



Arab Organisation for Human Rights in UK
المنظمة العربية لحقوق الإنسان في بريطانيا



24 June 2014

Starvation

in the face of shackles

Administrative Detainees in Israeli Prisons



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Introduction

Political or administrative detention has long been one of the main tools of repression adopted by Israeli occupation forces to crush any form of Palestinian political activities since 1948, especially after the 1967 occupation of the West Bank..

Administrative detention is a procedure that allows the Israeli military to hold prisoners indefinitely on secret evidence without charging them or allowing them to stand trial.

Administrative detention intensified after the 1987 Palestinian intifada (uprising) and authorities were given more powers to renew detention for indefinite periods. The number of administrative detention orders rose to 19,000 between 1987 and 1994.

To facilitate the process of administrative detention, Israeli occupation authorities issued many military orders including Military Order 1226 (1988) which empowers not only the area Commander but lower-ranking officers to detain any Palestinian individual for an initial period of up to six months, subject to indefinite extension, on the pretext of 'reasonable grounds to presume that the security of the area or public security require the detention.' Israel subsequently established Ktzi'ot Prison (known to Palestinians as Ansar III) in the Negev desert to accommodate a huge number of detainees.

In 1998, the pace of detentions slowed down until the number of administrative detainees at Megiddo Prison dropped to only 7 in 2000. When the second Intifada (ALaqa) broke out in September of the same year, administrative detentions reached more than 18,000 Palestinians, including children, were administratively detained.

There are currently 200 administrative detain-

ees in several prisons (such as Ofer, Negev and Megiddo), of those 11 are members of the Palestinian Legislative Council who had spent many long years in detention.

The text of the military order:

A low-ranking army officer issues an order for administrative arrest on the basis of the notion that a detainee is guilty until proven otherwise. This type of arrest is not based on any evidence or probable cause and can be extended indefinitely. Charges are leveled randomly and are based on 'secret' evidence authorities claim cannot be revealed because doing so would endanger the life of those supplying it with intelligence. Pre-fabricated charges usually adopt the following format:

As commander of the.....area, I issue an ad-

ministrative detention order against..... ID
no.....born in.....place of residence.....for
being active in.....and constituting a danger to
the area's security. He shall be remanded in ad-
ministrative custody from date.....to.....



Hunger Strikes

Indefinite administrative detentions and Israel's refusal to end this practice in the aftermath of the hunger strike on 17th of April 2012 which last 28-days prompted the Palestinian detainees to go on an open-ended strike on the 24th of April 2014 under the slogan "Revolution, Freedom, Determination to live." The strike is seen as a last resort after exhausting all other available means. Israeli occupation authorities responded by moving many detainees to other prisons such as Al-Ramla and Hadarim in an attempt to foil the strike but this only served to strengthen the resolve of Palestinian detainees.

According to the prisoners, the most humiliating aspect of the abuse occurred when, on the third day of the strike, Negev Prison director Ellen Bourda ordered that all prisoners be completely

stripped, similar to what happened at Abu-Gh-raib Prison in Iraq. Prisoners describe how they were roughly handcuffed then dragged out of their cells. Every 20 prisoners were shoved into a cage, still handcuffed. Prisoners were then pulled out one by one and brought before several soldiers and prison administrators and ordered to take all their clothes off for inspection. Those who refused to strip were physically assaulted. Prisoners had to take everything off, including their underwear under the threat of violence and because they were too hungry and fatigued to resist. They would then march the prisoner, completely naked, and start taunting him about his various body parts. Israeli soldiers were shouting” Where are all the Muslims? Where are the Arabs? Where is humanity which you claim supports you? None is as powerful as Israel. Arabs and Muslims are insects.”

Since the beginning of the strike until the 7th of June 2014, more than 70 detainees have been taken to various Israeli hospitals following the deterioration of their health. Many could barely

walk they had to be taken out on wheelchairs. Several prisons, especially Negev Prison, have also refused to give striking detainees water and salt, thus endangering the lives of many of them .

