PALESTINIAN PRISONERS

A QUESTION OF CONSCIENCE

Edited by John Calhoun and Ranjan Solomon
Palestinian Prisoners
This report on the state of Palestinian prisoners has been produced by the Palestine Israel Ecumenical Forum, in cooperation with
Addameer
Hurryyat
DCI—Palestine
Kairos Palestine
Jerusalem Inter Church Centre

For further information on these groups, see the listing in the back of this volume.

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Cover design: Linda Hanna
Cover image: A little girl stands in front of Ofer prison with a picture of Khader Adnan Mohamad Musa. Khader Adnan is a 36-year-old Palestinian who has spent most part of the last three years in prison under the dubious administrative detention act. He went on a 66-day hunger strike in protest of his administrative detention and the ill-treatment he suffered at the hands of the Israeli Prison Service, during which he ran the grave risk of death. He was released from prison on 17 April 2012 and began his slow recovery. He has since been rearrested in July 2014 and is currently being held in administrative detention once again. Khader Adnan is married with two daughters. His wife is pregnant with their third child. The story of Khader Adnan has been documented by Addameer, whose lawyers have followed up on his case on each occasion he was arrested.

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Preface

This resource book is published in conjunction with the World Week for Peace in Palestine Israel (WWPPI) 2014, an initiative of the Palestine Israel Ecumenical Forum of the World Council of Churches. The theme of this year’s WWPPI, to be observed during 21-27 September, is “Let my people go.” The choice of the theme clearly underscores the crisis that affects several thousand Palestinians and their families.

The Palestine Israel Ecumenical Forum views its focus on prisoners during this year’s WWPPI as imperative due to the gravity of the situation. The conditions prevailing over the last few decades demand that churches join campaigns which insist on justice for the thousands who are wrongfully confined.

The arbitrary detention of Palestinians, especially the use of “administrative detention” by Israeli occupation forces, has had a devastating effect on Palestinian society. Israel’s use of mass detention and imprisonment of Palestinians as a policy aims to suppress any resistance to Israel’s continued occupation, and also to delay the development of Palestinian social and political institutions. Nearly every family in Palestine has been directly or indirectly affected by Israel’s policy of arbitrary and illegal detention. It is an issue that speaks to people’s hearts in Palestine.

In 2007, at an international conference of church leaders held in Amman, Jordan, Christians from Gaza to Jerusalem to Nazareth called out with one voice to their brothers and sisters worldwide in Christ. Their urgent plea was clear: “Enough is enough. No more words without deeds. It is time for action.” Today Palestinian Christians are once again calling on the international community to rise up with one voice to say no to the illegalities and discrimination inherent in Israel’s policy and practice of detention.

Palestinians ask churches, civil society, academics, artists, and individuals worldwide to participate in activities of WWPPI 2014; to campaign for the release of Palestinians unjustly detained; and to work for the deliverance of all who are bound by the shackles of conflict, violence, injustice, mistrust
and prejudice. Now is the moment for those who seek a just peace in Palestine Israel to abandon apathy, accept the risks of mission, and act concretely for justice in our times!

The Palestine Israel Ecumenical Forum is grateful for the cooperation received from the following human rights organizations: Addameer, Hurryyat, DCI-Palestine, the Jerusalem Inter Church Centre, and New Profile. Their staff members have put in hour upon hour of work to offer the international community a comprehensive set of facts, testimonies, and analysis of the lives of Palestinian prisoners and their families. Most of the statistical and legal information in this publication comes from them. We are proud to publish this dossier with their cooperation.

It is our hope that participants in this year’s World Week for Peace in Palestine Israel will experience close and transformative encounters with the dreadful reality faced by those living under occupation in Palestine. Working together across the religious divide in Palestine and Israel, and in unity with people who seek justice across the world, regardless of religion and ethnicity, we can help bring an end to the illegal occupation of Palestine. We can. We must.

