

Report

International Investigative Mission

Palestinian Detainees in Israel: Inhuman Conditions of Detention

(17-22 February 2003)

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1. Introduction: The Mandate

The FIDH gave us mandate to:

- Study the conditions of arrest, interrogation, judgment, and detention of Palestinian prisoners on Israeli soil since the second Intifada;
- Study the legal status of these prisoners as well as the base of their legal and judicial defense;
- Draw up any useful conclusions and recommendations.

2. The Mission's Procedure and Meetings with Individuals

The mission was carried out by Michel Tubiana, President of the French League for Human Rights and Vice-President of the FIDH, and Philippe Kalfayan, Deputy Secretary General of the FIDH. It took place from 17 to 22 February 2003 in Israel and the Occupied Palestinian Territories.

We met with all those Israeli and Palestinian NGOs directly or indirectly involved in dealing with the conditions of arrest, imprisonment and judgment of Palestinian prisoners. The mission's team also met with Israeli specialized defense lawyers and the mission from the International Committee of the Red Cross stationed in Israel.

We observed that the Israeli authorities refused to be interviewed, even though they had been asked to do so before our arrival in Israel (see annex). Furthermore, they did not see the need to respond to our written questions following the mission (see annex).

Finally, a deliberate refusal was given to us regarding our request for an authorized visit to Ofer (near Ramallah) and Ketsiot (in the Neguev desert, near Beer Sheeva) prisoner camps (see annex).

Therefore, we were forced to recognize the refusal of any cooperation whatsoever on the part of the Israeli authorities.

Meetings with Individuals and Organizations:

We met with the following individuals and organizations:

LAW, The Palestinian Society for the Protection of Human Rights and the Environment (Jerusalem)

Diane Luping
Shawqi Issa
Hanan Khatib, Lawyer
Fahmi Shkirat, Lawyer

B'tselem, The Israeli Information Center for Human Rights in the Occupied Territories (Jerusalem)

Rachel Greenspahn
Jessica Montell

ACRI, The Association for Civil Rights in Israel (Jerusalem)

Lila Margalit, Attorney at Law
Risa Zoll

HaMoked Center for the Defense of the Individual (Jerusalem)

Dalia Kerstein
Curt Arnson

ADALAH, The Legal Center for Arab Minorities in Israel - Negev Office (Beer Sheeva)

Morad El Sana, Attorney at Law

PCHR, The Palestinian Center for Human Rights (Gaza)

Raji SOURANI, President

Palestinian National Authority, Ministry of Detainee's and Ex-Detainee's Affairs (Gaza)

Muaz El Hanafi, Head of the Communication Department

ICRC, the International Committee of the Red Cross (Tel Aviv)

Rotem Giladi, ICRC Legal Advisor
Maryluce Sartori, Coordinator of Protection Activities
Stephane Ojeda, Delegate

PHR, Physicians for Human Rights - Israel (Tel Aviv)

Anat Litvina, Head of the Prisoners Program
Hadas Ziv, Program Director

PCATI, The Public Committee Against Torture in Israel (Jerusalem)

Kalela Lancaster, Development Coordinator
Hannah Friedman, Executive Director
Ze'ev Zamir, Delegated Director
Badawi Qawasmi, Fieldwork Coordinator

Andre Rosenthal, Lawyer (Jerusalem)

Tamar Pelleg Sryck, Lawyer (Tel Aviv)

Al-Haq (Ramallah)

Randa Siniora, Director General
Sha'wan Jabrin, Human Rights Officer

Palestinian Prisoner Society (Bethlehem)

Aṭṭalah
Issa karaké Kaddoura Faress

Addameer, The Prisoners Support and Human Rights Association (Ramallah)

Hanan Al Marsuh, Executive Director
Frances Sahar, Attorney at Law
Mahmood Hassan, Attorney at Law

World Council of Churches – The Jerusalem Delegation

Rebecca Johnson, Program Coordinator, EAPPI

3. Reminder of the Political Context:

If, between 1948 and 1967, the question of Palestinian prisoners was not an issue, it certainly became one after the invasion of the Golan Heights, the West Bank and the Gaza Strip, following the "6-day War" (June 1967).

These occupied territories faced different legal fates. The State of Israel annexed the Golan Heights and East Jerusalem through two unilateral acts that were never recognized by the

international community. The West Bank and the Gaza Strip remained under Israeli military administration, keeping in mind that the Israeli governments that followed decided to create colonies that would split up these territories and are currently constantly growing.

Unlike the Palestinians residing in Israel in 1948, who were given the Israeli nationality, and the population of the Golan Heights upon whom the Israeli nationality was imposed following the annexation of the Syrian territory¹, the Palestinians in the West Bank and the Gaza Strip held on to the status that they had prior to the war of 1967.

For the Palestinians, the Israeli occupation translated into various economic, social and political consequences that will not be touched upon in this report. However, at the mere notion of any sort of military occupation, numerous Palestinians demonstrated their opposition to the Israeli presence, either through political or military means.

As a result, the Israeli authorities were forced to suppress the first revolt (the first Intifada) during which they not only broke up demonstrations and strike movements, but also arrested many individuals.

The signing of the Oslo accords brought about the liberation of many Palestinian prisoners, but after the peace talks fell through, a second Intifada broke loose leading to a great number of arrests as well as, which had not been the case during the first Intifada, the killing of activists from various Palestinian political movements. There were several victims recorded among the civilians themselves due to actions on the part of the Israeli army and, to a lesser extent, on the part of colonists.

It is important to note that the Israeli population itself suffered from indiscriminate acts of violence carried out by some Palestinian groups. The past three Israeli governments have made it a point to bring attention to this fact in order to justify targeted assassinations, the invasion of territories for the most part under the control of Palestinian authority and arrests aimed at bringing damages to civilians.

Although these issues go beyond the terms of the mission for which we were mandated for, we feel it is important to recall that:

- Acts of violence carried out against civilians represent a crime of war no matter what the justification or who the perpetrator may be.
- The reality of these violent acts, no matter what title they may carry, are in fact a violation of the general principles of law, in particular of humanitarian law as well as all conventions that apply to this matter.

It is within this frame of mind that the fate of Palestinian prisoners should be assessed. This issue has never ceased to be important given that approximately 20% of the total Palestinian population has, at one time or another, been under arrest. Being that a striking majority of these arrests have been men, it is easy to understand the impact that this has had on the functioning of Palestinian society as a whole. Since the second Intifada, this problem has continued to grow. What is worse is that it is unfolding in the midst of an obscure legal framework.

4. A Deliberately Obscure and Unstable Legal Framework

Since the beginning of the occupation of the West Bank and the Gaza Strip (leaving aside the Golan Heights and East Jerusalem where Israeli law has been fully applied since their annexation), the Israeli authorities have adopted a legal attitude that, while having undergone

¹ It should be recalled that, at that time, the Syrians in the Golan Heights never accepted the Israeli nationality and therefore, do not hold Israeli identification cards.

some changes, has always managed to evade the full and complete application of the Geneva conventions regarding the fate of occupied peoples.

First of all, the State of Israel considers that because it is dealing with territories falling under no authority whatsoever, the Geneva Conventions do not apply. However, the State of Israel has committed itself to partially applying these conventions from a humanitarian perspective. Once again, it should be noted that the partial application of these conventions, according to Israeli authorities, concerns the consequences of an occupation dating from 1967, which, according to these authorities, therefore requires specific modifications. Furthermore, the Israeli authorities have always considered, particularly regarding the question of lands, that the West Bank falls under the rights of the Jordanian government.

Finally, adding to the complexity of this legal situation, in particular regarding repression, the Israeli authorities have considered it appropriate to apply emergency legislation coming from the British mandate which had been used prior to 1948 and which is still partially being enforced in the Occupied Territories.

Since the second Intifada, the Israeli authorities have been insisting upon the existence of a state of war as a justification for some of their actions.

It is clear that these debates, first of all, from a legal perspective, are not without consequence. This is the case, for example, regarding houses demolition and collective punishment, strictly prohibited under the 4th Geneva Convention, but frequently carried out by the Israeli army since it considers that the said convention does not apply.

Similarly, notwithstanding the proclaimed state of war, the Israeli army does not grant Palestinian prisoners the status of prisoners of war and has in fact always authorized it to judge and convict them, here under the provision that potential crimes of war may be held against some of the prisoners.

This combination of legal factors becomes even more of an enigma due to the fact that it is possible for decisions made by the Israeli authorities to go before the Israeli Supreme Court which then has the jurisdiction to assess their validity, even if this recourse, in reality, has a limited scope.

Based on the facts, we have the feeling that, beyond the strictly legal debate, the Israeli authorities deploy all means necessary to enact, in their interest alone, their own rules, which outside international norms, are only limited by the discretion of the Supreme Court.

4.1 The Military Orders as Their Grounds for Action

In practice, the Israeli authorities enact rules applicable to the Military Orders, some of which were ratified in accordance with those issued by the British before 1948. The administrative arrest being suffered by a number of Palestinians is a practice coming out of this period and which had been applied to the Jews.

The military authority is free to enact the orders it chooses, but normally, any decision causing grief must be subject to a strict order; destroying a home or enacting a new regulation must be subject to a military order that can be handed over to the Supreme Court. In general, when it is a question of acts that are individual in nature or published (in Arabic and Hebrew) in an official bulletin targeted specifically to the Occupied Palestinian Territories, the individuals involved are notified of these orders.

Our Israeli contacts have insisted that this system has had a tendency to be practiced increasingly in theory alone.

From the time the Supreme Court decided that purely verbal Military Orders were valid, it has been observed that:

- The publication of the Military Orders is becoming increasingly delayed in the official bulletin.
- Numerous Military Orders, in particular those which lead to the destruction of homes or growing fields, are still strictly verbal in nature while those that are written, more and more often, go unsigned.

Regarding this last point, we were forced to question the impact the International Criminal Court has (even if Israel has not ratified its Statute) concerning anonymous acts.

4.2 Recent Developments:

Subject to the Military Justice, Palestinians can be arrested under conditions set forth by Military Order #378, enacted in 1978. This Military Order states that, in order for arrests to be carried out, there must exist "reasonable suspicion" that a person has committed a criminal act. Any person arrested can be held in solitary confinement, without being permitted to contact a lawyer, for a maximum of 8 days.

On 5 April 2002, while the Israeli army was invading various refugee camps and cities in the West Bank, Military Order #1500 was permitting arrests to be carried out on the basis of an officer's written authorization as well as a stay of imprisonment in solitary confinement for 18 days. Military Order #1518 later brought this period of time down to 12 days.

In total, an arrested individual can:

- go without contact with a lawyer for 32 days (for the 2 days after his arrest, then twice for 15 days upon renewal by an officer).
- be subjected to a stay of imprisonment of 6 months and 12 days for investigative purposes (an initial stay of 12 days, then a period of three months renewable one time by a military judge). It is only after this period of time that a military court of justice can undergo legal proceedings leading to a verdict).

At the same time or alternatively, the military authority can place the arrested individual under the administrative detention regime pursuant to Military Order #1226. The administrative detention can last 6 months and is renewable indefinitely by a military judge under certain conditions, which we will touch upon later. There exists no requirement stating that those individuals subject to this regime will receive a hearing and some administrative detentions have lasted 6 years or more.

5. The Arrests

Since the second Intifada, from September 2000 to April 2003, more than 28,000 Palestinians were incarcerated in prisons or prisoner camps. On 8 April 2002, there were approximately 5,514 prisoners, 66 of which were women and 325 minors (under the age of 18²).

5.1) The Volume of Arrests

According to the Palestinian organization, PCHR (Gaza), the number of arrests during this second Intifada raised from January 2002 (an increase of 20-30% compared to normal standards) and surged upward following the implementation of the "defense ramparts" military operation in March/April 2002. Furthermore, during this same period, the Ofer (south of Ramallah), Etzion

² The Israeli authorities proclaimed that Palestinian children under age 16 were considered to be minors while Israeli children held the status of minors up until the age of 18.

(near Nablus), Huwara and Ketziot (south of the Neguev desert) detainment camps or centers were opened.

This development was confirmed by detailed statistics coming from the Israeli organization, HaMoked, the only NGO with direct access to the military authorities. HaMoked put in place an emergency hotline that records all complaints, services and claims made specifically by Palestinian families. Changes in the hotline's activity in 2002 compared to 2001 speak for themselves:

- Arrests, tracing and prisoner rights: 7,236 claims, i.e. a 470% increase
- Acts of violence against individuals or goods: 705, i.e. a rise of 1280%.

It should be mentioned that Israeli armed forces disseminate very little information regarding individuals arrested and even less information on their place of detention. During the mission, it was confirmed by Israeli and Palestinian organizations that the NGO, HaMoked, was the organization providing the link between families and Palestinian NGOs, on the one hand, and the authorities, on the other. HaMoked performs research on the arrested individuals so as to identify their place of detention and also to obtain in semi-official, semi-unofficial fashion lists of those individuals arrested.

There is a body under the authority of the Israeli Military Police, the "Maschlat Center", which is in charge of compiling data on the prisoners. However, the existence of three parallel information systems, the civil police, the Israeli armed forces and penitentiary administrative services respectively, makes any viable form of consolidation difficult. Yet, the FIDH mission only took into account those statistics that were "official".

In fact, particularly over the months of March, April, May and June 2002, there were substantial roundups that took place, although the Israeli authorities had, at the same time, targeted specific individuals they were looking to arrest.

5.2 Targeted Arrests:

The NGOs, PCHR and Adalah, confirmed for us that the first waves of arrest in April 2002 were aimed at the heads of Palestinian society; political and social figures (teachers, doctors) as well as security officials in urban neighborhoods and refugee camps were systematically round up and arrested. After the community "leaders," the Israeli army expanded their arrest campaign that now targeted the most visible activists, including young stone-throwers. As a result, 15,000 arrests took place between March 2002 and April 2003. By the time they were done, in some towns, no man over the age of 15 could be found. Recent developments have shown that the Israeli army is also targeting the female population, in particular the wives or daughters of activists so as to exert pressure on these activists.

