes the communication process very difficult and brings the meeting to an end before the prisoners could actually talk with their visitors. Physical contact between the mother and her son, the father and his children, the husband and his wife is almost impossible.

Visits are not conducted regularly, and in best cases they are a few months apart, although according to the Israeli law, a visit is due every 15 days. The prisoners' families suffer a lot during the visit, especially from abuse, deliberate humiliation and sometimes waiting for hours then returning without seeing their imprisoned dear ones.¹¹⁰

d. Other Rights and Violations

Despite the magnitude of the above mentioned violations, there are always more infringements on the rights of the captives such as depriving the prisoners—who are mostly young at the time of arrest—from their right to complete their education. Some of them are allowed to study, but only in an Open University and in restricted fields. Even the Palestinian children in the Israeli jails are denied access to a special





educational system; the only exception to that, is in Telmond jail, but where the Israeli curriculum is applied! The prisons authorities restrict the times of lessons and resort to deprivation of study as a sanction against the prisoners.¹¹¹

The occupation authorities breach the prisoners' rights to practice their religious rites. While there is a Jewish clergyman and a place for praying for the Israeli detainees, Muslim and Christian prisoners are denied any praying place or clergymen.¹¹² The Palestinian Minister of Detainees' Affairs, Ashraf al-'Ajrami, stated that the Israeli Prison Service (IPS) imposes fines on the prisoners who are found praying during its visits to the prison sections to count the prisoners.¹¹³

The prisons' authorities conduct provocative inspections of the cells and confiscate the prisoners' belongings. It further follows a policy of collective and individual punishment against the prisoners, such as fines, deprivation of family visits, solitary confinement and the indiscriminate transfer for insignificant reasons.¹¹⁴

The transfer to another prison or to the court is yet another independent "chapter of misery," whose depiction indeed challenges imagination; an odyssey of suffering which can be summarized in one word: the "bus." This "bus" is "not fit for transporting animals" let alone human beings; the prisoners have to sit on iron grille, which causes them to fall all the way,¹¹⁵ in the "trip to death," as depicted by one of the prisoners.¹¹⁶

Sometimes, the prisoners are subjected to naked inspection when they request going out to meet the lawyer or their family, or to go to the clinic and even to the court. In some prisons, the prisoner is subjected to naked inspection when he is transported from and to the prison, and he is forced to stand naked in front of the policemen and other inmates.¹¹⁷



The IPS that is the main authority in Israel for prison “services” have been recently considering a plan for the privatization of prisons. This plan is designed to make Palestinian prisoners “an economic market” within the state of occupation, thus giving a chance for competing companies to earn money through canteens and make profit through random fines. In both cases, the point is to drain the financial resources of the prisoners and their families.

However, the main purpose of prisons privatization is for the Israeli authorities to evade the legal responsibility towards the prisoners.¹¹⁸ This remains a flimsy pretext which international laws and conventions would never let pass, as the occupation authorities would always have to bear the full moral and legal responsibility for the suffering of the Palestinian people including the prisoners in Israeli prisons; an accusation that Israel could never disavow as it is a systematized policy for it. In addition, ensuring the exercise of human rights in the occupied territories, according to international law, remains the responsibility of the occupation authorities regardless of the reprehensible international silence towards the continuous Israeli violations.





Chapter 4: Torture

Torture exercised against the prisoners during arrest and interrogation is one of the gravest violations of human rights and one that goes in direct contravention of the international resolutions and agreements. In fact, quite many conventions have confirmed the need to prevent torture of captives, and that it should be criminalized and punished under law, and even those who practice it should be tried, as torture is never justified by “orders.”

However, the public acceptance of the idea of torture in Israel is a crucial cause that boosts the Israeli government’s standing against the anti-torture movements. Torture has gained wide support from public opinion in Israel since the occupation of the GS and WB, as a pretext for defending the security of Israel and its citizens, and fighting “terror.” Further, the Israeli public opinion has hardened between 1993 and 1999, where “Palestinians, Lebanese and other non-Israeli nationals were seen as ‘acceptable’ victims of torture—and the torture methods were





seen as ‘acceptable’ because, among other things, the harshest methods were not used against Israeli Jew.”¹¹⁹

Narrating his painful personal experience of torture in Israeli jails, the prisoner Lou’ai al-Ashqar (28 years) says that “[he] was put on the interrogation chair with [his] back bound to the rear until [his] head reached to the level of [his] feet. The Intelligence agent pressed on [his] chest until in the third time [he] felt that [his] back was broken.” Lou’ai’s feeling did not fail him as he was paralyzed since then. He lost the ability to control the lower part of his body, especially his left leg and the urination process. This was not the end of torture, it was just the beginning. Lou’ai was put in solitary confinement for 21 days while he was unable to move, walk or urinate, and was denied any medical care or even a wheelchair that he could use in his solitary confinement cell.¹²⁰

In November 2001, the UN Committee against Torture reminded Israel that torture could never be justified,¹²¹ since it is a clear violation of Articles 31, 32, 146 and 147 of the Fourth Geneva Convention. Nevertheless, Israel remains adamant about developing its own rules whether through certain practices or through the specific laws that legalize torture and foster blatant discrimination against Palestinian captives, including those holding Israeli identity cards and who are supposed to be “Israeli citizens.”

It goes without saying that the Israeli security authorities have been practicing systematized, continuous torture against the prisoners since the occupation of the WB and the GS. Those authorities have used torture to force the prisoners to confess and to put pressure on them during interrogation, which makes torture a subject for the permanent complaints of human rights organizations which have been trying to push Israel to change its policy of repression and torture, yet to no avail.



The situation got even worse when torture was legalized after the “Landau Commission,” chaired by Moshe Landau the former chief of the Supreme Court of Israel, has legalized torture in 1987, declaring that “the prevailing view is that recourse to some measure of physical pressure in the interrogation of HTA [hostile terrorist activity] suspects is unavoidable.” The Landau Commission recommended that the GSS should be authorized to use psychological pressure and “a moderate measure of physical pressure” in their interrogation of “security” detainees. The Commission relied on the concept of “the lesser evil” in stating that “actual torture... would perhaps be justified in order to uncover a bomb about to explode in a building full of people”. Although the report stated that “the pressure must not reach the level of physical torture or maltreatment of the suspect or grievous harm to his honour which deprives him of his human dignity”, the image of the “ticking bomb” was used repeatedly by the Israeli authorities to justify methods which constituted torture.¹²²

The decision of Landau Commission has marked the beginning of a package of military orders that allowed torture of the prisoners, especially in the period 1993–1999. Those decisions, along with the Israeli public wide approval, caused an increase in the prevalence of torture in Israeli prisons in the above-mentioned period. Facing this widespread use of torture, the anti-government movements intensified their objection to Israeli repressive practices, both locally and internationally.¹²³ These movements urged the Israeli Supreme Court to issue, in September 1999, a verdict that considered some methods of interrogation as illegal and unacceptable. Yet, despite this verdict, most indicators show that resort to torture has never stopped.





Excerpts from the Testimonies of Some Prisoners

Barking Like Dogs

The interrogators completely shaved his head so that no one could know how much hair they plucked with their hands. They used him for their entertainment where they tied a rope to his pants as a tail, and they forced him to crawl on his limbs and to bark like dogs, before throwing him some pieces of bread.

