

June 2014

Summary

On 12 June, it was announced that three illegal Israeli settlers disappeared on the roads between Hebron and Bethlehem. Since the announcement, the Israeli government has sanctioned widespread attacks on Palestinians in the form of invasions, mass arrests, killings, home demolitions and new legislation that curbs the rights of Palestinians and prisoners. The following is an analysis by Addameer Prisoner Support and Human Rights Association of the collective punishment of the Palestinian people, with a focus on the mass arrest campaign and its implications.

The disappearance of three illegal settlers on Thursday 12 June has created the perfect pretext for the Israeli government to attempt to crush Hamas in the West Bank and destroy the recently formed unity government as well as collectively punish the Palestinian people. Despite the fact that no Palestinian faction has taken responsibility for the disappearances, the Israeli Occupying Forces (IOF) is using this opportunity to crush Hamas in the West Bank.

According to Israeli military spokesperson Peter Lerner: *"We have two efforts ongoing in parallel. First is to bring back the boys, and the second is to take a toll on Hamas for its actions."*¹ This comment, one of dozens made by Israeli officials in recent days, implies a tactic of intimidation and ulterior political motivations that go beyond a search for the missing illegal settlers.

Ongoing now is the largest Israeli military operation in the West Bank since the second intifada, and the timing is not coincidental. The negotiations have collapsed in the face of the formation of a unity government, with elections to take place in five months, the first after eight years, and the prisoner's movement has revived itself in the form of the longest mass hunger strike in its history which today has reached its 57th day.

Israeli officials have stated that this is the beginning of a larger and prolonged operation, which can be interpreted as a way to strategically capitalize on the disappearance in order to wage destruction and terror across the West Bank.

As a human rights organization, we are deeply concerned about the collective punishment and mass arrest campaigns that have been imposed on the Palestinian people, especially due to the widespread silence of the international community in the escalation of human rights violations of the Palestinian people.

An Opportunity for an Intensified Military Occupation

This most recent campaign of terror is further exposure of Israel's intention of prolonging and intensifying its military occupation. The facts say it all: A siege has been imposed on the 300,000 residents of Hebron, 800 homes have been raided and one home demolished. Three Palestinians, including an 8-year old child, were injured in Hebron when the IOF used explosives to enter a home. Over 125 roads have been closed across the West Bank, 26 flying checkpoints have been instated in addition to the hundreds of fixed checkpoints currently

¹ <http://uk.reuters.com/article/2014/06/18/uk-palestinian-israel-idUKKBN0ET0PD20140618>

in place. A curfew has been imposed on Nablus and nightly arrest raids occur in all major cities in the West Bank and East Jerusalem. Twenty-four “Dawa”, civil society, organizations have been raided and shut down. One 20-year old was killed in Jalazone Refugee Camp during these raids and dozens have been injured in raids and clashes. Birzeit University was also attacked by IOF, with the Palestinian university security personnel locked in a room, in an attempt to arrest students. Homes and schools have been occupied by the IOF in Hebron and Nablus and settlers continue to attack Palestinians with impunity, including the attempted abduction of a Palestinian child.

Mass Arrests

Addameer has documented 290 arrests across the occupied West Bank and East Jerusalem between 12 and 19 June 2014, with an expected escalation and continuation in nightly arrest raids.² Included in these figures are 9 Palestinian Legislative Council (PLC) members, 51 ex-prisoners released in the 2011 prisoners exchange and two former Palestinian Authority ministers. Also among those arrested are professors, university students, activists, elderly Palestinians, and the director of the Palestinian Prisoners Center for Studies.

The arbitrariness of their detention is highlighted by the fact that none of those arrested have been charged, in direct violation of the International Covenant on Civil and Political Rights Article 9 (1, 2) which states that all those arrested should be informed of their charges upon arrest.

The Israeli security cabinet is also reportedly in discussion to forcibly transfer the detainees to Gaza, a grave human rights violation according to the Fourth Geneva Convention, which states: “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.”³

Access to the detainees thus far has been limited, as they are held incommunicado during the interrogation. The detainees are concentrated in Huwwara, Asyoun and Ofer Interrogation Centers, and in some cases have been transferred to Askalan Interrogation Center.

Thus far, 77 administrative detention orders have been issued, and Addameer expects an increase in the coming weeks. On 19 June, 26 of the detainees refused to attend the confirmation hearing for their administrative detention in protest of their arbitrary arrest with political motives as part of the collective punishment of the Palestinian people. Ofer Military Court took a decision to proceed with the hearings despite the absence of the detainees and their lawyers, giving further evidence of the arbitrariness of the arrest and judicial procedures for administrative detention. The sweeping issuing of administrative detention orders is deeply concerning; the