5.3) The Conditions of Arrest

The most common forms of arrest are:

- Roadblocks, where anything can happen given the highly unpredictable behavior of Israeli soldiers;
- The invasion of entire towns and neighborhoods through the use of considerable means and forces; the entire population is forced from their homes which are then searched and often vandalized, one by one;
- Arrests at border and airport checkpoints
- Kidnapping.

Israeli and Palestinian NGOs have received various testimonies regarding the conditions of arrest. We will illustrate this information through a few specific cases, which are by no means out of the ordinary:

Case 1: Ziyad a-Shaludi, reported by B'tselem in its information bulletin from 23 January 2003.

On the afternoon of 7 January 2003, 4 Israeli soldiers entered into the a-Shaludi household in Hebron. They went into the room of Shadia a-Shaludi. She testified, "When the soldiers arrived, one of them introduced himself as Rocky and exclaimed 'Wow!' He asked me in Arabic, 'How are you?' He then approached me and told me I was cute. I stepped back. Along with another soldier, they went over to the make-up table and Rocky began reading the names of the different perfumes." Ziyad a-Shaludi, age 15, the stepbrother of Shadia, who had been sitting on the balcony, entered and held close to Shadia and his little sister, Nivin, age 8, who was also there. Rocky moved in closer and closer to Shadia so he could touch her face with his hand. She shirked and ran to the bathroom. Ziyad positioned himself between the soldiers and Shadia. Rocky ordered him to get out of the way. Ziyad refused and asked them to leave. Rocky shook him and Ziyad fell into us. He picked himself up and the four soldiers began hitting him. They pushed him out of the room and threw him onto the balcony sofa. One of the soldiers punched him, another was bending his arm backwards and yet another was pulling his hair. He fought back and stood up, but one of the soldiers, wearing a helmet, head-butted him, which threw him back against the wall before he landed on the sofa. Once the beating came to a stop, they gagged Ziyad and brought him to a military guard post stationed in a neighboring colony, where they left him for three hours. Then, the soldiers guarding him there began to beat him once again. They refused to remove the hard plastic cuffs that were locking his hands so tightly together that they were turning blue. Ziyad was then brought to a police station. He was detained for 9 days before being accused of having attacked a soldier.

Case 2: The Arrest of Mr. X, a deposition under oath obtained by a lawyer on 14 May 2002. Reported by Addameer. (the subject requested to remain anonymous)

"I was arrested on Sunday, 31 March 2002, in Ramallah near the Cairo Amman Bank around 11am. I was on my way back from the Taboun building when I was wounded by Israeli snipers, who were standing post nearby. I was hit in the left kidney with a 250 bullet. For 2 to 3 hours, I laid there on the ground bleeding. A few people who were with me called an ambulance, but it was unable to reach me because the square was surrounded by tanks. Those beside me carried me to a neighboring building. One hour later, soldiers came to get me from the home that had welcomed me in and brought me out to an armored vehicle. They beat all of the family members in that household, including the women and children.

I was then transferred to the colony of Beit El and afterwards to the Hadassah Hospital by ambulance. I could no longer recall what time of day it was. They admitted me to the emergency unit, which also held several Israelis who had been wounded during a suicide attack. I was still wearing my police uniform. In the hospital ward, I was attacked and beaten by colonists. It took an hour for the hospital security service to come rescue me and bring me out of there. I lost consciousness and was in a coma for 48 hours.

When I regained consciousness, my legs and hands were tied to the bed. I was transferred to the Ofer military detention camp and held there for two days; my hands and feet tied, blindfolded, and deprived of both food and water. Afterwards, I was placed in a hangar for military vehicles. My wound was still bleeding and it took four days before a doctor came to change the bandages; he did not even examine or clean the wound. Later on, my wound opened once again and it took ten days before they replaced the staples. I was given no other medication except for painkillers, no special food, no milk and no warm meals. I slept on a wooden board with no mattress and only two blankets. At that time of the year, the weather was rainy and extremely cold and my wound was making me suffer. I was held for 27 days at Ofer with no change of clothes from the time I had arrived at the hospital and was not permitted to shower or clean my wound.

After 19 days of detention at Ofer, I was told I would be released. I was called in for interrogation for two days. During the interrogation, they systematically hit my wound, which became painful and opened once again. They stapled it again. They tried to get information out of me regarding the circumstances in which two Israeli soldiers died at the beginning of the Intifada. At that point in time, I had been serving at Jericho. They put me under pressure once again by hitting my wound to get me to cooperate. After 48 hours of interrogation, they brought me back to the hangar. Eight days later, I was released. I was taken to the Ram district at 12pm. I arrived at the Qalandya checkpoint, which had been informed that I was coming. They kept me there until 2am the following morning. Finally, I arrived in Ramallah, where I was cared for at the Ramallah Hospital."

Case 3: Hassan Tawfick Hasin Ruqba. Arrested 5 December 2002. Born 8 November 1965. Identification Card # 955542964. The NGO, Physicians for Human Rights, informed us that this prisoner, hospitalized twice, has been missing since December 2002. He was being interrogated at the time in the Petakh Tikva Interrogation Center

6. Detention Locations and Their Conditions

6.1) The Legal Instrument Providing for the Regulation of Detention in Israel

The final revision to the decree regarding Israeli prisoners dates back to 1971. None of the provisions in this decree define prisoners' rights. The decree sets forth a set of rules that are legally binding for the Minister of the Interior, but, in general, he promulgates his own rules by ordering his own administrative arrests. There is no provision whatsoever stipulating what the responsibilities of the authorities are to be, nor is there a clause guaranteeing minimum standards for the reception and stay of prisoners.

The arbitrary conditions of imprisonment are well understood and reinforced by three penitentiary systems that operate under the authority of three different administrations: the military authorities, the general penal administration, and security services (GSS or *Shabak*). Furthermore, the body responsible for monitoring the conditions of imprisonment in civil prisons, the "*Shabas*", plays a negligible role because it is limited to only those establishments that are not under the control of the army or special services.

In such conditions, it is impossible to ensure that there are no unofficial prison locations in existence. Ad hoc locations were created, in particular, during periods of massive arrest. In their search for arrested and missing individuals, HaMoked and other Israeli NGOs came across prison locations that were shut down as soon as their existence had been discovered. The Red Cross has not denied the veracity of these facts.

Throughout the course of our mission, we were able to compile the following list:

<u>List of Prisons, Detention and Interrogation Centers</u>	<u>Supervising Authority and Pertinent Remarks</u>
Ofer Military Camp (near Ramallah)	Military Administration (IDF) Tents and Hangars
Ketziot Military Camp or "Ansar 3" (in the Neguev Desert)	Military Administration (IDF) Tents
Megiddo	Military Administration (IDF) Tents and Cells
Nafha	Penal Authorities (IPS)

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Shatta	Idem
Telmond	Penal Authorities (IPS) Prison for Minors
Hadoriym	Penal Authorities (IPS)
Kfar Yuna	Idem 1 Lebanese prisoner
Neve Tritze (Ramleh)	Penal Authorities (IPS) Prison for Women
Askelan	Penal Authorities (IPS)
Ramleh (Hospital)	Idem
Ephraim (Detention Center)	Military Administration (IDF) Meeting Point and Transit Center for Prisoners. Police Station.
Etzion (Detention Center)	Idem
Al Majnouneh (Detention Center)	Idem
Beit El (Detention Center)	Idem
Muscobiyeh or "Russian Compound" (Interrogation Center)	Theoretically under police control³, but actually used by the Shabak for interrogation purposes
Askelan (Interrogation Center)	Idem
Petakh Tikya (Interrogation Center)	Idem
Al Jalame (Interrogation Center)	Idem
Huwwarah (Interrogation Center)	Idem

The prisons or detention camps with the highest populations of Palestinian prisoners are:

- Ketziot: 1,200, of which 1,000 are under administrative detention.
- Megiddo: 1,100
- Ofer: 600
- Nafha: 660
- Askelan: 600

Approximately 40% of Palestinian prisoners are held in the penal environment of civil prisons, of which there are 9 in total, including the Telmond Prison, partially used for minors, and the Ramleh Prison for Women. The majority of these prisoners are serving long sentences, including some life sentences. The remaining 60% are being held under Israeli military authority in military zones

³ A signed confession, in order to be used before a court, must be ruled on by the police. The Shabak, in practice, prepares the secret file which is used, in particular, in cases of administrative detention.

and Israeli territory, therefore in flagrant violation of the Geneva Convention regarding the detention of prisoners of war.

The Ofer and Ketziot camps, both under military authority, had been opened during the first Intifada and were closed for a short time after the Oslo talks began. They were then reopened in 2002 along with the Megiddo camp.

Detention (temporary) and interrogation centers, totaling 7, are located at the center or on the outskirts of Jewish colonies situated in the Gaza Strip or the West Bank. The conditions of detention are particularly inhumane and degrading in these centers.

6.2) General Conditions of Detention

The Addameer organization, in its 17 April 2003 press release, showed that the minimal standards for conditions of detention that the Palestinian prisoners were able to obtain following a long and bitter fight with Israeli authorities, in particular during the first Intifada, fell to pieces from the moment the second Intifada began in September 2000. Since then, the conditions of detention have deteriorated at unprecedented levels. Food is both insufficient and of poor quality; bathrooms are of a limited number given the overpopulation of prisoner camps; no change of clothes is provided; medical services, already inadequate in the penal system, are even more tragic for the Palestinians. These problems are even further aggravated by the fact that the prisoners are not permitted family visits given that the territories are closed off thereby rendering authorized visits impossible. Even when authorizations are given, the route to be taken by families looking to visit one of the prisons is a risky gamble, being that control points are unpredictable and the duration of the journey impossible to determine. On the date of our visit, the Red Cross had been unable to organize collective visits for the families, every attempt having been thwarted by the efforts of the Israeli authorities. The prisoners suffer from complete psychological confinement, used as a weapon to break their willpower and get them to "turn", that is to say to force them to cooperate.

6.3) Descriptions of a Few Prisoner Camps

The Ofer Detention Camp

It is located in Betounya, right at the western exit of the city of Ramallah in a closed military zone. The prisoners are separated into 10 sections and sheltered by tents. Every section contains 4 tents, each holding 25 to 30 prisoners.

The Ketziot Detention Camp

This camp is located in the Neguev Desert, in southern Israel. Three Israeli NGOs (ACRI, HaMoked and Adalah) were able to visit the camp after its opening on 28 April 2002; this was to be the one and only authorized visit. On 19 February 2003, there were 1,120 prisoners, 919 of which were being held under administrative detention. This camp is divided into four sections, each one containing four units. A unit holds 60 prisoners who are then split up into 3 tents. The tents are old and used with a surface area of 40 square meters, in other words 2 square meters per prisoner. They provide no form of protection against the sweltering summer sun or the bitter cold of winter. The ground is paved with asphalt which only adds to the intensity of the summer heat. Every prisoner is given a wooden box spring with slats, rising to only 10-15 cm above ground, and a thin mattress, 2-5cm thick and sized 160x60. Numerous insects, particularly scorpions, and reptiles run rampant in this desert region. There are only 3 makeshift bathroom facilities and 12 outdoor faucets for 60 people. The mixing of showers and toilets makes the air unbearable to breathe and creates hazardous sanitary conditions; some prisoners have contracted scabies and as a result, have been ostracized by the other prisoners.

In the appeal filed by 7 Palestinian prisoners from the Ketziot camp on 28 June 2002, with the support of 10 Israeli and Palestinian NGOs, it is clearly stated that the camp's command center provided: 6 bars of soap for 60 prisoners every 7 days, 1 sponge for 20 prisoners, 1 roll of toilet paper for 10 prisoners every 20 days, 1 tube of toothpaste for 10 prisoners every 20 days. Neither shampoo nor any other toiletry product for that matter was provided...

The camp's infrastructure is so run-down that the kitchen utensils, recovered along with the canvas tents from the time period between 1987 and 1992, are old and were dirty and rusty when the camp reopened its doors.

Improvements in the conditions of detention have been requested before the Israeli Supreme Court. This was the case for gaining electricity. Regarding the respect for international conventions and Israeli law concerning prisoners' conditions of detention, the Israeli Supreme Court rejected the appeal from 10 NGOs on 15 December 2002, concerning both the Ketziot and Ofer camps, while establishing a series of anomalies and passing on recommendations to the authorities⁴. In its decision regarding Ketziot, the Supreme Court noted that most of this camp's prisoners were being held under administrative detention and as such, under this title, they should not be treated more harshly than any other types of prisoners. The Court ruled that the prisoners must be treated humanely, in respect for their dignity and in accordance with the provisions of Israeli law and international conventions. It recognized that the conditions of camp Ketziot have not been in compliance with these provisions from the very beginning, but that efforts had been made since then to bring them up to par. The Supreme Court then went into detail regarding some of the conditions. It acknowledged the problem of the beds not being sufficiently raised from the ground and called for the sleeping arrangements to be *reasonably* improved. Furthermore, it not only requested that the armed forces reconsider the fact of sheltering prisoners through way of tents, but also that the sanitary system and meal logistics (dinner tables) be run through once again. Finally, the Court suggested that the task of managing prisoner camps be transferred over to the penal administration, being that it is more experienced in finding the proper balance between security needs and prison conditions.

In its 17 February 2003 edition, *Haaretz* indicated that the authorities were intending to raise the camp's capacity to 2,400 prisoners. The Israeli armed forces were planning to transform the tents into permanent structures for the prisoners and build a sport arena as well as a synagogue for the Israeli soldiers. However, for budgetary reasons, the Israeli government was forced to cut back on its plans for changes and improvement. In January, Prime Minister Ariel Sharon, backed by the Ministry of Finance and the Ministry of Public Security, refused, in not so many words, to transfer the responsibility of managing the prisoner camps from the military authority to the penal administration.

