

Israel's Noncompliance with

The International Covenant on

Civil and Political Rights:

Supplemental Information Additional to the Second Periodic Report of the State of Israel Concerning its Implementation of the International Covenant on Civil and Political Rights

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Introduction: *the applicability of the Covenant*

The following report was compiled by Al-Haq, Law in the Service of Man and Al-Mezan, Center for Human Rights in Gaza to provide supplemental information to Israel's second periodic report to the UN Human Rights Committee regarding its fulfillment of its obligations as a signatory to the International Covenant on Civil and Political Rights (the CCPR). Necessarily this report is not comprehensive, as covering all of the violations of the CCPR currently being committed by Israel in the Occupied Palestinian Territories would require a report of more length than is appropriate. Nevertheless, this report attempts to give an overview of several of the major types of violations that are being committed by Israel, and highlights questions that we believe the Human Rights Committee should put to the Israeli representatives appearing before the Committee in its upcoming session.

Before beginning this report we would like to briefly address the issue of the applicability of the CCPR in the Occupied Territories. Israel's stated position as regards the Covenant is that,

"the Covenant does not apply to areas that are not subject to its [Israel's] sovereign territory and jurisdiction. This position is based on the well-established distinction between human rights and humanitarian law^{1[1]} under international law. Accordingly, in Israel's view, the Committee's mandate cannot relate to events in the West Bank and

^{1[1]} It should be noted that Israel also denies the *de jure* applicability of most international humanitarian law in the Occupied Palestinian Territories. Israel has argued that because prior to 1967 neither Jordan nor Egypt were legitimate sovereigns in the West Bank and Gaza Strip respectively the Fourth Geneva Convention does not apply in these areas as they were not the *de jure* territories of a High Contracting Party when they were occupied. Israel contends that the Convention only applies to a situation where the occupying power displaces a legitimate sovereign holding *de jure* title to the territory occupied. Israel thus considers itself not an "occupying power", but an "administering power" in light of what it considers to have been a vacuum of sovereignty in the West Bank and Gaza. Former Israeli Attorney General Meir Shamgar officially supported this conclusion, but did state that Israel would respect the humanitarian provisions of the Convention. However, Shamgar did not spell out what these provisions were and ignored the fact that the entire Convention is humanitarian in nature. The international community has universally rejected Israel's position on this matter. Israel does consider the Hague Regulations to be a part of customary international law. Nevertheless, in most cases where the Israeli High Court has been called upon to address Israeli violations of the Regulations in the Occupied Territories its interpretation of the Regulations has more often than not facilitated and justified breaches of the law. (See. In Need of Protection, Al-Haq (2002) pp. 24-8 or Bevis, Linda "The Applicability of Human Rights Law Occupied Territories: The Case of the Occupied Palestinian Territories, Al-Haq, 1994)

the Gaza Strip, inasmuch as they are part and parcel of the context of armed conflict as distinct from a relationship of human rights.”²[2]

While Article 4 of the CCPR does allow for limited derogations from the Covenant in times of emergency, the position taken by Israel stands in direct contradiction to the intentions of the framers of the Covenant. According to Daniel O’Donnell,

“The inclusion of Article 4 in the Covenant on Civil and Political Rights constitutes an attempt to regulate departures from the usual standards during times of acute crisis, that is, to extend the Rule of Law to this domain rather than create an exception to it.”³[3]

It is thus clear that the derogations clause in the CCPR was included because the framers of the Covenant agreed that the protections afforded by the Covenant were applicable in emergency situations including situations of armed conflict and belligerent occupation.⁴[4]

Even in “emergencies threatening the life of the nation” the right of states to derogate from the principles laid out in the CCPR is limited. Certain rights may never be derogated from, while for those rights from which states may derogate, the burden of justifying a state’s actions falls on the state, and its actions must be carefully scrutinized by both the state and outside parties to prevent abuse. To the greatest extent possible states must make all efforts to respect the provisions of the CCPR in full even in times of emergency.⁵[5]

Israel’s position is also diametrically opposed to that of the commission itself, which has stated that,

“the applicability of rules of humanitarian law does not by itself impede the applicability of the Covenant or the accountability of the State under article 2, paragraph 1, for the actions of its authorities. The Committee is therefore of the view that, under the circumstances, the Covenant must be held applicable to the occupied territories...”⁶[6]

Furthermore, the applicability of human rights law in situations of armed conflict has been affirmed repeatedly in UN General Assembly and Security Council Resolutions

²[2] *Second Periodic Report: Addendum, Israel*, U.N. Doc. Ccpr/c/ISR/2001/2, 4 December 2001, Para. 8.

³[3] O’Donnell, Daniel, “Commentary by the Rapporteur on Derogations,” *Human Rights Quarterly*, Vol. 7, No. 1 (1985) p. 30

⁴[4] Bevis, Linda, “The Applicability of Human Rights Law to Occupied Territories: The Case of the Occupied Palestinian Territories,” *Al-Haq* (1994) p. 23

⁵[5] O’Donnell, *supra* note 2, pp. 28-31

⁶[6] Concluding Observations of the Human Rights Committee: Israel, UN Doc. CCPR/C/79/Add.93, 18 August 1999, Para. 10

including UNGA Res. 2546, UNSC Res. 259, and UNSC. Res 237, which states that, "...human rights should be respected even during the vicissitudes of war".

Israel's continued denial of the applicability of the CCPR to its occupation of the Palestinian Territories cannot therefore be justified, and Israel's continued refusal to respect the provisions of the CCPR must be condemned. In reviewing Israel's latest report on its fulfillment of its obligations under the CCPR the Human Rights Committee must take Israel to task for its continued failure in this regard and should censure Israel for its continued violations.

It is our hope that the information provided in this report will assist the Committee in its review of Israel's report and will provide insight into Israel's actions and continued abuses in the Occupied Territories, as such information was not provided in Israel's report.

Article 1: Self Determination

"All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

The right to self-determination is one of the most basic of all human rights and is enshrined in, among other places, the CCPR, the International Covenant on Economic, Social and Cultural Rights, the UN Charter, and UN General Assembly Res. 1803. The protections afforded by these documents add emphasis to the fact that the defense of both individual and collective human rights depends upon the right of a people to determine their own fate and control their own resources. Unfortunately, former Israeli Prime Minister Golda Meir's statements made in June 1969 that the Palestinian people do not exist and that the claims of the PLO to the right to political self-determination are not grounded in historical legitimacy have come to typify Israel's attitude towards Palestinians' claim to the right to self-determination.

Israel's human rights violations in the Occupied Territories are directly connected to its continued occupation of the Palestinian Territories and the denial of Palestinians' right to self-determination. Palestinians' freedom to develop and control their national resources, both human and natural, forms the foundation upon which the realization of all of their economic, social, cultural, civil, and political rights are based. Israel's denial of Palestinians' right to self-determination has effectively blocked Palestinians' realization of all of their other rights. Unfortunately, despite the fact that there is universal agreement concerning the illegality of Israel's occupation, both Israel and the international community have failed to fulfill their legal obligations towards the Palestinian people.

Three of the most important UN resolutions related to Palestinians' right to self-determination are Security Council Resolutions 242 and 338 which called for the withdrawal of Israel from territories it occupied in 1967, and General Assembly Resolution 3236. In Res. 3236 the UN General Assembly recognized the Palestinians' right to self determination and then continued by,

“expressing its grave concern that the Palestinian people has been prevented from enjoying its inalienable rights, in particular its right to self-determination,

Guided by the purposes and principles of the charter,

Recalling its relevant resolution, which affirm the right of the Palestinian people to self determination,

1. Reaffirms the inalienable rights of the Palestinian people in Palestine, including:
 - a) The right to self-determination without external interference;
 - b) The Right to national independence and sovereignty.”⁷[7]

While Israel has for years refused to respect these resolutions, since the signing of the Oslo Accords the Israeli authorities have also argued that they should no longer be considered an occupying power as they have “effectively ceded power over “A” areas to the Palestinian Authority”. Israel argues that by handing control of “A” areas over to the Palestinian Authority (PA) it has relinquished all responsibility for human rights in these areas, and that the Palestinian people through the PA have been granted limited self-determination. Based on this analysis Israel has further argued that due to the presence of the PA and the changing reality on the ground Israel cannot be held “internationally responsible” for ensuring rights in areas governed by the PA. These arguments are repeated in Israel’s latest report to the committee. ⁸[8]

In its analysis of the legal status of the Palestinian-Israeli Conflict the human rights inquiry commission, established to investigate the current intifada under Commission resolution S-5/1 of 19 October 2000, looked at the issue of self determination and addressed some of the complications the establishment of the Palestinian Authority has caused. The inquiry commission rejected Israel’s contentions stating that,

“The argument that Israel is no longer an occupying Power because it lacks effective control over A areas of the OPT [Occupied Palestinian Territories] carries more weight, but is likewise untenable. The test for the application of the legal regime of occupation is not whether the occupying Power fails to exercise effective control over the territory, but whether it has the ability to exercise such power, a principle affirmed by the United States Military Tribunal at Nurnberg... The Oslo Accords leave Israel with the ultimate legal control over the OPT and the fact that for political reasons it has chosen not to exercise this control, when it undoubtedly has the military capacity to do so, cannot relieve Israel of its responsibilities as an occupying Power.”⁹[9]

⁷[7] UN General Assembly Resolution 3236 November 22, 1974

⁸[8] *Second Periodic Report: Addendum, Israel*, U.N. Doc. CCPR/C/ISR/2001/2, 4/12/2001, Para. 8.

⁹[9] Commission on Human Rights, Question of the Violation of Human Rights in the Occupied Arab Territories, Including Palestine: Report of the Human rights inquiry

Israel's reoccupation of nearly every Palestinian city in the West Bank, its sieges in the West Bank and Gaza, and its systematic destruction of the Palestinian Authority infrastructure over the past two years also undermine Israel's arguments. At this time the Israeli authorities retain effective control over all aspects of Palestinian life and also control, both administratively and militarily, the vast majority of the area of the Occupied Territories, thus remaining a formidable obstacle to Palestinian self-determination.

In this regard, the Committee should put the following questions to Israel regarding its failure to comply with Article 1 of the Covenant by respecting Palestinians' right to self-determination:

1. What is Israel's official position regarding the right of the Palestinian people in the Occupied Territories to self-determination?
2. What steps is Israel taking to facilitate the realization of Palestinians right to self-determination?

Article 6: Right to Life

“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

The right to life is the most fundamental of all human rights, is the foundation upon which all other rights are built, and is enshrined in most major human rights treaties and documents. As such, the right to life is not “considered a matter exclusively within the domestic jurisdiction of a state, but a matter of international concern, although states also have to ensure that their organs respect the life of persons within their jurisdiction.”¹⁰[10]

The Human Rights Committee has itself commented on the Right to life as laid out in Article 6 of the CCPR in *CCPR General comment 6: The Right to Life*,¹¹[11] which states that, “the rights to life enunciated in article 6 of the Covenant... is the supreme right from which no derogation is permitted even in time of public emergency which threatens the life of the nation.”¹²[12] General Comment 6 then goes on to state that,

“The protection against arbitrary deprivation of life which is explicitly required by the third sentence of article 6(1) is of paramount importance. The Committee considers that States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. The deprivation of life by the authorities of the State is a matter of the utmost gravity.”¹³[13]

The arbitrary deprivation of life is also prohibited in Article 1 of the Resolution on the Principles of Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions from 1989, which states that,

“Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. Exceptional circumstances including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of such executions.”

Over the course of its occupation of the Palestinian Territories, and especially during the course of the current Intifada, Israel has continually failed to respect its obligations under the Covenant in this regard as soldiers, police, and private citizens have killed Palestinians without any measures taken by Israel to prevent or punish their actions.

¹⁰[10] Fact Sheet No. 11 (Rev.1), Extrajudicial, Summary or Arbitrary Executions – www.unhchr.ch/html/menu6/2/fs11.htm

¹¹[11] CCPR General Comment 6, www.unhchr.ch - Treaty Bodies Database

¹²[12] *Ibid* 6(1)

¹³[13] *Ibid* 6(3)

According available documentation 2,002 Palestinians, including 342 children, were killed in the Occupied Territories between September 29, 2000 and January 17, 2003. Of this number 831 were killed in the Gaza Strip, and 1,068 were killed during 2002, including 158 children.

Despite the fact that a majority of those who have been killed have been civilians, according to information supplied to the Israeli newspaper Ha'aretz by the Israeli military's Judge Advocate-General office only 281 investigations were opened into "offenses" committed by soldiers during the first two years of the intifada, and only 37 Israeli soldiers had indictments submitted against them. Of these 37 cases, only 5 related to incidents involving gunfire, whereas 15 dealt with property offenses. 14[14]

"Of the military police investigations, only 20 dealt with incidents in which Palestinians were killed. Another 10 involved exchanges of fire, in some of which people were injured; 122 related to allegations of violent behavior by soldiers; 32 dealt with property crimes; 61 involved reports of looting; 29 pertained to the alleged use of Palestinian civilians as "human shields"; and 7 cases were categorized as miscellaneous."15[15]

In the few cases when soldiers have been tried and convicted of violations of the military's rules sentences have been inappropriately light. The sentencing of an Israeli soldier for the December 3, 2002 killing of 95-year-old Fatma Obayed near Ramallah is instructive. Fatma was killed when an Israeli soldier fired upon the taxi in which she was traveling. The soldier was convicted of breaching the rules of engagement by opening fire "without justification" and for lying during the inquiry into the incident. He was sentenced to 65 days in jail16[16], although the sentence was later reduced to 30 days.

Light sentences such as the one above, a lack of investigations into the lethal use of force against Palestinians, and a general failure to hold soldiers accountable for their actions has led to a "culture of impunity", whereby members of the Israeli military repeatedly kill Palestinian civilians without sanction from higher authorities. Such a state of affairs effectively condones and abets misconduct on the part of the Israeli security forces.17[17] Attached to this report in Appendix "A" is a series of affidavits taken by fieldworkers from the submitting organizations. Each affidavit gives testimony regarding killings committed by Israeli soldiers during the Intifada. To the best of our knowledge none of the soldiers responsible for the actions outlined in them have been held accountable for their actions.

14[14] Harel, Amos, "37 soldiers indicted for intifada-related crimes in last 2 years", Ha'aretz updates, 02/01/2003.