John Calhoun
Moderator, International Working Group
World Week for Peace in Palestine Israel

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PIEF Staff Coordinator
World Week for Peace in Palestine Israel

August 2014
1. Palestinian Political Prisoners: An Overview

Since the Israeli occupation of Palestinian territories in 1967, Palestinians have been charged with offenses under Israeli military law and tried in military courts. Over the last 47 years, an estimated 750,000 Palestinians have been detained under Israeli military orders in the occupied Palestinian territory (OPT), which constitutes approximately 20 percent of the total Palestinian population in the OPT, and as much as 40 percent of the total male Palestinian population. While arrests can occur at any time and in any place, Palestinians are most commonly arrested at checkpoints, off the street, at border crossings and from homes in the middle of the night. Upon arrest, detainees are usually cuffed with plastic handcuffs and blindfolded. Once bound and blindfolded, the detainee may be kept waiting, standing or kneeling, for long periods of time before being thrown on the floor of a military jeep, sometimes face down, for transfer to an interrogation center. During the transfer, which can take up to several hours, Israeli soldiers often abuse detainees. Cases of beatings, kicking, insults, threats and deliberate humiliation are routinely reported. Palestinians detainees are typically not informed of the reason for their arrest, nor are they told where they will be taken. Most children are subjected to the same treatment.

As of 1 May 2012, there were 5,271 Palestinian prisoners in Israeli detention including:

- 192 administrative detainees
- 196 child detainees
- 11 Palestinian Legislative Council members
- 17 women
- 476 Palestinians serving life sentences in Israeli prisons
- 30 prisoners sentenced for more than 20 years
- 30 prisoners arrested before the signing of the Oslo agreements
All but one of the prisons where Israel detains Palestinian prisoners are located inside Israel, in direct contravention of Article 76 of the Fourth Geneva Convention, which states that an Occupying Power must detain residents of an occupied territory in prisons inside the occupied territory. In addition to illegality under international law, the practical consequence of this system is that many prisoners have difficulty meeting with Palestinian defense counsel and do not receive family visits, since their attorneys and relatives are denied permits to enter Israel on “security grounds.”

Legal Systems and Place of Residence
As mentioned, as of 1 May 2012, there were approximately 5271 Palestinian political prisoners held in Israeli prisons. Addameer defines political prisoners as any Palestinian—resident of the West Bank, including East Jerusalem, the Gaza Strip, or Israel—arrested in relation to the occupation. Of these prisoners, 192 were administrative detainees, 17 were women, 196 were children, and 11 were members of the Palestinian Legislative Council. In terms of origin, 298 were from East Jerusalem, 90 were citizens of Israel, 377 were from the Gaza Strip and the remainder (4,406) from the West Bank.

These prisoners are arrested on the basis of different legal systems, depending on their residence, whether in the West Bank, East Jerusalem, Gaza Strip or Israel.

West Bank
In the West Bank, Israeli authorities carry out arrests and detentions of Palestinians by virtue of a system of military regulations in place since the beginning of the occupation, with over 2,500 military orders issued over the past 47 years. Currently, the Order Regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), which replaces 20 pre-existing military orders, provides the authority to arrest and prosecute Palestinians from the West Bank for so-called “security” offences. These offences include injury to persons; offences against the authorities of the “area” and against the public order; obstruction of judicial proceedings; offences regarding weapons and war equipment, property, espionage or contact with enemy or hostile organization; and a number of other issues. Furthermore, Order No. 101 regarding the Prohibition of Acts of Incitement and Hostile Propaganda,
issued in August 1967, criminalizes a range of civic activities including organizing and participating in protests, assemblies or vigils; waving flags and other political symbols; printing and distributing political material. The order also deems any acts of influencing public opinion as prohibited “political incitement,” and under the heading of “support to a hostile organization,” prohibits any activity that demonstrates sympathy for an organization deemed illegal under military orders, be it chanting slogans or waving a flag or other political symbols. Military Order 101 also establishes a basis for censorship in the occupied West Bank by forbidding any individual to “print or publicize in the region any publication of notice, poster, photo, pamphlet or other document containing material having a political significance,” except in cases where the military commander has granted a permit.