The Megiddo Camp

The Megiddo prison, while being located within the Israeli borders of 1967 (green line), is reserved exclusively for "security prisoners" and prisoners from Palestinian territories. It is different from the others in the sense that it combines permanent cells with canvas tents. The Israeli NGO, Physicians for Human Rights – Israel, specifically focused its studies on this prison through two visits in July and November 2001. The goal of these visits was to investigate the general conditions of detention and in particular, the medical treatment being provided to the prisoners. Certain plaintiffs had in fact presented the case before PHR. While the military authorities had promised them they would be able to visit all quarters within the prison, in particular those where the tents are located, in the end, they were not permitted to visit these areas. Based on interviews with the prisoners, they have reported that there are a total of 36 tents, each housing 16 to 18 prisoners. Regarding the matter of hygiene, PHR has stated that the electrical infrastructure and water drainage system within the prison, particularly in the tent sections, are suffering from aging and a lack of maintenance. Refuse build-up attracts rats and

⁴ See the summary of the Supreme Court's decision, dated 15 December 2002, in the annex.

vermin. PHR notes that⁵ since the beginning of the second Intifada, the prisoners have changed directions in their political origins, those being tied to the Hamas dropping from 75% to 45% and those having affiliations with the Fatah growing from 10% to 40% in total.

6.4) Imprisonment and Treatment of Women

These women, treated no differently than the men, are imprisoned in extremely harsh and inhumane conditions. Palestinian women are permanently exposed to poor treatment and humiliation; in addition to isolation and nude body searches, they are deprived of adequate medical treatment and outside visits. Several of them are mothers, quite often of very young children. It is particularly in the Al-Ramleh prison, where the bulk of the 66 imprisoned women⁶, adults and minors alike, are held, that the conditions of detention are especially poor. The cells hold 6 prisoners in an area of only 14 square meters. At times, political prisoners are placed in overcrowded settings with ordinary Israeli prisoners – convicted of murder, robbery, the use of narcotics, prostitution or other crimes – who insult and threaten them.

Testimony of Amneh Muna while under oath, recorded on 19 February 2003 by lawyers from the Al-Haq organization. Amneh Muna is the representative for Palestinian prisoners in the Al-Ramleh prison.

On 19 February, there were 57 prisoners, 9 of which were minors. Minors are generally incarcerated in pairs. According to Muna's testimony, "the prison administration tries to create hostilities between the prisoners; the food is insufficient and of poor quality, made from poorly-prepared dried ingredients; reading is limited due to a lack of books and newspapers, and especially so since none of the newspapers are in Arabic; nude body searches frequently take place; there is no hot water..."

She adds: "On the day of the Muslim holiday, Ait El Kebir (11 February), the prisoners insistently demanded that their supervisors provide them with hot water and the following day, six of them were placed in solitary confinement with no change of clothes as a form of punishment; some of them were severely beaten..."

Based on the testimony of Amneh Munah, as reported by Al-Haq (regarding the cases of Asma' Dakl Allah, Suheir Jaber and Asma Saleh), and that recorded by the NGO, Addameer, particularly concerning the cases of Abla Sa'adat as well as two other women, Iman Abu Farra and Fatma Zayed, arrested on 21 January 2003 at the border crossing into Jordan, the Israeli authorities are increasingly arresting the wives of Palestinian activists and placing them under administrative imprisonment as a means of exerting pressure on their husbands.

The Case of Abla Sa'adat, as reported by Addameer.

A lawyer was appointed to the defense of Abla Sa'adat and Iman Abu Farah and sent to meet them at the prison where they were being held, Beit El, beginning on 26 January. Abla Sa'adat was arrested on 21 January in Karamah at the border crossing. She was supposed to go to the World Social Forum in Porto Alegre. After being interrogated by security services (GSS), she was placed under arrest at the military center in Beit El. She is the wife of the Secretary General of the Palestinian Liberation Front (FPLP), Ahmad Sa'adat, undergoing incarceration in the Jericho prison, under Anglo-American surveillance, since January 2002. On the morning after her arrest, on 22 January, Abla Sa'adat, the mother of four, was ordered to be placed under administrative detention⁷ for a period of four months. This was also to be the fate of two other women, both theology students at Al Qods University.

⁵ From its publication, "In Hostile Hands, Palestinian Prisoners at Megiddo Compound." December 2001.

⁶ Figure as of 8 April 2003. Source: Addameer.

⁷ This order was later to be confirmed by the "Justice" department.

These two prisoners, upon meeting with the lawyer, denounced the system and conditions of detention at the Beit El center, stating that it is completely ill adapted to holding both sexes (there is no male/female separation in common quarters, particularly a problem in the bathroom facilities). They initiated a hunger strike, which was to last 8 days, before being transferred to the Al-Ramleh prison.

On 4 February, the lawyer met with them once again, this time at the Al-Ramleh prison, where he was surprised to discover that these prisoners were being held in the section for ordinary Israeli convicts. They were finally transferred that same day to the section for Palestinian political prisoners.

6.5) *Imprisonment and Treatment of Minors*

Minors represent a sector of the population that is particularly targeted by Israeli military authorities during arrests because they are at the front line of the Intifada movement, either throwing stones or flaming tires at Israeli soldiers or simply refusing to bend to their orders. In February 2003, approximately 325 minors were counted in Israeli prisons. The Israeli military authority charged with the occupation has declared any person over the age of 16 to have adult status, contrary to the UN Convention for the Rights of Children, ratified by Israel, and its own national law which defines minors as being under the age of 18.

The Israeli authorities arrest and imprison children as young as 12 years old. According to the organizations we met with, we learned that the youngest of prisoners being held under prolonged detention is 14 years old⁸. They are exposed to the same conditions of interrogation and imprisonment as their elders, which indicate, in fact, that they face even harsher conditions such as physical and moral violence, separation from their families, and humiliation, which have an even more profound impact on adolescents and minors. Furthermore, they represent more malleable subjects, i.e. more likely to cooperate in the future with the Israeli army.

Detention Centers for Minors

Telmond is the only prison offering a section for minors. It carries the name "SHARON." It currently holds 65 to 70 minors between the ages of 14 and 18. The Ofer military camp also has a section for minors, holding 40 of them. However, minors sentenced to administrative detention are transferred to Ketziot or Megiddo, two camps under military administration with no separation of adults and minors. Females are held at Al-Ramleh.

The Case of the Telmond prison. (Based on testimonies received under oath at the end of January 2003 by lawyers from the Palestinian NGO, LAW).

According to the lawyers, "each cell has two beds, but a third prisoner sleeps on a mattress placed directly on the ground; there are no doors or windows (the openings to the 15 cells are sealed with steel plates); some of the cells have water leaks which make them extremely damp and attract cockroaches; the children often exchange their clothes with one another because the penal authorities do not adequately provide them with a change of clothes, thus increasing the risk of diseases and viruses being spread; since December 2002, the prison guards have instituted monetary fines for any child who is disobedient or late when called; the fine amounts to 200 or 250 NIS (New Israeli Shekel), i.e. approximately 50 euros, but can even equal the amount of money that is given to them by the Palestinian Authority as victims of repression; they can buy drinks or groceries but the cost is five times that on the market (for example, a bottle of Coca-Cola is sold for 10 NIS while its price is only 2 NIS in an outside grocery store)."

⁸ This information was confirmed by the International Committee of the Red Cross.

When requests for better conditions are made, then some guards initiate well-targeted retaliations by confiscating prayer objects or destroying books from the Koran.

Medical follow-up care is just as negligent for minors as it is for adults. We will come back to this later on in another paragraph.

Some of the minors being held at the Telmond prison are serving extremely long sentences, i.e. between 20 and 25 years.

The Case of Prisoner M (based on a report from the ONG, Addameer, the prisoner asked to remain anonymous)

M. is a young Palestinian girl, age 16, who was arrested on her way to school on 13 June 2002 at 8am. She was brought to the Ein Etzion military base, kept out in the sun with her hands tied without water or food until 2pm. She was then transferred to the Etzion police station and later interrogated by only one police officer.

At 2:30pm, he offered her some food, but she refused out of fear. She was then later forced to sign a form declaring that she had refused to accept the food. Scared and well aware of the treatment suffered by individuals under arrest, she signed a verbal statement given in Hebrew attesting to her guilt. The following day, she was transferred to the Ramleh prison for women.

On 20 June, M. was brought before a judge. Her prison sentence was prolonged by 5 additional days, during which time her lawyer was able to meet with her. On 25 June, she was supposed to go before a second judge, but the police decided not to drive her to the hearing of the military court. The lawyer immediately responded to this irregularity in procedure and on the phone, the police accepted to release her. Arrangements were made with the ICRC for her release and safekeeping from the time she leaves the prison to her arrival at the checkpoint to the entrance to Palestinian territories. However, the following morning, instead of being released, she was brought before the judge once again, who then prolonged her detention even further. During the course of the two hearings, in both instances, the lawyer kept uninformed in advance of their meeting, her charges were read and it was decided that she would be kept in detention until the end of the trial.

Other hearings took place on 11 August, 22 September and 13 October, and on all three occasions, her lawyer was not informed in time or too late for him to be available. The military prosecutor asked for M. to be sentenced to 3 years in prison.

6.6) Health and Medical Care in the Prison Environment

The bulk of the research and studies carried out regarding this issue were provided by the Israeli NGO, *Physicians for Human Rights - Israel* (PHR), based in Tel Aviv. PHR manages numerous observation programs regarding health care in the prison environment, on a general level, but also handles more specialized programs concerning the health of the Palestinian people in the occupied territories as well as the conditions of detention for Palestinians prisoners in Israel. While the PHR has quality access to the prisons under the supervision of the penal administration (IPS) in order to carry out its observations, this is not the case for the detention camps and interrogation or transit centers for Palestinian prisoners under military or police authority; the one and only authorization given to them was for the Megiddo camp (see paragraph describing the camp), but it came along with a list of conditions limiting their access. The complete report on their study is available⁹. It cites numerous violations of the international conventions ratified by Israel as well as all the national laws protecting the rights of prisoners.

⁹ *In Hostile Hands: Palestinian Prisoners at Megiddo Compound*. December 2001. **PHR, Physicians for Human Rights – Israel**. <http://www.phr-il.org>

PHR has highlighted the following points:

- The incompatibility of medical practices in the detention and interrogation camps, even though practitioners are employed by Israeli armed forces. The doctors, some of which have even confessed, are exposed to pressures and interests which go against the health and well-being of their patients. Regarding the medical surveillance of torture cases, which we will address in the following chapter, the doctors involved are in flagrant breach of the medical code of ethics. On 27 July 1999, the attorney general for the State of Israel, Edna Arbel, thus recommended, as did his predecessor, Dorit Beinisch, that medical service in the prison environment be independent¹⁰.
- Medical follow-up care for prisoners wounded or suffering from ills requiring the attention of specialists, is faulty either due to negligence or spite; the prisoners having met with a specialist are not informed of the treatment being prescribed to them. Furthermore, medications are not distributed directly to the patients involved, but instead delegated to the prisoners representative (*Shawish*), who is then responsible for distributing them, at risk of not only distributing them improperly, but also incapable of providing explanations for treatment.
- Prisoners are not examined in privacy, as required by the medical code of ethics.
- Health care that is particularly neglected by the military authorities includes: dental care, ENT, neurological care, rheumatology, and treatment for viral illnesses.
- Mental health is particularly prone to neglect and is known for being so. However, it is just as vital as physical integrity because its deterioration inevitably leads to a decline in physical health and severe motor troubles. In response to the question asked by PHR to Israeli army officials regarding this subject, they replied that they were perfectly aware of the inherent consequences of mental health problems, but the civil penal administration was unable to take care of all those prisoners whose condition requires either hospitalization or permanent monitoring.
- Violence among the prisoners, particularly widespread, is also poorly monitored. The prison and camp's command center is directly responsible when acts of violence, particularly of sexual abuse, are committed against vulnerable sectors of the population, such as minors placed in and among adults.
- Finally, while this is merely a repetition of what we have already stated on several instances, PHR finds it intolerable that the prisoners, including those being held under the administrative regime, are absolutely not permitted to receive visits from their families. What is more, it is impossible for them to get in touch with their families by telephone. It is for this reason that prisoners at the Ketziot, Ofer and Megiddo camps, who had managed to get their hands on cell phones, launched rebellions at the end of 2002 when the camp authorities at Ofer and Ketziot confiscated them. Both PHR and the CICR have confirmed for us that the prisoner guards at these camps would prefer that family visits received authorization so as to avoid these kinds of tensions. The military authorities instead preferred to install GSM wave jammers within the camps.

On a more general level, PHR observed that the treatment of Israeli and Palestinian prisoners is unequal in Israel, quite obviously tipping in favor of the Israelis. Furthermore, due to the inability of civil doctors and NGOs to gain access to the military camps and prisons, it is extremely difficult to obtain information, medical reports or any other proof of poor treatment or torture. All actions are taken to ensure that civil society observers are kept away from the military prisons and the Palestinian prisoners.

Testimony of Dr. Albert Shamon, as reported by PHR.

¹⁰ The Israeli Supreme Court, as seen earlier, goes even further and recommends that the responsibility of managing the prisoner camps be transferred over to the civil penal administration.

Dr. Shamon is the director of the Megiddo prison medical clinic. He met with PHR in July and November 2001. He officially complained of being severely restricted of his freedom to contact services outside the prison in order to meet the medical needs of the prisoners, whether it was to consult with the doctor treating follow-up patients or specialists. He clarified that every time he needs to consult with someone outside of the prison environment, this requires acquiring authorization from security services (GSS). He noted that the situation in which a doctor works in a military prison is incompatible with the standards of medicine that he would like to practice because he is accountable for his actions under the military authority, which holds him back in this respect. He suggested that a civil doctor systematically work in collaboration with a military doctor in the prisons. The military doctor is completely absorbed by the military system and the prisoners see him as nothing more than a soldier and definitely not as a doctor. In order to break down this barrier of distrust, the doctor must be placed under the supervision of the Ministry of Health, follow professional ethics and wear a white jacket, not a uniform.

Cases reported by the NGO, LAW, on 30 January 2003 regarding the section for minors in the Telmond prison.