15[15] *Ibid*

16[16] Harel, Amos and Arnon Regular, "Soldier gets 65 days in prison for killing 95-year-old woman", Ha'aretz, 26/2/2002

17[17] "In Need of Protection", Al-Haq (2002), pp. 46-106

In regards to Israel's compliance with Article 6 of the Convention, the Committee should put the following questions to Israel:

1. What are the Israeli military "Open-fire regulations" effective in the Occupied Territories and what steps are taken to ensure that they are enforced?
2. How many investigations of killings of Palestinians by Israeli personnel have been opened? How many of these investigations have resulted in charges against soldiers? How many have resulted in convictions? What sentences have been handed down against those convicted in these cases?
3. Why have more investigations not been carried out into killings in circumstances in which it is clear that those killed were civilians?
4. What justification can Israel give for its use of lethal force against Palestinians in instances in which those individuals could have been arrested or detained?
5. How many assassinations ("targeted killings") has the Israeli military carried out over the course of the Intifada?
6. How many individuals other than those targeted have been killed during assassination attacks?

Article 7: Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

As the Committee is well aware, until 1999 torture, euphemistically referred to by the Israeli authorities as "moderate physical pressure", was legal in Israel and was systematically used against Palestinians detainees. As outlined in Israel's Second Periodic Report to the Committee the Israeli High Court of Justice ruled in September 1999 that certain interrogation methods including shaking, prolonged squatting, shabeh (position abuse), hooding, the playing of loud music, and the "frog crouch" could no longer be used. However, torture per se was not outlawed.

Two major loopholes were left to investigators that allowed for the continued use of torture. First, the high court only banned those interrogation methods that are not "inherently required by the interrogation". Sleep deprivation^{18[18]} and the extended

^{18[18]} Although sleep deprivation is mentioned in Paragraph 84 of Israel's Second Periodic Report as being among the list of abuses cited in the petitions put before the Israeli Supreme Court that led to the ruling banning the use of certain methods of interrogation, sleep deprivation was not explicitly forbidden by the court. The court allowed sleep deprivation stating that "depriving the suspect of sleep is, in our opinion, included in the general authority of the investigator", although sleep must remain a "side effect" of the interrogation and cannot be used for the purpose of "breaking" the prisoner. Likewise the security services were allowed by the court to keep prisoners shackled throughout extended interrogations in order to provide for the "safety of the interrogators", as long as the purpose of the shackling is not to cause the prisoner pain. These allowances have been systematically abused by Israeli interrogators in ways that amount to torture.

use of shackles during interrogations were not expressly forbidden and have since been regularly used upon Palestinian detainees in ways that amount to torture.¹⁹[19]

Second, the court also allowed interrogators to claim the “defense of necessity” if accused of torture.

“The state maintains that an act committed under conditions of “necessity does not constitute a crime. Instead, it is deemed an act worth committing in such circumstance in order to prevent serious harm to a human life or body... Not only is it legitimately permitted to engage in the fighting of terrorism, it is our moral duty to employ the necessary means for this purpose... As this is the case, there is no obstacle preventing the investigators’ superiors from instructing and guiding them with regard to when the conditions of the “necessity” defense are fulfilled and the proper boundaries in those circumstances. From this flows the legality of the directives with respect to the use of physical means in GSS interrogations...”

We are prepared to assume that... the “necessity defense is open to all, particularly an investigator acting in an organizational capacity of the State in interrogations of that nature.”²⁰[20]

It follows from this ruling that if a detainee is suspected of having information concerning a possible threat to Israel or an Israeli citizen, according to the high court ruling they may be tortured as long as the threat is “imminent”²¹[21]. This is in clear contravention of all international prohibitions on torture, including Article 7 of the CCPR, which is a non-derogable prohibition.

Since the High Court ruling, and particularly during the current Intifada, we have continued to receive reliable reports of Palestinians being tortured while they were held in Israeli detention. Methods of torture have included methods banned by the court as well as sleep deprivation and shackling. Some of the specific methods of torture documented have included:

- Repeated beatings over a prolonged period using hands, sticks, rifle butts, wires and other objects
- Slapping and kicking
- Stamping on detainees bodies

¹⁹[19] “Mass Detention in Cruel, inhuman and degrading conditions”, Amnesty International, May 2002 pp. 15-16

²⁰[20] HCJ 5100/94 The Public Committee Against Torture in Israel v. The Government of Israel et al., Para. 33-34

²¹[21] “...the imminence criteria is satisfied even if the bomb is set to explode in a few days, or perhaps even after a few weeks, provided the danger is certain to materialize...”, HCJ 5100/94 The Public Committee Against Torture in Israel v. The Government of Israel et al., Para. 34

- Psychological abuse and threats
- Pouring cold water over detainees
- Shackling prisoners in uncomfortable or painful positions
- Pushing a detainees head in a toilet bowl
- Alternately pouring cold and warm water on a detainees ears
- Removing a detainees clothing or forcing them to remain outside in cold or rainy weather
- Placing a sack over detainees heads²²[22]

The “necessity” justification has also been used on numerous occasions to justify the use of torture. Between the issuance of the High Court Ruling and July 2002 the Israeli security services used the “defense of necessity” at least 90 times in cases where “extraordinary interrogation measures”²³[23] were used against Palestinian detainees suspected of having information concerning attacks upon Israelis.²⁴[24]

Finally, as regards the High Court decision, the court explicitly gives the Israeli legislature the final say in determining the legality of the use of torture, stating that,

“The question of whether it is appropriate for Israel- in light of its security difficulties- to sanction physical means in interrogations, and the scope of these means- which deviate from the “ordinary” investigation rules- is an issue that must be decided by the Legislative branch...”²⁵[25]

The court has thus effectively given the Israeli Knesset the authority to legally approve legislation sanctioning the use of torture should it so chose, while effectively taking away Palestinians’ right to challenge any such legislation through the court.

²²[22] *Supra*, Note 17, pp. 140-157

²³[23] Documentation indicates that interrogations are often halted during Shabbat on Fridays and Saturdays, despite the claims that they the interrogations are part of an attempt to gather information regarding an “imminent danger”.

²⁴[24] “Comments on Issues relating to Palestinian detainees in the Third Periodic Report of the State of Israel Concerning the Implementation of the International Covenant on Civil and Political Rights”, LAW, The Public Committee Against Torture in Israel, The World Organization Against Torture, (September 2002) pp. 14

²⁵[25] “Summary of the Judgment Concerning the Legality of the GSS’ Interrogation Methods”, State of Israel, <http://62.90.71.124/mishpat/html/en/verdict/abst-e.rtf>

It must be added that torture and other forms of cruel, inhumane and degrading treatment used against Palestinians by Israel have not been limited to abuses committed during interrogations or in detention. Palestinian detainees taken into custody during the current intifada have been held in detention in conditions that amount to cruel, inhuman and degrading treatment. This subject is dealt with in more detail below in the section related to articles 9 and 10 of the Covenant. We have also documented numerous cases of beatings and abuse of Palestinian civilians at the hands of Israeli soldiers that amount to torture or cruel, inhumane and degrading treatment. Abuses in these cases have involved such actions as soldiers putting a gun to a child's head and threatening to kill him if the child's family did not reveal where the child's father, who was wanted, was located. Affidavits detailing some of these cases and cases of torture against Palestinian detainees are included at the end of this report in Appendix B. Although Palestinian, Israeli and International human rights organizations have repeatedly brought these cases to the attention of the Israeli authorities, as was shown through the statistics on military investigations given above, no practical action has been taken by Israel to hold those responsible for violations accountable.

In regards to Israel's compliance with Article 7 of the Convention, the Committee should put the following questions to Israel:

1. Since 1999 how many times have members of the Israeli security services used the necessity argument to justify the use of torture?
2. How many soldiers/police officers/security officials have been investigated or tried for abusing Palestinian prisoners? How many have been found guilty of abuses? What sentences have been handed down against these individuals?
3. What legal justification can be given by Israel for its continued refusal to formally ban torture?
4. What mechanisms are in place to prevent and investigate torture and abuse by Israeli police and security personnel?
5. What training if any do Israeli security personnel receive as regards the rights of detainees and abuse prevention?
6. What response does Israel have to NGO reports of the use of torture including sleep deprivation, position abuse, shackling, and beatings in Israeli detention centers?
7. Who is responsible for investigating complaints of abuse filed by detainees who allege abuses have been committed against them during their detention or in interrogation?

Articles 9 and 10: Liberty and Security of Person, Treatment of Persons Deprived of their Liberty

"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."

“All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

Among the most conspicuous violations of Palestinians’ rights carried out by Israel during 2002 were its massive arbitrary arrest campaigns, its use of administrative detention, and the cruel, inhumane and degrading conditions in which Israel held Palestinian detainees. Israel’s complete and effective control over all areas of the Occupied Territories, including those areas placed under the control of the Palestinian Authority by the Oslo peace process, have left its forces in a position to arrest or detain Palestinians at will. Over the last year this power to arrest has been used with abandon. When arrests are carried out International law lays out a number of guarantees designed to protect the rights of those detained. These rights apply to all people without distinction and include the right not to be arbitrarily arrested, the right to be informed of the reason for arrest, the right to access a lawyer, the right to either inform or have family members informed of their arrest and place of detention, the right to be brought promptly before a judge, the right to access the outside world, the right to challenge the legality of the detention, and the right to be treated with dignity and respect.^{26[26]} Israel has systematically violated every one of these protections.

During 2002 approximately 25,000 Palestinians were detained by Israel. Many of these detainees were taken into custody during massive sweeps through all of the major Palestinian cities during the Israeli incursions of March, April and June. During the first two weeks of “Operation Defensive Shield” alone over 4,000 Palestinians were arrested and approximately 350 were placed in administrative detention.^{27[27]} On a number of occasions during this period all Palestinian men in particular areas between the ages of 15 and 45 were ordered by Israeli soldiers to leave their homes and to assemble in a public area where they were subjected to searches and often arrested. These orders were accompanied by threats of retribution should the men fail to assemble in the designated areas. However, arbitrary arrests and detentions were not only a product of the incursions. According to official Israeli sources over 1,800 Palestinians were detained during the last four months of 2002.^{28[28]}

As of January 2003 approximately 5,800 Palestinians remained in Israeli detention, of this number 1,062 were being held in administrative detention never having been charged or tried. This is up from the approximately 30 administrative detainees held by Israel at the end of 2001.

The issuance of new military orders by the Israeli authorities helped to further degraded Palestinians’ right to liberty and security of person. For example, military order # 1500 issued by the Israeli military commander for the West Bank on 5 April 2002 gave every

^{26[26]} Amnesty International, “Israel and the Occupied Territories: Mass detention in cruel, inhuman and degrading conditions”, 05/2002, p. 5

^{27[27]} Amnesty International, “Israel and the Occupied Territories: The heavy price of Israeli incursions”, 04/2002, p. 2

^{28[28]} Harel, Amos, “1,800 Palestinians arrested in the last four months”, Haaretz, 26/12/2002.

Israeli soldier the authority to arrest Palestinians. In accordance with this order an Israeli soldier may arrest any resident of the West Bank without giving a reason and without first receiving authorization for the arrest from a superior officer. In addition to expanding soldiers right to arrest, the order also extended the number of days that an individual could be held before being brought before a judge from eight to twenty-six days. M.O. # 1500 allowed for detention for a period of 18 days before any legal action needed to be taken by the Israeli authorities. Following these 18 days the standards established prior to the issuance of M.O. # 1500 applied.^{29[29]} These standards do not require that the military bring detainees before a judge for another eight days. The order was later amended to shorten the period of a detainee could be held before prior law applied to twelve days.

On February 5, 2003 a petition by several human rights organizations challenging this order was partially accepted by the Israeli High Court. The court held that 12 days was too long to hold prisoners without bringing them before a judge. However, the court did not specify what it considers to be an acceptable period of detention and gave the military a full six months to change its current policy. The court also upheld a formal ban on lawyers' access to Palestinian detainees during their first two days of detention.^{30[30]}

Under military law there is also no requirement to inform detainees of the reason for their detention, and detainees are usually not granted legal council until after their initial period of detention is over. During this initial detention period, and while they are without council, detainees may be subjected to interrogations and information gathered during these interrogations is admissible as evidence in Israeli courts.

The conditions in which detainees have been held can only be described as cruel, inhumane and degrading. On April 4th, while "Operation Defensive Shield" was still under way Al-Haq was able to contact a prisoner being held in detention at the Ofer Detention Center near Ramallah. The prisoner informed Al-Haq that at that time there were between eight hundred and one thousand prisoners being held in detention at the Ofer camp. He stated that upon arrival in Ofer the first prisoners brought to the camp were forced to stand handcuffed outside in the rain for 36 hours before they were finally moved to tents. Initially approximately 140 men were forced to stay together for one day in two tents before more prisoners were brought to the camp and additional tents were provided to detainees.^{31[31]} Access to sanitation facilities in the camp was also extremely restricted, and prisoners reported that when they were initially detained and before they were transferred to a formal detention center they were often forbidden from using the toilet, and were thus forced to relieve them self wherever they were being detained.

^{29[29]} Military Order # 1500

^{30[30]} "Ban on Arrests of Palestinians without Trial", Yedioth Ahronoth – Update, 6 February 2003

^{31[31]} Al-Haq Press Release # 125, 4 April 2002

Ofer remains in use today, and although facilities have been upgraded slightly, thirty to forty men remain assigned to each tent although the tents are designed to hold only fifteen to twenty men. Prisoners are also each supplied with a board to sleep on and a single blanket, but no mattresses. While doctors are present in detention centers, medical care is rarely provided, and both Al-Haq and Al-Mezan have documented a number of cases in which sick or injured individuals needing hospital care have been held in detention and forbidden access to proper care.^{32[32]} Food in detention centers is also inadequate, contact with family members is forbidden, and prisoners are not even provided with such basic amenities as a change of clothes.

Finally, of grave concern to Al-Haq and Al-Mezan was the reopening of the Ansar III Detention Center (also known as Ketsiot) for the purpose of holding administrative detainees. Ansar III, which is located inside a closed military training area in the Negev Desert, was the main detention center used to house administrative detainees during the first Intifada, but was closed during the mid 1990's. As of mid-January 2003, approximately 870 administrative detainees and 240 prisoners awaiting sentencing were being housed in Ansar III according to information provided by the prisoners rights center Addameer. In the past Ansar III has been roundly condemned as an inhumane prison facility by both local and international human rights organizations and the ICRC due to, among other things, its isolated location in the desert, the substandard conditions of its facilities, the systematic use of torture at the facility, its inadequate supply of potable water, and to a lack of sanitary facilities. Conditions at the prison have not improved.

Attached to this report in Appendix C is a report prepared by an Al-Haq employee who was detained while working at Al-Haq and then placed in administrative detention during "Operation Defensive Shield". This report details his experiences in the Ofer and Ansar III detention centers, and his experiences with the Israeli military justice system.

In regards to Israel's compliance with Articles 9 and 10 of the Convention, the Committee should put the following questions to Israel:

1. In regards to the High Court Decision related to MO # 1500, what justification can be given for the six month grace period given to the military for changing the law when it took only one day to make previous changes shortening the period of detention from 18 to 12 days?
2. What is the exact number of prisoners currently being held in Israeli detention, and what is their status?
3. What is the total number of Palestinians detained during 2002?
4. What is the legal justification for Israel's mass and arbitrary arrest campaigns in the West Bank during and since "Operation Defensive Shield"?

