

# QUARTERLY UPDATE ON PALESTINIAN PRISONERS

Addameer Prisoner Support and Human Rights Association

April 2010

## CURRENT DETENTION STATISTICS\*

<b>6,631</b>	Palestinian political prisoners in Israeli detention, including:
<b>237</b>	administrative detainees, including three women and two children under the age of 18
<b>35</b>	women
<b>337</b>	child prisoners, including 39 under the age of 16
<b>15</b>	members of the Palestinian Legislative Council
<b>120</b>	prisoners serving sentences longer than 20 years
<b>179</b>	Palestinians from the 1948 Territories
<b>733</b>	prisoners from the Gaza Strip, including seven detained under the Unlawful Combatants Law
<b>200</b>	prisoners from East Jerusalem

\* Statistics are current as of 31 March 2010

## ADVOCACY UPDATE

### STOP ADMINISTRATIVE DETENTION CAMPAIGN

As of 31 March 2010, there were 237 Palestinian administrative detainees including three women, two children and six Palestinian Legislative Council members.

- On Tuesday, 16 March 2010, a military judge confirmed **Hana Yahya Shalabi**'s second administrative detention order for six months, from 13 March 2010 to 12 September 2010.
- **Ali Jaradat** was released from his fifth consecutive administrative detention order on 1 March 2010 after being detained 678 days without charge or trial.
- **Fawzi Tawfiq Mohammad Qawariq**'s administrative detention was renewed for three months, from 3 February 2010 to 2 May 2010.
- On 21 February 2010, Birzeit University student **Arafat Daoud**'s administrative detention was renewed for six months, from 28 February 2010 to 27 August 2010.
- **Raja Al-Ghoul**'s administrative detention was extended for 6 months, from 2 March 2010 to 30 July 2010.
- Palestinian Legislative Council member **Khalid Ibrahim Tafish Dweib** was released from administrative detention at Ofer Prison on 17 March 2010. Dweib and nine other political leaders were arrested on 19 March 2009 in raids carried out by the Israeli Occupying Forces across West Bank towns a few hours after the collapse of Egyptian-mediated prisoner exchange talks between the Israeli government and Hamas.
- **Salah Mohammad Suleiman Al-'Arouri** was released from administrative detention on 17 March 2010 after 33 months in Israeli custody without charge or trial.

## CHILD PRISONERS

### Urgent Appeal: Mohammad Halabeya, 16

Mohammad Halabeya, 16, was arrested on 6 February 2010 as he and his friends were walking through their village, Abu Dis, to deliver a wedding invitation to someone in their town. They encountered Israeli soldiers from the military camp nearby who pushed Mohammad into a deep ditch, breaking his left leg. A number of soldiers then began to hit and kick him, which continued as they took him into custody in the camp, blindfolding and handcuffing him and painfully twisting his broken leg. Punching and kicking over his face and body continued even after a car was called to take him to the hospital and during the 40-minute drive to Hadassah Issaweya hospital in Jerusalem.

The abuse continued in the hospital, as Israeli soldiers attempted to coerce Mohammad to remain quiet about the torture he'd endured, and tell doctors and other Israeli authorities that he fell unassisted. During this period,

according to an affidavit given to Addameer, the soldiers continued to punch him, and hit Mohammad with an “iron stick” (a rubber-covered iron police baton), smashed tomatoes in his face, pushed needles from syringes into his leg and hand and applied adhesive tape to his mouth so he could not shout for help. Beating continued throughout the night in the hospital; at some point, the soldiers broke Mohammad’s chin with their blows. The next morning, he was taken to Ma’ale Adumim police station for interrogation, where he was questioned for 7-8 hours, and threatened with sexual assault when he refused to confess to the offenses interrogators accused him of committing. Following this questioning, he was then taken to Etzion Detention Center, where a doctor came and gave him an Acamol tablet (a brand of Paracetamol) after a cursory examination. He was then transferred again to Ofer Military Base, near Ramallah, where a prison officer saw his injuries and refused to admit him, saying that Mohammad must first go to a hospital. Instead, soldiers returned him to Etzion where he spent the night. The following day, he was taken to Hadassah Ein Kerem hospital in southeast Jerusalem, where X-rays confirmed that his chin was broken on the left side. Mohammad remains in custody at present in Ofer Prison.

### **[Israeli Military Courts Mark Inauguration of Separate Military Court for Palestinian Minors](#)**

#### ***Addameer Contends that New Juvenile Court Fails to Bring Israeli Military Court System into Compliance with International Legal Standards***

On Sunday, 1 November 2009, Israeli military court officials marked the inauguration of first-instance military courts for Palestinian children in a ceremony at Ofer Prison in the West Bank. Established on 29 July 2009 with the issuance of Military Order 1644, which was signed by Major General Gadi Shamni, the head of the Israeli army’s Central Command, the courts will be “presided over by a single juvenile-court judge or by a panel led by a juvenile-court judge”.