The Case of Mohanan Juhihan (age 17). Sentenced to 25 years in prison. Waited 4 days before being transferred to a hospital to receive care for his fractured leg. Over the course of these 4 days, he was given painkillers.

The Case of Mohammad Al Madani: Suffered a bullet wound to his leg, for which he received no physical therapy.

The Case of Hubai Odeh and Mustapha Tantaoui: both suffering from stomach ulcers; no medication was provided.

The Case of Anas Brakay: Awaiting a verdict. Witnessed first hand his brother and cousin being murdered by the Israeli army. His mother died shortly thereafter. He is currently suffering from serious psychological problems for which he has received no medical follow-up care.

6.7) The ICRC: Its Access to the Prisons and Role Among the Prisoners

The International Committee of the Red Cross (ICRC) is present in both Israel as well as the occupied territories. The mission met with the Israeli delegation, but was unable to meet the group working in the Gaza Strip. Nevertheless, the Palestinian prisoners make up the large majority of prisoners in Israel itself, in breach of the Geneva Convention. Furthermore, it is the ICRC office based in Israel that, for the most part, ensures the mission it is traditionally competent for.

The ICRC informed us that the military authorities provided the list of individuals arrested over the course of interrogation; their lawyers were not allowed to be present in the military police stations due to applicable legislation¹¹.

However, the mission's team came across a contradiction here lying in the fact that the Red Cross was to have been informed of the arrests within a useful period of time as well as of the prison locations. Furthermore, the NGO, HaMoked was to be the organization that all of the families could go to so as to receive new information regarding their loved ones¹².

The ICRC has attested to not having access to all of the prison locations. It has also confirmed the poor conditions of detention as described by the Israeli and Palestinian NGOs.

¹¹ See Item 4 regarding this matter.

¹² See Item 5.1 concerning this subject.

On several instances, the ICRC has tried to organize it so that families can visit their loved ones being held in Israeli prisons, as within their rights. However, each time, it has faced opposition coming from ill-will on the part of the Israeli army. The transfer of families from the West Bank or the Gaza Strip to Israel, by way of buses specially chartered by the ICRC, is a battle that is lost practically before it even begins. The next attempt was to have occurred on 15 March 2003, following the last accords negotiated with the State of Israel. Once again, it so happened that this initiative was to go under.

6.8) The Freedom of NGOs to Act

We have already indicated earlier that Israeli NGOs do not have access to the prisons and military detention camps no matter what form of assistance they are seeking to provide, even if it is of a medical nature.

The NGO, *Physicians for Human Rights - Israel*, attests to the fact that the authorities do all within their power to turn away and discourage non-governmental organizations from carrying out their action programs to aid prisoners or, generally speaking, any program for that matter that concerns problems related to the occupied Palestinian territories. *The Public Committee against Torture* has confirmed for us that several Israeli NGOs have joined forces to counteract a draft law as well as other motions introduced in June 2002, whose primary goal is to prohibit any foreign donations from being given to NGOs. These proposals would have extremely serious consequences on the ability of NGOs to act in the field of human rights, because without this access to financing coming from abroad, their programs would be seriously compromised.

Moreover, the Israeli authorities have, increasingly often, recourse to obstructing passage to their territory so as to limit a foreign presence seeking to aid Palestinians. What is more, this direction being taken by Israeli policies has recently shown itself to be increasingly repressive. The Israeli authorities have begun arresting several human rights defenders in the occupied Palestinian territories (e.g. members of the *International Solidarity Movement - ISM*) and have imposed new restrictive measures limiting the movement of foreigners between Israel and the Palestinian territories¹³. An American citizen and activist in this organization, Rachel Corrie, was killed a few months ago during the demolition of a house by a bulldozer. Another activist, Tom Hurndall, a British citizen, was aimed at by an Israeli sniper on 10 May and declared dead due to clinical causes. Miranda Sissons, a researcher at the NGO, *Human Rights Watch* (HRW), was put into detention. That same day, several delegates from *Amnesty International* were refused access to the Gaza Strip. The Israeli authorities are now forcing foreigners that are non-members of official bodies to sign a discharge waiving the responsibility of the Israeli army in the event that they are killed or wounded.

7. Access to an Attorney and Trial Proceedings

Concerning the access to an attorney, it should be noted that:

- Non-Israeli Palestinian lawyers cannot plead cases before the Israeli military courts.
- All lawyers, whether Israeli or not, are subject to travel limitations imposed by army checkpoints; as a result, it is not uncommon that they are unable to gain access to a prisoner camp or arrive after the hearing...
- Meetings between the lawyers and their clients are not confidential.
- There is no public attorney system being paid for by the community.
- Few prisoners have viable access to an attorney.
- There is a huge disparity that exists between the number of people needing defense representation and the number of attorneys available to meet the demand. We have

¹³ See the complete press release from the Observatory for the Protection of Human Rights Defenders in the annex.

observed that with the exception of a few individuals, the Israeli bar is completely disinterested in the fate of Palestinians being tried as well as those trials carried out before the military Court of Justice.

Regarding trial proceedings, we must, first of all, examine the path that has been chosen.

If a person is called to appear before the military Court of Justice, the proceedings that follow are in accordance, both along general lines and formally, with the principles of a fair trial. However, all of our contacts have insisted that, in essence, it is more about purely formal respect for the rights of the defense than a true open debate between two equally armed opposition forces. The systematic credit given to the declarations of the armed forces, the permanent refusal to recognize poor treatment or torture (which as we know furthermore are, to a certain extent, legal), the constant use of declarations from penitents or collaborations (paid at least \$1,000 per month) make proceedings for the defense difficult. Finally, the sentences pronounced are extremely harsh (three years of prison for throwing stones...) and discharges excessively rare.

If decided by the Israeli army, an arrested individual can very well go without a trial and simply be placed into administrative detention. To this end, the person in question is presented before a military judge who is only knowledgeable of evidence provided by the prosecution and can decide the indefinite renewal, every six months, of the administrative detention. The attorney is not made aware of the evidence, but only given the summary that is deemed necessary by the judge. Still, it should be noted that the judge himself only has access to the file put together by the prosecution and not the individual pieces of evidence. In such conditions, putting together any sort of defense borders on the absurd.

It follows from this that thousands of administrative detentions loom over prisoners as a permanent threat and are used as a means of pressure to get them to cooperate.

8. Poor Treatments, Torture and Psychological Pressure

Before examining the concrete situation, we need to take a look at the legal state of matters regarding these issues. The State of Israel ratified, in 1991, the international convention against torture as well as the pact related to civil and political rights. Israel stipulated reservations to this Convention notably to article 4 and 9. Israeli laws also prohibit the use of torture, in particular section 277 of the Israeli Penal Law.

Yet, while that is the case, the Israeli government had adopted, in 1987, the conclusions of the LANDAU commission, which authorized secret services to use certain forms of torture for security reasons.

The application of torture was somewhat subject to medical surveillance and a written protocol drafted by interrogators.

Presented with this question, the Israeli Supreme Court approved, through a ruling in 1991, these methods. This ruling remained in force until 1999. Through a ruling passed on 6 September 1999 (the full text can be found in the annex), the Israeli Supreme Court partially returned to its previous ruling.

It considered those methods – which it does not name “torture” - that could be and were applied almost systematically in certain cases as violations of the principles of the State of Israel.

However, it did authorize the recourse to such methods, on the basis of legitimate defense, in the event of imminent and particularly serious danger. Therefore, it is up to those persons having used these methods to justify their reasons for doing so.

This ruling represents a step in the right direction compared to the previous situation because henceforth, torture could no longer be applied a priori and the perpetrators of acts of torture had to justify their actions. Nevertheless, the Supreme Court still authorizes the use of torture.

This ruling did not bring a real stop to the practice of torture, which started again with the second Intifada. Called upon on two different occasions by the Public Committee against Torture in Israel (PCATI), Ms. Talia Sason, the director of special operations to the Attorney General for the State of Israel, justified the use of torture for both Mr. Iaad and Mr. Shuman due to investigative necessity, incurred risks and emergency purposes. These two letters, which date from 21 February and 4 March 2002 respectively, make explicit reference to the aforementioned decision by the Supreme Court (see annex).

It is therefore legal to torture, under certain conditions, in Israel.

Some of the methods used have been reported to us. These methods of interrogation and torture are perfectly codified and their implementation is scrupulously monitored and documented by Israeli officers and investigators. The most frequently used forms of torture¹⁴ are:

- ◆ Tying up the prisoner in painful positions for hours or days until a confession is obtained (see the illustrated sketches in the annex);
- ◆ Placing the prisoner in solitary confinement;
- ◆ Locking him up in tiny alcoves;
- ◆ Beatings;
- ◆ Violent jolts to the body;
- ◆ Sleep and food deprivation;
- ◆ Exposure to the cold and heat;
- ◆ Injuries, sexual aggression and psychological pressure;
- ◆ Direct threats made against the prisoner or his family;
- ◆ Lack of hygiene and adequate clothing.

It is in this legal context that all of our contacts indicated not having been informed of individuals having died from torture or hospitalized for this reason during their detention since the start of the second Intifada.

However, there is at least one case of a person having died during his arrest. This deals with the case of Mr. Hosni Ali Ahmed Amer who was arrested on 7 April 2002 in the Jenin refugee camp by Israeli armed forces. Despite requests for information and declared visits starting on 23 April by the UNRWA bureau (UN), all of which were in vain, the Palestinian authority was to be officially informed of Hosni Amer's death on 1 June 2002. In actuality, the body was brought on 8 April to the Abu Kabir center in Tel Aviv by the Israeli military police. An autopsy on the body, carried out by Dr. Bertilon Levi, revealed that his death was caused by traumatic shock to the body following blows to the head, stomach, hips and right limbs. The special rapporteur against torture for the UN was presented with the case in August 2002 by the Al Haq organization. The complete file can be found in the annex.

¹⁴ Regarding this subject, read "*Racism, Violence and Humiliation: Findings, conclusions and recommendations of the Public Committee Against Torture in Israel concerning the behavior of the Security Forces toward persons detained during the events of September-October 2000*", published by the PCATI, or even "*Routine Torture: Interrogation methods of the General Security Service*", published by B'tselem.

9. Impunity for Israeli Forces

It was impossible to obtain from the Israeli authorities the slightest piece of evidence concerning eventual trials to take place, and initiated by them, against members of the armed forces. No figures were given to us and if we refer to the public declarations made by the spokesperson for the Israeli armed forces, we must make due with an affirmation based on the principle that the faults committed are sanctioned either disciplinarily or penally.

The few claims that could be filed by the victims or at the initiative of Palestinian and Israeli NGOs are in the process of being examined and are taking an outrageous amount of time.

However, the Israeli government did have a law adopted that drastically limits the possibility of being compensated for cases concerning wrongs committed on the part of the armed forces. The provisions of this law are:

- In order to be admissible, recourse must be taken, within 60 days of the occurrence, before the Minister of the Defense, who then has no deadline for responding to this request.
- In the instance that there is no response or the request is denied, judicial recourse must be taken within two years of the occurrence.
- It is up to the plaintiff to provide evidence for the wrong committed and if the damaging act occurred during military action, no compensation is possible.

The provisions, as was the practice spoken of earlier, ended up giving Israeli armed forces virtually complete impunity. This situation has been firmly denounced by Israeli NGOs.

10) Conclusions

Beforehand, the signatories of this report did not ignore the fact that here they were addressing just one of the aspects of a general situation for which a solution cannot be found outside of respect for the resolutions of the UN unless it gives the State of Israel the right to exist and the Palestinian people the right to form their own State in accordance with the said resolutions. Nor did they ignore that the facts that were brought to their attention are occurring in the context of a military occupation that has persisted for nearly 40 years now.

At the same time, they recognized that they could not wait for the conflict to come to an end to see human rights be respected. We cannot pull out of this conflict as long as violations of the most fundamental rights continue to be authorized, in any way, shape, or form, with impunity.

The signatories of this report insist that attacks committed against Israeli civilians as acts of war for which Palestinian civilians are victimized or which lead to extra-judicial executions constitute crimes of war. There is no justification for them and no one should use them as a justification for other attacks on the rights of individuals. There is no reason, not even for security purposes, that should lead to the legitimization of collective punishment, torture and extra-judicial executions. The respect for human rights, for which prescriptions concerning humanitarian law are an integral part, is mandatory for all in all circumstances.

The mission's team noted that:

- The Israeli authorities refused to cooperate with them and generally speaking, are limiting their cooperation with all NGOs, whose activities are being restricted.
- The Israeli authorities, throughout the course of 2002, have engaged in massive arrests.
- Allegations of poor treatment and torture during such arrests are perfectly legitimate and are a result of the general behavior of those forces under the authority of the Israeli order. Based on the information we have received, it appears that these occurrences have taken place in the midst of a due impunity that is safeguarded by the Israeli government.

- The trial proceedings that are currently in practice, particularly the fact that a person is not permitted to see a lawyer within a maximum of 32 days, does not allow the defense to exercise its rights.
- The administrative detention regime violates all of the general principles of law.
- The rights of defense cannot be fully exercised not only because of the legislation and other practices currently used within the Military Courts, but also due to restrictions on freedom of movement preventing the lawyers from having access to their clients.
- The Israeli authorities abuse, in accordance with internal legality, torture and poor treatment against detainees, in violation of the international conventions signed and ratified by the State of Israel.
- The Israeli authorities have recourse to imprisonment for minors under the age of 18, and sometime under the age of 16, and place minors above the age of 16 on the same trial conditions as they do for adults. Furthermore, they establish a form of discrimination in favor of their own nationals who are not considered adults under the age of 18.
- The material conditions of imprisonment do not respect the minimum internationally recognized standards on all levels: overcrowding, protection against the rain, heat and cold, food standards, the right to health, family visits, etc.