^{32[32]} Al-Disi, Yaser, "Screaming in the Dark: Life in Israeli Detention" Al-Haq (2002) pp. 29-31, 41-45

5. Can Israel please submit information regarding the conditions of detention in facilities designed to hold Palestinian detainees?
6. Why have steps not been taken to ensure that living conditions at all detention centers for Palestinians comply with both Israeli and international standards?
7. How does Israel justify its denial of free access by lawyers to Palestinian detainees, its delays in bringing detainees before a judge, its detentions without charge or trial, its refusal of family visits, etc. in light of its Article 9 obligations?

Article 12: Freedom of Movement

"Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence."

"Everyone shall be free to leave any country, including his own."

Since the outbreak of the Intifada numerous attempts have been made to raise awareness of the devastation wrought by Israeli restrictions on Palestinians' freedom of movement through "closures" and curfews in an attempt to force Israel to end its restrictive policies. Reports issued by both local and international governmental, intergovernmental and nongovernmental organizations have called attention to the systematic manner in which these restrictions have destroyed political, economic, social, and cultural life in Palestine. Among other issues, these reports have highlighted the rise in malnutrition among Palestinians, the deaths of Palestinians at roadblocks due to blocked access to medical care, the destruction of the Palestinian economy, and the forced confinement to their homes under curfew of hundreds of thousands of Palestinians for periods ranging from days to months. Unfortunately, despite all of these reports the situation in the Occupied Territories has only continued to worsen as restrictions on Palestinians' freedom of movement have been tightened.

The "closures" imposed over the Occupied Territories can generally be divided into three distinct forms: general closure, comprehensive closure, and internal closure. Since the outset of the Israeli occupation Palestinians have been required to obtain permission to enter Israel. However, in 1972 a general permit was issued allowing most Palestinians entry into Israel. The general permit was suspended in 1991 during the Gulf Crisis, and was subsequently rescinded in 1993. For all Palestinians their right to leave the Occupied Territories and to enter into Israel and occupied East Jerusalem, or to travel to foreign destinations became dependent upon special permits issued by the Israeli authorities. Since 1993 the Palestinian Territories have thus remained effectively divided into three isolated areas (the West Bank, Gaza and East Jerusalem) and closed off from the outside world.

During the Intifada the Occupied Territories have been under what is known as a comprehensive closure. Nearly all permits to enter Israel and occupied East Jerusalem have been canceled, and almost no Palestinians are thus allowed to leave the Occupied

Territories or to travel between the West Bank, Gaza and Occupied East Jerusalem.³³[33]

This comprehensive closure has been combined with internal closures to devastating effect. Internal closure is a product of the Oslo period and involves the restriction of movement inside the Occupied Territories through the placement of blockades, checkpoints, and barriers around and between individual cities, towns, and villages with the aim of stopping movement into and out of the surrounded areas. Every city and most towns and villages in the West Bank and Gaza have been placed under internal closure during the current Intifada. While the internal closure system began as an *ad hoc* network of checkpoints and blockades, over the last two years it has become increasingly formalized. Starting in May 2002 a new permit system was introduced whereby Palestinians in the West Bank are now required to obtain permits from the Israeli authorities to travel from one city to another.³⁴[34] Thousands of teachers, merchants, businessmen, etc. who reside in places other than where they work have been negatively affected by these restrictions, which have destroyed the Palestinian economy. Checkpoints, roadblocks and permit requirements have also impaired the ability of medical personnel as well as the sick and wounded to reach hospitals and clinics. This has particularly been the case for those who are residents of outlying villages.³⁵[35]

At this point a special mention should be made of the cases of Al Mawasi and As-Syafa, both C areas under full Israeli control located on the Gaza coast, which are unique. In addition to being subject to the comprehensive and internal closures that effect all Palestinians these two areas are isolated from the outside world due to the presence of nearby Israeli settlements. Both areas are surrounded on all sides by the settlements. Each area is only accessible through a gate controlled by the Israeli military. The areas are regularly closed, sometimes for several weeks at a time, with nobody allowed in or out of the communities. When residents are allowed to either leave or enter their community they must pass through the gates where they are subject to searches and must show both their ID cards and special permission slips. Even when the areas are “open” movement in or out of them is only allowed at fixed times and residents are often forbidden either to travel or to return home if they are only a few minutes late.

Only residents of the two areas are allowed in or out of them with permission from the Israeli military, no visitors may enter either Al-Muwasi or Al-Syafa. Construction materials are not allowed in the areas, nor are medical teams. Hundreds of families have been displaced as a result of these harsh conditions. In the opinion of both Al-Haq

³³[33] *Supra*, Note 17, pp. 187-190.

³⁴[34] Hass, Amira, “Israel forces internal movement permits on Palestinians”, Ha’aretz 19/5/2002

³⁵[35] *Supra*, Note 17, pp. 195-203.

and Al-Mezan it appears that the aim of these restrictions is to force the population of both areas to leave their homes, which restrict further settlement growth.³⁶[36]

However, during 2002 the most pernicious violation of Palestinians' freedom of movement arose from Israel's imposition of curfews over each of the major Palestinian cities in the West Bank. During most of March and April the cities of Ramallah, Bethlehem, Jenin, Nablus, Tulkarem, Hebron and Qalqilya were placed under prolonged curfews during which residents were only allowed to leave their homes for periods ranging from two to four hours for the purpose of purchasing food every three to four days. These curfews were enforced by military patrols, tanks and snipers, and those found violating the curfews risked being either killed or arrested. Following the end of "Operation Defensive Shield" these curfews were lifted. However, beginning on June 18th each of these cities was again reinvaded and curfews were re-imposed over the Palestinian population. In many locations these curfews remain in effect. Statistics comparing the extent of curfews across the West bank indicate that between June 19, 2002 and January 20, 2003 the residents of Qalqiliya spent the least time (1,870 hours) under curfew, while Nablus spent the most time (3,776 hours) under curfew, with Tulkarem a close second (3,524 hours).³⁷[37]

At the heart of the Fourth Geneva Convention is Article 27, which proclaims the principle of respect for the human person and the inviolable character of the basic rights of individual men and women. However, Article 27 is tempered by a reservation within the article that allows for certain rights to be restricted by security measures that a state may take "as may be necessary as a result of war". The official commentary to the Convention notes that no specifications are made as to what specific security measures may be considered legitimate actions for a state to take in a time of emergency, which leaves a great deal of discretion to the Parties to a conflict. The Commentary stresses however, that what is essential is that "the measures of constraint [States] adopt should not affect the fundamental rights of the persons concerned. As has been seen, those rights must be respected even when measures of constraint are justified."³⁸[38] Israel does thus have a right under international law to place limited restrictions over Palestinians freedom of movement. However, any such restrictions must be both justified and must not infringe upon Palestinians' other basic rights.

³⁶[36] On 22 May 2002 the Israel Authorities gave Al-Mawasi residents new magnetic ID cards. Every person between the ages of 16 and 50 now has to produce these cards each time they wish to leave or enter the area. These magnetic cards are valid until 19 May 2004. It should be noted that there are no schools or clinics in the area, and its residents are completely dependent on Rafah and Khan Yunis for their daily life. Medical teams were not allowed to enter the area and ambulances are often delayed for hours at the checkpoints entering the area. Al-Mezan has documented two cases in which Palestinians died in ambulances due to delays in this area.

³⁷[37] "Curfew Tracking Slides", Palestine Red Crescent Society, www.palestinercs.org

³⁸[38] Pictet, Jean, "Commentary: IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War", International Committee of the Red Cross (1958) p. 207

The Trial Chamber of the ICTY in the case of Kordic and Cerkez confirmed the approach of the commentaries to the reservations found in Article 27 stating,

“The reservation in paragraph 4 [of Article 27] leaves a wide margin of discretion to the belligerents with regard to the choice of measures, which can range from imposing a duty to register to the internment of civilians. However, what is fundamental is that, even if these measures of constraint are justified and made absolutely necessary based on the requirements of State security, the fundamental rights of the persons must be respected.”³⁹[39]

The right to freedom of movement as delineated in the CCPR also allows for restrictions as “necessary to protect national security, public order (ordre public) public health or morals or the rights and freedoms of others” and in a manner “consistent with the other rights recognized in the present Covenant”. The operative term in this limitation however is ‘necessary’. If states find it necessary to place restrictions upon individuals’ freedom of movement they

“should always be guided by the principle that the restrictions must not impair the essence of the right; the relation between right and restriction, between norm and exception, must not be reversed. The laws authorizing the application of restrictions should use precise criteria and may not confer unfettered discretion on those charged with their execution.” ⁴⁰[40]

Additionally, any restrictions imposed on this right must be proportionate to the threat they are designed to counter and must not be discriminatory in nature or violate any of the other rights laid out in the Covenant.

Thus, while in accordance with the law the Israeli military may in certain circumstances restrict the movement of protected persons within the Occupied Territories, both previous and ongoing closures in areas occupied by Israel, which have entailed severe violations of the fundamental rights of the Palestinian people, are illegal under international law. Israel’s restrictions on Palestinians’ freedoms have been institutionalized so as to become norms, and the right to free movement has been turned into a privilege. Restrictions have not been proportionate; they have affected all Palestinians regardless of identity and are often imposed as a form of collective punishment. Restrictions in certain locations have also been clearly discriminatory, as in Hebron where Palestinian residents of the city have been forced to live under curfew while Israeli settlers living in the same areas have been allowed to move about the city freely. Finally, the restrictions placed by Israel over Palestinians freedom of movement have engendered violations of Palestinians’ rights in all other areas be they civil, political, economic, social, or cultural.

³⁹[39] *Prosecutor v Kordic and Cerkez* IT-95-14/2 “Lasva Valley” Trial Chamber III, 26/2/2001. Para. 282

⁴⁰[40] *CCPR General Comment 27*, UN DOC. CCPR/ C/21/Rev.1/Add.9, 2/11/1999, Para. 14

In regards to Israel's compliance with Article 12 of the Convention, the Committee should put the following questions to Israel:

1. According to what criteria are travel permits granted or denied?
2. What is the legal justification for requiring Palestinians in the West Bank to obtain permits to move between cities inside the West Bank?
3. How does Israel respond to the charge that its restrictions on Palestinians freedom of movement amount to collective punishment?
4. Why have bypass roads been closed to all Palestinian traffic while Israel vehicles may use them freely?
5. What explanation does Israel have for its use of lethal force (including snipers) to enforce curfews?
6. What justification can be given for sealing and placing under siege Palestinian cities and villages for months at a time?
7. Why are Israeli settlers living in areas in which Palestinians residents have been placed under curfew not subject to the same restrictions on their movement as Palestinians?
8. What justification can be given for placing Palestinians under curfew as a response to violent actions by Israeli settlers?

Article 14: Right to a Fair Trial

"All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him... everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law..."

"Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law."

"In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;*
- (b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;*
- (c) To be tried without undue delay;*
- (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing...*

- (e) *To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;*
- (f) *To have the free assistance of an interpreter if he cannot understand or speak the language used in court;*
- (g) *Not to be compelled to testify against himself or to confess guilt.”*

While the whole military court system used by Israel to try Palestinians is deserving of review by the Committee, the information contained herein relates only to Israel's increasing reliance on administrative detention. Administrative detention, sometimes referred to as preventative detention or internment, is the imprisonment of individuals without charge or trial by administrative rather than judicial procedure. During the first decade of Israel's occupation administrative detention was widely used, but by the early 1980's its use was phased out. Unfortunately administrative detention did not remain relegated to history. Israel reintroduced the measure in 1985 and it was used widely during the first intifada when thousands of Palestinians were placed in administrative detention.^{41[41]} During the peace process administrative detention was again phased out. However, starting in 2002 Israel began to aggressively make use of administrative detention. By mid January 2003 approximately 1,062 Palestinians were being held in administrative detention, up from the approximately 30 administrative detainees held by Israel in January 2002.

The following testimony is an excerpt from a report written by Al-Haq employee Yaser Al-Disi that details his time in administrative detention. This particular section deals with his “trial” and sentencing before an Israeli military judge. The experiences recounted below are typical of Palestinians' experiences with Israeli military courts and should by no means be considered exceptional. All of the men currently held in administrative detention received hearings of a similar nature.

“On 14 April 2002, a few days after I had been arrested, an officer carrying a notebook and accompanied by a group of soldiers came to us and read out some numbers. My number was one of them. He ordered the prisoners whose numbers he had read out to line up and leave the barracks. We were handcuffed and forced to walk in single file. We then got into a bus that had curtains covering its windows and were ordered to lower our heads. The bus traveled for about an hour stopping many times. It finally parked in a place where there were three tents erected near to each other at the edge of a military camp...

A soldier came out of one of the tents and called me by my number.^{42[42]} I walked in front of him while he pointed his gun at me. He ordered me to stop at the entrance of the tent. Once there, another soldier approached me and took off my handcuffs. I had to

^{41[41]} Playfair, Emma, “Administrative Detention in the Occupied West Bank”, Al-Haq (1986) p. 1-6

^{42[42]} The Israeli occupation forces give all prisoners numbers when they enter the prison. These numbers are used instead of names.

bend my head a bit to enter the tent. A well-built man in blue was inside sitting behind a table. He wore a Yarmulke, which indicated that he was religious. He was clean-shaven whereas I had a long beard, as we had no razors. I realized that he was a judge. A female soldier in military uniform sat beside him with a computer in front of her to record the trial. Behind another table sat someone in military uniform. He was the prosecutor. He did not utter a single word. There was a translator whose mother tongue was Arabic.

The judge asked me to introduce myself and I gave my full name. Throughout the trial I had to stand surrounded by soldiers. After stating my name the judge delivered his judgment, which was three months administrative detention. He then said, "Another hearing will be conducted on 21 April to consider the delivered judgment. It might be approved or revoked." The translator told me what the judge was saying. The judge then added, "So far we have no evidence against you. Therefore, we will give the prosecutor a chance to find out if there is any evidence."

When the judge finished speaking I said, "My detention is illegal and unjustified. There is no charge against me and I request my release and I expect you to release me."

They asked me whether I had an attorney. I told him "No". He said, "You can have one." Since I could not contact anyone outside, I did not pay much attention to this. The hearing adjourned. The soldiers took me to the entrance of the tent and handcuffed me again...