Hitting the Genitals

One prisoner was interrogated by an interrogator called Javil who beat him with a truncheon and hung him to the ceiling. He also beat him on his genitals. This prisoner says, "I passed out and when I recovered all my body was wet. They took me to a room, sat me on a chair and trod on my chains."

Burning Matches

A prisoner said, "They used an electric current and hit me with clubs. They kept approaching burning matches to my lips."

Branding with Fire

An Israeli interrogator called Ibrez had the sole role of beating the prisoners. As per the testimony of a former prisoner, Ibrez had threatened him to get his mother and sister and rape them in front of him...He adds, "That night, the interrogators dictated me a letter which looked like I was going to commit suicide. The letter was addressed to my wife. Then, they put me in a car, and on the way they kept cudgeling me until we reached at a military camp. They admitted me into a cell, beat me on my stomach, branded me with fire and stroke me on my head till I fell to my feet. I said I would sign to anything. I could not take it anymore."

Inserting a Snowball into the Anus

One prisoner said he was beaten with a ruler that had nails fixed on it. He also added that the interrogator punched him on his eye, and inserted a snowball into his anus.

➤ *Al-Hayat al Jadidah*, 12/6/2008.



Prostitutes' Rooms

One female prisoner said, "After my arrest, I was brought into a room of detained prostitutes who attacked me and hit me harshly until I passed out. They tore my clothes in front of the policemen and left me naked. I was then pregnant in my second month and I started to bleed. I asked for a doctor. The interrogators said: when you speak, the doctor should come."

➤ *Al-Hayat al Jadidah*, 12/6/2008.

Inserting a Bullet into the Anus

One of the prisoners' lawyers said that his client "was subjected to harsh torture which caused physical and mental harm. He fainted and had a mind disorder. Until now, he has not returned to his full strength. The prisoner was branded with burning cigarettes. A bullet was inserted into his anus. It all happened in al-Maskubiyyah camp."

Upon my arrest, I was beaten and cudgeled all over my body with the butts of guns, clubs, hands and legs while I was handcuffed and blindfolded... The soldiers used diverse methods to torture me... They used to retreat then jump on my stomach... Many soldiers extinguished cigarette butts on my body especially on my back, hands and legs... I was placed very close to a huge, high sounding stereo... I could not tolerate the sound so I got very dizzy. The soldiers began to sing and dance while they beat me all over my body. They forced me to stand on my tip toes where one of them would act as Rambo and hit me with his boots on the lower part of my leg till I fell. The soldiers would then hit me harshly... Then, they would drag me on the floor for a distance, which caused bruises and injuries all over my body. During interrogation in Maskubiyyah Prison, an interrogator named Shadi pressed on my throat with his thumb and he asked me to choose between confession and death.

The prisoner Khalil 'Abdel Ghani Qattash

➤ Palestinian Prisoners Club report no. 262/2005, 20/7/2005, www.ppsmo.org





According to a report by the Palestinian Prisoners Club in 2003, “there was degeneration in the moral level of the behavior of the Israeli army, prisons’ administrations and interrogators against the Palestinian prisoners.” Appallingly, the report added that “95% of the detained prisoners were tortured by internationally prohibited means.”¹²⁴

A statistical report by the specialized researcher in the issue of Palestinians prisoners ‘Abdul Nasser Farwana listed the most significant forms of “routine” torture. According to the report that is dated 25/6/2009, 92% of the prisoners are beaten, 45% are put in special freezers in winter, while 75% are subjected to *shabeh*, a form of strappado or position abuse. This is in addition to forcing around 94% to stand for a long period that could reach several days.¹²⁵

A joint study issued in May 2007 by The Israeli Information Center for Human Rights in the Occupied Territories (B’Tselem) and HaMoked-Center for the Defence of the Individual, affirmed that:

In recent years, Israel has officially admitted several times that in “ticking-bomb” cases, the interrogators of the Israel Security Agency (ISA, formerly referred to as the GSS – General Security Service) employ “exceptional” methods of questioning, including “physical pressure.”¹²⁶

Moreover, the Israeli daily *Maariv* reported in July 2004, as a part of an interview with three officers of the ISA, that the Israeli ISA uses “all possible manual methods from brutal shaking and dragging to beating up.”¹²⁷ This was, and is still, confirmed by dozens and even hundreds of statements and confessions made by Palestinians who were subjected to captivity or interrogation.



The appalling occupation practices have exceeded physical torture to direct humiliation against Palestinian prisoners and their dignity; starting from screaming and spitting to verbal abuse the threat to rape the wife, the mother or the daughter, to the naked inspection and sexual assault. The following are two testimonies on examples of such practices; the first comes from the prisoner Maha 'Awwad:

When I arrived at Huwara Detention Center, one of the soldiers kicked me and blood gushed out of my mouth. Another soldier threatened to rape me... The cell where I was detained seemed to be abandoned, the mattress was dirty and damp, and there was no water... when I asked for some water, one soldier urinated into a bottle and offered me to drink.¹²⁸

The other testimony is by the prisoner Yasir al-Deesy, who says:

When I could move the fold off my eyes, I could barely see that I was in a school room. From the window, I could see the Agricultural Relief facility, so I could locate the place: it was a high school that the Israelis have occupied and transformed into a center for the army and its vehicles... The soldiers refused to untie the prisoners' chains so that they could go to the toilet. Instead, they untied one prisoner and entrusted him with the task on behalf of the other prisoners. He had to unzip all their trousers, and even more, until all the prisoners were done... We were around 100 prisoners and anyone who uttered a word was beaten.¹²⁹





Legal reports have pointed to a set of procedures that comprises a violation of the dignity of Palestinian prisoners. Most prisoners who were detained during *al-Aqsa Intifadah* between 2000 and 2007 have made living testimonies to human rights organizations about the insults they had to face during arrest and before interrogation, as well as the different torture methods which the Israeli authorities had employed against them. The following are the most prominent torture methods:

1. Sexual harassment and the threat of rape.
2. Severe beating with hands, feet and rifle butts.
3. Using the detainees as human shields.
4. Forcing them to strip naked.
5. Forcing them to mimic animal voices and movements as a form of humiliation.
6. Forcing them to stand in the open air in summer and winter for long hours.
7. Stamping on them after their arrest.
8. Obscene and degrading insults.¹³⁰
9. Exposing them to severe shaking.
10. Being forced to sit or stand in the *shabeh* position; being forced to squat on the tips of the toes (the “frog crouch”).
11. Excessive tightening of handcuffs.
12. Deprivation of sleep for long periods of time.
13. Covering the head with a hood.
14. Forcing them to listen to extremely loud music.¹³¹
15. Subjecting captives to psychological pressure, by making them believe that they are allowed to speak to a lawyer, then preventing the lawyer from meeting with his client for security reasons.



16. Planting undercover agents in detention rooms and blackmailing the prisoners through different methods, in the so-called “birds rooms.”
17. Extinguishing cigarettes on their bodies.¹³²
18. Preventing the use of the bathroom for long periods of time.
19. The threat to pass military resolutions authorizing the torture of the detainee to death or the demolition of the family house among other means of threat,¹³³ as a form of psychological pressure on the detainee.
20. Exposing the prisoner to electric shocks until loss of consciousness.¹³⁴

The aforementioned methods are only a part of what the captives face in the horrible Israeli prisons. All the examples are based on the testimonies of



A picture of the prisoner As‘ad al-Shawwa who was murdered in captivity on 16/8/1988, after the commander of the detention camp (Ansar three, Negev) had shot him with live bullets from a

short distance during his participation in a protest organized by the prisoners to object to the conditions of detention. The prisoner Bassam al-Smoudi was murdered with As‘ad. Despite the killing of 80 captives in the period between 1967 and 1988 (the number of murders of the prisoners is well above 190 Palestinians), the murder, of As‘ad al-Shawwa and Bassam al-Smoudi remains the most prominent, and it is considered a precedent in terms of the way of killing as it was the first time when captives would die after being shot with live bullets.