For these reasons, the mission recognizes that the State of Israel, while having ratified these conventions, is in flagrant violation of them as well as other international texts adopted by the UN General Assembly regarding the treatment of arrested individuals and prisoners, cited below:

- ◆The Universal Human Rights Declaration, particularly those articles prohibiting any form of discrimination (articles 1,2 and 7), all forms of torture and other abuses (article 5) and which protect the rights of detainees and prisoners (articles 9,10 and 11);
- ◆The Fourth (4th) Geneva Convention;
- ◆The International Covenant on Civil and Political Rights, particularly those articles regarding discrimination (articles 2.1, 4.6, 26 and 27), the prohibition of torture and other forms of abuses (article 7) and the rights of detainees and prisoners (article 9, 10, 14);
- ◆The Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;
- ◆The Convention on the Rights of the Child, particularly those articles concerning the prohibition of discrimination (article 2), torture and other forms of abuses (article 19), and the rights of detained or imprisoned minors (article 40);
- ◆The Body of principles for the protection of all Persons Under any Form of Detention or Imprisonment;
- ◆The Standard Minimum Rules for the Treatment of Prisoners;
- ◆The Standard Minimum Rules for the Administration of Juvenile Justice;
- ◆The Basic Principles for the Treatment of Prisoners;
- ◆The United Nations Rules for the Protection of Juveniles deprived of their Liberty;
- ◆The Basic Principles on the Role of Lawyers.

11. Recommendations

The mission's team recommends that the Israel government:

- Provide free access to prison sites, facilitate the free movement of Israeli, Palestinian and international NGOs and cooperate with them.
- Fully apply the 4th Geneva Convention.
- Put an end to the judgment of those individuals not guilty of any crimes of war.
- Do away with the said procedure of administrative detention.
- Do away with military courts.
- Allow the defense to exercise its rights, which implies free access of the lawyer to detainees from the time of their arrest and their presentation before a civil judge as well as a lawyer's free movement whether he be Palestinian or Israeli.

- Ensure that the minimum standards of detention are respected regarding the matters of food, health care, the size of prison locations, protection from weather conditions and visits from family and loved ones.
- Guarantee the provisions for detained or imprisoned minors as set forth by the Convention for the Rights of Children and UN standardized regulations regarding the administration of justice and conditions of detention for juveniles.
- Immediately put a stop to all forms of ill treatment and torture both during arrest and imprisonment as well as adopt legislation regarding this matter.
- Pursue prosecution measures for the members of forces under the authority of the order who commit crimes and offenses, publicize those sanctions taken and compensate the victims suffering the consequences of acts of war.
- Forbid the intervention of settlers, no matter what title they may carry, in the context of maintaining order.
- Cease all extra-judicial executions.

The mission's team is requesting:

- That the committee for the prevention of torture puts these issues on the agenda and proceeds forward with the necessary field investigations.
- That the international community uses all necessary means so as to force the Israeli authorities to respect their international commitments.
- That the European Union, in particular, suspend the associative accord linking the Union and Israel in accordance with the European Parliament's resolution regarding this matter, until concrete steps are taken by the Israeli authorities, according to the international obligations of the State, in order to put an end to the use of arbitrary detention and torture

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13. Annexes

- i. Letter to Shaul Mofaz, Minister of Defence, requesting for a meeting, prior to the mission**
- ii. Letter to Ariel Sharon, Prime Minister, raising questions after the mission**
- iii. Emergency Human Rights Hotline Statistical Summary in 2002 from HaMoked**
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Letter to Shaul Mofaz, Minister of Defence, requesting for a meeting, prior to the mission

Mr. Shaul Mofaz
Defence Minister
Israel

Paris, 10 February 2003

Re: FIDH delegation to Israel

The International Federation for Human Rights (FIDH) is monitoring and following up the situation of human rights in Israel and the Occupied Palestinian Territories along with its Israeli and Palestinian member organisations.

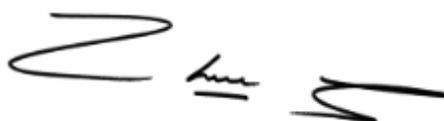
Alerted by the increase of the number of Palestinians being detained in Israeli prison facilities since March 2002, the FIDH has decided to undertake an international investigative mission on the legal situation of Palestinian detainees in Israel and in the OPTs and on their conditions of detention.

The FIDH delegation will visit Israel and the OPTs from 17 to 23 February 2003. It will be composed of Mr. Michel Tubiana, lawyer, President of the French League for Human Rights and Vice-President of the FIDH and Mr. Philippe Kalfayan, Deputy Secretary General of the FIDH. They will meet with Israeli and Palestinian human rights organisations and lawyers involved in the defence of prisoners.

The FIDH is honoured to request from you a meeting with the FIDH delegation in order to expose your views on the situation of Palestinian detainees. The FIDH would also be grateful to getting the authorisation to visit detainees in the camps of Ketzyot (Ansar III) (on 18th February) and of Ofer (on 20th, 21st or 22nd February), where many of the Palestinian prisoners are being held.

We thank you for the consideration you will give to this request and remain at your disposal, should you need any additional information.

Yours respectfully,



Sidiki Kaba
Président

Letter to Ariel Sharon, Prime Minister, raising questions after the mission

M. Ariel Sharon
Premier ministre
Israël

CC : *M. Elyakim Rubinstein*
Attorney General

M. Meir Sheetrit
Ministre de la Justice

Par télécopie

Paris, le 10 mars 2003

Monsieur le Premier ministre,

La Fédération internationale des ligues des droits de l'Homme a diligenté une mission d'enquête sur la situation des prisonniers palestiniens. Cette mission s'est déroulée du 17 au 22 février 2003 et a été assurée par M Philippe KALFAYAN et M Michel TUBIANA. Nous regrettons que les autorités israéliennes n'aient pas donné suite demande d'entretien que nous avons formulée le 10 février 2003. Nous regrettons, tout autant, que ces mêmes autorités aient opposé un refus à la demande de visite des camps de OFER et KETSIOT.

Dans l'impossibilité de recueillir de vive voix l'avis et la position des autorités israéliennes, nous sommes amenés à vous demander de bien vouloir préciser certains points par écrit.

Voici les questions que nous souhaitons vous poser.

- 1) Les autorités israéliennes estiment-elles que les dispositions de la 4^{ème} convention de Genève sont applicables aux territoires occupés, en totalité ou partiellement ? Préciser les raisons de votre réponse, qu'elle soit négative ou positive ?
- 2) Considérez vous que les prisonniers palestiniens détenus par les autorités israéliennes sont des prisonniers de guerre au sens de la 4^{ème} convention de Genève qu'ils soient ou non membres des forces de sécurité palestiniennes ?
- 3) Si les prisonniers palestiniens sont des prisonniers de guerre comment expliquez vous que certains soient jugés par des cours militaires israéliennes et/ou détenus en territoire israélien que ce soit en raison d'un jugement ou en raison de la détention administrative dont ils sont l'objet ?
- 4) Dans quel contexte légal, l'armée israélienne procède-t-elle aux arrestations qui ont eu lieu et qui se déroulent encore aujourd'hui quotidiennement ?
- 5) Confirmez vous ou infirmez vous que plusieurs prisonniers ont été, au moment de leur arrestation, victimes de mauvais traitements et de brutalités au point, dans un cas au moins, d'entraîner la mort (citer le cas avec le lieu et la date)
- 6) Pouvez vous nous dire si, de manière générale, et depuis le début de la seconde INTIFADA, des poursuites ont été exercées à l'encontre de membres des forces armées israéliennes, à raison de mauvais traitements, vols, meurtres ou homicides involontaires ? Dans l'affirmative pouvez vous nous indiquer le nombre de ces poursuites, la nature de celles-ci et les sanctions qui ont pu être prononcées ? Ont-elles entraîné le paiement de réparations au profit des victimes ?

Palestinian Detainees in Israel : inhuman conditions of detention

7) Confirmez vous que les prisonniers palestiniens peuvent rester sans contact avec leur avocat durant un délai pouvant aller jusqu'à 90 jours ?

8) Confirmez vous que les avocats palestiniens, qui ne résident pas à Jérusalem Est, peuvent être empêchés de voir leur client ou de l'assister devant le Tribunal en raison des restrictions de circulation imposées par l'armée israélienne

9) Confirmez vous que les familles de ces prisonniers, en particulier ceux arrêtés depuis mars 2002, ne peuvent leur rendre visite ? Si tel est le cas, quelles mesures entendez vous prendre pour permettre aux familles de voir ces détenus ?

10) Pourquoi vous opposez vous à ce que les ONG internationales ou israéliennes visitent les centres de détention où sont détenus les prisonniers palestiniens ?

11) Considérez vous que les conditions de détention actuelles des prisonniers palestiniens sont conformes aux standards internationaux en la matière ? Quelles améliorations éventuelles avez-vous l'intention d'y apporter ?

12) Quel est le régime légal des réparations aux victimes d'actes illégaux, volontaires ou involontaires, de l'armée israélienne ?

Le rapport de nos chargés de mission devant être déposé début avril, nous vous serions infiniment reconnaissants de bien vouloir nous apporter les réponses à ces différentes questions, ce qui nous permettrait de tenir compte de la position de l'Etat d'Israël.

Je vous prie de croire, Monsieur le Premier ministre, en l'assurance de ma haute considération.



Sidiki KABA
Président

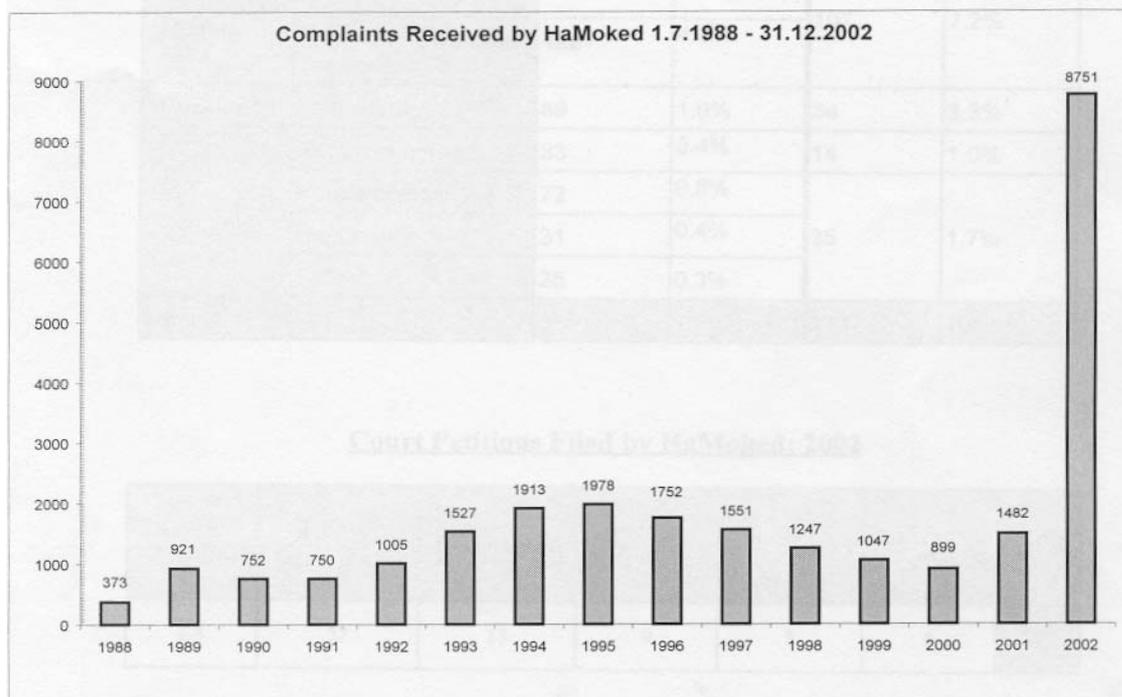
Palestinian Detainees en Israel : inhuman conditions of detention

Emergency Human Rights Hotline Statistical Summary in 2002 from HaMoked

Complaints Received by HaMoked: 1.1.2002- 31.12.2002

Subject	Return of corpses/other	Deportation and house demolitions	Jerusalem residency	Freedom of movement	Violence towards body and/or property	Detainee Rights	Total
2002	58	103	89	560	705	7236	8751
%change from 2001	+45%		+160%	+420%	+1280%	+470%	+490%

Complaints Received by HaMoked 1.7.1988 - 31.12.2002



Palestinian Detainees in Israel : inhuman conditions of detention

		2002		2001	
		Number of complaints	% of complaints	Number of complaints	% of complaints
Detainee Rights	Tracing	7078	80.9%	1207	81.4%
	Administrative detention	124	1.4%	38	2.6%
	Conditions of detention	34	0.4%	6	0.4%
Violence	Violence	212	2.4%	51	3.4%
	Damage to property	264	3.0%		
	Confiscation of ID cards	229	2.6%		
Freedom of Movement	To and from Occupied Territories	132	1.5%	107	7.2%
	Within the Occupied Territories	428	4.9%		
Residency	Jerusalem	89	1.0%	34	2.3%
Other	Return of corpses	33	0.4%	14	1.0%
	House demolitions	72	0.8%	25	1.7%
	Deportation	31	0.4%		
	Other	25	0.3%		
Total		8751	100.0%	1482	100.0%

Court Petitions Filed by HaMoked: 2002

Detainee Rights	House Demolitions	Deportation	Jerusalem Residency	Freedom of Movement	Violence to Body and/or Property	Total
63	37	13	9	5	8	135

Supreme Court decision on 15 December 2002 about the conditions of detention of Palestinian prisoners in Ketziot

PRESS RELEASE

28 June 2002

Seven Palestinian Detainees and Ten Human Rights Organizations Submit Petition to Supreme Court Protesting Detention Conditions in Ansar III.

Yesterday, seven Palestinian detainees and ten Palestinian and Israeli human rights organizations submitted a petition to the Supreme Court of Israel protesting the inhumane conditions faced by approximately 500 Palestinian detainees currently held in Ansar III Detention Center.

Arguing that the detention conditions in Ansar III violate the dignity of the detainees, the petitioners asked the Court to intervene and order the military commander of the center to immediately address and improve the conditions in the facility.