When the date of the second hearing arrived the soldiers who accompanied us to the court were extremely aggressive. They continuously insulted and shouted at us as we traveled to the court where we were to be tried. I was the third prisoner to appear before the court. The soldiers took me off the bus and I walked towards the entrance of the tent. I sat next to two other prisoners, one of whom understood Hebrew fluently. We heard the judge talking to someone on the phone. He said, "I have three empty files in front of me for three prisoners. The files do not contain anything that convicts them. I have no choice except to release them." He was talking about the three of us. We did not know what the person on the other end of the line said, but the prisoner beside me said, "The judge is being put under pressure. It seems that the person on the other end of the line told him to make up any charge and to approve the previous sentence." We spent about fifteen minutes in front of the court. Then we were taken to the bus again and waited there for about four hours...

A soldier eventually came and called out my number. He took me off the bus and let me sit down in front of the tent. When the judge was ready for me to go into the tent-court the soldiers took my handcuffs off and led me inside. It was the same judge. I stood about four meters away from him on the earth floor of the tent. The judge said, "Yaser al-Disi, do you remember that you were here on 21 April and that you were sentenced to three months administrative detention?" He continued "We decided to postpone the approval of the delivered sentence until 27 April, as we don't yet have any evidence against you. The prosecutor will gather his evidence by that date." I had nothing to say. I was convinced that it was a prearranged farce. The soldiers took me back onto the bus...

The date of the third hearing came due. I felt frustrated by the Israeli court and its proceedings. I was convinced that the trials were no more than a formality. The judges were neither impartial nor just.

The soldiers took me off the bus. I sat down in front of the tent waiting to appear before the court. Then I caught sight of the lawyer Sahar Fransis, who works for Addameer⁴³[43]. She told me that she would represent me.

The soldiers then took me back to the bus without appearing before the court. Later I was taken before the judge who made the same comments as in the previous hearing. When he had finished talking Sahar spoke with him in Hebrew. She said that I had been arrested while at work and that my work was of a humanitarian nature. She added that I had recently returned from abroad where I had completed my studies, and that I had been busy working ever since.

When she finished her defense, Sahar whispered to me, "There is no charge against you. Administrative detention is not based on a specific charge or conviction. It is usually based on a confidential file that we are not allowed to see." The judge asked me to leave and the soldiers took me out for about ten minutes. When I returned the judge said, "I now have the confidential information. The previous judgment is approved. You are sentenced to three month's administrative detention starting on 31 March and ending 10 July 2002." I asked whether my lawyer could look at the confidential information the judge claimed that he had received. He adamantly opposed this suggestion. My lawyer then asked him to include the previous period of detention as part of the sentence. He agreed that I could be released on 1 July. Then I was taken back to the barracks."⁴⁴[44]

As demonstrated above, nearly all of the protections afforded detainees by Article 14 of the CCPR are violated during the show trials of administrative detainees conducted by Israel. In cases of administrative detention prisoners are never formally charged, and the allegations against them are kept sealed by the court making it impossible for detainees to ascertain the nature and cause of the charges against them. Lawyers, if they are provided, are not given free access to prisoners and are not allowed access to files or information regarding the charges against their clients. Often lawyers do not meet their clients until the day of the trial, allowing no time for preparation. Detainees are also often afforded no legal assistance. Witnesses are not called in these trials, and defendants rarely have a chance to make their case. As detailed earlier in the report, Palestinian detainees can also be held incommunicado for extended periods without ever appearing before a judge, thus violating their right to be tried without undue delay. During this time prisoners can be and often are interrogated, at times through the use of torture, and testimony taken during these sessions can be used against them, violating their right not to be compelled to testify against themselves or to confess guilt.

In regards to Israel's use of administrative detention and compliance with Article 14 of the Convention, the Committee should put the following questions to Israel:

⁴³[43] A Palestinian human rights organization based in Ramallah that works to defend the rights of Palestinian prisoners.

⁴⁴[44] Al-Disi, *Supra*, Note 32, pp. 31-35

1. What is the legal justification for Israel continuing to hold Palestinians without informing them of the nature of their crime and without charge?
2. What facilities are provided to Palestinian detainees for the preparation of their defense and what opportunities are afforded them to communicate with counsel of their own choosing?
3. How does Israel explain the long periods during which Palestinians can be held before they are brought before a judge?
4. How does Israel's use of secret evidence against Palestinian detainees and its refusal to let Palestinian detainees examine, or have examined, witnesses against them and to obtain the attendance and examination of witnesses on their behalf fit with its obligations under the CCPR?
5. Is Israel's refusal to allow Palestinian detainees access to their lawyer in accordance with its Article 14 obligations?
6. Does Israel consider its use during trials of testimony taken from Palestinians during interrogations carried out while the detainees are without council, and at times through the use of force or torture is in accordance with detainees Article 14 right not to be compelled to testify against themselves or confess guilt?

Article 16: Recognition of a Person before the Law

"Everyone shall have the right to recognition everywhere as a person before the law."

All Palestinian residents of the West Bank and Gaza over the age of 16 are required to carry an identity card. In all areas of the Occupied Territories that remain under either full or partial Israeli control identity cards must be presented to any requesting Israeli soldier. Identity cards remain one of the main forms of administrative rule used by Israel to control the Palestinian population. An identity card is required for nearly all bureaucratic procedures including the issuance of internal travel permits and permits to travel abroad, application to University, registration for high school matriculation (tawjihi), etc. The identity card also provides proof of legal residence in the Occupied Territories. 45[45]

While under the Oslo framework the Palestinian Authority officially took over responsibility for addressing issues related to identity cards from Israel, ultimate control and decision-making authority over how many cards could be issued and who would be given identity cards remained in the hands of the Israeli authorities. New cards cannot be issued without the approval of the Israeli Civil Administration. The centralized computer database containing all identity card numbers is also controlled by Israel. In accordance with the agreements made between the Israeli and Palestinian Authorities requests for new ID cards and renewal requests are to be coordinated between the Palestinian ministry of the interior and the Israeli Civil Administration. With the outbreak of the current intifada all coordination between the two offices was cut,

45[45] "A Nation Under Siege", Al-Haq (1989) p. 323

leaving between 100 and 150 thousand Palestinians without ID cards and in a state of legal limbo.

However, the intifada was only partially responsible for the breakdown in coordination. Even prior to the Intifada one of the major sticking points between the two sides was Israel's insistence that only 2,000 ID requests be granted each year regardless of the reason an individual gave for requesting an ID. The Palestinian Authority was willing to accept a limit of 2,000 on requests for IDs to be issued under the auspices of "family reunification", but was unwilling to accept any such limitation on "internal reunification" requests.

Those without identity cards fall into three categories that are each addressed below. The first group is comprised of Palestinians who have either returned or come to the Occupied Territories from a foreign country in which they were either a refugee or held a passport. These individuals have family from the Occupied Territories, often husbands or wives and children, and usually have applied for "family reunification". The other two groups are comprised of Palestinians who "lost" their ID cards and individuals who were not registered at birth by their parents with the Israeli ministry of the interior and must therefore make "internal reunification" requests.

During the peace process thousands of Palestinians with family in the Occupied Territories returned to the Occupied Territories from abroad. Others came to the Occupied Territories to live with spouses who held Palestinian IDs. Once in the Occupied Territories these individuals could apply for family reunification status. If their request for family reunification was approved they were granted an ID card. However, until such requests are approved individuals are forced to either periodically request visa renewals, which are often denied, or must stay in the area illegally without a visa. Individuals remaining without visas find themselves in a situation similar to that of Palestinians without an ID card. Applying to universities and some jobs becomes difficult if not impossible, and travel through checkpoints is forbidden. These individuals are also subject to arrest and deportation.

Until the mid-1990's Palestinians could also lose their right to residency and their ID number by remaining outside of the Occupied Territories for an extended period. Before the Palestinian Authority took control of identity card issues, permits given to Palestinians to exit the Occupied Territories were valid for only 36 months, after which time the permits could be renewed for an additional 36 months by relatives in the Occupied Territories. If an individual traveling outside of the Occupied Territories either failed to apply for a permit renewal or remained outside of the Occupied Territories for a period longer than six years they lost their right to residency and their identity card number.^{46[46]} Many Palestinians had their residency rights revoked due to these limitations. If an individual's ID card was confiscated in this manner they could have a relative apply to the Office of Civil Affairs for a laissez-passer on their behalf, and if the laissez-passer was granted could return to the Occupied Territories. However, once returned to the Occupied Territories the issuance of a new ID card requires application for "internal reunification". The confiscation of ID cards from individuals traveling outside of the Occupied Territories stopped when the Palestinian

^{46[46]} *Ibid*, p. 332

Authority took over responsibility for identity cards. However, many of those who had previously “lost” their ID’s still remained without IDs and needed to apply to the Israeli Authorities for a new ID card and number.

The final group without ID cards is comprised of individuals from the Occupied Territories who were not registered with the Israeli Ministry of the Interior at birth and were thus not issued ID numbers. When these individuals apply for ID cards at the age of 16 they find that they officially do not exist and therefore cannot be granted ID cards. Birth certificates, bills, school records and other documents that may establish that the individual in question has lived their whole life in the Occupied Territories cannot be used to prove residence and secure an ID card. As with those who have had their ID cards confiscated, these individuals must apply for “internal reunification”.

The final group is the one most affected by not having ID cards. Without IDs they cannot take high school matriculation exams and cannot attend university, and their options for a future are thus extremely limited. Since the outbreak of the intifada no individual without an ID can travel through checkpoints, effectively confining all those without IDs to their cities of residence. If an individual is caught by Israeli soldiers without their ID they may be harassed, detained or arrested. By refusing to issue new IDs for the last two years Israel has left these individuals in a state of legal limbo and has effectively turned them into non-entities before the law.

In regards to Israel’s noncompliance with Article 16 of the Convention, the Committee should put the following questions to Israel:

1. What is Israel’s reason for limiting the number of reunification requests it would accept to 2,000 annually?
2. Why is there a limit placed on “internal reunification” requests? (i.e. requests for ID cards made by Palestinians born and living in the Occupied Territories)
3. What are the criteria used by Israel in making decisions regarding the granting or refusal of family reunification requests made by Palestinians in the West Bank and Gaza?
4. What are the criteria used by Israel in making decisions regarding the granting or refusal of family reunification requests made by Palestinians in Jerusalem?
5. Why are birth certificates and proof of lifetime residence in the Occupied Territories insufficient evidence for unregistered Palestinians to obtain an ID card?

Conclusion

The information contained above is intended to assist the committee in its review of Israel’s Second Periodic Report regarding its fulfillment of its obligations under the CCPR. The questions included are questions that we believe should be put to Israel and are questions that Israel must answer. As was stated at the outset, this report is not comprehensive and makes no attempt to detail all of the violations currently being carried out by Israel in the Occupied Territories. However, the information provided here does provide a starting point. It is our hope that the Committee will now move

forward from this starting point to hold Israel accountable for its ongoing blatant violations of the International Covenant on Civil and Political Rights.

Appendix A: Killings

The Killing of Amjad Abdel Hadi Jebour^{47[47]}

At approximately 2:00 am on August 2nd Israeli soldiers shot and killed Amjad Abdel Hadi Jebour in front of his family after detaining him in the village of Salem, which is located east of Nablus. Amjad was 31 years old, married and the father of five children. Al-Haq's fieldworker in Nablus gathered the following information from witnesses to the killing.

According to Al-Haq's information, Israeli forces entered into the village of Salem during the early morning hours of August 2nd with the aim of arresting Palestinians Israel accused of being involved in "militant activities". Around 2:00 am soldiers knocked on the door of Mohammad^{48[48]}, a neighbor of Amjad Jebour. When Mohammad answered his door he found his house surrounded by Israeli soldiers. He was called out of the house, physically searched, and then questioned by an Israeli officer. The officer told Mohammad that his name was "Captain Guy", that he was an officer with Shabak, the Israeli security services, who had previously been responsible for the area around Salem, and that he was returning to once again take control of the area. He then asked Mohammad questions about the people who live in the area around his home. When Mohammad mentioned Amjad Jebour's name, "Captain Guy" commented that this was the first night in a year that Amjad had been in his home. He then forced Mohammad to come with him to Amjad's home.

When they arrived at Amjad's home, Mohammad reported that soldiers were already surrounding the home. Mohammad was made to knock on Amjad's door to tell him to come outside to the soldiers. Amjad came into the doorway of his house at which point a bright light was shone upon him and he was forced to take off his clothes to prove that he was not carrying a weapon or explosives. After this examination was finished he was allowed to put his clothes back on and was ordered to reenter the house to gather his ID card. When he returned outside with his ID he was ordered to also retrieve his mobile phone and wallet. He called inside to his wife for these items, and she brought them to him. After he had turned over his wallet, ID, and phone to the soldiers both Mohammad and Amjad's wife reported that Amjad's hands were bound behind his back and he was then brought to stand next to an army jeep located approximately ten meters from the home. The military spotlight and streetlights in the area made it possible to see clearly what happened next.

According to Mohammad, a soldier standing approximately four meters to the left of Amjad fired a single shot into Amjad's neck as he stood next to the jeep. After the shot was fired several of the soldiers began to shout at each other in Hebrew. Mohammad, who speaks Hebrew, reported that one of the soldiers yelled, "I told you to injure him, not to kill him." After Amjad was shot, he took several steps and then collapsed, after which several soldiers dragged his body approximately 30 meters down the road. The

^{47[47]} Affidavits and additional information related to all of the cases contained in this appendix are available from Al-Haq or Al-Mezan upon request.

^{48[48]} This witnesses name has been changed at his request.

soldiers stayed around Amjad's body for another 15 minutes until it was confirmed that he was dead. They then left the village. Mohammad's testimony regarding the killing of Amjad Jebour was corroborated by Antar Hamdan, Amjad's next door neighbor, who watched the killing from the window of his home.

Willful Killings in Beni Naim, Hebron District

During the early morning hours of September 1st, 2002, Ala Al-Ayaidah (22), Ateya Ahmed Mashni Halaika (21), and twins Hussam and Hisham Halaika (32) were detained by a group of Israeli soldiers from the stone cutting factory in which they worked and shortly thereafter executed. The factory at which the men worked is located near the edge of the village of Beni Naim in an area know as Wadi Jouz. The factory is also located next to a field owned by Menachem Livni, an Israeli settler and an ex-member of the Jewish underground. Initial reports issued by the Israeli military stated that the four men were killed while trying to infiltrate into Kiryat Arba. However, these claims are blatantly false. While the location where the men were killed is near to land that is often guarded by Israeli soldiers and that is controlled by an Israeli Settler, it is located over two miles from either Kiryat Arba or any other settlement, and nobody resides on the land. The Israeli military later changed its story saying that the men were killed while attempting to break into a plot of land owned by settlers, but has acknowledged that none of the men were armed.