## **PROTECTION OF FEMALE PRISONERS**

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### **[Addameer Marks International Women’s Day 2010](#)**

***8 March 2010***

Addameer Prisoner Support and Human Rights Association marks International Women’s Day 2010 by honoring, commemorating and saluting Palestinian women political prisoners and detainees in their steadfast resistance against Israeli colonial occupation and struggle towards securing the right of Palestinians to self-determination.

### **[Female Prisoner Profile: Nelli Zahi As’ad Sa’id As-Safadi](#)**

Nelli As-Safadi was arrested by the Israeli army on 11 November 2009 at an Israeli military checkpoint between Nablus and Hebron in the occupied West Bank. Nelli spent a total of 48 days in interrogation, from her arrest on 11 November 2009 until 28 December 2009. During this entire period, she was held in solitary confinement and was barred from meeting with her attorney following a ban implemented by the military courts on the motion of military prosecutors. Israeli interrogators also subjected Nelli to numerous means of physical and psychological torture and ill-treatment while under interrogation, including the use of painful stress positions, sleep deprivation, abusive language and continuous threats of violence against Nelli and her family. Nelli currently remains in Israeli detention in HaSharon Prison inside Israel.

### **[Addameer Publishes Legal Guide on Rights of Female Prisoners in Israeli Prisons \(Arabic\)](#)**

This practical [guide](#) provides information to female prisoners on their rights in Israeli detention and gives advice to female prisoners on utilizing mechanisms to ensure their rights are protected. The first section details prisoner rights under Israeli Prison Service regulations, including provisions regarding prison conditions, rights during transfer between facilities and during body and cell searches, rights to have and to take photographs, pictures and videos and to send these materials to family and regulations regarding food quality and quantity. The second section provides information for female prisoners on documenting rights violations and mechanisms for prisoners to defend their rights, including taking legal action before the courts.

### **Addameer Radio Shows on Female Prisoners**

On Friday, 26 March 2010 at 3:05 p.m., the first of four Addameer radio shows on the subject of female prisoners was aired on Palestine Radio (PBC). The four shows will discuss legal rights of female prisoners, health issues, the right to education and torture and ill-treatment in detention. Friday’s show is re-aired on Sunday, 28 March 2010 at 5:05 p.m. The remaining three shows will air on Friday 2 April, 9 April, and 16 April 2010; each episode will re-air the following Sundays.

## **HUMAN RIGHTS DEFENDERS AND ANNEXATION WALL-RELATED ARRESTS**

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At present, there are approximately 103 Palestinian human rights defenders held in Israeli custody from the occupied West Bank villages of Ni'lin, Bil'in, Al-Ma'sara, Beit Duqqu, Jayyus, Budrus, Nabi Saleh, Hossan and Tulkarem

- On 13 January 2010, Stop the Wall youth coordinator **Mohammad Othman** was released after being held for 113 days without charge or trial. Stop the Wall Coordinator Jamal Juma was released from Israeli detention the previous day after 27 days in custody.
- On 12 January 2010, three human rights defenders were arrested by Israeli forces in dawn raids into the West Bank villages of Ni'lin and Bil'in, including **Ibrahim Ameera**, coordinator of the Ni'lin Popular Committee against the Wall and Settlements, who was arrested from his home.
- On 22 February 2010, the weekly protests against the Wall in **Bil'in** marked their fifth anniversary. Palestinian Prime Minister Salam Fayyad and former Prime Minister Nabil Shaath joined 1,000 protestors from the West Bank, Israel and abroad in a protest against the Wall and its regime.
- Military court prosecutors filed a fourth charge, organizing and participating in demonstrations without a permit, against **Abdallah Abu Rahma**, the head of the Bil'in Popular Committee Against the Wall. Abdallah was arrested during a night raid on his family home on 10 December 2009, and remains in Israeli detention at Ofer pending the resolution of the charges against him.
- Israeli military authorities issued a closure order against the lands between the Annexation Wall and the built-up areas in **Ni'lin** and **Bil'in** villages on 17 February 2010. The order, which was posted in the villages during night raids on 15 March 2010, declared the areas closed military zones on Fridays between 8am – 8pm for the next six months.
- Recent arrests:
  - **Omar Ala ed Din**, 25, Wall protestor from al Ma'sara, arrested at the "container" checkpoint near Jerusalem on 15 March 2010. He was subjected to extreme ill-treatment and torture, including repeated beatings and electroshock with a taser device. Omar was released after eight days in detention.
  - Ni'lin protestor **Mohammad Atta**, 17, was arrested on 16 March 2010.