The health condition of some striking detainees who have been in detention for longer than six months:

- 1- Hatim Rabah Rasheed Quffesha, MP, from Hebron, has been detained since the 4th of February 2013. Quffesha said in a letter dated the 2nd of May 2014 that he had spent a total of 145 months in prison on several occasions. His health deteriorated more than once necessitating his transfer to hospital. Occupation authorities arrested his son Anas, 19, on the 16th of September 2013 to put pressure on the father.
- 2- Mohammed Jamal Al-Natsheh, MP, from Hebron, has been detained since the 27th of March 2013. Al-Natsheh was arrested a few

times and spent a total of 17 years in Israeli prisons. He is currently in Ashkelon Prison and suffered a heart attack and kidney problems. His health deteriorated rapidly following a decision to hold him in solitary confinement in November last year in Negev Prison to punish him for protesting against administrative detention. He was later moved to Ofer Prison.

- 3- Naseem Mustapha Al-Qawasmi, from Hebron, has been detained since the 6th of November 2012. He had spent nine years in Israeli prisons. Israeli Occupation authorities renewed his administrative detention on the 5th of June 2014 for another three months at a time when his family was getting ready for his release only to be told he would be in jail for another few months.
- 4- Samir Mohammed Bhees, a 40-year old father of four from Yatta, Hebron. Bhees was detained in 2002 and spent five and a half years in prison. On the 1st of February 2014, his de-

tention was renewed for another four months. And on the day his administrative detention was up (the 1st of June), he was charged and referred to an Israeli court.

- 5- Ayman Za'aqueq, a 35-year old father of two from Hebron, was arrested in 2006 and spent four whole years in detention before being arrested again in 2011. He was once again detained on the 11th of November 2013 and five months after his release was arrested again on the 23rd of April 2014. His mother died in 2013 of a brain stroke after she heard her son's administrative detention in Negev Prison had been renewed.



Testimonies

A number of striking administrative detainees were released during the hunger strike. They sounded the alarm bells about the health condition of many of the other detainees. Mohammed Abu Dahabiah from Dar Salah village north of Bethlehem was released on the 3rd of June 2014 after spending 8 months in detention. Abu Dahabiah who had spent time in Ofer and Nafha prisons said that the striking detainees were in a very condition and warned their lives were in great danger.

Rami Barghouthi, a 33-year old detainee from Kfar Ein west of Ramallah, was released on the 20th of May 2014 and taken immediately to Al-Ahli Hospital in Hebron for treatment after losing more than 20 kilograms while on a hunger

strike. Barghouthi had spent four months in administrative detention and said upon his release that the health conditions of striking detainees held in Negev prison had deteriorated drastically. He singled out the detainee Na'el Khilaf who had lost 39 kilograms and was unconscious most of the time.

On the 29th of May 2014, Israeli occupation forces released the administrative detainee Ghasan Karaja, 25, from Safa west of Ramallah, after two years in prison. Karaja had been on a hunger strike for 16 days in solidarity with other detainees necessitating he be taken to hospital for medical check-ups upon his release. He said that striking detainees were being harassed by prison authorities who have resorted to night searches and sleep deprivation to force them to end their hunger strike. He called for more solidarity with the detainees.

Zeid Shaker Al-Junedi from Hebron spent a total of five years in administrative detention the last of which was on the 17th of January 2014. He was

released on the 15th of May 2014 after a 22-day hunger strike. Al-Junedi was arrested at Al-Ramla (Ayalon) Prison. He said there were 10 very sick detainees who were over 50 years old and who had gone on a hunger strike to protest the conditions of their arrest. Al-Junedi also revealed that transferring any of the detainees to the clinic usually took longer than four hours and is only done after a lot of knocking on cell doors. He pointed out that striking detainees were cut off from the rest of the world except for the whatever news they received from their lawyers who are made to wait long hours to see their clients.

