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Am I Not a Human?

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



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## *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.<sup>18</sup>





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.<sup>19</sup>



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.<sup>20</sup>

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.<sup>21</sup> 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.<sup>22</sup>

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.<sup>23</sup> 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.<sup>24</sup>

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.<sup>25</sup> According to reports, arrests reached a peak between 29/3/2003 and 11/4/2003 where more than six thousand Palestinians were detained.<sup>26</sup> 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,<sup>27</sup> 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.<sup>28</sup> Whereas in the beginnings of 2010, it was still keeping 290 administrative detainees in its dark prisons.<sup>29</sup> 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."<sup>30</sup>

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.<sup>31</sup>

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.<sup>32</sup> 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](http://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

<b>170</b>	administrative	arrest		
decisions since the beginning of the month				
➤ <i>Al-Khaleej</i> newspaper, al-Shariqa, 24/2/2008.				

### March 2008

Hebron: detention of <b>103</b> citizens during last March including 15 patients and 22 students...				
➤ <i>Al-Ayyam</i> newspaper, Ramallah, 3/4/2008.				

### April 2008

The occupation army seized <b>363</b> Palestinians last month...				
➤ <i>Addustour</i> newspaper, Amman, 4/5/2008.				

### May 2008

The occupation authorities arrested <b>312</b> citizens during this month including 17 children...				
➤ <i>Al-Hayat al- Jadidah</i> , 19/5/2008.				
Al-Zaytouna Centre for Studies & Culture				





itself from the requisites of the Third Geneva Convention, which clearly considers fighters as prisoners of war;<sup>33</sup> 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.<sup>34</sup>

### **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.<sup>35</sup>

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.<sup>36</sup> 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 m<sup>2</sup>.<sup>37</sup>

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.<sup>38</sup>

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.<sup>39</sup> 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.”<sup>40</sup>

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.<sup>41</sup> 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,<sup>42</sup> 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.<sup>43</sup>



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.”<sup>44</sup>

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.”<sup>45</sup> 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.<sup>46</sup>

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.<sup>47</sup> Since then, administrative detentions continued with an average of 1,000 to 1,500 detainees annually,<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup> 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.<sup>51</sup>

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.<sup>52</sup>



## *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,<sup>53</sup> even those who are arrested on the basis of civilian cases such as traffic accidents with Israelis.<sup>54</sup>

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.<sup>55</sup>

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.<sup>56</sup>



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.”<sup>57</sup>

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.<sup>58</sup>

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!<sup>59</sup>

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.<sup>60</sup>

(...) 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.<sup>61</sup>

### **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.<sup>62</sup>



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.<sup>63</sup>

Besides the permanent procedures of inspection which are associated by blindfolding and handcuffing,<sup>64</sup> 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.<sup>65</sup>

#### **a. Facilities and Rooms**

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

1. Interrogation centers: Ashkelon, al-Maskubiyah, 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!<sup>67</sup> 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.<sup>68</sup>





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.<sup>69</sup>
- Difficult weather conditions like the scorching heat in the Negev desert prison.<sup>70</sup> 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.<sup>71</sup> 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.<sup>72</sup> This leads to the spread of diseases such as malnutrition, anemia, gastric diseases and constipation among the prisoners.<sup>73</sup>
- Lack of hygiene and prevention of bathing for long periods of time, which leads to the spread of epidemics and skin diseases.<sup>74</sup> In addition, the prison administration does not allow the regular collection of garbage while some prison departments suffer permanent problems in the sewage systems.<sup>75</sup> Besides, there is the problem of insects which is exacerbated by the refusal of the prison administration to provide insecticides.<sup>76</sup>
- 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.<sup>77</sup> 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.<sup>78</sup>

- 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.<sup>79</sup>
- Deprivation of necessary treatment, medical negligence and supplying the patients only with palliatives (mostly Acamol) instead of prescribed medications and treatment,<sup>80</sup> although a significant number of prisoners suffer from injuries sustained during the arrest, or from chronic diseases.<sup>81</sup> 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.<sup>82</sup>





## *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](http://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,<sup>83</sup> 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.”<sup>84</sup> This is in addition to the development of sexual problems and low fertility.<sup>85</sup>
- 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 m<sup>2</sup> 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.<sup>86</sup>



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.<sup>87</sup> 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.<sup>88</sup> 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.<sup>89</sup>

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!<sup>90</sup>

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,<sup>91</sup> 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.<sup>92</sup>

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.<sup>93</sup>

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.<sup>94</sup>



- Procrastination in providing prisoners with treatment, delay in transferring urgent cases to hospitals,<sup>95</sup> 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,<sup>96</sup> 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.<sup>97</sup>
- Lack of resident doctors or specialized clinics in the detention centers,<sup>98</sup> 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.<sup>99</sup> 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.<sup>100</sup>

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.<sup>101</sup> 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.<sup>102</sup> 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.<sup>103</sup>

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.<sup>104</sup> 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.<sup>105</sup>

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.<sup>106</sup>

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."<sup>107</sup> 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"!<sup>108</sup>

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.<sup>109</sup>

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.<sup>110</sup>

#### **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.<sup>111</sup>

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.<sup>112</sup> 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.<sup>113</sup>

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.<sup>114</sup>

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,<sup>115</sup> in the "trip to death," as depicted by one of the prisoners.<sup>116</sup>

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.<sup>117</sup>



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.<sup>118</sup> 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.









*The Suffering of the  
Palestinian Prisoners  
& 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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Am I Not a Human ?