The petition was submitted by Adalah Staff Attorney Morad el-Sana. The ten Palestinian and Israeli human rights organizations named as petitioners are Adalah, Qanun (LAW): The Palestinian Society for the Protection of Law and the Environment, HaMoked: The Center for the Defense of the Individual, B'Tselem, Addameer, Al Haq, Women's Center for Legal Aid and Counselling (WCLAC), Nadi el-Asseer (Palestinian Prisoners' Club), the Public Committee Against Torture in Israel, and Physicians for Human Right - Israel. The petitioners named Yuni Ben David, Military Commander of Ansar III and Minister of Defense Benjamin Ben-Eliezer as respondents.

Affidavits from detainees obtained during visits by representatives of the human rights organizations indicate that conditions in Ansar III fail to meet minimum adequate standards for detention. Ansar III is situated in the Naqab (Negev) desert, which gets both exceedingly hot during the day and quite cold at night. Detainees are held in tents that are open on all four sides, affording them no protection from the elements, insects, scorpions, or reptiles. The tents are constructed from tarpaulins placed over metal frames, and floors are made of black asphalt. The tarps are old and worn, and many are torn. Detainees are not given proper beds; instead they sleep on wooden beds, constructed of slats, which are 10 to 15 centimeters from the ground. As a result, they are unable to obtain adequate sleep. Further, detainees

are not provided with sufficient amount of cold water necessary in the environment. Such conditions are particularly harsh for many detainees who suffer from ill-health such as high blood pressure and diabetes.

Detainees are also denied sufficient supplies and facilities necessary to maintain basic hygiene. They are allotted insufficient soap (6 bars of soap for 60 detainees for 7 days); sponges (1 sponge for 20 detainees); toilet paper (one roll for 10 detainees for 20 days); and toothpaste (1 tube for 10 detainees for 20 days). They are not given any shampoo or other bath items. They are not given any clothes, so they are unable to change clothes from those which they were wearing at the time of their arrest. Of particular concern is the lack of adequate toilet and shower facilities. There is one bathroom, which serves as a toilet and a shower, for every 20 detainees. There are no toilet seats, rather, there are open ditches constructed from concrete. The facility does not have proper water tanks for cleaning, and detainees must use a water tap for this purpose. In addition, they are not given enough cleaning supplies, and therefore are unable to maintain necessary cleanliness of the facilities. Further, some bathrooms do not have any lights, so using them at night is dangerous.

The petitioners argue that the respondents are violating the fundamental human rights of the detainees under both Israeli and international humanitarian law. The Israeli Basic Law: Human Dignity and Liberty (1992) upholds the right of all persons to dignity. Israeli Supreme Court case law clearly extends the right to dignity to those in detention. Notably in *Darweesh v. Prison Authority* (1980), Justice Haim Cohen stated that those sentenced to prison in Israel have the right "to be imprisoned in humanitarian, civilized conditions." Further, the detention of these individuals, all of whom are from the West Bank, in Israel is a violation of the Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (1949). Article 76 of this convention states that "[p]rotected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country." The petitioners call on the Israeli authorities to uphold their obligations under Israeli and international law.

Palestinian Detainees in Israel : inhuman conditions of detention

H.C. 5591/02, Hilal Yasseen, et. al. v. Yuni Ben David, Military Commander of Ansar III, et. al. (filed 27 June 2002)

(See also Adalah News Update, Adalah Files Pre-Petition in Opposition to Inhumane Treatment of Detainees in Ansar III Detention Center," 2 May 2002)

24 December 2002 Supreme Court Dismisses Petition Protesting Inhumane Detention Conditions at Ansar III

On 15 December 2002, the Supreme Court dismissed a petition submitted by seven Palestinian detainees and ten Palestinian and Israeli human rights organizations protesting the inhumane conditions faced by close to 1,000 Palestinian detainees held at the Ansar III ("Ketziot") Detention Center in the Naqab (Negev). While rejecting the petition, the Court nonetheless requested that the Israeli army improve certain conditions at Ansar III.

In the petition, submitted on 28 June 2002, Adalah Staff Attorney Morad el-Sana argued that conditions at Ansar III violate the fundamental human rights of the detainees under both Israeli and international humanitarian law. The ten human rights organizations named as petitioners included Adalah, LAW: The Palestinian Society for the Protection of Law and the Environment, HaMoked: The Center for the Defense of the Individual, B'Tselem, Addameer, Al Haq, Women's Center for Legal Aid and Counselling (WCLAC), Nadi el-Asseer (Palestinian Prisoners' Club), the Public Committee Against Torture in Israel, and Physicians for Human Right - Israel. The petitioners named Yuni Ben David, Military Commander of Ansar III and Minister of Defense Benjamin Ben-Eliezer as respondents.

In its judgment, the Court noted that many of the prisoners at Ansar III are administrative detainees, and as such, they should be held under detention conditions that are, at the very least, no worse than those afforded to other prisoners. The Court held that the detainees must be treated humanely, in recognition of their human dignity, according to the provisions of Israeli and international law. Conditions at the facility initially did not meet minimal standards, the Court ruled, but have since been upgraded to meet or exceed these requirements.

The Court noted problems with the height of the detainees' beds, and requested that reasonable sleeping conditions be provided. Further, the Court requested that the army re-examine the issues of housing the detainees in tents, their toilet facilities, and the provision of tables for eating. Finally,

the Court suggested transferring responsibility for the conditions at the prison from the army to the Prisons Authority, which is more experienced at balancing questions of security and prisoner needs.

On the same day, the Supreme Court also dismissed a petition challenging the inhumane detention conditions at the Ofer Detention Camp. An English summary of both Supreme Court judgments can be found on Adalah's web site. Go to www.adalah.org and click on "Occupied Territories Emergency Agenda."

SUMMARY OF THE JUDGMENT REGARDING THE DETENTION CONDITION IN "KETZIOT" CAMP (H.C. 5591/02)

The Court ruled today on the petition directed against the conditions of detention of those persons detained in the area of Judea and Samaria, during Operation Protective Wall, and who are now being held in the Kziot Camp in the Negev.

As a result of severe terrorist activity in both the area and in Israel, the government decided to initiate a large-scale military operation against the Palestinian terrorist infrastructure in Judea and Samaria. Many arrests were made within the framework of this operation. The arrested persons were initially brought to temporary detention facilities. After their initial screening, some of the detainees were moved to the Ofer Camp, a detention facility in the area. As a result of overcrowding in that camp, it was decided that some of the detained should be moved to the detention facility at Kziot in the Negev. Most of those held there are administrative detainees.

A petition directed against the detention conditions in the Kziot Camp was submitted to the Court. The petitioners claimed that the conditions of detention are unsuitable and do not stand up to the minimum standards set by Israeli and international law. The respondents (the head of the facility and the Minister of Defense) argued that, though the conditions in the facility are not comfortable, they are reasonable with respect to the reality in Israel. During the first days of the operation of the facility, which was opened urgently and without warning, there were deficiencies. However, in time, the facility underwent many improvements. The conditions, as they are today, do not substantially differ from conditions provided to soldiers that carry out detention operations and security functions, or the facilities in which many IDF soldiers live. These standards are in accordance with the minimal standards set by both Israeli and international law.

Palestinian Detainees en Israel : inhuman conditions of detention

The Court (President Barak, with Justices Beinisch and Englard concurring) held that it should be recognized that the people concerned are administrative detainees, who have not been brought to trial or convicted. They should enjoy the presumption of innocence. The Court emphasized that although administrative detention denies the detainees of their liberty, it does not strip them of their humanity. The balance between an individual's rights on the one hand and national security on the other, as well as the fundamental idea of human dignity, the principles of the State of Israel as a Jewish and democratic state, and the demands of international law, all require that detainees be treated humanely, and in recognition of their human dignity. These minimal requirements, which must be provided during detention, emerge from both Israeli Law (Basic Law: Human Dignity and Liberty, as well as other statutes and Supreme Court decisions) and the directives of international law, to which Israel is subject.

Against this background, the Court held, from the affidavits brought before it, it appears that the opening of the detention facility in Kziot was done hastily, and without preparation. In addition, at first, detention conditions did not meet minimal standards. The Court noted that this deviation was unjustified. "Operation Protective Wall was planned in advance. Its primary goal was to uproot the Palestinian terrorist infrastructure...It was obvious to all - or at least should have been obvious - that one of the consequences of the operation would be a large number of detainees. It was therefore necessary to prepare detention facilities in advance, which would satisfy minimal standards. This was not done." (paragraph 15 of the verdict). However, the detention conditions were eventually improved, such that the conditions provided there now satisfy minimal required standards, and, in some cases, exceed them. Tents are no longer overcrowded, and the supply of the food is satisfactory both in its quality and quantity. During the summer, an adequate amount of ice is supplied. Changes of clothes are available. Both conditions of personal hygiene and the general level of sanitation are satisfactory. The medical treatment is satisfactory. There is a canteen in operation at the facility, and detainees are provided with games. As such, it was held that most of the detainees' claims had been met.

At the same time, the Court recommended that on a number of issues, the respondents reconsider their positions on the conditions provided in the detention facility. As to the detainees' being held in tents, the Court held that it should be examined whether, in consideration of the length of detention, the quality of the tents and the local conditions, it is justified

to continue holding the detainees in tents. This is in spite of the fact that administrative detainees in other facilities - as well as Israeli soldiers - reside in tents for long periods of time. With reference to beds, the Court noted that there seems to be a problem with regard to their relatively low height, and the incursion of various harmful animals into them. The Court held that detainees should be provided with reasonable sleeping conditions. It also held that the height of the beds does not raise any security issues. As to the conditions of hygiene, the Court noted that the issue of installing toilet seats should be reexamined. With regard to tables for eating, it was noted that, although the respondents justify their absence by appealing to security concerns, they should reconsider their position on the matter and find a satisfactory resolution to the problem. This should be done in accord with their legal obligation to provide detainees with minimal humane detention conditions. For the reasons stated above, the petition was dismissed.

Two Case-letters issued by the Attorney General of Israel authorizing torture (translated from hebrew)

**Government of Israel Ministry of justice State attorney
The department for special operations**

Jerusalem, 4.3.2002
File no. 1/01/24
Letter no. 2001-0087 -537a
For: Ms Hannah Friedman
Executive Director of the Public Committee against Torture in Israel p.o. 4634
Jerusalem 91046

Subject: The Complaint of Mr. Gihard Shuman In response for your letter to the attorney general from 27/01/2001

In your letter you have brought up several accusations regarding Mr. Shuman's investigation by the Shin Beit. In addition, Mr. Shuman has been mentioned in your general report you have made regarding the Shin Beit's methods of investigation. Your complaint has been sent by myself for an inquiry by the MBTN.

For its inquiry, the MBTN has received all material concerning this investigation and all report concerning the way it was run. It has also received all medical records the state has concerning the complainant.

The complainant's accusation has been checked one by one. Mr. Shuman has been arrested due to severe suspicion, based on a reliable source, that he might be involved in plans for committing terror activities that could have endangered human lives.

When interrogated, Mr. Shuman was considered as "A Ticking bomb". In choosing the methods for this investigation, the severe charges, the urgency in obtaining the information Mr. Shuman has possessed and the fact that there was no other way to reach that information -were all taken into consideration.

The examination of the methods of investigation and the justification for taking them has proved these methods to be part of "justification of need", and therefore the general attorney has decided that the interrogators do not assume any legal responsibility, and no charges will be taken against them.

It should be stated that this decision corresponds in our view with the way shown by the Supreme Court in case 5100/94 the Public Committee against Torture in Israel and others VS. the government of Israel and others, 458, (3) 99.

Therefore we decide not to accept your complaint.

Sincerely,
Taliason,
Director for the department for special operations in the state attorney

Copies:
General Attorney
Deputy for the general attorney
MBTN

Palestinian Detainees en Israel : inhuman conditions of detention

Government of Israel Ministry of justice

State attorney

The department for special operations

Jerusalem, 21.2.2002 - File no. 5101124

Letter no. 2001-0087-2699

For: Ms Hannah Friedman – Executive Director of the Public Committee against Torture in Israel p.o.
4634

Jerusalem 91046

Subject: nazer masud iaad -i.n. 919483032

In response for your letter to the attorney general from 15/03/2001

This complaint -as it was brought to us -was put later to your general report concerning the Shin Beit.

The complaint was checked by the MBTN1 and the deputy for the general attorney took a decision concerning it. Here are n comments for the complaint, our findings and the decision taken.

In a testimony for your organization - that was not signed by the complainer - the complainer has brought up numerous accusation regarding methods of investigation that included violent actions, threats and insufficient conditions of detention.

When questioned by the MBTN, the complainer has repeated only some of these accusations. However, the MBTN has checked : of the accusation as they appeared in your report, one by one, looked through all the material regarding this investigation and the records concerning in the Shin Beit, checked all the medical records of the complainer, questioned him, his interrogators and eve some of their superiors.

The MBTN has found that in general, some of the complainer's accusations are not true. However, some of the accusations where well founded. Because of that, the deputy for the attorney general has checked weather the complainer's interrogators are free of criminal or juridical responsibility because of "defense of need" in that specific case.

We have found that the complainer's arrest was done because of a severe suspect, based on a repayable source, that he might be involved in plans for committing terror activities that could have danger human lives.

When interrogated, Mr. laad was considered as "A Ticking bomb". In choosing the methods for this investigation, the severe charges, the urgency in obtaining the information Mr. laad has possessed and the fact that there was no other way to reach that information -were all taken into consideration.

The examination of the methods of investigation and the justification for taking them has proved these methods to be part of "justification of need", and therefore the general attorney has decided that the interrogators do not assume any legal responsibility, and no charges will be taken against them.

It should be stated that this decision corresponds in our view with the way shown by the Supreme Court in case 5100/94 the Public Committee against Torture in Israel and others VS. the government of Israel and others, 458, (3) 99.

There for we decide not to accept your complaint.

However, I would like let you know that a certain detail mentioned in the complaint was found as suitable for change.