This incident coincided with the presence of the representative of the ICRC who was visiting the camp at the time, and saw everything yet did nothing!

➤ Quds net News Agency, 16/8/2007.





the prisoners and on the international reports, which always bring news of the latest “styles” pursued in the torture and humiliation of the prisoners. According to a report prepared by B’Tselem in June 1998, “the Shabak investigators use more than 105 methods to torture Palestinian prisoners during investigation and interrogation.”¹³⁵ Statistics indicate that 139 Palestinian prisoners died under torture or as a result of direct killing. The last one among those until the preparation of this study, was the prisoner Fawwaz Freihat who was shot after his arrest, on 7/1/2008.¹³⁶



The Oldest... the Youngest... and the Longest

*Israel Refuses to Release the **Senior** Palestinian Prisoner Who Has Exceeded 80*



...The aged prisoner Sami Yunus has exceeded 80 years and has spent the last 26 years in prison. He suffers serious health conditions where he had a heart attack and underwent an operation to remove a tumor from his intestines besides inflammations in his joints, ears and eyes... Although the General Security Service (Shin Bet) agreed on his release when he would reach 70 years of age, the Israeli authorities still refuse to release him.

➤ *Al-Quds al-Arabi* newspaper, London, 7/6/2008.

*The **Youngest** Captive in the World... a Forty-Day-Old Suckling*



The suckling Yusuf al-Ziq (40 days)... The baby prisoner was born 40 days ago to his mother the captive Fatima al-Ziq—42 years from al-Shuja'iyya, Gaza... In addition to the baby prisoner Yusuf al-Ziq, there is Ghada Abu Omar, a female baby prisoner aged seven years and seven months and daughter of the female prisoner Khawla Zeetawi who is sentenced to two years.

➤ *Albayan* newspaper, Dubai, 17/3/2008.

*The **Longest** Engagement in History... Marriage with a Stay of Execution for Life Prisoners Nizar and Ahlam al-Tamimi*



The prisoners Nizar al-Tamimi (99 years imprisonment, completed 15 years as of April 2008) and his fiancée Ahlam al-Tamimi (16 verdicts of life imprisonment, an equivalent of 1,584 years, completed 7 years up until now) continue to count the days and years awaiting the moment that would bring them together, especially that their engagement seems to be heading to the unknown amidst the fears of their families that it would be the longest engagement in history when nothing is clear regarding the release of the prisoners. (The engagement ceremony was held in their village on 19/5/2005 and sweets were served... in the presence of the families and the absence of the betrothed).

➤ *Al-Khaleej*, 18/4/2008





*Chapter 5: Female Captives in Israeli Prisons*¹³⁷

Rough statistics show that since the onset of the occupation, Israel has detained around more than 15 thousand Palestinian women, including mothers, minors and old-aged, and around 3,000 women were arrested during *al-Aqsa Intifadah* (1987), and 900 women during *al-Aqsa Intifadah* (2000).¹³⁸ Statistics now reveal that 37 women are still in captivity, of whom 24 were sentenced, 10 not sentenced yet, and three under administrative arrest.¹³⁹ Instead of getting “special treatment” as females as stated in international conventions, female captives get rather “special torture.” One of these prisoners says that “when she refused to talk the Israeli soldiers raped her daughter in front of her and then asked her what kind of a mother she was to allow her daughter to be raped by withholding information.”¹⁴⁰



Israel has launched the policy of arresting women, less than a year after the occupation of the GS and WB in 1967. The years 1968–1976 and the period of the first *Intifadah* 1987–1993 witnessed the largest arrest campaigns pursued by the Israeli forces against Palestinian women.¹⁴¹

The practices of Israel in this domain, like in other domains, comprises lots of violations that are inconsistent with basic human rights and all international laws and customs, especially those which call upon providing female prisoners with special treatment in line with their being women, mothers and wives. The conditions of their arrest and treatment, however are wrapped with the same cruelty that governs the conditions of the other prisoners. Furthermore in this respect, we should add the following particularities related to women:

- Staying away from their children, husbands and homes; and thus losing the sense of maternity as a result of forcibly being away from their children.
- Prevention of family visits to female prisoners, or the complication of such procedures.¹⁴²
- Depriving female prisoners of any direct contact with their children who are more than six years old, and allowing the visits and communications only in the presence of barriers,¹⁴³ which leaves the mothers with an ineffable sense of pain.
- Preventing female prisoners from visiting their detained husbands;¹⁴⁴ thus lots of families can not meet for long years, a contradiction to the stipulation of Article 82 of the Fourth Geneva Convention regarding the need that members of the same family be “lodged together in the same place of internment” whenever



Soldiers lifted the bed mattress while my sister was sleeping on it, and they wrung it till she fell to the ground scared. They destroyed the closets and doors. They wreaked havoc throughout the house. They asked me to pack some stuff, which I did, and I went with them. They chained my hands and feet, and then they took me to the police station in our region. I went with a policewoman for a naked inspection (so that she could search me in the nude). This was the first and biggest shock for me in life as a conservative and extremely shy girl... but, there was no choice. Afterwards, I was transferred to Jalama Prison where again I was subjected to naked inspection. I entered the interrogation room once again, and they seated me on a chair in a very demeaning way... my feet on the ground and my hands tied to the back... I was threatened with rape and they admitted a man into the prison... They also threatened to hurt my mother, which made me sign a blank paper forcedly confessing that I was guilty with that case.

The Liberated Prisoner Taghreed Sa'di

➤ Sawt al-Haq Wa al-Huriyyah (The Voice of Right and Freedom), 18/1/2008.

possible and to “be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.”¹⁴⁵

- The naked inspection of women prisoners upon the visit of their families, or the visit of the husband to the court, in an effort to humiliate and insult the female prisoners through this inhuman and inhumane procedure.¹⁴⁶
- Abuse of the dignity and honor of female prisoners through obscene insults and harassment, and the sudden breaking into their rooms by male jailers.¹⁴⁷ In Telmond Prison, prison wardens exceeded all red lines and did not feel embarrassed to remove the prisoners' head scarves and tear their dresses into pieces, according to testimonies of prisoners to the lawyer of the Palestinian Prisoners' Club.¹⁴⁸





- The presence of Jewish criminal prisoners in sections close to those of the Palestinian political prisoners, which leads to continuous violations committed by the Jewish criminals against the women captives.¹⁴⁹

Another the suffering of female prisoners, there is the suffering of pregnant captives and those who deliver in the prison. In this connection, the prisoner Samar Sobeih says:

I wish I could deliver my first baby as any other mother, with the presence of one of my relatives to my side. Yet, the will of God and the fate he has determined are above every other thing. I will endure the difficulties of labor and the psychological effects of delivery, only for the sake of my baby whom I will name Bara'. However, I am worried about his life as he will live in a humid, unventilated room which is full of insects and lacks the basic needs of a child.¹⁵⁰