² FRIDAY 13 June 2014: 12 detained in Hebron. SATURDAY 14 June 2014: 55 detained across West Bank. Breakdown as follows: Jerusalem (6), Ramallah (5), Jenin (2), Tulkarem (3), Qalqilia (3), Nablus (5), Salfit (1), Bethlehem (4), Hebron (26, including 2 children and 5 Palestinian Legislative Council members). SUNDAY 15 June 2014: 91 detained across West Bank. Breakdown as follows: Jerusalem (1), Ramallah (17), Jenin (9), Tubas (5), Tulkarem (6), Qalqilia (5), Nablus (21), Salfit (2), Jericho (1), Bethlehem (6), Hebron (18, including 6 security force officers). Numbers include 6 PLC members, 2 University professors and 2 University students. MONDAY 16 June 2014: 40 detained across West Bank.. TUESDAY 17 June 2014 : 65 detained across West Bank. 51 ex-prisoners released in the 2011 prisoners exchange arrested. WEDNESDAY 18 June 2014: 30 detained. Information compiled from the Negotiations Affairs Department PMG Reports, media reports and Addameer documentation.

³ <http://www.icrc.org/ihl/WebART/380-600056>

Israeli army last used this tactic to this degree in the second Intifada, when thousands of Palestinians were held without charge or trial.

In addition to the collective punishment imposed on the Palestinian people, several alarming issues have arisen with the continued mass arrest campaign including:

- Issue of administrative detention orders en masse
- The re-arrest of Palestinian ex-prisoners released in the 2011 prisoners exchange
- The re-arrest of Palestinian Legislative Council members

Issue of Administrative Detention Orders En Masse

Currently, 77 of those arrested since 12 June have been placed under administrative detention, meaning detention indefinitely without charge or trial based on a secret file provided by the Israeli intelligence (*Shabak*). Currently, there are 269 Palestinians held in administrative detention, with the expectation that more of those detained will be issued administrative detention orders.

International law allows permits some limited use of administrative detention in emergency situations. According to the International Covenant of Civil and Political Rights, detention can only be ordered on an individual, case-by-case basis without discrimination of any kind, (Article 9). According to the Fourth Geneva Convention (Article 78) administrative detention may be used against protected persons in occupied territory only for “imperative reasons of security.”

Israel’s use of administrative detention in such a sweeping manner is in direct violation of the strict parameters established by international law. The international community, including the High Representative for the European Union, Catherine Ashton, have repeatedly condemned Israel’s “extensive use of administrative detention orders.” United Nations Secretary-General Ban Ki Moon most recently called for “the Government of Israel to conduct an independent and thorough review of its policy of administrative detention, with a view to terminating the policy.” However, despite international condemnation, Israel’s impunity in the face of international law has allowed it to continue its widespread and systematic use of administrative detention to arbitrarily detain Palestinians. In fact, Catherine Ashton issued a statement⁴ on 16 February 2013 regarding the detention of two hunger striking administrative detainees, Jafar Izzidine and Tareq Qa’adan, who were released shortly after when their administrative detention orders expired. Both Izzidine and Qa’adan were re-arrested again during this ongoing campaign on Friday 12 June and have yet to be charged.

The systematic use of administrative detention in the ongoing nightly arrest campaigns is alarming in light of the mass hunger strikes among Palestinian detainees that call for an end to the administrative detention policy. Presently, about 250 prisoners, including about 80 administrative detainees, are on an open ended mass hunger strike. Many of these have no gone 57 days without food under inhumane conditions. Since the launch of the hunger strike, the detainees have reported denial of visits from lawyers or independent doctors, raids on their prison cells, use of isolation as punishment, physical attacks by the prison guards, and most recently, being

⁴ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/135506.pdf

shackled to their hospital beds by hands and legs for 12 hours a day. Their health has deteriorated rapidly, and there has been little to no international intervention on their behalf.⁵

Force-feeding Bill

For several months, the Israeli Knesset has been debating a bill to legalize the force-feeding of Palestinian hunger strikers. Israeli Prime Minister Netanyahu has recently requested the Knesset to speed-up the final vote for the bill, which will now be held in the coming days.

The bill, which initially allowed for “the provision of nutrition or fluids, including by artificial means, or other medical treatment,” has since removed the word “force-feeding” from its language due to the wide criticism, especially by the Israeli Medical Association, for its blatant disregard of international standards of medical ethics. However, the essence of the bill remains the same and now, in its current form, will allow for the Israeli Prison Service (IPS) to sedate the prisoners in order to ease force-feeding.⁶

If the bill passes, it will institutionalize torture on an industrial scale. The World Medical Association’s Malta Declaration on Hunger Strikes, which Israel has signed, states: “*Forcible feeding is never ethically acceptable. Even if intended to benefit, feeding accompanied by threats, coercion, force or use of physical restraints is a form of inhuman and degrading treatment.*”

The ultimate goal of the force-feeding bill is to limit to political damage of the hunger strikes, especially since there has been a consistent wave of individual and mass hunger strikes since 2011. The dehumanizing treatment, lack of negotiation and attempts to legalize torture are methods that the IPS is using to attempt to deter prisoners from engaging in any form of resistance to their denial of human rights, as well as to instill fear in their families.