Although the general attorney has not found this detail a reason for pressing charges, -given the explanations she has received -she did find it necessary to remark in this subject to the Shin. Beit.

Sincerely, Talia sason.

Director for the department for special operations in the state attorney

Copies: General Attorney

Deputy for the general attorney **MBTN**

Legal advisor for the Shin. Beit

ISRAEL AND THE OCCUPIED TERRITORIES: International Rights Groups Decry Increased Harassment of Monitors

(Copenhagen, Geneva, London , New York, Paris 27 May 2003)

Amnesty International, the Euro-Mediterranean Network for Human Rights (EMNHR), Human Rights Watch (HRW), the International Commission of Jurists (ICJ), the International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT) are deeply concerned about the increase of Israeli restrictions against human rights and humanitarian workers.

On May 21, Israeli Minister of Foreign Affairs Silvan Shalom said that "most human rights offices in the West Bank and Gaza strip provide shelter for Palestinian terrorists."

This comment has no basis in fact and constitutes a further threat to the work of independent human rights organizations and workers in the Occupied Palestinian Territories. "We fear that such unsupported allegations are intended to intimidate local and international human rights defenders, and to prevent them from carrying out their daily work," the organizations said.

Palestinian and Israeli human rights organizations have long suffered crippling restrictions on freedom of movement. Researchers carry out their work under circumstances of considerable personal danger, and many have suffered intimidation and harassment by the Israeli authorities and army while carrying out their work.

"In light of the Minister's comments we fear such intimidation and harassment will further increase. Recently, threats to personal safety and restrictions on the activities of local and international human rights and humanitarian workers and peace activists have sharply increased", said the organizations.

This year alone, the Israeli army has killed a foreign peace activist, Rachel Corrie and gravely injured two others, Tom Hurndall and Brian Avery. A foreign journalist, James Miller, was also shot dead by Israeli soldiers. A military investigation undertaken into Rachel Corrie's killing reportedly found no wrongdoing, although the full findings have not been made public. It is not known whether the other events have been investigated: certainly, no findings on any of these killings or injuries have been released, and no judicial action taken.

At the same time, international human rights workers and peace activists are increasingly being arrested and threatened with deportation by the Israeli authorities. At least two have been deported in recent weeks, and several others are facing deportation orders. At least six foreign humanitarian workers have been refused entry to Israel, and growing restrictions are imposed on movement and activities of those already present in the country.

Of particular concern is the decision of the Israeli authorities on 9 May to condition entry of foreigners into the Gaza Strip to their signing a "waiver" which seeks to absolve Israel from responsibility for any death or injury caused by Israeli soldiers.

Among other things, the "waiver" states that those entering the Gaza Strip: "accept that the government of the state of Israel and its organs cannot be held responsible for death, injury and/or damage/loss of property which may be incurred as a result of military activity".

The Gaza Strip was subsequently closed and remains inaccessible to foreigners, except diplomats and selected emergency relief workers.

These restrictions on the movement and activities of local and international human rights and humanitarian workers, peace activists, journalists and others are intended to reduce independent scrutiny of the human rights situation in the Occupied

Palestinian Detainees en Israel : inhuman conditions of detention

Palestinian Territories.

"Such restrictions on independent monitoring serious human rights violations can only aggravate the current atmosphere of impunity."

The organizations called on Foreign Minister Silvan Shalom and the Israeli authorities to:

- Retract publicly the unfounded allegations made by Minister Shalom on 21 May 2003;
- Put an end to harassment, intimidation, threats, and deliberate attacks on human rights defenders;
- Cease arbitrarily arresting human rights defenders and foreign nationals. Those arrested should be charged with a recognized criminal offense, based on factual and public evidence;
- Abide by the provisions of the Declaration on the Protection of Human Rights Defenders adopted on December 9, 1998 by the UN General Assembly and in particular its Article 1, which states that: "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international level;"
- Immediately lift the restrictions on access imposed on the Gaza Strip and facilitate development work, humanitarian aid and human rights monitoring by providing full and unrestricted access to all; and
- Conform with international human rights and humanitarian law in all actions and ensure that all killings and other violations are thoroughly and independently investigated.

Documents related to the case of Hosni Amer

UNITED NATIONS
RELIEF AND WORKS AGENCY FOR
PALESTINE REFUGEES IN THE NEAR EAST



NATIONS UNIES
OFFICE DE SECOURS ET DE TRAVAUX POUR LES
REFUGIES DE PALESTINE DANS LE PROCHE-ORIENT

4 June 2002

وكالة الأمم المتحدة
للمخيمات والمخيمات الفلسطينية في الشرق الاوسط
UNRWA West Bank Field Office

P.O. Box 19149
Jerusalem

Tel : 9880400
Fax : + 972-2- 5322714
Cables: UNRWA Jerusalem

Mr. Hani Ali Ahmad Amer

15 May 2002

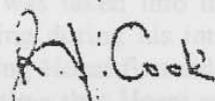
LO/Secure-117

Dear Major Daniel Beaudoin

I am writing to you to express my concern over the lack of information regarding UNRWA's missing staff member Mr. Husni Amer (ID # 950370858). Mr. Amer has been missing since the IDF invasion into the Jenin refugee camp in early April. I addressed a letter for your attention on this subject, dated 23 April 2002. To date, UNRWA has not been apprised of any information regarding Mr. Amer's arrest or detention. Nor has UNRWA been granted access to Mr. Amer inspite of repeated requests for access to him and other detained staff members.

I would urge you to provide UNRWA with any information about Mr. Amer and provide immediate access to the staff member in order to assess his condition. This is of enormous concern to me and I request you to treat this matter with urgency.

Yours sincerely,



Richard J. Cook
Director of UNRWA Operations
West Bank

Major Daniel Beaudoin
Head of International Organization Branch
Ministry of Defense
Tel Aviv



UNR

16-05-2002

Microfinance and
Credit Pro.
West Bank

Palestinian Detainees in Israel : inhuman conditions of detention

For Immediate Release

4 June 2002

Al-Haq Calls for a Full Inquiry into the Death in Custody of Mr. Hosni Ali Ahmed Amer

According to information available to Al-Haq, Mr. Hosni Ali Ahmed Amer forty-five years of age died recently while in Israeli custody. Mr. Amer was arrested by the Israeli army during its incursion into the Jenin Refugee Camp on 7 April 2002 as part of its "Operation Defensive Shield."

According to Mr. Amer's brother Mohammadi Ali Ahmed Amer, five persons including Hosni Amer were staying at his mother's home when 30 soldiers entered the house in the Jenin Refugee Camp on the morning of 7 April 2002. After conducting a search of the premises the soldiers then proceeded to search the houses -of each of the brothers. During the search of Hosni Amer's house he was beaten severely with a club for approximately one hour by the Israeli soldiers after a soldier stated that a drawing of houses done by Hosni's children was a map for the fighters in the camp, a charge Hosni Amer denied. After the conclusion of the search, Hosni and Mohammad Amer were taken away to a building approximately 200 metres away where they were blindfolded and their hands tied. They were then transported in a military vehicle to a nearby field before being taken to the Salim military camp.

While at the camp Mohammad was taken into interrogation first and then Hosni. Mohammad heard Hosni screaming during his interrogation and once his blindfold was removed he saw soldiers giving Hosni first aid and saw him being taken away in an ambulance. That was the last time that Hosni was seen alive by a member of his family. Mohammad was released by the army but the family was unable to find out any information about the whereabouts of Hosni. On 1 June 2002 the Palestinian Authority was informed by Israeli officials at the District Coordination Office for the Jenin district that Hosni Amer had died. The Palestinian Authority was not however informed of the whereabouts of Mr. Amer's body.

Al-Haq holds the Israeli government responsible for the disappearance of Hosni Amer and his suspected death in custody, Al-Haq notes that Mr. Amer appeared to be subject to torture and inhuman treatment both of which are grave breaches of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949,

Al-Haq is concerned about the manner in which information relating to Mr. Amer has been suppressed by the Israeli authorities. Al-Haq urges the Israeli government to release Mr. Amer's body to his family and requests that an independent autopsy be carried out. In this light, Al-Haq calls on the Government of Israel to launch a full inquiry into the beating, disappearance and death of Mr. Amer and to prosecute those responsible.

Palestinian Detainees en Israel : inhuman conditions of detention



فروع لجنة لحقوقوقيين الدولية
تتمتع الحق بصفة استشارية لدى المجلس الاقتصادي والاجتماعي في الأمم المتحدة

To Special Rapporteur on Torture Sent by: AL-
HAQ
Main St. Ramallah., PO Box: 1413, West Bank

19 August 2002

Dear Mr .Van Boven,

Al-Haq would like to submit to you the case of Mr. Hosni Ali Ahmed Amer, a Municipal worker from the Jenin Refugee Camp, for follow up and possible investigation. Mr. Amer was arrested on 7 April 2002 by the Israeli Defence Forces in the Jenin Refugee Camp, where he lived with his family. There is considerable evidence to suggest that Mr. Amer was tortured during the arrest procedure and during the course of his interrogation by the Israeli army. Mr. Amer subsequently died of his wounds, and his whereabouts were kept from his family until 1 June 2002.

According to information gathered by Al-Haq, Mr. Hosni Ali Ahmed Amer, forty-five years of age, died while in the custody of the Israeli army. Mr. Amer was arrested in the Jenin Refugee Camp on 7 April 2002 by the Israeli army as part of its "Operation Defensive Shield."

According to Mr. Amer's brother Mohammad Ali Ahmed Amer, five persons including Hosni Amer were staying at his mother's home when 30 soldiers entered the house in the Jenin Refugee Camp on the morning of 7 April 2002. After conducting a search of the premises the soldiers then proceeded to search the houses of each of the brothers. During the search of Hosni Amer's house he was beaten severely with a club for approximately one hour by the Israeli soldiers after a soldier stated that a drawing of houses done by Hosni's children was a map for the fighters in the camp, a charge Hosni Amer denied. After the conclusion of the search, Hosni and Mohammad Amer were taken away to a building approximately 200 metres away where they were blindfolded and their hands tied. They were then transported in a military vehicle to a nearby field before being taken to the Salem military camp.

While at the camp Mohammad was taken into interrogation first and then Hosni. Mohammad heard Hosni screaming during his interrogation and once his blindfold was removed he saw soldiers giving Hosni first aid and saw him being taken away in an ambulance. That was the last time that Hosni was seen alive by a member of his family. Mohammad was released by the army but the family was unable to find out any information about the whereabouts of Hosni. On 1 June 2002 the Palestinian Authority

Palestinian Detainees en Israel : inhuman conditions of detention

was informed by Israeli officials at the District Co-ordination Office for the Jenin district that Hosni Amer had died. The Palestinian Authority was not, however, informed of the whereabouts of Mr. Amer's body.

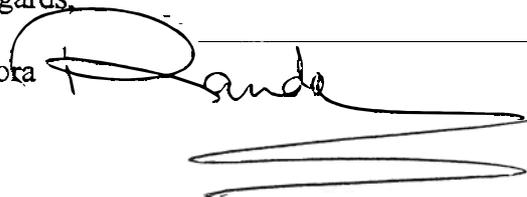
An autopsy on Mr. Amer's body was carried out by the Abu Kabir Center in Tel-Aviv, Israel. According to the report, Mr. Amer's body was brought to the Abu Kabir Center by the IDF military police on 8 April 2002 and an autopsy was carried out on 11 April. The autopsy was carried out by Dr. Bertilon Levi, who concluded that Mr. Amer's death was caused by a hypovolemic shock and a traumatic shock caused by beatings to the head, stomach, the hip area and the right limbs.

Mr. Amer's case is being handled by the al-Mezan Association of Human Rights based in Nazareth. The case is currently before the Magistrates Court in Nazareth. The next court hearing on the case will be on 12 September 2002.

AI-Haq would appreciate any effort you can expend to pressure the Government of Israel to pursue a thorough investigation into the torture and death of Mr. Amer and to prosecute those responsible.

Highest Regards,

Randa Siniora

A handwritten signature in black ink, appearing to read 'Randa', is written over a horizontal line. Below the signature are two additional horizontal lines, possibly representing a stamp or a signature strip.