What further exacerbates the suffering of female captives and their sucklings, is that the Israeli law stipulates that babies born in prison must be separated from their mothers and released upon the completion of two years of age.¹⁵¹ This suffering is undergone by all breast-feeding mothers and their families when the babies reach this age. Here, contradictions become clear and feelings mixed: joy as the baby is released to normal life and anguish over the wrench of separation, over taking the baby away from his mother. Indeed, the situation is exceedingly poignant:

My kids did not know me... They [the Israelis] allowed me to meet my kids three years after detention... the meeting was painful and heart-rending... when my son saw me, he went away and left me.... I started to cry.... I tried to tempt him with the presents I have got for him, but he did not recognize me... I could not embrace my kids because of the plastic barrier.¹⁵²



A Scene from the Suffering of Female Captives

In Telmond Prison 110 prisoners are held amidst the worst of conditions which have exacerbated in line with a systematized scheme laid by the prison administration. In spite of our suffering with the old prison conditions which do not even fit for a cattle pen, the conditions become worse in the harsh, cold winter thus depriving us of sleep. Cold invades the prison, and the prison administration has refused to buy us heaters because that would overload the electrical system of the prison. Worse than that are the insects that spread in unimaginable way, whether in the old walls or the bathrooms. The prison administration refuses to supply us with insecticides, so we would share our life with insects. In the [section] number 11, there are no drains, so water flows to overwhelm the yard and the rooms, causing huge suffering for the prisoners.

I used to live with 6 prisoners; we faced all forms of torture. Windows are closed with iron shields and sunlight does not come into our cell. There is no ventilation and the room smells with death and disease. ... Food looks like everything but food; it is very bad and poor both in quality and quantity. The prisoners are subjected to varieties of pressure, provocations and sanctions. The jailers treat the prisoners in a very mean way and they always make fun of them and ridicule them. Yet, the peak of suffering is represented in the break-ins and inspections that have increased recently. What worries the prisoners more is that inspections take place after late midnight, when the prison administration is on alert, and the jailers spread to break into the cells and search them in an inhumane manner as a way of punishment and revenge. The other way of revenge is to impose sanctions and further fines, prevent visits and recreation. We are always astounded by the prison administration fabricating some problem which ends with fining the prisoner, isolation and the indiscriminate prevention of visits, which creates an atmosphere of consternation and worry among the prisoners.

The Liberated Prisoner Rania Thiab

- The Prisoner Thiab: Our Happiness is Incomplete As Long As There Are Prisoners, Qalqilia, cited from Sabiroon website, 20/2/2008.





Chapter 6: Children Captives in Israeli Prisons¹⁵³

Contrary to the provisions of Article one of the Convention on the Rights of the Child which defines the child as “every human being below the age of 18,”¹⁵⁴ the Israeli Military Order no. 132 considers the Palestinian child who is over 16 years of age as an adult,¹⁵⁵ which has opened the door wide for the occupation forces for more arrests and repressive practices against Palestinian minors.

The suffering of the children prisoners under the Israeli occupation is one of the most stark and heart-rending images of the Palestinian prisoners’ suffering, where children at a very tender age are deprived of living a normal life among their parents and families and are rather jailed in suppressive prisons that lack the basic humanitarian conditions. Thus, the tiny, stinking prison cells become the refuge of these children, away from the warm family home; and the prison yard, where the



children are allowed to stay for specific limited times, becomes the alternative to school playgrounds!. And the daily dealing with brutal, ruthless wardens, replaces playing with peers, relatives and friends.

Since the occupation of the WB and GS in 1967, the Israeli authorities have adopted the policy of arresting children as a means of pressure against the Palestinian freedom fighters at that time. This policy persisted until the kick off of the first *Intifadah* in 1987, which witnessed a change in the Israeli policy of arresting children. The apprehension of children who participated in public protests and hurling stones became a daily target for the occupation forces, which raised the number of child prisoners drastically since that time.

This exacerbated with the eruption of *al-Aqsa Intifadah* in September 2000, where the proportion of detained children also increased, thus bringing the number of those detained until the end of 2009 to about seven thousand children, 340 of whom are still held in Israeli prisons.¹⁵⁶ The majority of the detained children are held in the prisons of Telmond, Negev, Ofer and Ramon.

The Palestinian Prisoners Club mentioned that among the child prisoners, there are 202 children awaiting trial, 118 sentenced to different terms and six are held in administrative detention.¹⁵⁷ In addition, there are more than 400 prisoners who were captured when they were minors and grew over 18 whilst in captivity.¹⁵⁸

Regarding the nature of the verdicts, the Palestinian Ministry of Detainees' Affairs show that child prisoners serve sentences that range from a few months to 20 years, while more than 15% of the convicted children are sentenced to more than three years of imprisonment. The highest period of actual imprisonment reached 20 years in the sentence



The boy Ziad Hamayel (16 years) shivering with fear as the Israeli interrogator screams ordering him to strip naked when he was alone in Ofer Prison. Although two months have elapsed, the officer's cries echo in Ziad's ears day and night.

The officer shouted, yet Ziad did not understand what was going on! He wept and pleaded, but to no avail.

The officer said mockingly: "You see this long stick, carefully look at it then decide which way you want me to rape you, in the normal way or with this stick." The helpless boy collapsed and did not realize anymore what was going on, though he distinctly remembers that beating and thrashing hit every part of his little body while the image of his friend who lost a part of his ear under torture continue to haunt him.

➤ Report issued by the Palestinian Ministry of Detainees' Affairs, 21/11/2007, www.pnn.ps

against the child prisoner Mahdi al-Nadi (17 years from Nablus), who was charged with the attempt to murder Israelis.¹⁵⁹

In contrast to the stipulations of the Convention on the Rights of the Child regarding the necessity to treat children prisoners in a way that considers their age and needs, the Israeli authorities do not take into account the children's tender and young age that requires specific emotional, physical, educational and psychological needs. In this sense, suffering of children prisoners is very much like that of the adult prisoners regarding the practices and conditions of detention. Moreover, in most cases there is no segregation between adults and minors, or Palestinian minors and Israeli criminal minors.¹⁶⁰

Suffering becomes worse when children prisoners are exposed to the practices and insults practiced against adults, the worse of which could be child molestation, the threat of rape and naked inspections, and their consequences on the children's psychology.¹⁶¹





In this context, it is worth noting the prevention of children captives from education and study. Until 1997 the IPS officially banned detained children from education, while that right was given to the “Israeli minor offenders.”¹⁶² The ban was lifted following the pressures of the Defence for Children International - Palestine Section (DCI/PS). The Organization succeeded in urging the District Court in Tel Aviv, in November 1997, to issue a resolution that would recognize the Palestinian child prisoners’ right to education. Yet, despite this verdict, Israeli prisons’ administration still denies the children’s right to education through the confiscation of books and the restrictions on access to education.¹⁶³

Children, on an equal footing with other prisoners, languish from difficult detention conditions such as over-crowdedness of rooms, “filthiness, and extreme coldness, lack of water and deprivation of bathing.”¹⁶⁴ Generally speaking, the food offered to children prisoners is bad and inadequate, and children are denied necessary medical care.¹⁶⁵

Perhaps the worst thing in the suffering of children prisoners is not what has been mentioned above, but rather its everlasting repercussions that impact them all through their lives, after they are released from captivity. Life of the prisoners is subject to collapse and psychological destruction due to the procedures pursued against them during detention. Many children suffer after their release because of the torturous memories they have about torture and repression. Many of these children refuse to go back to their schools as confirmed by the Swedish jurist Birgitta Elfström. She said in a documented report presented to the Swedish government that “all children detained in Israeli prisons suffer from physical and psychological diseases after their release.” She added that “words fail to describe the brutal and horrible forms of Israeli torture and terrorism against innocent children that had seen and heard of.”¹⁶⁶



Palestinian child Ziad al-Shaludi (15 years) after the Israeli forces have beaten him when he tried to prevent them from hurting his sister-in-law. He was arrested and interrogated for 9 days, before being convicted with “insulting a soldier!”