Despite living in the same territory, Jewish settlers illegally residing in the West Bank and Israeli citizens committing “offences” in the West Bank, such as participating in demonstrations against the Annexation Wall in Palestinian villages, are not subjected to this legislation, but rather to Israeli criminal law, applied extra-territorially. Under this separate and unequal legal regime, Palestinians are subjected to more severe detention and sentencing provisions than Jewish settlers and Israeli citizens, with little or no effective judicial oversight.

**Due process**

Under military order 1651, Palestinians can be held for four days after their arrest before seeing a judge. This detention can be renewed for a period of 60 days, which can be extended to 90 days, without any charges being brought. During this period, a Palestinian can also be denied access to a lawyer for a maximum of 60 days. In comparison, Israeli settlers or citizens arrested under Israeli criminal law for a criminal offense committed in the West Bank can only be held for 24 hours without appearing before a judge. After these 24 hours, detention can only be renewed for a maximum period of 30 days without any charges being brought. Israelis accused of a criminal offence can only be denied access to a lawyer for a maximum of 48 hours.

Under military order 1651, if a Palestinian is ordered detained until the end of the legal proceedings, this detention can last up to 1.5 years, which may then be extended by six-month periods with no maximum limitation.
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Under Israeli criminal law, applicable to settlers residing in the West Bank and Israelis committing offenses in the West Bank, detention until the end of legal proceedings can only last up to nine months, whether for a criminal or security offense. This detention can then be extended “from time to time,” but only for periods of three months.

In addition, there are differences in the way charges are filed under Israeli military and criminal law. Under criminal law, charge sheets must be very detailed, including specific dates, time and place for the alleged offenses the defendant is accused of. Under military law, on the other hands, no such specifics are required, making it virtually impossible to prove the defendant’s innocence.

**Sentencing provisions**

Military order 1651 provides for harsher sentencing provisions than Israeli criminal law. Murder, for example, is punishable with the death penalty under military order 1651, article 209, although in practice such sentences are commuted to life imprisonment. In Israeli criminal law, on the other hand, murder is punishable by life imprisonment. However, under Israeli criminal law, if an offense is punishable by life imprisonment, but that penalty is not mandatory, then the maximum term of imprisonment that can be imposed by a court is 20 years. No such provision exists in Israeli military law applicable to Palestinians.

Similarly, while manslaughter is punishable by life imprisonment under military order 1651, it is only punishable by 20 years’ imprisonment in Israeli law. Carrying, holding and manufacturing weapons is punished by life imprisonment under Israeli military law, but under Israeli criminal law, the maximum penalty is 15 years’ imprisonment. With regard to incitement, while this “offence” is punishable by 10 years’ imprisonment under Israeli military law, it is only punishable by a maximum of five years’ imprisonment under Israeli criminal law. Under military law, there is no maximum set penalty for membership of an illegal organization, with a military court decision instead setting a precedent that the minimum penalty is 24 months’ imprisonment. In fact some Palestinians, such as Ahmad Sa’adat, have been sentenced to as much as 30 years’ imprisonment on such charges. Under Israeli criminal law, the maximum penalty is one year.
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In addition, under Israeli criminal law, a person cannot be held criminally responsible for attempting to commit an offence if through his/her own decision or remorse, he/she refrained from committing it. Again, no such provision exists in Israeli military law.

In practice, the differences in law produce much higher sentences for Palestinians committing similar or lesser crimes than Israelis. On 21 January 2011, Israeli settler Nahum Korman, who beat an 11-year-old Palestinian child, Helmi Shusha, to death, was sentenced to 6 months of community service. On the same day, Suad Ghazal, a 15-year-old Palestinian girl accused of attempting to stab an Israeli settler, was sentenced to 6.5 years in prison.

Administrative detention

Under both military order 1651 (applicable to Palestinians) and the Emergency Powers (Detention) Law of 1979 (applicable to Israeli citizens), administrative detention orders can be issued for a period of 1-6 months, with no limits set on the number of times this detention can be renewed. However, while Palestinians must be brought before a judge for review of the order only within eight days of arrest, Israeli citizens must be brought before a judge within 48 hours of arrest. Furthermore, Israeli citizens are entitled to periodic review of their detention every three months, but there is no such provision for Palestinians.