The information gathered by Al-Haq indicates that the men were killed at approximately 2:30 am after being detained by five to ten Israeli soldiers while they were on break outside of the factory in which they worked. The men were taken by the soldiers from where they rested in front of the factory and forced to march at gunpoint westward towards the bypass road (Route 60), which is located approximately one and a half kilometers distance from the factory. Five minutes after the men left the factory witnesses report having heard the sound of shooting followed by someone repeatedly yelling, "Ala, Ala". Several moments later, witnesses report having heard an additional burst of gunfire followed by a pause, and then another burst of gunfire. The doctor who first arrived at the scene of the killings and examined the bodies of the men on the morning of September 1 stated that he found the bodies grouped in three locations. Two bodies were located in the road, a third body was located approximately ten meters away with a trail of blood running between it and the first two bodies found, and the forth body of Ala Al-Ayaidah was found approximately 100 meters further up the road in the direction of the stone factory. The locations of the bodies and the reports from witnesses indicate that Ala was shot first as the soldiers brought the men away from the factory. Ateya, Hussam and Hisham were shot further down the road several minutes later. Hussam and Hisham were killed immediately, but Ateya was only wounded and attempted to flee into a nearby field where he was killed by the third burst of gunfire.^{49[49]}

Summary Execution of Issa Khalil Ahmed Dababseh

An Israeli undercover unit killed Issa Dababseh while he was talking with a group of friends near his home in the West Bank village of Al-Karmel east of Hebron. He was

^{49[49]} For further information see "Al-Haq Case Study: Willful Killing in Beni Naim".

shot three times in the chest from point blank range. The Israeli military immediately claimed responsibility for the killing stating that Dababseh was killed during an exchange of fire that occurred when a special unit from the Border Police entered Al-Karmel to detain and arrest him. However, contrary to the Israeli reports Dababseh was unarmed when he was killed, and there was no exchange of fire. The following affidavits were taken by Al-Haq soon after the killing.

Statement taken by Al-Haq from Aisha Issa Mohammad Dababseh, 44, wife of Issa Dababseh

Around 12:35 pm on Wednesday November 7, 2001 I was in my and my husband's shop in Al-Karmel when I saw a gray car drive by with five people inside. The men in the car were dressed like local men and spoke Arabic fluently with each other. I thought that they wanted to buy something from our shop, but they went directly up to a group of men who were talking about 10 meters from the shop. One of the group was my husband Issa.

As I watched, one of the men walked directly up to my husband and put his left hand on Issa's right shoulder. The man then took a pistol out of his pocket and shot Issa repeatedly. My husband was unarmed. I started shouting and ran towards Issa, but at this point the other men who had been in the car pulled out weapons and began stopping anyone from approaching Issa. Almost simultaneously a group of uniformed soldiers entered the village and began to beat me and other women who were attempting to reach Issa. Any time we made an attempt to move towards him they would hit us and shoot in our direction.

About one hour after the attack I heard an official report on the radio that Issa was dead. My 18 year-old son Ali and a man named Mahmoud Ali Mohammad were also shot when they tried to reach Issa after he was shot.

Statement taken by Al-Haq from Ahmed Ali Abdul Hadi Mohamrah, 31, Factory Worker

Around 12:35 pm on Wednesday November 7, 2001 I was near the factory in which I work talking to Issa Dababseh who is a relative of mine. We were standing together with a group of men from the village, and I was right next to Issa. As we talked, I saw two men get out of a car that had stopped nearby. They came towards us. I didn't know who they were, but one of the men walked up and put his hand on Issa's shoulder. With his other hand he pulled out a gun and shot Issa in the chest many times. We were all surprised and didn't know what was happening.

Several of us tried to catch the man who had shot Issa, but he was still armed and fired his gun. He shoved his pistol into my stomach and threatened me saying that he would shoot me if I moved. He then ordered all of us to lie on the ground. As all of this was happening three of the men who were with him had also pulled out guns and were pointing them at us. All of them were dressed in civilian clothes. They took Issa's body to their car and then left the village going east towards road 60. I think the car was a gray Isuzu with Palestinian license plates. There was another truck; I think it was a Mercedes 608, that came into the village just after the shooting carrying a group of soldiers. I later heard over the radio that Issa had died. The Israeli reports said that an

Israeli Special Forces unit killed him during an exchange of fire. However, I am positive that Issa was unarmed and that there was no exchange of fire.

The Killing Iyad Samoudi

Statement taken by Al-Haq from Thaer Khalil Saleh Samoudi, 26, Unemployed^{50[50]}

At around 5:15 am on Sunday the 23rd of June 2002 my cousin Mustafa came to my house in the Samoudi quarter of Yamoun so that we could go together to our cousin Iyad's house. Iyad had called both of us earlier and had asked us to leave Yamoun with him to walk to Kferit. Iyad worked for the anti-drug branch of the Ramallah police and had a pistol for work. He wanted to leave the village because of the Israeli incursion and because he was afraid that if his house was searched and his pistol was found he might be arrested for owning a weapon and for his connection to the Palestinian police.

At around 5:20 am Mustafa and I left my home and went to Iyad's house, which is next door. From there we started off by foot on the one-hour trip to Kferit. Just after we passed the last building connected with our village, about one to two kilometers from where we had started, we heard someone order us in Arabic to stop and raise our hands. At that time I was standing between Mustafa and Iyad. Mustafa was on my left and Iyad was on my right. We immediately complied with the order and raised our hands.

As we were raising our hands I saw approximately 20 soldiers come out from behind a nearby stonewall. The soldiers immediately began to shoot at us. Mustafa screamed that he had been injured and that we should try to escape because the soldiers wanted to kill us. Iyad was in the front about 15 to 25 meters ahead of me as we ran. I saw Mustafa fall behind me and begin to crawl to the right, but Iyad and I continued to run. From that point on I don't know where Mustafa was or what happened to him.

Iyad and I continued running for about another 500 meters while the Israeli soldiers gave chase. They were shooting at us the whole time and shouting in Arabic for us to stop. Iyad fell onto his stomach and I stopped to ask him what was the matter. He told me,

“Pull me along, there is a bullet in my back.”

I then told him that I couldn't carry him. I said he should stay where he was and try to hide. I also said that I would run over to the next hill to try to draw the attention of the soldiers away from him. I thought that if I was able to draw the soldiers' attention to myself Iyad might have a chance to find a place to hide. The soldiers were continuing to chase us and getting closer, so I quickly left Iyad and ran towards a hill about twenty meters away, across from where Iyad lay. When I reached the hill I was stopped by a group of five soldiers who surrounded me. I could still see Iyad's location clearly from

^{50[50]} For further information see “Al-Haq Case Study: Beating and Willful Killing in Yamoun Village”

where I was stopped. The soldiers didn't say anything to me, but immediately started to kick me and beat me with their guns.

Despite the fact that I was being beaten, I paid attention to what was happening around Iyad. Soon after I was stopped I saw about six soldiers surround him and I could hear them speaking with him, but couldn't hear what was being said clearly. However, I could distinguish that they were speaking a mix of Arabic and Hebrew. The soldiers surrounding Iyad all had their guns pointed at him. Soon after that I heard the sound of one bullet being fired very close to me. I am sure that this is when the soldiers shot and killed Iyad, but I didn't actually see one of the soldiers pull the trigger. When Iyad first fell I know that he had been shot in the back and I saw the blood on his shirt, but there were no other bullet wounds or bleeding on his body. When people from Yamoun later collected his body they found that he had been shot in the head.

I heard the shot while the soldiers were beating me and yelled at them, "Haram ala'ak, why did you kill him?" After I said this the soldiers started to beat me even more viciously. They took stones and began to hit my face, head and shoulders with them while continuing to hit me with their guns. Four of them then took a hold of me, each one taking a hand or a leg. They lifted me up, threw me into the air, and let me fall to the ground onto my face and stomach. The whole time I was screaming with pain. After the soldiers threw me they picked me up again and threw me into the air another five times. When they dropped me the fifth time I landed face first on a branch from an olive tree and one of the branches entered into my eye, gouging it from the socket. At that point I lost consciousness.

Sometime later I regained consciousness and found that I was surrounded by a group of about 25 to 30 soldiers. One of them was an officer and I heard him shouting at the soldiers in Hebrew, which I understand. He said, "What are you doing, you are liars, he is not a terrorist." I then saw and heard him speak on a mobile phone, and believe that he called for an ambulance. After making his call the officer came to me and began to cut off my clothes and wiped the blood away from my face with my shirt.

About twenty minutes later two gray military jeeps and a military ambulance arrived at our location. The Israeli soldiers put me into the ambulance and took me to Yamoun where I was transferred to a Red Crescent Ambulance that took me to the Government hospital in Jenin. Later I was transferred to Shefa't Hospital where I am still being treated...

*Statement taken by Al-Haq from Dr. Ahmed Mahmoud Mohammad Hamoun, 32,
General Practitioner, Doctor in Yamoun Village*

At 9:55 am, Sunday June 23rd 2002 'Ala Auni Samouni and another man brought a man to my clinic in the center of Yamoun. I told them to put him onto the bed in my office and then started to check for a pulse to see if he was alive. The man was not breathing, had no pulse and his skin was cold. It appeared that he had already been dead for more than three hours and there was nothing I could do. From my initial examination I could see that there was a bullet exit wound on the left side of his face.

Dr. Burham Islam soon arrived at my clinic together with Dr. Wissam, the government doctor in town, and with Yamoun's mayor. After they arrived Dr. Burham and I carried

out a thorough check of the body. We removed the dead man's clothes and examined his whole body. We found one bullet entry wound on the back of his head near the top of his skull and another entry wound in his back near the shoulder. It took us about one hour to completely check his body. While we were examining the body I was informed that the deceased was Iyad Samoudi, that he was about 25 years old and that he was from the Samoudi Quarter in Yamoun.

From the evidence I saw during the examination and in my opinion as a doctor it appears that he was shot in the shoulder first, fell to the ground, and was then shot in the head. I do not believe that if he had been treated the wound in his back would have proved fatal. After we finished checking the body it was transferred to the local government health clinic from where it was taken and buried. The body was not transferred to Jenin hospital or anywhere else for further examinations.

The Killing of Imran Abu Hamdieh

The following summary was extracted from affidavits given to Al-Haq by witnesses to the abduction and killing of 17 year old Imran Abd al-Mughani Abu Hamdieh in Hebron.

At approximately 8:00 pm December 30, 2002, the two witnesses were together with Abu Hamdieh and one other man in the old city of Hebron. Abu Hamdieh was the youngest of the men present, being only 17 years old. As the men stood talking an Israeli military jeep stopped near to them and four Israeli border police exited from it. The border police ordered the men in Arabic to show them their identity cards. One of the soldiers then said that he wanted to question Abu Hamdieh and ordered the other men to leave. The soldiers put Abu Hamdieh inside their jeep and left with him. The three men followed the jeep on the main street, but were unable to keep up with it. They eventually arrived at a gas station some distance from where Abu Hamdieh was taken. At the gas station they found Abu Hamdieh lying still on the ground. He was bleeding from his nose and mouth. They stopped a passing car and transported Abu Hamdieh to the hospital, but five minutes after their arrival doctors announced that Abu Hamdieh had died.

Following consultation with Abu Hamdieh's family Al-Haq in coordination with the Israeli human rights organization B'tselem requested that an autopsy be preformed on his body. Abu Hamdieh's body was exhumed on January 26th, and an autopsy was performed the next day by Dr. Chen Kugel of the Israeli National Center for Forensic Medicine and Dr. Jorgen Thomsen of the Center for International Forensic Assistance, who represented Abu Hamdieh's family. According to their findings, Abu Hamdieh showed signs of having received multiple "blunt violence injuries" prior to death. Furthermore, multiple fractures were found at the base of his skull, which were the result of "heavy blunt violence", and it was most likely brain lesions caused by these injuries that led to Abu Hamdieh's death.

The Death of Tabarak Odeh

Statement taken by Al-Haq from Jabber Fayez Odeh, 41, Father of Tabarak Odeh

I have five children including Tabarak who was born on March 28, 2000. She was healthy when she was born, but during November 2001 she became sick. I therefore took her to Dr. Hamid al-Masri, a neurologist in Nablus. He examined her and prescribed medication. With the medication Tabarak's health began to improve. I used to take her for checkups either every two weeks or once a month. Four days before the Israeli troops launched their incursion into the city of Nablus, which was at the end of February 2002, I took her in for a checkup. The doctor expressed satisfaction at her response to the medication, and I then took her home to our village of Deir al-Khatib, which is located approximately four kilometers outside of Nablus. I should add that the medication is good for one week to ten days.

On the 5th or 6th of April, three days after the start of the incursions that started in April 2002, Tabarak's medication ran out. I tried to contact the Red Cross and the Red Crescent to tell them about her case, but the phone lines to their offices had been cut. I therefore called Dr. Hamid al-Masri on his mobile and he told me I had to get medication for my daughter. I then called our village doctor, but he said that I needed to get the medication. I went to the next village over, but their pharmacy did not have the medication and I was told that the medication could only be found in Nablus, which was closed due to the attack.

My daughter's condition began deteriorating. She could no longer sit or stand. I called Dr. Mustafa Barghouti and explained to him about my daughter's condition. This was on April 15, 2002. An ambulance was sent to the village at 11:00 am. My wife and her grandmother accompanied my daughter in the ambulance. In the ambulance she lost consciousness. Later I was told that it took the ambulance three hours to reach the hospital. Tabarak was admitted into the specialized hospital in Nablus and was placed on life support. However, she died three hours after she was admitted to the hospital. I had tried several times to take my daughter to the hospital in my private car, but I was told on each occasion about soldiers at the entrance to the village firing at cars so I returned home. My only hope was for an ambulance that could take her to the hospital. I tried to have one reach us for ten days while Tabarak's condition deteriorated.

Many reporters and foreigners heard about my daughter while she was still stuck in the village and I told them about her condition. Several days after she died I received a call from the US telling me that some people were willing to send us the medication she needed.

The Killing of Dr. Ahmed Numan

Statement taken by Al-Haq from Nasser Mohammad Ali Salem, 38, a merchant from the village of Doha

On March 8, 2002 I was sitting in my home, which is located above my shop on the main Hebron-Jerusalem road opposite a stone factory and the Jerusalem Restaurant. Doha was under curfew at that time, and there were two armored personnel carriers (APCs) and a tank stationed approximately 250 meters from my house at the main entrance to the village and opposite to Dehaisha Refugee Camp. At around 12:15 pm I was looking out the window and saw Dr. Ahmed Numan's car pass by my house. I tried to wave to him to warn him about the tank and APCs, but he did not see me. I then watched as his car approached the tank.

When he was approximately 150 meters from my house and approximately 100 meters from the tank I saw the tank open fire in his direction using its heavy machine guns. The gun must be controlled from inside the tank, because I couldn't see soldiers. The tank fired incessantly.