➤ The photo was taken on 7/1/2003.



Israeli soldiers arresting Palestinian children during an incursion in Nablus, in the WB on 25/12/2007.





Chapter 7: Families of the Prisoners: Denial of Visits and Deliberate Targeting

The Israeli authorities use the prisoners' families to coerce the prisoners, especially through women such as mothers and wives, or children and the aged. The Public Committee against Torture in Israel (PCATI) published in early 2008 a report entitled: "Family Matters: Using Family Members to Pressure Detainees under GSS Interrogations." The report cited six detailed cases where the families of the suspects were used during interrogation, in an unacceptable manner; sometimes by ungrounded detention or by torture to intimidate the prisoners during interrogation. One of the most poignant cases mentioned in the report concerns "a detained couple held for an extended period of time, subjected to severe physical torture, and, in addition, refused knowledge of the fate of their young daughters, aged two and a half and 6 months,





who were used as bargaining chips by the GSS.”¹⁶⁷ Another prisoner said that the interrogator told him that his father was arrested, and that they would kill [his] mother, arrest [his] 18 year old sister and rape her, and destroy [their] house if he would not cooperate.¹⁶⁸

The Israeli TV has broadcasted a report with live confessions of Shabak officers, unveiling the ways by which Palestinian prisoners are tortured in the investigation dungeons, and pressuring their families and relatives to force the captives to confess.¹⁶⁹

Although Israel is responsible according to the provisions of international law for ensuring the access of every citizen from the Palestinian regions to his detained relatives, the ICRC is bearing this responsibility currently, within the limits of its capacity, to overcome the different barriers imposed by the Israeli authorities; such as preventing visits, indiscrimination in issuing permits, repeated inspections, the difficulties of the roads, and the humiliating practices that the prisoners’ families might encounter, for example naked inspection, especially for women.¹⁷⁰

All this induces more agony for the prisoners’ wives. For example, the wife of the prisoner Ra’ed al-Sarkaji speaks about her children Walid (9 years) and Zeina (7 years), and about her ongoing efforts to break the ice that the seven-year-imprisonment has created between the father and his children, she says:

I always feel sad. I always have to bring presents and toys to the children and tell them that their father sent them. How harsh it is to feel that there is a gap between the father and his kids against their will!. I sense a feeling of estrangement in my children’s eyes as they talk to their father. His silence kills me when he does not know what to tell them.¹⁷¹

Moreover, children are sometimes the only possible link between the prisoner and his family regarding getting access to a visit permit,



Relatives of Palestinian prisoners held in Israeli prisons, lifting their pictures, demonstrating and calling for their release in front of the ICRC office in Gaza on 9/4/2007.



An Israeli bulldozer removing the debris of the house of 'Imad 'Akoubah, a freedom fighter leader, after the Israeli forces had arrested him and dynamited his house. The occupation forces pressured 'Akoubah to surrender through his mother, after they had surrounded her house in Nablus, in the WB with 20 military jeeps, armed vehicles and two bulldozers. The photo was taken on 23/1/2004, and 'Akoubah was arrested on 22/1/2004.





which burdens those children with big responsibilities that do not go with their young age, as in the case of the children Sabreen (10 years) and 'Udai (13 years) who are the only ones visiting their siblings. Their mother says:

I'm not giving up, and every week my husband and I submit a request to visit our children. The answer is always "forbidden entry on security grounds." I don't know why, because I haven't done anything to threaten [state] security. I think we are being punished because of our children, and our children are being punished to add to their suffering and ours. My boys' pictures hang on every wall in our house. Sometimes I stand in front of the pictures and talk to them.

I feel comfort and my pain is eased when my two children, Udai, who is thirteen years old, and Sabrin, who is ten, visit their older brothers in Nafha Prison. Sometimes they go together and sometimes only one of them goes, if the other one has exams in school or something else. They go three times a month, twice to Nafha and once to Ketziot [Negev Prison]....

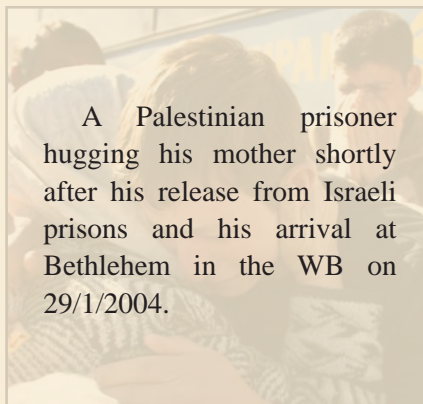
The visit lasts forty-five minutes. Sabrin and 'Udai say that at Nafha Prison, the visit takes place in a room with a glass partition between the prisoners and their visitors... Sabrin says there is lots of noise and she can't hear what her brothers M. and S. are saying....

The trips to the prison are very difficult for 'Udai and Sabrin. When they go to Ketziot, they carry food and clothes for their brothers, and it's hard for them. I ask other prisoners' parents to help them. Usually they fall asleep on the way back and arrive home exhausted. They miss three days of school every month. These trips also influence them emotionally. I hear them talk about the long and tiring journey, getting up early and returning late at night. Despite all this effort, the visit is very short. They are sad and it ruins their childhood. The burden is too heavy for kids their age.¹⁷²



The first moments of receiving a Palestinian prisoner returning to Dheisheh camp in Bethlehem in the WB, after his release from Israeli prisons on 3/6/2003.

➤ Reuters, 3/6/2003.



A Palestinian prisoner hugging his mother shortly after his release from Israeli prisons and his arrival at Bethlehem in the WB on 29/1/2004.





Chapter 8: Palestinian Prisoners and Swap Operations

The Israeli occupation has invariably sought to use Palestinian prisoners to pressure the Palestinian resistance, and as bargaining chips where some prisoners are released in “a good will initiative,” though hundreds of Palestinians are detained every month as a part of the tyrannical, indiscriminate practices of the occupation.

Swap deals between the Palestinian resistance and the occupation authorities have probably been the only way for the liberation of many prisoners who were indiscriminately held in the Israeli prisons. Thus, the Palestinian, as well as the Arab, factions have always sought to capture Israeli soldiers to swap them for civilian prisoners.