While administrative detention has been used both regularly and on a large scale against Palestinians, historically only approximately nine settlers have been placed in administrative detention. Some Palestinians have spent as many as six and a half consecutive years in this form of detention, while settlers are on average only detained for a few months, with the longest reported period being the administrative detention of Israeli settler Noam Federman for nine months in 2004. Federman’s case was also particular in that he was placed in administrative detention until the end of legal proceedings against him after he was charged with involvement in a 2002 attempt to bomb a girls’ school in East Jerusalem. Furthermore, in 2005, the Jerusalem Magistrate’s Court ordered the Israeli state to pay Federman NIS 100,000 as compensation for wrongfully placing him in administrative detention. It was the first time such a former administrative detainee was compensated for his detention.
**Definition of children**

Under Israeli domestic law applicable to Israeli citizens, the age of majority is defined as 18 while up until very recently the age of majority of Palestinians under military order 1651 was 16. On 27 September, the Israeli military commander of the West Bank issued military order 1676 to raise the age of Palestinian majority in the military court system from 16 to 18. Despite this, however, the amendment states that minors over the age of 16 may still be held in detention with adults, a provision that does not exist in Israeli criminal law. Furthermore, while Israeli children have the right to have a parent present during interrogation, this right is not fully accorded to Palestinian children under military legislation. Although military order 1676 includes a requirement to immediately notify the child’s parents upon his or her arrest and interrogation, it also gives interrogators many openings to avoid this requirement. Furthermore, the amendment requires interrogators to inform minors of their right to an attorney but states that they will only notify an attorney “whose particulars were provided by the minor.”

In general, Israel’s Youth Law, which applies to Israeli minors, has been amended over the years to incorporate the rules of international law concerning the treatment of juveniles in criminal matters and the obligations derived from these rules. These amendments emphasize options for the rehabilitation of juveniles, their rights as human beings, the rights of witnesses who are minors, and more fundamentally favor alternatives to arrest, which is viewed as an absolute last resort. In contrast, despite the creation of a military court to try Palestinian children separately from adults in 2009, military legislation has not been amended to correct many of the due process deficiencies relating to the arrest and prosecution of Palestinian children.

**Military courts**

Palestinians from the West Bank who are arrested by the Israeli military and charged with security violations (as defined by Israel) and other crimes are prosecuted by two Israeli military courts located in Ofer and Salem in the OPT. Not all Palestinians who are arrested are prosecuted in the military courts; some are released while others are administratively detained without
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Of those who are charged, approximately 99 percent are convicted, and of these convictions, the vast majority is the result of plea bargains.

As an Occupying Power, Israel has the right under international humanitarian law to establish military courts in the OPT, but applicable international human rights and humanitarian law restricts the jurisdiction of such courts to violations of criminal security legislation. The jurisdiction of Israeli military courts, however, is far broader and includes offenses unrelated to such legislation. Moreover, it is questionable whether the use of military courts to try civilians can ever satisfy the requirements under international human rights law that trials take place before independent and impartial tribunals. International law also guarantees certain fundamental fair trial rights, but these are regularly flouted by Israeli military courts:

**The right to prompt notice of criminal charges:** Israeli military orders contain no requirements that the charge be given to the accused without delay, and in a language he or she understands in, as required by international law. In practice, information on charges against the accused are often not disclosed by the prosecution until the day of the first hearing, which typically determines whether the accused will remain in detention until the end of the proceedings.

**The right to prepare an effective defense:** During interrogation, a detainee can be held for up to 60 days without access to a lawyer. Lawyers acting as defense counsel before the military courts highlight many further obstacles preventing an effective defense, including difficulties in meeting with their clients in detention facilities inside Israel, the lack of proper facilities to hold confidential meetings, court documents written in Hebrew, and the provision of incomplete prosecution material.

**The right to trial without undue delay:** Palestinians can be held in custody for four days before being brought before a judge. Furthermore, a Palestinian can be held without a charge for interrogation purposes, by order of a military judge, for an initial period of up to 60 days, which can be extended.