The car began to turn around when the bullets began to be fired at it. It reached the restaurant, but then ran into an electricity pole just opposite my house at a distance of about 20 meters. Perhaps the driver died after he had turned around, and while his foot was on the gas. After it turned the car drove approximately 100 meters from where it was fired upon to the point where it crashed in front of my house. The car drove recklessly after it turned and the tank continued to fire until the car hit the electricity pole.

I told my brother that the driver must have been hit, and I went down to the street to check. I got approximately 15 meters from the car and waved to the soldiers to get permission to check on the driver. I saw two soldiers on top of the tank, and they fired in my direction. My family was shouting at me to retreat before I was killed, and at this point the soldiers began firing at my home. My four-year-old son Anwar was almost hit by bullets that came through the walls of his room. I waved at the soldiers at least three times, but they shot at me every time. Ten minutes after I went outside I went back into the house, not knowing that the house had fired upon.

From the house I called the Red Crescent, Al-Hussein Hospital, and the civil defense office. The tank proceeded to advance towards the doctor's car, and the APCs also approached the house. I watched from the window as three soldiers came out of an APC. One of them opened the car door, pointed his rifle at the driver and kicked him (perhaps to make sure that he wasn't still alive). After that he moved away and stood next to the other two soldiers... There were no armed clashes in the area.

The Killing of Jamal Mahmoud Rashed Fayed

Statement taken by Al-Haq from Mahmoud Rashid Khalil Fayed

On Tuesday April 9, 2002 at 5:00 pm I was at home in the Jorat Al-Zahab area of the Jenin Refugee Camp together with four other families, there were 18 people in the house total, when an Israeli bulldozer came to demolish homes in the area so that it could open a path for tanks to enter through. The bulldozers came to my brother's home and began to destroy it, so he and his family fled to my home, bringing the total number of families present to five. The bulldozer demolished half of Saeed's house and then turned towards mine. It started to knock down the home, so I went outside shouting that the house was full of people. The operation halted and we all left the house. We went to one room that was left in Saeed's house. My house was completely demolished. While we were at Saeed's the room was struck by an Energia bomb [rifle fired grenade] and everyone except for my disabled son Jamal Mahmoud Rashed Fayed (37) left the room in panic. We went out with our hands up and my wife told a soldier that we had a disabled son who was still inside. We showed him our son's ID card and he told us we could go back to get Jamal. However, the bulldozer didn't give us a chance. It knocked

down the room on top of Jamal and we heard him saying, “please God”. Jamal is now under the rubble.^{51[51]}

The Killing of Khalid Yacoub ‘Abda and Sumaya Musa ‘Abda

The following summary is extracted from information collected by Al-Haq from the family of the two deceased.

On April 2, 2002 Khalid ‘Abda (36) and his mother Sumaya ‘Abda (64) were at their family home along with 11 other members of their extended family. Those present included six children and five women. Their home is comprised of three floors and is located in Bethlehem. When the incursions began that day the family was scattered throughout the house. However, after a shell hit the second floor of the home all of the family gathered in a single closed off room on the ground floor, which is connected to a room used as a grocery shop.

Around 10:00 am the family reported hearing tanks moving near the home and could hear them smashing cars and firing randomly. Soon thereafter the family heard soldiers pounding on the door of the shop and on another house door. The soldiers then began kicking the door of the room where the family was hiding, but did not order them to open it. While this was happening Khaled’s brother Sami helped the children and women move into a small back bathroom, while Khaled, one of his sisters, and Sumaya stayed in the front room. Soon thereafter soldiers opened fire at the door and both Khaled and Sumaya were killed instantly by the gunfire. No warning was ever given prior to the soldiers opening fire into the home.

In conversations with Al-Haq shortly after the killing Sami told Al-Haq that the children were all staying together in the tiny bathroom at the back of the room so that they would not have to see the bodies. Although Sami was able to contact the Red Crescent Society almost immediately they were not able to reach the family to retrieve the bodies for 35 hours, and they could not take the family out of the home for 45 hours. During all of that time the family was left without food, water and electricity.

The Assassination of Jamal Mansour and Jamal Salim

On 31 July an Israeli helicopter gunship fired two missiles at the “Arafat building” in the center of Nablus. The building was both a residential and office complex. The intended targets of the Israeli assault were Jamal Mansour and Jamal Salim, both activists in the Hamas movement. The office targeted was that of the Nablus based Palestinian Center for Information run by Mansour. As a result of the assault eight people were killed, including Mansour and Salim. Two children, Ashraf and Bilal Khader age six and eleven respectively, and two journalists were also killed in the incident. Fifteen others were injured.

^{51[51]} Three days after this affidavit was taken the body of Jamal Fayed was taken out of the rubble and transported to Jenin hospital. An Al-Haq fieldworker was present and was able to identify the body.

The Israeli authorities had charged that Mansour was a senior military official in the military wing of Hamas, a charge denied by Hamas itself as well as by Palestinians who knew Mansour. The Israelis failed to offer any proof supporting their assertions. The Center was frequented by journalists, and the two killed in the incident, Muhammad Beshawi and Uthman Qatanan were interviewing Mansour at the time of the attack. The two children were killed while playing outside the building.

Statement taken by Al-Haq from Rifat Sulieman Yassin

At 1:50 pm I was washing my clothes. Suddenly I felt the building shake. My daughter who was with me came from the kitchen and said “mummy they are shelling us”. With my daughter carrying the baby we began to leave the building. We left by the stairs. I saw all the neighbors leaving their homes shouting and screaming. At this time we didn’t know that it was the Palestinian Center’s office, which had been hit. While on our way down we passed the third floor where the Center’s office is located. Smoke was bellowing from the floor. All the doors were blown off their hinges. I entered the floor with my daughter shouting, “is anyone still alive?” We saw burnt and dismembered bodies as well as a severed head. There was blood all over the floor. Because of this scene we stayed a short while. I was screaming and shouting. I was taken to hospital because I was in shock. I was released after a few hours.⁵²[52]

Statement taken by Al-Haq from Qassim Jawdat Mahmoud Chamoud

When the explosions occurred I was at the back of my shop. They fired two missiles one after the other. After the explosions I went to the street. I couldn’t see much because of the smoke and dust. I then went to the other side of the street and started to shout. I looked up and saw that it was the Palestinian Center that had been hit. I then looked at where my shop was located. The dust and smoke had settled somewhat. I saw two children covered in debris. The children were not moving I shouted at the people to call an ambulance. An ambulance arrived about a minute later.⁵³[53]

The Killing of Mustapha Yassin

On 23 July 2001, Mustapha Yassin was killed by members of the Israeli security forces in front of his family in the village of Anit. According to Israeli sources Yassin was thought to have been involved in armed activity and to be a member of Hamas. This was denied by his family. The following testimony was given by his wife who witnessed Yassin’s death.

Statement taken by Al-Haq from Iman Abdullah Hamid Yassin

“On 23 July at around four in the afternoon I heard a noise around the house where we live and I told my husband Mustapha. It was the noise of conversation and movement. My husband looked out of the window. There were soldiers around the house. When the soldiers saw my husband looking out of the window they asked him to come outside the

⁵²[52] Al-Haq affidavit 252/2001.

⁵³[53] Al-Haq Affidavit 253/2001.

house. The moment he opened the door I heard the sound of shooting. I dressed and hurried to the door where I saw my husband lying on his back directly in front of the door. He was bleeding. I was standing by his body. There were soldiers all around. My husband murmured "I am gone Iman". I started to scream and then the soldiers took me into the house. I asked them "What did they do." They told me not to worry. I repeated my question and got the same answer. They then started to search the house. They asked me where is the gun. I answered there is no gun here. They went on searching the house for half an hour. I looked out of the window and saw them dragging my husband from the front door. They left him under the sun for an hour and a half."⁵⁴[54]

Statement taken by Al-Haq from Rahma Ahmed Yassen:

"Mustapha's wife called me at around 4 and said "Mustapha," her voice was not normal and hung up immediately after. I then went running to Mustapha's house. When I was near the house I saw three soldiers carrying Mustapha, one from the front and two from behind. His head was towards the ground. They carried him like an animal. They dumped him on the ground and there were about seven soldiers surrounding him. When I tried to come closer the soldiers stopped me."⁵⁵[55]

The Killing of Radwan Ibrahim Yousef Shtayeh

On 3 July 2001, taxi driver Radwan Ibrahim Yousef Shtayeh was killed while dropping off passengers at a roadblock in the al-Najama area near Nablus. Radwan was shot six to seven times by soldiers located at a military outpost approximately 200 meters from the roadblock. There were no clashes reported in the area and Mr. Shtayeh was unarmed.

Mr. Shtayeh, thirty-seven years old and a father of four, lived in the village of Salim near Nablus. He worked driving an unregistered taxi between Salim and other nearby villages. On the afternoon of 3 July Mr. Shtayeh drove four passengers to the junction of the main road leading to Beit Dajan, Beit Foureek, and Salim. At this point the road was blocked with a pile of earth and cement blocks. All of his passengers had to exit the taxi, climb over the barrier, and continue in a second taxi. According to information gathered by an Al-Haq fieldworker, after the passengers in Shtayeh's taxi had begun to walk across the roadblock he noticed that one of them had left a bag of vegetables in the car. She was only 100 meters away from him, and he called out to her to stop. Mr. Shtayeh then got out of his car with the bag and proceeded to place it beside the road. Soldiers at the nearby checkpoint immediately opened fire hitting him in the torso and the legs. A man living near the checkpoint ran towards Shtayeh, reaching him at the same time as several Israeli soldiers. He was blocked from approaching Shtayeh for approximately five minutes by the soldiers, but was eventually allowed to bring Shtayeh to Rafidia Hospital in Nablus.

According to witness statements the Israeli soldiers stationed at the checkpoint made no

⁵⁴[54] Al-Haq affidavit 230/2001.

⁵⁵[55] See also Al-Haq affidavit 230/2001.

attempt to inquire into what Shtayeh was doing, no verbal warning was given, and no warning shot was fired.^{56[56]}

The Assassination of Salah Shehadeh

On 22 July 2002, shortly before midnight, the Israeli military used two F-16 bombers to drop a one-ton bomb on a densely populated neighbourhood in the Al-Daraj area of Gaza City. Israel acknowledged that the intended target of the bomb was Salah Shehadeh, 50, a senior military leader of Hamas and the founder of its military wing 'Izz-al Din al Qassam. Shehadeh and his assistant Zahir Salah Naser were both killed along with 14 other innocent civilians. An additional 145 people were injured in the attack, and substantial damage was sustained by homes and property located near the home of Shehadeh.

This attack was unprecedented in its reckless disregard for civilian life and this fact was reflected in international condemnation.^{57[57]} ^{58[58]} ^{59[59]} The unapologetic statements initially issued by the Israeli authorities caused further consternation. These statements were later tempered by remarks of regret made by the Israeli authorities regarding the loss of civilian life. However, the blame for these civilian casualties was placed on faulty intelligence and the attack continues to be regarded by the Israeli authorities as legitimate in nature, although it was officially declared a “mistake” due to the civilian deaths.^{60[60]} The attack in Al-Daraj and the disingenuous Israeli

^{56[56]} See Al-Haq affidavit 192/2001.

^{57[57]} Even the press officer at the Israeli Embassy in Dublin issued a statement saying that “A missile attack on an apartment building, after midnight, when children and adults are asleep in their beds, is no more justifiable than a suicide bombing”. See the Irish Times, online, 6 August 2002, “Gaza attack condemned by Israeli press officer”.

^{58[58]} For example, the Swedish Foreign Minister, Anna Lindh, said that the strike was “a crime against international law and morally unworthy of a democracy like Israel”. Further, the Saudi Foreign Minister called the strike a “horrible act” with “no ethnical, moral or even military justification”. See Ha’aretz, English Edition – www.haaretzdaily.com “U.S. calls airstrike heavy-handed”, 24 July 2002.

^{59[59]} US White House Press Secretary, Ari Fleischer, said that:

The President views this as a heavy-handed action that is not consistent with dedication to peace in the Middle East”. ^{59[59]}

Colin Powell, the US Secretary of State indicated that he was “concerned” about the loss of civilian life and that:

“We are constantly reviewing the manner in which the military equipment that we have provided to the state of Israel is used”. ^{59[59]}

^{60[60]} See Washington Post, 2 August 2002:

statements that followed it were a sinister development in Israel's illegal policy of assassinations.

It should be noted that just hours before the attack Hamas officials were reported to have informed European government officials that they were considering halting all attacks on Israel if Israel would agree to withdraw from the West Bank and Gaza Strip. Any such agreement would have marked a major change in policy by the organization and would have contributed greatly to the building of peace. European diplomats indicated that they were aware of a secret deal being made between Hamas and the al-Aqsa Martyrs' Brigades and Tanzim. Xavier Solana even stated that, "there were indications that a possible end to suicide bombings could be reached". 61[61]

Statements taken by Al Mezan Center for Human Rights in Gaza from eyewitnesses to and victims of the Al-Daraj Bombing in Gaza on 22 July 2002.

Statement taken by Al-Mezan from Raid Muhammad Ibrahim Matar, 28-years-old

I am married (now widowed) and did have three children. I used to work as a metalworker. Until 22 July 2002, I lived with my family in a building, which is owned by my father. The building had two completed floors. My parents and my siblings lived on the ground floor, I had one flat, and one of my brothers also had a flat. The family was in the process of building another floor – but this was not yet completed. The building is now a shell, for the reasons that I will set out below. We have been told that it is beyond repair – it would have to be rebuilt, and the cost would be \$100,000.

At approximately 11 pm on Monday 22 July 2002, I took my three children from my father's flat, in the ground floor, to my flat in the first floor of our building (which is owned by my family) with my wife. We were tired and fell asleep after we finished a birthday party for my son, Muhammad. I woke up feeling severe pain all over my body, as if I had been beaten very hard. I do not remember hearing any sound before I woke up and I had the feeling that the house had been destroyed. It was dark, since the electricity had been cut off. I tried to find my way to the kitchen to bring light. On my way I fell down to the ground floor, I knocked on my father's door, which is located in the western part of the building. My sister, Haia, opened the door screaming and asking for help. She said that the house collapsed. I entered the flat and saw my parents removing rubble from the child, Ibrahim. I helped them for a while. Then I went upstairs to look for my wife and children, but I could not find any of them. I returned to my parents' flat and my mother asked where my children were. I said I did not know. This was the last thing I remember as I lost consciousness. When I regained

In a statement summarizing the military investigation of the incident, the army said it regretted the civilian deaths. The army also said that the attack never would have been launched if forces had known women and children were in the building with Salah Shehadeh, head of the Hamas military wing. Washingtonpost.com, "Israel Calls Gaza Bombing a Mistake).