The first and the most famous among those swap deals was conducted on 23/7/1968 after fighters from the Popular Front for the Liberation of



Palestine had hijacked an Israeli plane heading from Rome to Tel Aviv, with more than hundred passengers on board. The deal was sealed via the ICRC where 37 Palestinian prisoners serving high sentences were released.¹⁷³

The most prominent deal, however, was conducted on 23/11/1983 between Fatah and the occupation authorities where Israel had to release all the 4,700 captives in Ansar Detention Camp in south Lebanon (this camp was destroyed by the occupation forces shortly before the Israeli withdrawal from Lebanon in 2000), besides 65 prisoners in Israeli jails; in exchange for Fatah's release of six Israeli soldiers whom it had captured in the Lebanese town of Bhamdoon during the Israeli invasion of Lebanon.¹⁷⁴

Swap deals are considered as the only hope towards the release of the Palestinian leaders held as captives and those serving high sentences. Thus, when three Palestinian factions (Hamas, Brigades of Saladin and the Army of Islam) have succeeded in the capture of the Israeli Corporal Gilad Shalit on 25/6/2006,¹⁷⁵ hope for freedom was rekindled in the hearts of thousands of prisoners and their families. The occupation authorities have tried—and are still trying—to recover the captured soldier through different means. For example, Israel launched wide military operations in GS which resulted in the death of 1,374 Palestinians until 25/6/2008.¹⁷⁶ And on the eve of 28–29/6/2006, it arrested 64 ministers, deputies and mayors, besides other officials from Hamas in order to impose more pressure towards the release of Shalit, the only soldier who was captured during his presence in the occupied territories, while it keeps in its prisons thousands of Palestinian civilians who were captured from their homes.¹⁷⁷



The factions have initially agreed, through the Egyptian mediation, on the release of the corporal in return for the release of around 1,400 Palestinian prisoners from Israeli prisons, including all women captives and juveniles who are below 18 years of age.¹⁷⁸ The factions stressed on the demand of releasing key figures and the captives with life imprisonments.¹⁷⁹ Yet, the Israeli authorities have been procrastinating and refusing the release of many key figures while proceeding with violations under the pretext of “Israel’s right to retaliate.” In addition, the Israeli occupation has linked the issue of Rafah crossing and the GS siege to the release of Shalit; and has detained well above nine thousand Palestinians since the capture of Shalit until 29/9/2007, on an estimated average of 30 cases per day.¹⁸⁰



This picture was painted by the prisoner Muhammad el Rakou'i in Ashkelon Prison on 8/10/1981. It represents the inevitability of freedom for prisoners. Al-Rakou'i is from al-Shati' Refugee camp in GS and one of the prisoners who were indeed released in a swap operation in 1985. The painting was enlarged and handed out to the prisoners liberated in the same swap operation.





Faces in Captivity

Speaker of Palestinian Legislative Council (PLC) (2006–2009)

The Imprisoned Deputy Dr. Aziz Dwaik

The most significant characteristics of Dr. Dwaik are his permanent smile, serenity and his wide social relations. He is the fourth speaker of the PLC and one of Hamas cadres. He has a PhD in Regional and Architectural Planning from the University of Pennsylvania in Philadelphia, U.S.A. This is in addition to three masters' in Education, Urban Planning, and Regional and Urban Planning. He is married and has seven children.



Dwaik was detained in Israeli prisons five times, and was deported to Marj al-Zuhour in Lebanon, in 1992 where he acted as a spokesman (in English) for the deportees. Following his return and before his election to the PLC in 2006, Dwaik chose to work in the educational and academic field.

Besides being the speaker of the PLC, Dwaik is Head of the Higher Education Committee of several charitable institutions. In addition, he is a member of the Committee of Scientific Research in An-Najah University, a former elected member of the Faculty of Arts, a member of the drafting committee of National Students Council systems, an elected member of the workers union at the National University and its secretary. Dwaik is the author of many works, the most prominent of which is "The Palestinian Society." He is the founder of the Department of Geography at An-Najah National University in Nablus which he headed for many years. He also had a leading role in supervising several Masters' theses and PhD dissertations. He also acted as a Public Relations Official at the Patient's Friends Society in Nablus.

Israeli occupation authorities have kidnapped "The Speaker of the PLC" on 29/1/2006, from his home in Ramallah. The head of his office testified that 20 military vehicles had surrounded his house upon his abduction. Dwaik was released on 23/6/2009.



Prisoner Hassan Salameh

Hassan Salameh was arrested in 1994 and is serving a life sentence for 48 times, plus 20 years, in a sum of 1,175 years. Since his arrest, Salameh was put in solitary confinement in a prison for criminal Israelis before he was transferred to other prisons. He is in solitary confinement for most of the time where Israeli authorities impose restrictions on his communication with his family, lawyers and other Palestinian prisoners as they fear that he may convey his experience in resistance to them.



A law was issued in the Israeli Knesset preventing his release or exchange for any Israeli, even the prime minister himself. The American authorities have also claimed him to be tried on the basis of his “responsibility” for the murder of three American citizens in Jerusalem in 1996. In response to this, Salameh says, “God’s will prevails whether in America or in the Zionist entity. We have chosen this path willingly and no body else matters; America and the Zionist enemy are two sides of the same coin.”

The Imprisoned Deputy Marwan Barghouthi

On 6/6/2004, two years after his capture, and on his 45th birthday anniversary, Deputy Marwan Barghouthi—Secretary of Fatah Movement—was sentenced with five verdicts of life imprisonment, and 40 more years. He was charged with the responsibility for al-Aqsa Martyrs’ Brigades—the military wing of Fatah—and his involvement in the death of a number of Israelis.



Barghouthi did not authorize a lawyer to defend him before the court which he did not acknowledge, and he refused to recognize the legitimacy of the trial. In his political defense which he made before the judges he said, “I do not want to hear what you have to read because I know that the verdict is prepared in advance. You are only tools used by the same official political party that targets my people. Thus, I regard this court as a war launched by the occupation authorities... I am suffering in a cell, and there are 10 thousand prisoners suffering like me. I do not care about you. The day the Palestinian prisoners are free is the day my people become free. This *Intifadah* should persist until the occupation is gone... It is the task of every Palestinian to resist the occupation, and we have all the right to resist the occupation as all peoples of the world have resisted it.”





Prisoner Ahmad Sa'dat

Ahmad Sa'dat is the current Secretary-General of the Popular Front for the Liberation of Palestine (PFLP). He was chosen as the Secretary-General as a successor for the former Secretary-General, Abu 'Ali Mustafa, who was assassinated by two Israeli missiles that targeted his office in the occupied city of Ramallah.

PA Intelligence kidnapped Sa'dat and detained him in the headquarters of the late Palestinian President Yasir 'Arafat, until the Israeli forces besieged the place demanding the handing over of Sa'dat and four of his comrades for being responsible for the assassination of the Israeli Minister of Tourism, Rehavam Ze'evi. A deal was sealed to lift the Israeli siege of Arafat's headquarters. The deal included the imprisonment of Sa'dat and his comrades in Jericho Prison under the custody of American and British personnel.



On 14/3/2006, the American and British observers withdrew from Jericho Prison. A few minutes later, an Israeli military force entered Jericho city, surrounded the prison and started demolishing some parts. After an eleven-hour-siege, the Israeli forces kidnapped Sa'dat and other wanted Palestinians.

Sa'dat, as this book is being prepared to be published, is still in detention after many sessions of military trials, the last of which was on 25/9/2008 where his detention was renewed until the mid of November.



Prisoner 'Abdullah Barghouthi

With an indictment list containing 109 charges, the prisoner 'Abdullah Barghouthi of al-Qassam Brigades was tried and sentenced to 67 verdicts of life imprisonment.

In response to the verdict, Barghouthi told the judges that he did not understand how they could try him when he was standing on the land of his forefathers, and how the murderer would punish the victim; "We killed after you killed us, we used explosives after you used explosives."



Barghouthi was born in Kuwait in 1972 for a Palestinian family. In 1996, he returned with his wife to his town Beit Reema in Ramallah in the WB. He has three children.

Occupation authorities blew down al-Barghouthi's house and arrested him in March 2003 after two years of manhunt.