Al-Junedi describes prison as being very hot, camp, and completely underground. According to him, Occupation forces were intent on humiliating the detainees by subjecting them to regular body searches, forcing them to take all their clothes off and changing them a few times every day to make sure they were not carrying any salt. He added that the detainees were subjected to body searches in the nude once or twice every

day and were not allowed out in the sun. He also revealed that 49 administrative detainees had left Ofer to Ayalon at the beginning of the hunger strike after which they were sent to small underground cells each one housing 4 or 5 detainees, most of them barely able to stand up.

He emphasised that prison administrators treated striking detainees no better than animals and had to be pressured into extending any sort of medical help to the detainees. “Before I was released, we had a detainee from Bethlehem who vomited blood and could not keep any fluids down. The doctor refused to treat him while he was on a hunger strike although he could have given him some supplements to improve his condition. He examined him by looking at him through the cell window.”



Systematic Policy

It is quite evident that Israeli intelligence services resorts to administrative detention for a number of reasons:

1. Administrative detention constitutes an alternative to prison sentences in cases where Israeli authorities wish to detain someone when no evidence of wrongdoing exists.
2. Administrative detainees are often held on the basis of tips provided by informants to Israeli intelligence services. The latter are reluctant to reveal the source of their information by formally charging detainees with any offences.
3. Israeli desire to detain Palestinians with special abilities or who pose a threat to Israeli security but Israel cannot lock them up through

the courts due to lack of any incriminating evidence so it resorts to administrative detention.

4. Targeting Palestinian activists with random arrests and detentions for the purpose of wreaking havoc with Palestinian nationalist struggle and activism.
5. Inflict economic loss on Palestinians and their families by targeting the family's main source of income.
6. Appeasing Israeli public opinion and convincing it of the importance of a military campaign against Palestinians and using detainees as a bargaining chip in negotiations with the Palestinian side.

The Legal Framework

Israel has justified the use of extrajudicial punishments such as administrative detentions by claiming that such punishments are in compliance with the Defence (Emergency) Regulations of 1945 which were in effect when Israel occupied the West Bank in 1967. In reality, these regulations were revoked by the British on the 14th of May 1948 but Israeli laws and Israeli military legislations operative in the West Bank permit and regulate administrative detention.

Israel's policy of administrative detention according to the Defence Regulations of 1945 is a glaring violation of international laws. Article 43 of the Hague Conventions of 1907 obliges Israel to take all the measures in its power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the

laws in force in the country.

International laws have sanctioned administrative detention in so far as they are absolutely necessary and occur on a very limited scale alongside judicial guarantees that safeguard detainees' rights. International laws warn against using administrative detention as a form of collective punishment and stipulate that administrative detention should cease with the end of the special circumstances that allowed for it in the first place. As such, international laws placed strict restrictions on administrative detention and provided safeguards to protect detainees' rights such as recourse to independent and impartial instruments to question the lawfulness of the detention and order the release if the detention is not lawful, the right to contact his family, access to medical care in addition..Etc.

Since administrative detention is based on 'secret' evidence and used systematically, it is clear that detainees are denied the right to be tried in an impartial court of law. As such, administrative

detention is a crime of war according to articles 130 and 131 of the Third Geneva Convention and articles 147 and 148 of the Fourth Geneva Convention 1949.

Conclusions and Recommendations



- 1- For long time, Israeli occupation forces have symmetrically resorted to administrative detention to punish Palestinian activists in a clear violation of humanitarian international law which stipulate that these forms of detention constitute a crime of war.
- 2- Despite the great suffering and losses incurred by the detainees and their families, the danger posed by administrative detention and the fact it violates all international laws and customs, the international community has not done enough to put any pressure on Israel to end this practice.
- 3- The hunger strike came as a last resort after detainees exhausted all other legal means at their disposal. They are fully aware of the danger this poses to their health and even to their lives.
- 4- The deterioration of the health condition of the striking detainees could lead to the death of these detainees which in turn could anger many Palestinians. Decision makers and officials all over the world are urged to interfere to save the lives of those on a hunger strike and put pressure on Israel to end this practice.



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