61[61] See Haaretz on-line, 24 July 2002, "US calls air-strike heavy-handed".

consciousness I was told that my wife and three children had been killed. The body of my wife was recovered, but there was huge confusion about various body parts belonging to children. They could not be identified. The Al-Shifa Hospital in Gaza does not have the DNA technology to identify body parts. So the bodies were not recovered. About three days after the bombing, the bodies of my three children were found in the space next to our house. They had obviously fallen down, with the force of the explosion. It was very upsetting to me to hear, via other people, that the bodies had been found. But at least I was able to bury the bodies of my children. Not only have I lost my wife and all three children, but I have also lost my 11-year-old sister, Alaa, together with my two month old niece, Dana. My parents have lost all of their four grandchildren.

Statement taken by Al-Mezan from Muhammad Ibrahim Muhammad Matar, 48 years old

I live in Al-Daraj area in Gaza City. I own the building, which comprises two completed floors and one further floor that we were in the process of constructing. I lived on the ground floor with my wife and children. My two married sons and their families were living in flats on the first floor, and we were in the process of building two more flat – on another floor. This was not complete.

At about midnight on Monday 22 July 2002 everyone in the house was asleep. In my flat on the ground floor, I was asleep with my wife and children as were my mother and a visitor from Rafah.

We woke up with the house collapsing around us. A cupboard fell on me, but I managed to remove it and stood up. I saw one of my sons and my wife under the rubble. I helped them to get out from under the rubble. I must have then lost consciousness. I woke up and found myself at Al-Shifa Hospital in Gaza, and knew that my right eye was bleeding, the fingers on my right hand were broken and that I had bruises on my chest and legs. I also knew that my sons and daughters were wounded. After four days, I was informed that one of my daughters, Alaa, aged 11, my daughter-in-law and all four of my grandchildren were killed.

Our family building is now just a shell. I understand that it would have to be completely rebuilt, and that this would cost \$100,000.

Statement taken by Al-Mezan from Mahmud Al Hwiti, of Al= Daraj district in Gaza

I live in Al-Daraj area in Gaza City. I am unemployed. I am married and have six children. At about 9 P.M. on Monday 22 July 2002, I went to bed after supper; the children were watching TV. I was woken at midnight by the sound of an explosion and found myself lying under rubble in my bedroom. I stood up and went to look for my wife and children. There was rubble all over the floor. I went out to the living room and heard my daughter calling me asking for help. I went to help her, but after I picked up one brick, I felt unable to move and recognized that I was injured. I shouted out, asking for my neighbors' help. Many neighbors came quickly and took my daughter and me to an ambulance. At the hospital, I looked everywhere trying to find the rest of my family. I had seen my wife at the reception ward before they took me to the surgical ward and then to the X-ray department. Once they finished stitching the cuts pm my body I

hurried to look for my children. I found my injured sons. My son Jihad, aged 12, had shrapnel in both legs. My son, Tariq, aged 13, had shrapnel in his back and in the back of the head. I also found my baby who was not injured. I looked for my wife and my other two children. I felt acute anxiety and feared that they were dead. They took me back to a ward upstairs and took care of my wounds. They talked to me, trying to tell me about the deaths as kindly as possible. They first of all told me about the death of my wife. I then asked them to tell me about the two children, and when they told me that they died, I could not bear the shock.

Statement taken by Al-Mezan from Mahasin Ali Hasan Ash-Shawa, 40 years old.

I live in the Gargash neighborhood of the Daraj area in Gaza City. At around midnight Monday 22 July 2002, I was watching TV with my children when we heard a huge thudding sound. I thought it must have been an earthquake. My children were frightened and screaming, saying that the house was collapsing. I tried to calm them down, but when I looked out of the window, I saw that there was dust covering the whole area. The children were shouting and calling for their father. I told them to keep calm and that I was going to look for my husband, Abu Muhammad, who had gone to see his friend, Abu Zainu, in the neighbourhood. It was very dark and I used a lighter I always keep with me at night, to light the way. The children went out and hurried to Abu Zainu's home, where their father was supposed to be. My son, Shadi, climbed the stairs and saw Abu Zainu in a pool of his blood. He also saw part of his father's shirt under the rubble. He tried to take his father out, but he could not. Shadi was so scared, crying and shouting for help. Neighbours hurried to the place and took my husband and his friend to an ambulance. I walked, unaware where I was going, and met Shadi, who told me that his father was dead. I did not believe him. I then saw my husband's friend, Abu Wahid Jaarur, and told him that I could not find my husband at the hospital. He took me in his car to Ash-Shifa Hospital, but he was not among the wounded, so we went to Al Quds Hospital, but he was not there either. So, we returned to Ash-Shifa Hospital, where I was told that he was dead and that his body was in the morgue. I could not believe that and went to the morgue. A person there asked me my husband's name and I said it was Yusif Subhi Ali Ash-Shawa. He just opened the first drawer and I saw his body. I was shocked and was escorted out of the ward.

The Killing of Mahmud Al-Talalqa

Statement taken by Al-Mezan from Fayza Muhammad Fatuh, 48

In her affidavit to Al-Mezan Fayza Muhammad Fatuh, 48, from the Al-Nada Towers area in Gaza said that Israeli soldiers killed nine-year-old Mahmud Al-Talalqa while he was playing near his house in the Bedouin village located opposite to the Towers. She said that the soldiers shot the boy deliberately and without reason.

“About 12:05, Friday 1 March 2002, I was sitting in my flat when I heard the sound of a tank. I looked out of the window and was in a position that allowed me to see the tank and the area clearly. I saw the tank going up a small hill opposite to the building. A group of children gathered from the direction of the nearby Bedouin village, which is a few hundred meters from my house. They stood looking at the tank and at a soldier who looked out of an opening in the tank. Many times the soldier waved to the children in a way that looked friendly to me. Three children walked up the hill towards the tank,

which then moved back suddenly. One of the children followed the tank and when he was about 15 meters from it the same soldier opened fire directly towards the boy who fell on the ground. I could not see blood or wounds from a distance, but I am positive that the soldier shot the boy. I later found out that the boy was Mahmud Al-Talalqa and that he died from bullet wounds. During the time I watched there was no reason for the soldiers to shoot the boy who was playing”

Killing in Beit Lahia

Statement taken by Al Mezan from Hind Ismail Deeb, 20, from Beit Lahia, Gaza

“My name is Hind Ismail Deeb and I am 20 years old. I am married to Mazin Ashur Salim Deeb and we have two children. We lived in a flat on the fifth floor of the building my husband’s family own and live in. The building is located in the northern part of Mashru’ Beit Lahia. At around 10:15 pm Saturday November 30 2002, I was at my brother-in-law Issam’s flat with his wife. When my husband came home we went upstairs with the children to sleep. I was going back to Issam’s flat to get something when I heard my husband yell “the Israelis entered our house. My husband and all of his brothers hurried outside the house and I woke my children and my brother-in-law’s children up. We went down and stayed at my father-in-law’s flat on the second floor. I was terribly worried, so I went back to my brother-in-law’s flat on the fourth floor and watched the street from behind the window curtains. I clearly saw several young Palestinians running and yelling ‘the army entered the road’, but I kept watching from the same place. I saw a tank entering the road. It drove over a car owned by my brother-in-law Ramy. At that moment I became very frightened so I closed the windows, turned off the lights, and returned to the second floor where my children were staying. Suddenly, we heard soldiers shouting through loudspeakers ‘everybody at this home out’. They then started firing at the garage under the building. Everyone was frightened and hurried out. I helped my mother-in-law downstairs as she is blind and noticed that my daughter was not out so I hurried upstairs to get her. On the stairs I found my brother-in-law’s son who is only 15 months old and I took them both down. Again, the soldiers shouted ‘everybody out or we’ll fire missiles on the house’. Downstairs I was helping my mother-in-law to walk. When we were near the soldiers she told them that her husband was still upstairs. A soldier pushed her away saying ‘go away’. My brother-in-law’s wife, her name is Fatin, went back to the soldiers and told them that our father-in-law who is a deaf old man was upstairs and that he couldn’t hear the orders. They did not pay any attention. The soldiers ordered us to assemble and surrounded us. We were ordered to walk with them to the southern end of the road. I entered the house of the Habub family, and it was there that I heard the explosion that destroyed the home. My father-in-law was inside the house while the soldiers laid the explosives and destroyed the house. He was found dead under the debris.

The assassination of Hani Abu Amra and killing of Abdullah Qanan

Statement taken by Al Mezan from Musa Muhammad Salim Abu Mustafa, 57, from Khan Younis

“ My name is Musa Muhammad Salim Abu Mustafa and I am 57 years old. I am married and there are 11 people in my family. We live in Khan Younis. I am a civil employee at the Ministry of the Interior in Khan Younis.

On Thursday December 14, 2000 I took a service taxi from Khan Younis to Gaza. I remember very well that I was sitting in the backseat of the taxi, which was a Hyundai. There were six of us inside in addition to the driver. When we arrived at Al-Matahin (The Mills) crossing north of Khan Younis Israeli soldiers stopped us and another two cars. Our taxi was between the other cars. They allowed us to pass after a few minutes and we continued driving on until we reached the Al-Hikir curve. There we noticed that there was a tank stationed by the road. A soldier looked out of it and ordered the car in front of our taxi to go and ordered our driver to pull over. Four soldiers immediately exited from the tank. One of them stood by the driver's side door, another one stood by the opposite door, and two stood behind the taxi. I was in the back seat with a man sitting on my right and a young woman on my left. A soldier asked for the driver's ID card, but before he was able to take it out of his pocket the soldiers opened fire. The shooting lasted for several minutes, and I tried my best to get down in the taxi. After the firing stopped, the soldiers ordered everyone to raise their hands while still inside that taxi. Then, they ordered us to get out and lay on the ground. I could feel pain in several places in my body and knew that I was wounded. The soldiers kept us on the ground for about 15 minutes and then put us in an army jeep. It was there that I told them I was wounded. They did not care.

When we arrived at the 'Kissufim' military post my clothes were soaked in blood. The soldiers tied bandages over my wounds. I was able to note there that I was injured in the left leg, left arm and on the right side of my abdomen. (Before we left the taxi I saw that the driver remained where he was and the person who was next to him had been shot in the face.) The soldiers then took the five of us who remained to a place I couldn't recognize in. There we met an Israeli officer in civilian clothes. I thought he was an intelligence officer. He said, "what could we do, he opened fire on the soldiers." I am sure that the driver did not open fire and that he did not have a weapon. The officer added that an ambulance was on its way to take me to the hospital. I stayed in the jeep until 12:00 when they handed me over to Palestinian officers who took me to the Red Crescent Hospital in Khan Younis.

Later I learned that the driver was Hani Abu Amra. He was described as a Hamas activist by the Israelis. The person sitting beside him was Abdullah Qanan who died nine days after the incident.

Appendix B: Torture or Cruel, Inhuman or Degrading Treatment or Punishment

Summaries of three beatings in Hebron

Over the course of the Intifada Al-Haq has received numerous reports of Palestinians being beaten and abused by Israeli soldiers and police. Beatings have been particularly common in the Hebron area. The following three reports are summaries of affidavits taken from three Palestinians who were each beaten in separate incidents in Hebron. Their full names and more detailed information are available from Al-Haq upon request.^{62[62]}

Hamza

On December 30, 2002 at approximately 6:00 pm Hamza left his house near the Tariq Ben Ziad School in Hebron to go to the mosque. At the time there was a curfew in place over the city. Shortly after leaving his house Hamza was stopped in the street by four soldiers in a military jeep who demanded to see his ID card, which he gave to them. One of the soldiers was short, two were tall, and one was tall and fat. After he gave them his ID Hamza was ordered to get into the jeep. In the jeep Hamza was ordered to put his head on the floor and the jeep then began to move. When the jeep eventually stopped the soldiers ordered Hamza out of the car, and one of the soldiers immediately began to hit him. The soldier hit Hamza with his rifle on the shoulders and with a baton on his back and legs. Hamza reported that he soon fell to the ground at which point all of the soldiers began to hit and kick him using their rifles and batons. The beating lasted for approximately ten minutes during which time one of the soldiers took pictures of the incident. After the soldiers finished administering the beating they left Hamza lying on the ground with his ID card next to him.

Ziad

On December 18th at approximately 8:30 am, seventeen year-old Ziad was traveling with two other Palestinians in a car when four Israeli border police stopped them. The border guards made them exit from the car, demanded to see their ID cards, and then began to beat them. The soldiers also damaged the car, smashing its windows, denting its sides, and slashing its tires.

One of the soldiers, a short black man, was particularly violent and brutal. According to Ziad he hit the men extremely hard. At one point he grabbed Ziad by the head and slammed him back against a wall. The back of Ziad's head hit the wall, and he fell to the ground bleeding. While he was on the ground the soldier continued to hit him with his rifle and kicked him. Ziad reported that he was unable to protect himself because the blows fell all over his body. The soldier concentrated many of his blows on Ziad's head and genitals, but also hit him in the stomach, back and other areas. At one point the soldier stepped with one foot onto Ziad's chest and then stepped with his other foot

^{62[62]} Affidavits and additional information related to all of the cases contained in this appendix are available from Al-Haq upon request.

onto Ziad's genitals. He then moved one of his feet onto Ziad's face. The beating lasted for approximately 15 minutes after which the soldiers told Ziad, "Go home, its curfew". As Ziad was leaving the soldiers threw stones at him.

Mustafa

Around noon on December 18th Mustafa, a Palestinian resident of Hebron was moving goods from his store to his car with a friend named Gandhi. At the time there was a curfew in place over the city. While he worked Mustafa spotted a military jeep approaching him. The jeep stopped and four soldiers got down. The soldiers began shouting at the two men, but did not want to see their ID cards. Instead they asked Mustafa what he and his friends were doing. Without waiting for an answer the soldiers began to beat the two men. Mustafa reported that two of the soldiers were extremely aggressive. One of them was short and black, and the other was blond and thin. The soldiers beat Mustafa using their hands and rifles until he lost his balance and fell into a puddle of mud. The soldiers then continued to beat Mustafa while he was on the ground, kicking him in the head and hitting his body. Mustafa said that he did not resist and was convinced that he would be killed. He could hear Gandhi screaming from nearby, but couldn't see him, as his eyes were full of mud and blood.

As one of the soldiers continued to beat him the other told him to return home because there was a curfew. He tried to get up to return home, but one of the soldiers kicked him causing him to fall back down. The next time he tried to stand he managed to walk a few steps and looked for Gandhi. The soldiers then left and Mustafa fell down and lost consciousness. When he came to he was in an ambulance. He had no broken bones, but was covered with bruises.

Torture of Ishmael Al-Hawamde

The following summary information on the torture of Ishmael Al-Hawamde is taken from information collected by Al-Haq's fieldworkers.