### **Other news:**

- On 6 January 2010, Addameer submitted an individual complaint to the UN Special Rapporteur on Human Rights Defenders on behalf of Stop the Wall youth coordinator and human rights defender Mohammad Othman, who was held under Israeli administrative detention.
- On 12 January 2010, Addameer submitted an individual complaint to the UN Special Rapporteur on Human Rights Defenders on behalf of detained Stop the Wall coordinator and human rights defender and Jamal Juma'.
- On 14 January 2010, Addameer and Stop the Wall Campaign held a press conference, Stop the Wall Targeted, at Wattan TV.
- On 4 February 2010, Addameer, Stop the Wall and the National Lawyers Guild submitted a [report](#) to Special Rapporteurs of the UN Human Rights Council examining the ongoing, systematic campaign of repression levied by Israel against Palestinian human rights defenders active against the Annexation Wall.
- On 18 March 2010, Addameer joined a letter to European Commission Vice President Baroness Catherine Ashton urging immediate and effective EU action regarding recent Israeli repression of Palestinian human rights defenders active against the Wall. The letter was delivered during her first visit to the Gaza.
- On 19 March 2010, Addameer and Stop the Wall launched a new website to support their joint campaign to free Palestinian human rights defenders active against the Wall: [www.Right2StoptheWall.org](http://www.Right2StoptheWall.org) provides the latest news, background information, prisoner profiles, videos, current statistics, and everything you need to stay updated and take action on this important issue.

### **Israeli High Court Upholds Prohibition on Family Visits for Gazans Held in Israeli Prisons**

#### ***Addameer Contends Practice Violates International Humanitarian and Human Rights Law***

In 2008, Adalah and other Palestinian human rights groups brought a petition before Israel's High Court of Justice (HCJ) arguing that Israel is obliged to allow family visits to prisoners from Gaza and that the imprisonment of Gazan prisoners in Israel is illegal under international law. However, in its decision 9 December 2009, the HCJ ruled against the petitioners, finding that the right to family visits in prison is not within the "framework of the basic humanitarian needs of the residents of the Strip, which Israel is obligated to enable".

### **Supreme Court of Israel Invalidates Law Permitting Extension of Detention Hearings to Be Conducted Without Defendant Present**

On 11 February 2010, a nine justice expanded panel of the Israeli Supreme Court, presided over by Chief Justice Dorit Beinisch, invalidated article 5 of the *Criminal Procedure Law (Detainee Suspected of Security Offense) (Temporary Order)* – 2006, which provided that "security" detainees could have their pre-trial detention extended in a hearing held in their absence. This law, which in practice allowed courts to extend individuals' detention without their knowledge and without giving them the opportunity to defend themselves, was almost exclusively applied to Palestinians from the Gaza Strip.

## **UNITED NATIONS NEWS**

### **Ban Ki-moon Cancels Meeting with Palestinian Prisoners during Recent Visit**

During his recent visit to the occupied Palestinian territory and Israel on 20-21 March 2010, UN Secretary-General Ban Ki-moon met with the parents of an Israeli soldier held captive by armed groups in Gaza since 2006. Correspondingly, the United Nations also arranged for Mr. Ban to meet with family members of female Palestinian prisoners to hear about the human rights abuses they were subjected to during arrest, interrogation and incarceration by Israeli authorities. However, shortly before the meeting was to take place, it was cancelled without any explanation to the family members or the parties involved. In failing to allocate time for the Palestinian prisoners' families, Mr. Ban failed in his responsibility to uphold and protect the UN Charter. The abrupt cancellation also silenced the voices of the prisoners' family members he was to meet, and left the experiences of the remaining nearly 7,000 Palestinians unlawfully detained in Israeli prisons invisible to the international community.

## **NEW PUBLICATIONS**

### **Presumed Guilty: Failures of the Israeli Military Court System, An International Law Perspective, November 2009**

This report from Addameer provides a comprehensive overview of the Israeli military court justice system, from the international legal restrictions governing their jurisdiction to the practical application of Israeli military orders using this court system in the lives of Palestinians. Detailed examination is made of the ways in which Israel operates these courts unlawfully, as a tool of its colonial occupation in the Palestinian territory, and recommendations are given for Israel's obligations in bringing the courts into line with international law.

### **Reaching the No-Peace Agreement: The Role of Prisoner Releases in Permanent Status Negotiations, December 2009**

This briefing paper from Addameer examines Israel's failure to comply with the bilateral agreements regarding the release of Palestinian political prisoners held in Israeli detention for their involvement in activities related to the ongoing belligerent Israeli occupation of Palestinian territory. It concludes that prisoner releases can be instrumental in achieving a lasting peace, but only if prisoners themselves are recognized as political partners in the process.

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

rights of political prisoners and works to end torture through monitoring, legal procedures and solidarity campaigns.

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