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2. See infra. Of the 8,516 cases concluded in the military courts in 2010, full evidentiary trials (in which witnesses were questioned, evidence was examined and closing statements were delivered) were conducted in only 82 – or 0.96 percent – of them.
for another period of up to 30 days. They can therefore be held for a total of 90 days before being charged.

_The right to interpretation and translation:_ Israeli jurisprudence provides that a prisoner must be interrogated in his native language and that his statement also be written in that language, but in practice the detainee’s confession or statement is frequently written in Hebrew, requiring the detainee to sign a statement he or she cannot understand. Moreover, all proceedings in the military courts are conducted in Hebrew with insufficient or inadequate translation.

_The right to presumption of innocence:_ Israeli military orders do not include an explicit provision regarding the presumption of innocence. The exceedingly low rate of acquittals in the military courts, the practice of denying bail to the vast majority of pre-trial detainees, and the uncorrected prosecutorial reversal of the burden of proof against the accused all serve to indicate a strong presumption of guilt built into the military court system.

**East Jerusalem**

In East Jerusalem, although Israel imposed Israeli civil law upon its illegal annexation of the city in 1967, Palestinian residents continue to be subjected to a dual system of law: Israeli civil law and Israeli military regulations. In that framework, Israeli authorities often detain and interrogate Palestinians from East Jerusalem under military orders, a system that permits longer periods of detention, before transferring them to the Israeli civil system for trial, where prosecutors can seek higher sentences based on the principle that security offences are less common than in the military system in the OPT. The arrest and detention of Jewish settlers residing in East Jerusalem, however, is governed solely by Israeli civil law, which affords them greater protection and due process rights.

**Gaza Strip**

Before Israel’s unilateral “withdrawal” from the Gaza Strip in 2005, a system of military orders similar to the one currently in place in the West Bank governed the arrest of Gazans. Since then, however, Gazans have been subjected to a different legal regime than Palestinians in the West Bank and are instead either arrested on the basis of Israeli criminal law, under which they are
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automatically classified as “security” prisoners and suffer from harsher standards of detention and sentencing than their Israeli “criminal” counterparts, or under the Incarceration of Unlawful Combatants Law.

In 2002, the Israeli Knesset passed the Incarceration of Unlawful Combatants Law, which is used to detain residents of the Gaza Strip without trial. Under this law, Israeli officers are authorized to order the internment of a Palestinian first for a period of 96 hours, which can then be renewed for an indefinite period of time, as opposed to administrative detention of Palestinians from the West Bank and Israeli citizens, which can only be ordered for a maximum of six months at a time. The internment can only be ended when one of the conditions for the internment ceases to exist or other reasons to justify the person’s release arise. Alleged unlawful combatants must be brought before a judge within 14 days of the issuance of the internment order. If the order is confirmed by the judge, the internment must be reviewed every six months.

**Detention conditions**

Palestinians from the Gaza Strip detained in Israeli prisons have been subjected to additional discriminatory treatment as a result of Israel’s June 2007 imposition of a total prohibition on family visits to these prisoners. On 9 December 2009, the Israeli High Court of Justice ruled against two petitions filed in 2008 by Palestinian and Israeli human rights organizations protesting the legality of the ban on family visits. The court held 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.” However, since the end of the mass hunger strike of 2012, family visits for Gaza prisoners have recommenced, although only every two months, as opposed to every two weeks for prisoners from the West Bank and Israel proper. In addition, starting in November 2009, Israel has effectively prevented these prisoners from receiving money from their families to buy basic necessities through the prison canteens by requiring that transfers of money be conditional on the physical presence of a family member at an Israeli bank—an impossibility for families residing in the Gaza Strip.
Finally, within the domestic criminal justice system itself, Israeli authorities discriminate between incarcerated Jewish and Palestinian citizens by distinguishing between criminal and “security” prisoners, with the majority of the latter being Palestinians. As of 1 December 2013, there were 5,060 security and 12,353 criminal prisoners in Israeli prisons. The overwhelming majority of these security prisoners were Palestinians from the West Bank, including East Jerusalem, and the Gaza Strip. Of the remaining security prisoners, the majority were Palestinians with Israeli citizenship. Although the exact numbers were not available for 2014, statistics from 2009 can also be used to illustrate the proportion of Jewish and Palestinian security prisoners. According to Adalah, in 2009 only 16 of the 7,740 security prisoners were Jewish.