Barghouthi has been exposed since his arrest to the harshest punitive measures, particularly solitary confinement. After interrogation, he was transferred to Helkdar isolation section in Beer Shiva Prison where he was kept in a cell under strict surveillance by a camera. Later, he was transferred to Yigal Amir isolation section and finally to Ashkelon where he has been in solitary confinement since three years (as in April 2010). The prison administration does not allow his family to visit him and it restrains lawyers' visits to him.





Conclusion

Like all experiences of sacrifice and steadfastness, the experience of Palestinian prisoners and detainees embodies a lot of agony and suffering. It is yet another poignant picture of the Israeli occupation that claims civilization and development. This occupation has through its racist, merciless practices degraded the sanctity of humanity. There, in its gruesome prisons, choosing the means of torture and humiliation becomes an art; and the feelings and dignity of the prisoner, be it a father or a mother or a child or a son or a daughter, become tools for entertainment of the interrogators and the beguilement of their time.

Palestinian prisoners are figures and figures... Each has his unique story as an individual and his share of the torture, agony and cruelty of the occupation. In their entirety, they are not the mere number which makes them bargaining chips... In their sum, they are the parents, the children and the families including women and children, who are





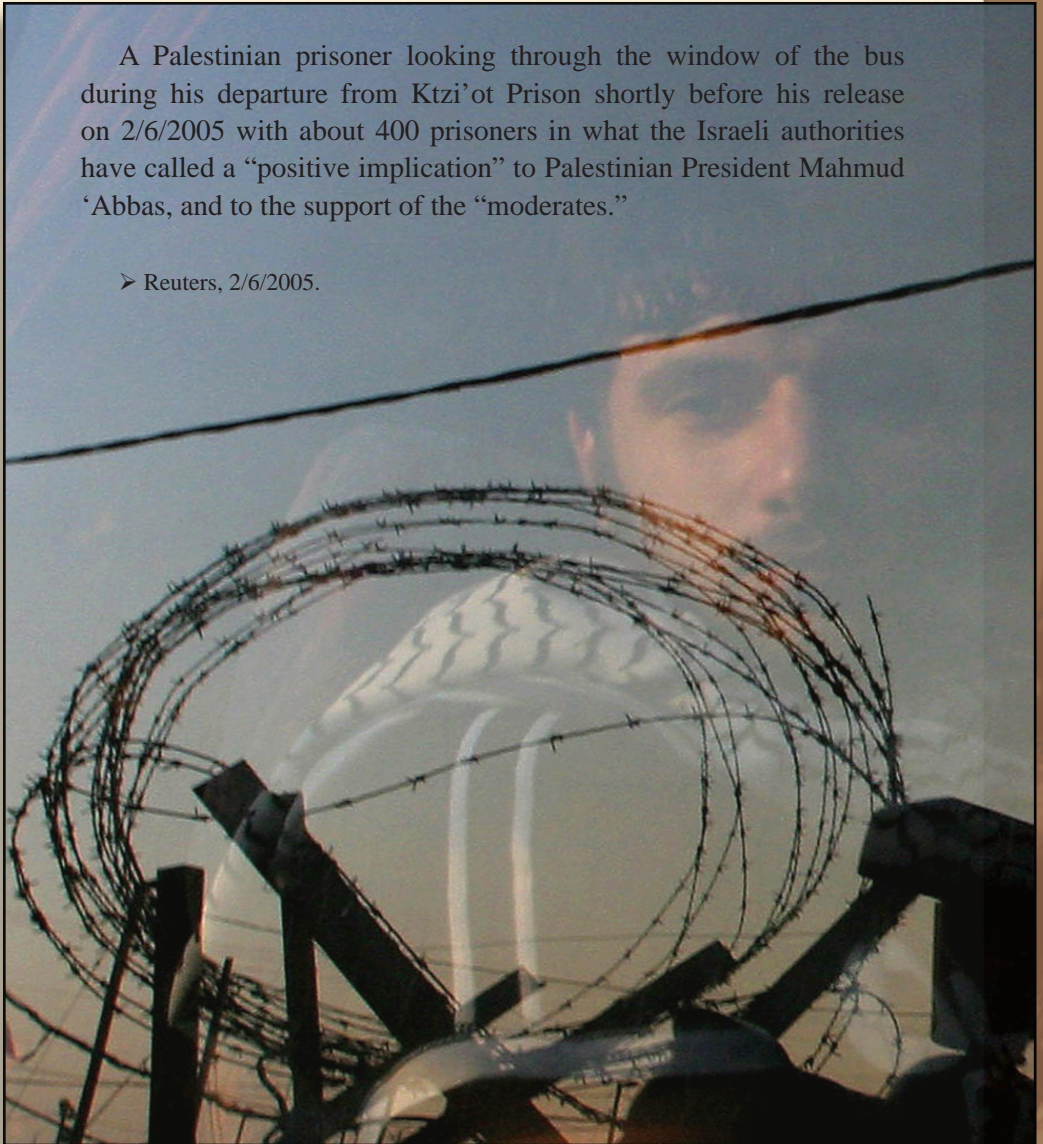
being obscured in the darkness of prisons and tortured for months and years after which they return—if they have the chance to return—to families exhausted by waiting... They return to tell their stories with the tyranny of the occupation and its inhumanity, and to prove through their remaining days that they are not mere numbers or stories; but that through their large numbers, they have come to represent the whole of Palestinian people, and through their steadfastness, they signify hope, future, freedom and everything that the occupation seeks to kill through different policies, especially captivity.