European Parliament resolution on the Middle East

P5_TAPROV(2002)0173

Situation in the Middle East

European Parliament resolution on the Middle East - 10 April 2002

The European Parliament,

– having regard to its recommendation to the Council of 13 December 2001 on the crisis in the Middle East and the role of the European Union in the region¹, its resolution of 7 February 2002 on the Middle East² and its resolution of 20 March 2002 on the outcome of the European Council of 15-16 March 2002 in Barcelona³,

- A. profoundly shocked by the escalating human tragedy experienced by the Israeli and Palestinian peoples,
- B. convinced that only a return to the negotiating table will restore the prospect of two States, Israel and Palestine, existing alongside each other in peace and security,
- C. greatly worried by the clashes taking place at the border with Lebanon, which could spill over to the whole region,
- D. whereas a continuation of the Middle East conflict represents a source of growing tension in the Arab countries and will lead to a worsening of the international political and economic situation,

1. Supports the UN Security Council's Resolutions 1397, 1402 and 1403, which call for the withdrawal of the Israeli army from the Palestinian territories, including Ramallah; calls for their full and immediate implementation and the cessation of all violence;

2. Strongly condemns all indiscriminate terrorist attacks by suicide bombings against Israel perpetrated by Palestinian extremists; calls on the Palestinian Authority to make greater efforts to prevent acts of terrorism;

3. Condemns the military escalation pursued by the Sharon government, which violates international and humanitarian law and will provide no effective solution to the terrorist attacks, and condemns the oppression of the Palestinian civilian population by the Israeli army and the systematic destruction of infrastructures on the West Bank;

4. Makes clear to the Israeli Government that Mr Arafat, the democratically elected President of the PNA, must enjoy freedom of movement, and finds unacceptable his de facto house arrest;

5. Condemns the refusal by Prime Minister Sharon to let the EU high-level delegation meet President Arafat, and believes that the Israeli Government should take advantage of the genuine European efforts to find a solution to the crisis, including the terrorism issue; considers the offensive treatment of the EU delegation to be a turning point in EU-Israel relations;

6. Stresses the importance of the meeting in Madrid between the EU, the United States, Russia and the UN Secretary-General to discuss the current situation, and welcomes the Council Presidency's initiative; calls for consideration to be given to the sending of an international buffer and monitoring force to the region under UN auspices; calls on the Member States to make an immediate start on preparing their contribution to that force;

7. Calls on the Council to institute an arms embargo on Israel and Palestine;

8. Calls on the Council and the Commission urgently to convene the EU-Israel Association Council in order to put its position to the Israeli Government, asking it to comply with the latest UN resolutions and make a positive response to the current efforts undertaken by the EU to achieve a peaceful solution to the conflict; calls on the Commission and Council, in this framework, to suspend the EU-Israel Euro-Mediterranean Association Agreement;

1 Texts Adopted, Item 7.

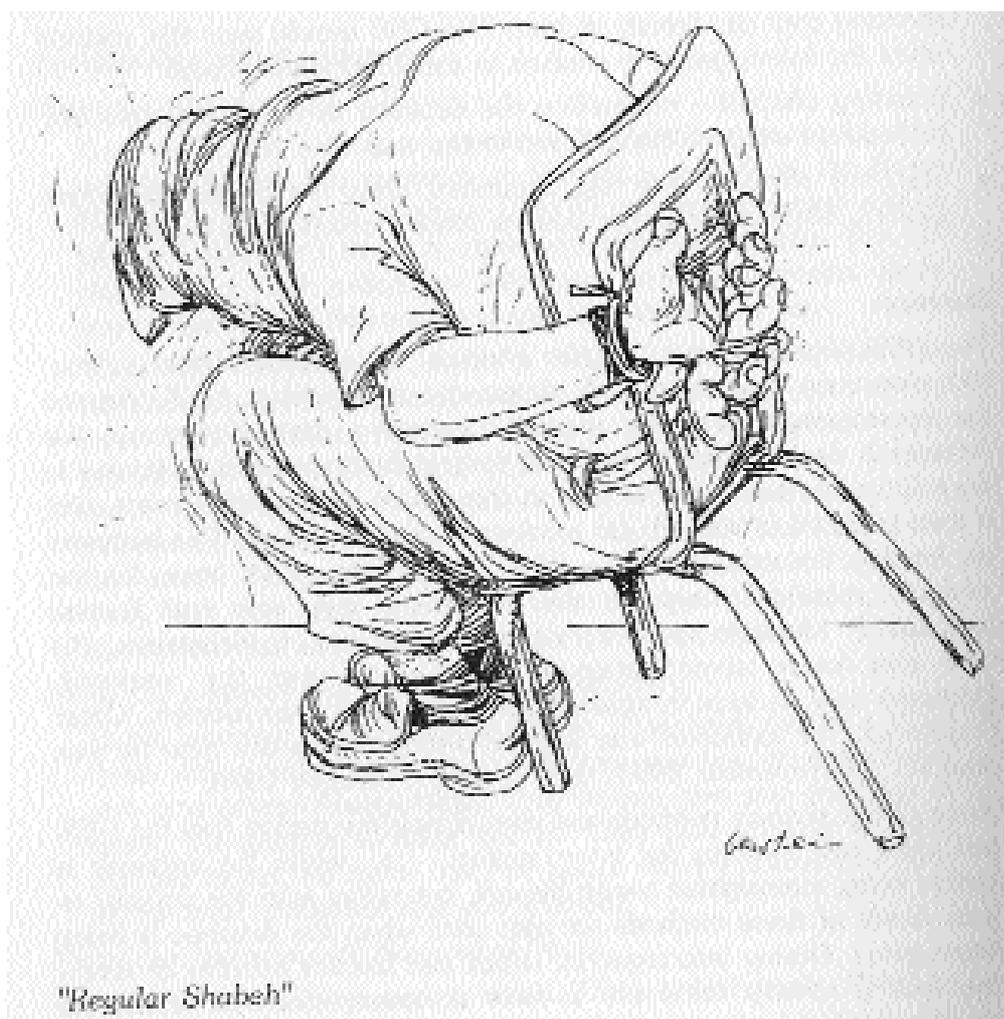
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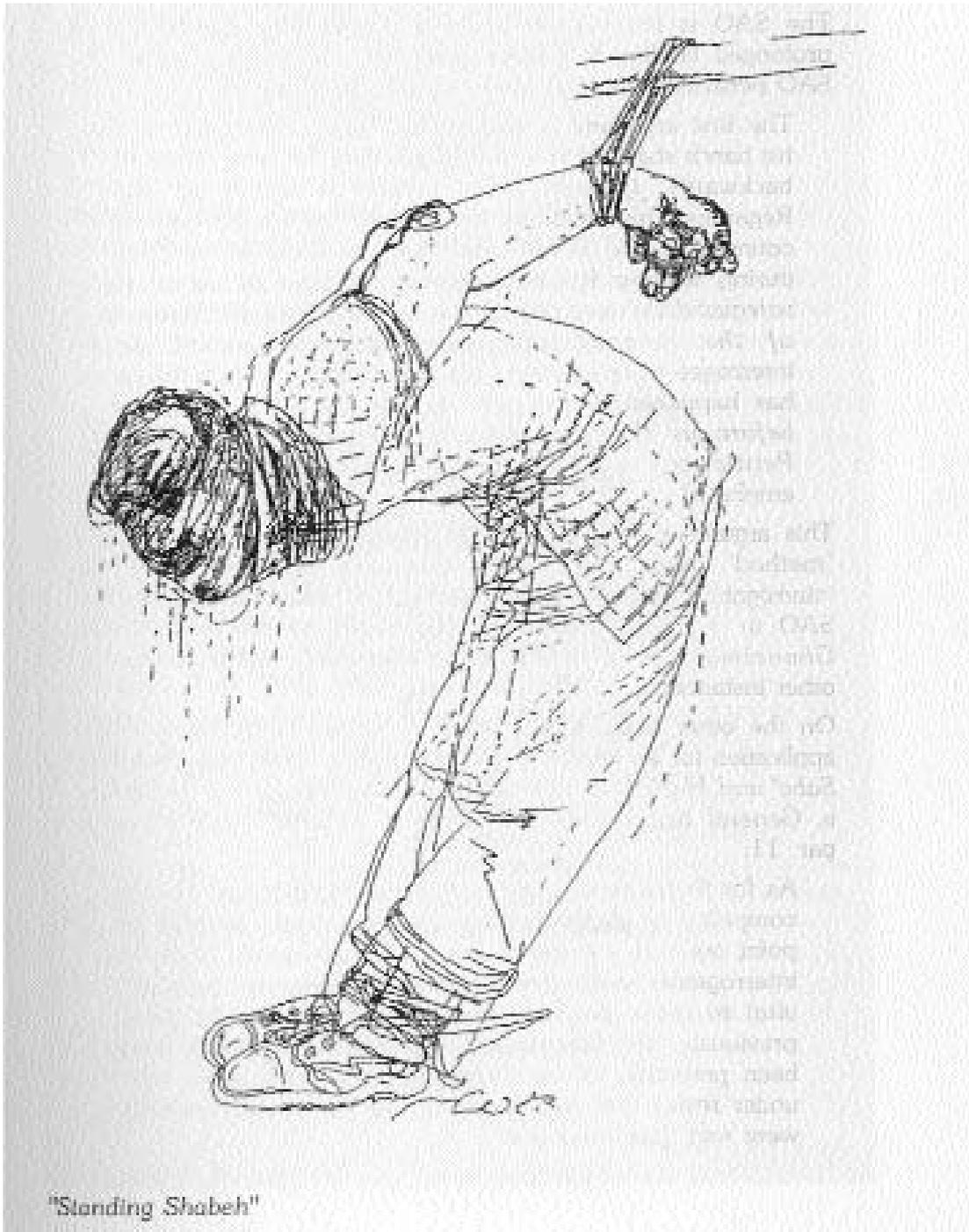
Palestinian Detainees in Israel : inhuman conditions of detention

9. Stresses the special responsibility of the USA in the crisis, mainly due to its influence on Israeli policy, and supports the decision to send a high-level US delegation to the region with the aim of bringing about a resumption of talks between the two parties and putting an end to the violence;
10. Welcomes the endorsement by the Arab League of the Saudi proposal which should constitute a basis for discussions seeking a lasting peace agreement between Israel and Palestine, and invites the Israeli Government to recognise this turning point in the Arab states' attitude towards the conflict;
11. Strongly condemns recent acts of anti-Semitism committed in Europe, such as those against Jewish synagogues, schools and cemeteries;
12. Expresses its full support for those Israelis, Palestinians and international organisations working for peace at every possible level, including the Israeli reservists refusing to serve in the Occupied Territories, and especially expresses its sympathy and support for the Israeli-Palestinian coalitions for peace;
13. Calls on Israel to guarantee the media free access to the Occupied Territories and to allow EU diplomatic and consular authorities to contact EU citizens in the area;
14. Instructs its President to forward this resolution to the Council, the Commission, the Government and Parliament of Israel, the President of the Palestinian National Authority and the Palestinian Legislative Council, the UN Secretary-General, the US President and Congress and the Secretary-General of the Arab League.

Methods of interrogation used as “security measures” by the Israeli General Security Service (GSS)

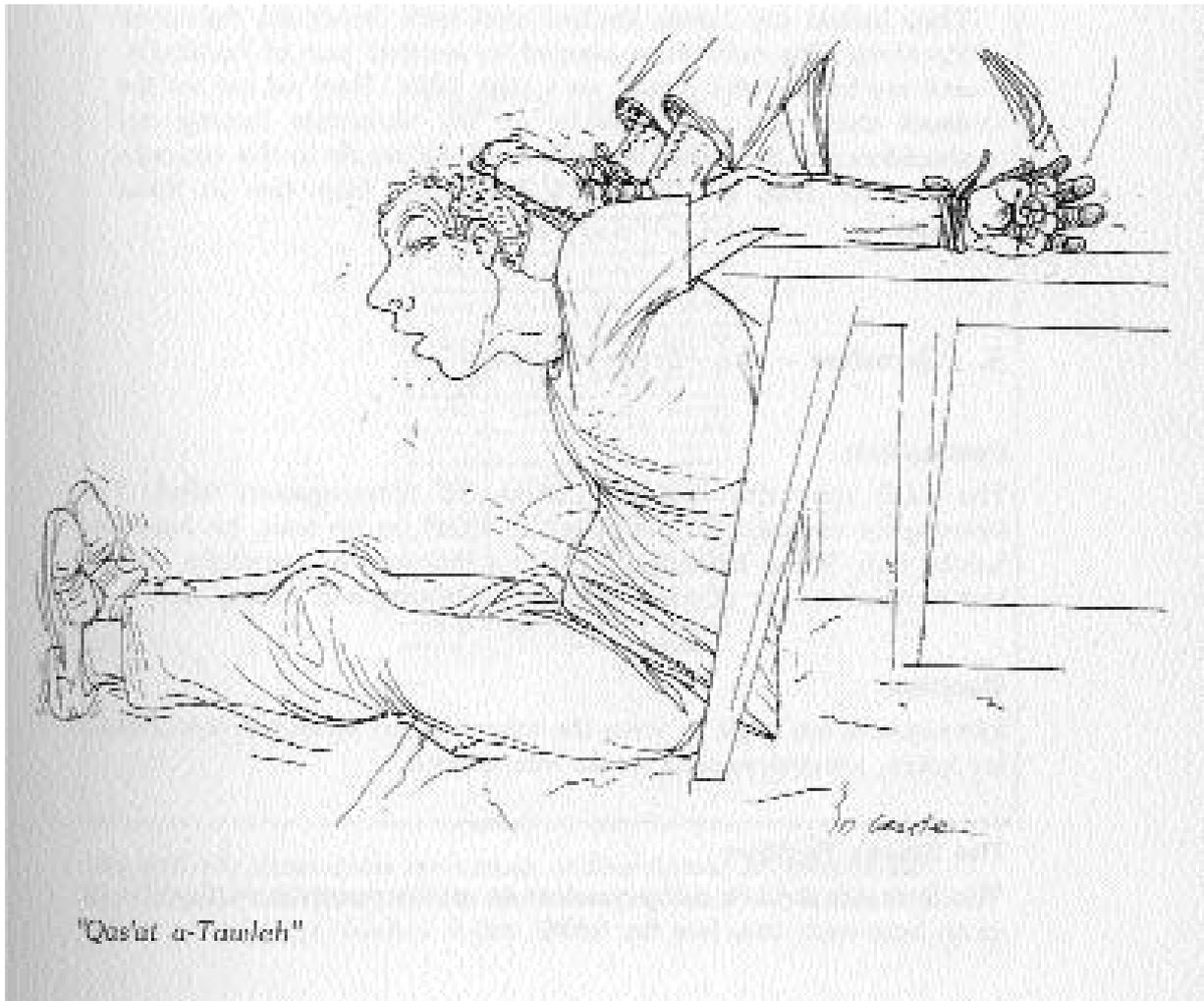


Palestinian Detainees in Israel : inhuman conditions of detention



"Standing Shabeh"

Palestinian Detainees in Israel : inhuman conditions of detention



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La Lettre

is published by Fédération Internationale des Ligues des Droits de l'Homme (FIDH), founded by Pierre Dupuy.

It is sent to subscribers, to member organisations of the FIDH, to international organisations, to State representatives and the media.

This report was realised in the framework of a programme financially supported by the European Commission

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Director of the publication: Sidiki Kaba

Editor: Antoine Bernard

Assistant of publication: Céline Ballereau-Tetu

Author of this report : Michel Tubiana, Philippe Kalfayan

Original : English, ISSN en cours.

Printing by the FIDH.

Dépot légal July 2003 - Commission paritaire N°0904P11341

Fichier informatique conforme à la loi du 6 janvier 1978

(Déclaration N° 330 675)

Prix : 4 Euros / £ 2.50