Due process

Israeli citizens accused of committing a “security” offence may be held for four days before being brought before a judge. This detention can be renewed for a maximum period of 60 days without any charges being brought. During this period, the detainee can also be denied access to a lawyer for a maximum of 21 days. In comparison, Israeli citizens accused of committing a criminal offence can only be held for 24 hours without appearing before a judge. After these 24 hours, detention can only be renewed for a maximum period of 30 days without any charges being brought. Israelis accused of a criminal offense can only be denied access to a lawyer for a maximum of 48 hours.

Detention Facts and Figures

- 750,000 Palestinians arrested since 1967
- 50,000 arrested since the beginning of the Al-Aqsa Intifada
- 2,000 cases of torture in 2008 alone
- More than 600 complaints of torture and ill-treatment submitted against ISA interrogators since 2001
- Not one criminal investigation initiated
- Between March 2002 and October 2002, 15,000 Palestinians arrested in mass arrest campaigns
Treatment and Detention Conditions of Palestinian Political Prisoners

Palestinian political prisoners, whether from the West Bank, including East Jerusalem, the Gaza Strip, or Israel, are defined as “security” prisoners by Israel. As a result they are subjected to harsher interrogation techniques and more severe detention conditions than their Israeli criminal counterparts.

Interrogation, Torture and Ill-Treatment

As previously mentioned, under Israeli military orders, a Palestinian detainee can be interrogated for a total period of 90 days, during which he/she can also be denied lawyer visits for a period of 60 days. During the interrogation period, a detainee is often subjected to some form of cruel, inhuman or degrading treatment, whether physical or psychological, and ranging in extremity.

The forms of torture and ill treatment employed against Palestinian prisoners include the following: beatings, tying prisoners in “stress positions,” interrogation sessions that last up to 12 consecutive hours, depriving prisoners of sleep and other sensory deprivation, isolation and solitary confinement, and threats against the lives of their relatives. In past instances, detainees have died while in custody as a result of torture. Confessions extracted through such practices are admissible in court. Israel defends its interrogation techniques as a legitimate way of combating terrorism faced by its citizens, but in reality these practices are in direct contravention of international law, including the United Nations Convention against Torture (CAT), ratified by Israel on 3 October 1991, which requires any State Party to prevent the use of torture and associated practices. The prohibition is absolute and non-derogable, and allows for “no exceptional circumstances whatsoever.”

On 6 September 1999, the Israeli High Court of Justice banned the use of torture during interrogation. A seemingly considerable victory for human

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3. Previously, a Palestinian detainee could be interrogated for a total period of 188 days and denied lawyer visits for 90 days. This military order was amended to reflect the new interrogation periods on 1 August 2012.
4. Article 2(1) of the United Nations Convention Against Torture
5. Article 2(2) of the United Nations Convention Against Torture
rights defenders has proved in practice not to be applicable to Palestinian “security” detainees. Indeed, the ruling failed to explicitly forbid the use of torture but rather allowed that interrogation methods such as “moderate physical pressure”—widely deemed as torture—be used in situations where a detainee is considered a “ticking bomb.” Furthermore, the ruling, while banning the use of the “necessity of defense” ex ante, continued to allow this defense post-factum in cases of “ticking bombs,” thereby effectively allowing for impunity in cases of torture. As it stands in 2013, the use of torture and ill-treatment against Palestinian prisoners by Israeli authorities is so widespread to be rightly characterized as systematic. Since 1967, 72 prisoners have died as a result of torture.

Security prisoners are interrogated by the Israeli Security Agency (ISA), which often uses methods that amount to ill-treatment and torture. Criminal prisoners, on the other hand, are interrogated by the Israeli police, whose methods of operation are governed by a different set of rules. This has created two distinct regimes of interrogation, with the one affording less protection and rife with abuse used almost exclusively against Palestinians, whether from the OPT or Israel.