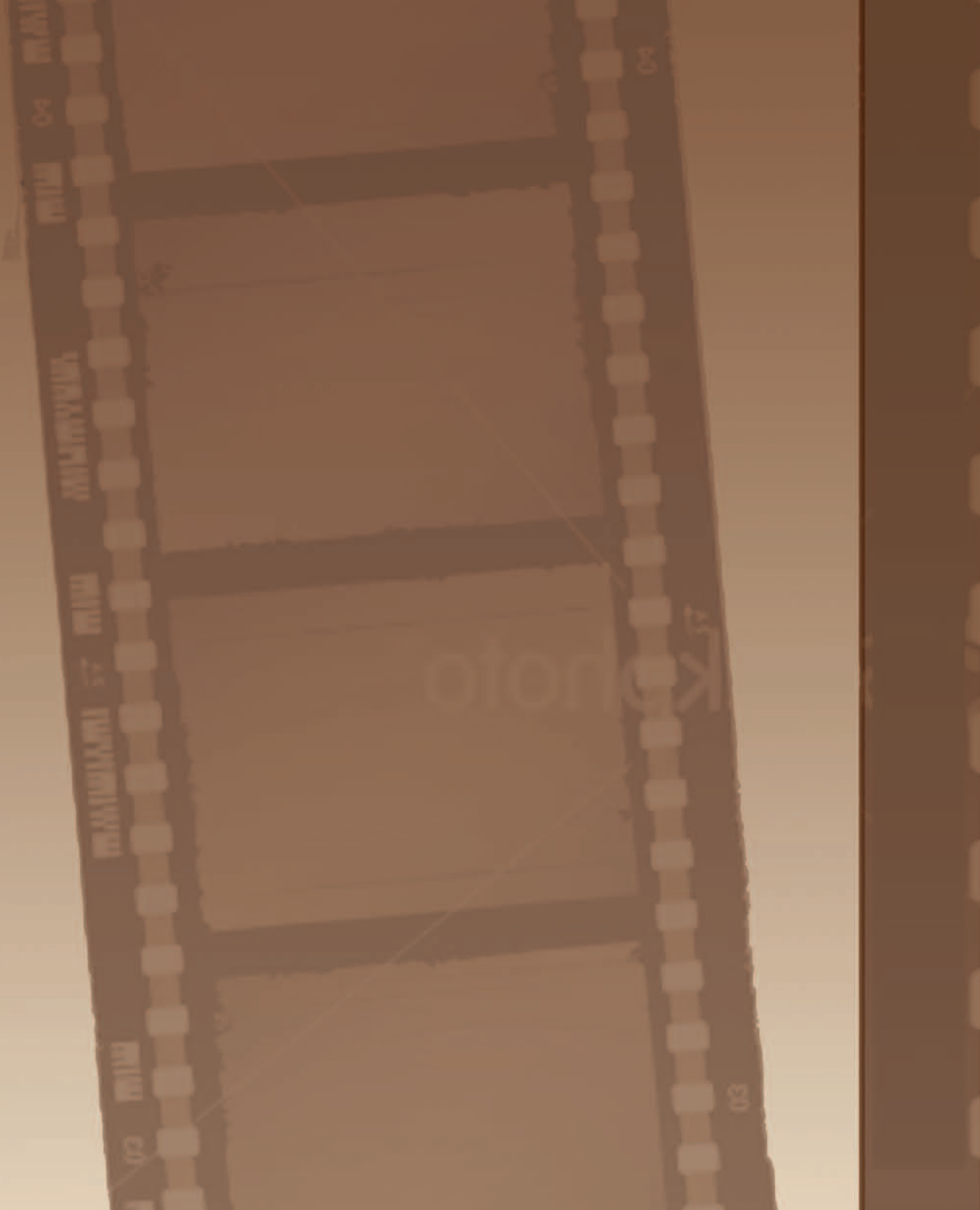
The experience of Palestinian prisoners is one that could not be terminated by swap deals. It continues as long as the occupation infringes on the freedom of thousands of Palestinians and their lives, indiscriminately arresting and releasing them. It is an experience which does not end unless the occupation is brought to an end and punished for its war crimes and crimes against humanity. Thus, while Israeli occupation is keen to keep the silence surrounding the case of Palestinian prisoners and detainees, along with their suffering in the shadow, breaking silence becomes the first step towards their liberation.



A Palestinian prisoner looking through the window of the bus during his departure from Ktzi'ot Prison shortly before his release on 2/6/2005 with about 400 prisoners in what the Israeli authorities have called a “positive implication” to Palestinian President Mahmud ‘Abbas, and to the support of the “moderates.”

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- ¹⁷⁷ *Addustour* newspaper, Amman, 29/6/2006.
- ¹⁷⁸ *Asharq al-Awsat* newspaper, London, 19/2/2008.
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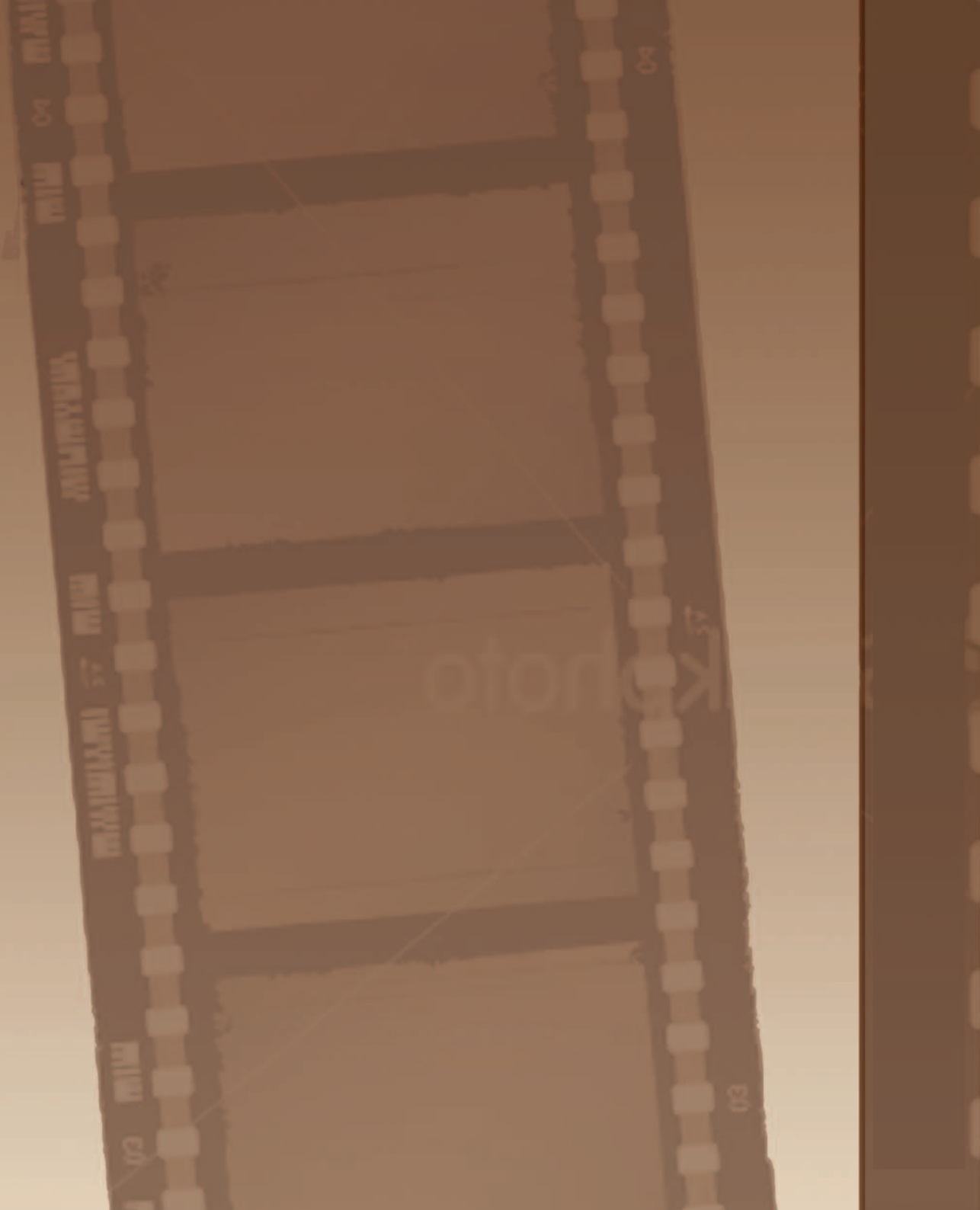
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*The Suffering of the
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& Detainees
under the Israeli Occupation*
معاناة الأسير الفلسطيني
تحت الاحتلال الإسرائيلي

This Book

The Palestinian prisoners and detainees in the prisons of the Israeli occupation are being tortured and detained for months and years. Their families are being exhausted with waiting and longing for their loved ones. Their stories are live testimonies to the cruelty and inhumanity of the occupation. Palestinian prisoners are the real proof of the patience, steadfastness, bravery and pride of the Palestinian people.

This book, the fourth of its series, is based on the available data, such as Palestinian, Arab and International reports and information, in addition to the testimonies by the prisoners themselves. Al-Zaytouna Centre endeavors to present to its readers the full and complete picture of the suffering of the Palestinians under the Israeli occupation. It tries its best to address the hearts and minds with the most accurate, concrete and documented information.



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