The recent actions taken by the IOF to issue administrative detention orders en masse, despite the ongoing hunger strike, as well as the Israeli government’s commitment to passing a bill allowing force-feeding can only be interpreted as a clear message that the policy of administrative detention will continue despite its blatant violation of international human rights and humanitarian law.

Mass Re-arrests of Prisoners Previously Released in Prisoner Exchanges

On 18 June 2014, 51 ex-prisoners who were released in the 2011 prisoners exchange were re-arrested. Among those re-arrested is Na’el Barghouthi, the longest-serving Palestinian prisoner who spent 34 years in prison. The focus on ex-prisoners during this campaign is concerning due to a stipulation added to Israeli military law in 2008 that allows for a special military committee to re-arrest released prisoners based on so-called “secret information” and convict them to serve the remainder of their previous sentence (Article 186, Military Order

⁵ Ashton most recently made a public statement on 13 June 2014 that expressed concern over the deteriorating health conditions of the hunger strikers and called for “full respect of human rights obligations towards all Palestinian detainees and prisoners.”

⁶ <http://www.haaretz.com/mobile/.premium-1.599628?v=3FA8E413F8418F3785C177FD18AEB421>

1651)⁷. In prisoner exchanges or releases, Israel does not grant prisoners full amnesty for their previous convictions, but rather commuted their sentences and releases them on “parole.” Considering the fact that most prisoners who are released in exchanges have high sentences or life sentences, Article 186 is a strategic loophole to only allow their temporary release before returning them to prison. Preceding this current arrest campaign, dozens of ex-prisoners were re-arrested and subjected to Article 186. Most notably are Samer Issawi and Ayman Sharawneh, who conducted long-term individual hunger strikes in 2012/2013 in protest of this policy.

Since the release of pre-Oslo prisoners as part of the negotiations, the Knesset voted on a bill to limit the government’s power to release prisoners on amnesty or within exchanges or negotiated releases. This bill is currently being considered in the Israeli Cabinet, but can have severe repercussions, especially regarding the return to final-status negotiations.

Palestinian Legislative Council members

Nine Palestinian Legislative Council (PLC) members have also been arrested in this most recent campaign, bringing the total number of PLC members currently in detention to 20. Those arrested are Dr. Aziz Dweik (Speaker of the Parliament), Hasan Yousef, Mohammad Totah, Ibrahim Salem, Abd Al Rahman Zeidan, Husni Burini, Azzam Salhab, Ayman Daraghme and Ahmad Mubarak, all who have been previously arrested at least once since their election into the PLC. Six of the nine have previously been held under administrative detention, and on 18 June, Mohammad Totah and Hasan Yousef were issued administrative detention orders as well. The remainder are still being held without charge. Since 2006, 48 PLC members have been arrested based on their political affiliation in IOF arrest campaigns.

Retaliation against Prisoners

Addameer has recently been informed that the IPS has announced it will impose restrictions on the prisoners as reprisals for the disappearance for the three illegal settlers. Thus far, they have announced increased searches, prohibition of movement between cells, limited ability to purchase goods from the commissary, limited television stations to be broadcast and family visits will be subject to revocation. The IPS actions are reminiscent of 2006 when Gilad Shalit was arrested in Gaza, and the worry is that they will escalate into more severe restrictions that will further infringe on the prisoners’ rights.

⁷ Section K – Article 186(G) If the convict violates a condition of the conditional mitigation of his punishment awarded under Section 184, the committee shall order the cancellation of the mitigation of punishment and compel the convict to serve a term of imprisonment equal to the period of the condition; and if the period of the condition was set under Section 184(E) – [the committee] shall compel the convict to serve a term of imprisonment equal to the period starting from the day of his release and continuing through the end of the term of imprisonment he would have served had his punishment not been mitigated.

International Response

Since 12 June, the Palestinian people have been subjected to widespread collective punishment, ranging in severity from closure of roads and villages to point-blank killings of citizens. The heavy military presence in the West Bank, sweeping arrests and the Israeli government's stated intention to continue and prolong the operations in the West Bank should be interpreted as Israel's declaration of war on the Palestinian people and cannot be ignored any longer by the international community. The Fourth Geneva Conventions considers collective punishment to be a war crime.⁸

Addameer demands:

- The European Union to reassess its relations with the State of Israel for its violation of Article 2 of the EU-Israel Cooperation Agreement, which states: "*Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement,*" until Israel respects the agreement.
- The High-Contracting State Parties of the Geneva Conventions to meet its obligations and to intervene immediately to end the collective punishment of the Palestinian people.
- The United Nations to immediately intervene to end Israel's collective punishment of Palestinian people and publicly condemn the mass arbitrary arrest and detention campaign currently underway.
- UN Security Council immediately refer Israel to the International Criminal Court, according to Chapter VII of the UN Charter.
- The International Committee of the Red Cross, whose duty is to protect and promote humanitarian law in the occupied territory, to immediately and publicly condemn Israel's collective punishment of the Palestinian people, especially in the case of the hunger strikers, who will be subjected to torture in light of the pending Israeli legislation to legalize force-feeding.

⁸ <http://www.icrc.org/ihl/com/380-600038>