The use of physical pressure against prisoners and detainees is less common since the 1999 High Court ruling in *The Public Committee against Torture in Israel v. Government of Israel*, which placed certain restrictions on the use of torture during interrogation. However, as previously mentioned, under the court’s decision, “moderate physical pressure” was allowed to continue in “necessity of defense” and in “ticking time-bomb” cases. As a result, Israeli interrogators continue to use forbidden interrogation techniques.

When complaints are filed against an ISA officer, they are submitted to the Attorney General, who decides whether to forward them to the Police Investigation Department (PID), an external body part of the Ministry of Justice, for criminal investigation. In practice, however, complaints are forwarded to the Officer in Charge of GSS Interrogee Complaints (OCGIC), an ISA officer, who reviews the complaint and is required to report directly to the Attorney General on the validity of the complaint. As a result, the OCGIC is thus responsible for investigating both his ISA colleagues and the detainee who registered the complaint. The conflict of interest in this matter is clear and undermines a detainee’s right to an independent and impartial
investigation. The results of this flawed structure are clear: according to the Public Committee against Torture in Israel (PCATI), the recourse to PID has not been used once in recent years. In addition, all torture allegations and complaints are either denied or justified under the banner of “necessity defense,” and none of the 621 complaints submitted between September 2001 and September 2009 resulted in a criminal investigation. In a few isolated cases, disciplinary measures have been applied against ISA officers, but none included harsh measures such as fines, dismissal or demotion.

**Detention Conditions**

Detention conditions differ greatly between criminal and “security” prisoners. Privileges such as the ability to make phone calls, receive family visits without a glass divider, and make occasional visits outside the prison are only available to criminal prisoners. Indeed, while criminal prisoners may use phones on a regular basis, “security” prisoners are denied the use of phones, except in exceptional circumstances, such as the death of a family member; but even then, authorization must be obtained from prison officials. Security prisoners are confined to their cells for the majority of the day, except for a few hours of recreation. No such restrictions are imposed on criminal prisoners. Discrimination is especially apparent in education, with criminal prisoners enjoying rich and well-organized formal and informal education programs while “security” prisoners, including minors, are entitled only to minimal education programs. Adult “security” prisoners, for example, can only study by correspondence at the Open University, which only offers studies in Hebrew. While criminal prisoners may be eligible for occasional visits outside of prison, this is virtually impossible for Palestinian “security” prisoners. In addition, other rights, such as the right to be released on parole, are applied preferentially to criminal prisoners, with only a very small percentage of security prisoners eligible for early release.

In practice, Israel also discriminates between Jewish and Palestinian “security” prisoners by offering preferential treatment to the former. Ami Popper, a former Israeli army officer, was sentenced to seven life sentences for killing seven Palestinians in 1990, although his sentence was commuted to 40 years in 1999. During his imprisonment, Popper, who is categorized as a “security” prisoner, has married and fathered three children. He has also
been able to take hundreds of vacations outside prison, during one of which, while driving without a valid license, he was involved in a car accident that killed his first wife and one of his children.

**Conclusion**

It is quite clear that Israel is using the mass detention and imprisonment of Palestinians as a policy. This policy has the dual objective of suppressing any resistance to Israel’s continued occupation and colonization, while at the same time preventing from any sort of normal Palestinian society from emerging. Given the fact that most Palestinian families living in the OPT have suffered in some form or another from this policy, the issue of the prisoners is very close to peoples heart in Palestine.

Israel continues to target the student, community and political leadership of Palestinian society and subjects them to a wide range of grave violations on a daily basis - from the moment of arrest, through interrogation, and eventual imprisonment. The treatment of Palestinians, however, is in stark contrast to that of Jewish Israelis.

Israel’s arrest and detention of Palestinians in the OPT and within Israel proper is governed by a regime of laws and institutions almost completely separate from the one administering the arrest of Jewish Israelis. Because this system enables the large-scale arbitrary arrest of Palestinians while generally affording them lower protections and guarantees than Jewish Israelis, it should be understood as a discriminatory institutional tool of domination and oppression against them.