At approximately 2:00 pm February 16, 2001 Ishmael Al-Hawamde was in the car of a friend Omar Treshaat together with Omar and his uncle Mohammad Al-Hawamde. They were driving near the village of Hawara, which is close to Bier Sheva. They were driving approximately 100 km/hr when they passed an Israeli police car that was parked beside the road. The police motioned for them to stop, but the driver did not stop and the police then opened fire. Due to the officers fire the Omar lost control of the vehicle and crashed into another car.

Ishmael reported that his next memory is of waking up inside a hospital unable to move his left side and with blood flowing out of his mouth and ear. Around 2:00 am two policemen came and told Mohammed to get up and come with them. Ishmael responded by telling them that he could not move his left arm and leg, but the officers ordered him to move. With great difficulty Ishmael responded. At the time he had no clothes except for his underwear and a jacket. His other clothes had all been ripped. He was taken from the hospital to a waiting jeep that transported him from Bier Sheva to the village of Dahariya.

Near Dahariya Ishmael was ordered out of the jeep. He complained that it was raining, that he was tired, and that he did not want to get down. One of the policemen responded by telling him that if he didn't get down he was going to die like his friends. Ishmael then asked him if Omar and Mohammad had died, and the police responded by saying yes. Ishmael then told the police that he wouldn't mind dying, and that it would be better than being left in the middle of nowhere in the rain without clothes. The policeman then took out his gun, placed it against Ishmael's head and pulled the trigger. Ishmael reported that he thought that at that point he truly thought he would die, but there was no round the chamber of the gun. The policeman repeated this action, and then hit Ishmael on the back of the head with the gun. Next the policeman took his baton, hit Ishmael twice on his back, and told him that he was going to cut off his hand. After this the police left and Ishmael began to walk towards Dahariya. A short while after he began walking he came across a Bedouin camp where he was given assistance. He was eventually taken to a hospital where he underwent two operations.

The Torture and Death in Custody of Hosni Ali Ahmed Amer

According to information gathered by Al-Haq, 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 Hosni 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 that Hosni Amer denied. After the conclusion of the search Hosni and Mohammad Amer were taken to a building approximately 200 meters distance away, were blindfolded, and had their hands bound. 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 Hosni was interrogated next. Mohammad heard Hosni screaming during his interrogation and once his blindfold was removed he saw soldiers giving Hosni first aid before they took him away in an ambulance. That was the last time that Hosni was seen alive by a member of his family. The army released Mohammad, but the family was unable to obtain any information regarding the whereabouts of Hosni. On 1 June 2002 Israeli officials at the Jenin District coordination office informed the Palestinian Authority that Hosni Amer had died.

Before Hosni Amer's body was returned to his family an autopsy was carried out on his body by the Abu Kabir Center in Tel Aviv. According to the autopsy report Hosni Amer's body was brought to the Abu Kabir Center by military police on 8 April 2002 and an autopsy was carried out on 11 April by Dr. Bertilon Levi. Dr. Levi concluded that Hosni Amer's death was the result of hypovolemic shock and traumatic shock caused by beating to the head, stomach, hip area, and limbs.

The Detention and Torture of Human Rights Lawyer Daoud Darawi

Advocate Daoud Darawi was arrested at the Allenby Bridge as he returned from Jordan with his wife and daughter. Pursuant to his arrest, Darawi was taken to the Shikma Detention Centre in Ashkelon where he was held in a cell 1.5 metres by 2 metres for fifteen days. The cell was infested with cockroaches and mice.

Considerable pressure was placed on Darawi by interrogators to confess to unspecified charges. He was told that he would be held in interrogation for 180 days and that he would be sentenced to 15 years imprisonment. One interrogator told him that he would leave the interrogation paralyzed.

Mr. Darawi was handcuffed and his feet were manacled while he was seated in a chair that was also secured to the floor. He was held in this position for a considerable period of time. The handcuffs were tightened until Mr. Darawi's circulation began to be impaired. He was not permitted to sleep, and due to being held in unnatural positions for long periods at a time Mr. Darawi began to experience pain in his back and right leg.

In a court appearance on 24 October 2001 pursuant to a review of his case an Israeli judge ordered the release of Mr. Darawi, but conditioned his release on the payment of a substantial court fee by his family. As soon as the court's ruling was issued the prosecution produced an administrative detention order for six months against Mr. Darawi that took effect on 25 October 2001.

According to information received by Al-Haq Mr. Darawi was accused by the prosecution of being a member of the Students Workers Front while he was a student at Al-Quds University. According to the Israeli authorities the Students Workers Front is an affiliate of the Popular Front For the Liberation of Palestine. The Students Workers Front is one of many organizations on Palestinian University campuses that organize social events and participate in student government at the university level. Such organizations are a key part of student life and most students are affiliated with such organizations while pursuing their studies. Many of these organizations are affiliated with political parties and movements outside of a university context. Mr. Darawi was never charged with a specific crime.

The Torture of Munder Daoud Hassan Saleh

Statement taken by Al-Haq from Munder Daoud Hassan Saleh

On November 9, 2000 at around 4:20 pm I was arrested from my car at the Al-Ram intersection while I was with my wife. My wife was driving and we were halted by the stoplight at the intersection, waiting to turn right. A military jeep came towards us from the opposite direction when we started to turn, and I was worried that they would crash into our car. My wife therefore stopped the car while five or six soldiers carrying weapons jumped out of the jeep. In seconds they had opened the doors of our car, pulled me out, and thrown me to the ground. My face was touching the ground. They immediately started to beat me all over my body. They then tied my hands behind my back with plastic restraints and placed a bag over my head. After that I remember being thrown onto the floor of the jeep. I think that after some time I lost consciousness.

When the jeep eventually left it only drove for five minutes, and drove over a dirt road. I assume that we entered the military camp close to the Al-Ram intersection.

The soldiers took me out of the car and put me on the ground. My hands were still tied and I still had the bag over my head. I was in an outside courtyard. After about one hour a person came up to me and started to search through my clothes. He took everything that he could take from me including my papers and money. After that I was again thrown onto the floor of a jeep with my hands still tied and head covered. My face was on the floor of the jeep and I felt as if I was suffocating. The jeep moved and I estimated that inside of the jeep there were four soldiers including the one that was sitting on my back. The soldiers were listening to loud music. I tried to shout to them to lift the bag off of my head because I was suffocating, but none of them listened to me. The jeep drove for about 20 minutes. When it stopped I was moved to another car, still tied, but was put on a seat.

After a few minutes someone spoke to me. He said that he was an intelligence officer and he asked me my name. He lifted the bag off of my head and replaced it with a blindfold. I estimated that this jeep drove for an additional 20 minutes. After it stopped I was taken and put into a room. There my blindfold was removed and I was notified that I was in the medical section of what I assumed was the Russian Compound Prison in Jerusalem.

They administered medical tests and then took my picture. Then glasses with black plastic lenses were put on my eyes. I couldn't see. They led me into a cell and I stayed there for about two hours. Later they moved me and put me in a big closed car and removed the blindfold, but they kept my hands and legs tied. The car drove for about two hours. I was able to see a sign saying Ashdod, so I knew that I was being taken to Ashqelon Prison. When I arrived they took me into a room to conduct tests and then gave me a set of brown clothes. I asked the nurse about the time and he said to that it was 11:00 pm. I was then taken to an office room where my blindfold was removed and I was placed in a small chair. My hands remained tied behind my back and my legs were fixed to the floor using chains. A person then came and introduced himself to me as intelligence officer Robert. He offered me coffee and cigarettes. I understood that I was in the interrogation center at Ashqelon. He also offered me a sandwich and took me to the toilet.

The first eight days of interrogation were extremely intense. I was interrogated for 20 hours every day without being allowed to sleep. During the interrogations they took me to the toilet were someone sprayed me with cold water so that I started to shake and freeze. The air conditioner in the interrogation room was also on for about eight hours. Inside the interrogation room I felt extreme pains all over my body. Throughout the interrogations my hands and legs were restrained.

After the first eight days ended my detention was extended for another 25 days. The interrogation continued in the same way, with the exceptions of Friday and Saturday where there were no interrogations [because of Shabbat]. I was not beaten during the interrogation sessions, but there were times when the intelligence officer put his foot on my chest or stomach while I sat in the chair and he sat on the table. I believe he did this to insult me and to exert psychological pressure.

They also put me in the Shabeh position. I sat on my chair in the corridor and my hands were tied behind my back to a chain fixed into the wall while my legs were chained to the floor. At the time a blindfold was placed over my eyes. I remember that the longest continuous time I was sitting in the Shabeh position was nine hours.

Later they put me into a cell and left me there for days. I remember that I remained in the cell without going out to the interrogation room for about 12 days. They only opened the door to bring me meals, which were very bad. They were comprised of cheese and jam. I became depressed while I was alone.

The interrogation mainly concerned my military activities and a meeting between me and another person in Jordan. I was visited by the lawyers Sahar Francis, Nizar Ayoub, and Butheina Al-Daqaq. I remained in interrogation for 54 days after which I was transferred to administrative detention. I stayed for a year and some months in the Megiddo detention center and was released on May 1, 2001.

The Torture of Ibrahim Ayed Abdul-Jawad Za'ul

Statement taken by Al-Haq from Ibrahim Ayed Abdul-Jawad Za'ul

On January 19, 2001 I was in my house sleeping. Suddenly I heard someone knocking on the door. I remember, it was about 1:30 in the morning. All of my family woke up. They were scared. My father went to the door and asked who was there. The people at the door said that they were Israeli soldiers. On our door there is a small window. My father opened the window and six weapons were pointed at his face. They ordered him to open the door. He said that he would open the door, but asked them to put away their weapons. My father then opened the door and switched on a light that is above the entranceway. When the light came on one of the soldiers shot it out. Three soldiers entered the house. They were wearing masks and one of them was wearing civilian clothes. He called himself "Moshe Caploti". He asked my father about me. He then came to me and asked me who I was.

After about two minutes fifteen soldiers entered the house. The house was also surrounded by a large number of soldiers. "Moshe" told me that I had five minutes to change my clothes. I changed my clothes. The soldiers grabbed me by my arms and took me out of the house. Outside they pushed my head against the gate and started to beat me on my legs. As a result I fell down. They pulled me up and dragged me to a jeep. I saw another guy in the jeep with his eyes covered and his hands tied behind his back. My eyes were then covered and my hands were also tied behind my back. I was beaten around my face and pushed into the other person.

When we arrived at Gush Etzion we were taken from the jeep. One soldier approached me and told me that I had to confess. He ordered me to take off my jacket and then poured cold water over me. The weather outside was cold and rainy. The man also hit me in the face and spat on me. He then hit me in the back using an M-16. This treatment continued for about 30 minutes. After that they took me inside a room and removed the blindfold from my eyes. I saw a man who was dressed like a doctor and I saw "Moshe" who I recognized by his clothes. The doctor checked my blood pressure. After a few minutes "Moshe" placed a covering over my eyes and took me outside the room. Once we stopped he removed the blindfold from my eyes and gave me a piece of

paper with Hebrew on it that he ordered me to sign. He told me that the paper was a certificate signifying that a doctor had checked me. I was not convinced of this and did not sign the paper.

After that the blindfold was put back into place and he started to beat me. After about five minutes they took me and two other guys to a car. We traveled for about five minutes in the car. When the car stopped we were taken from it and put into a small room. We heard footsteps and then some people opened the door and started to kick us. They swore at us and abused our mothers, sister and the prophet. They were speaking in Arabic and told us that they were Druze. After about ten minutes, I can't remember exactly, the soldiers brought batons and started to use them to beat us. This continued for a while. When they left "Moshe" returned and asked us if the soldiers had beaten us. We said yes. "Moshe" replied the beating process has started; we will beat you all. After that they took us to different rooms. I was taken to a small room with a desk and chair, which I could see from under the blindfold.

A man called "Ayoub" came and said that I should be good and confess. He said, "You should tell us how many times you have thrown stones and who was with you. If you refuse I will send you to the other guy to deal with you." "Ayoub" removed my blindfold so that I could see him. He started to question me. He asked me how many times I had thrown stones. I didn't answer. "Ayoub" then started to hit me in the face and used a baton to hit my back. I fell down. "Ayoub" then sat on the chair. A soldier came in and said that Ahmed Sabatin was dead. "Ayoub" told the soldier that if I didn't confess I would die. Ayoub asked me, "Are you sure you don't want to confess." I lifted up my t-shirt and told them to kill me. I heard Ahmed screaming and "Ayoub" asked if I knew Ahmed. He told me that Ahmed said that I had thrown stones with him. "Ayoub" then left and came back with Ahmed. His face was covered. "Ayoub" then asked Ahmed if he knew me. Ahmed said yes. "Ayoub" then started to beat me. After that he covered my eyes and took me to another room. He placed a big bag over my neck. The bag was very heavy. Whenever I moved my neck he would hit me in the face. This continued for maybe 30 minutes. He eventually took the bag off of my neck and instead put a sack over my head. The sack smelled very bad. When the sack was taken off I was placed in a chair. He then brought wires and started to hit me with them. He told me that they were electrical wires and that he would electrocute me if I didn't confess. This continued for about five minutes. Afterwards two guys came and stood on either side of me and they began to beat me. I felt so tired and sick that I eventually told them that I would confess. I told them that I threw stones at a military jeep that was outside of our school in Husan. "Moshe" asked if I threw stones at cars along the bypass road. I told him no. Someone else then came to see me. He said that he was from Hebron and was dressed in civilian clothes. He asked me to tell him my "confession", which he wrote and then he took my fingerprints.

Appendix C: Life in Israeli Detention

Testimony of Yaser al-Disi

Ramallah before the attack

The day the Israeli military entered Ramallah the atmosphere in the city was suffocating. An eerie silence mingled with sadness hung over the abandoned city streets, while signs of war hovered on the horizon. Israeli generals had threatened to reoccupy the city, and according to statements made by Israeli politicians to the Israeli media the coming attack would leave Palestinians no safe haven. Everyone was a potential target.

Heavy clouds filled the skies over the city. The weather was bitterly cold. This time the weather forecast had been correct. A cold storm was about to blow. It was the afternoon of March 29th, and I was making my way to Al-Haq's offices in the center of the city as people hurried through the streets, anxious to get home quickly before the Israeli tanks attacked. I entered the office and felt very cold. The offices felt unfamiliar because of the darkness. Using the palm of my hand I groped along the wall and switched on the light. Then I turned on the TV where the news was reporting on the bellicose statements being made by Israeli officials.

I watched TV until midnight and then fell sleep. At about 3:00 am I was awakened by the sound of Israeli tanks and armored personnel carriers thundering through the city streets. The tanks were moving towards the center of Ramallah attacking from all the main entrances to the city. American made apache attack helicopters, which were flying in low over the city, supported them. As the tanks and helicopters advanced towards the city center, they fired heavy machine guns and shells at houses. In the midst of this heavy fire it was just possible to make out the sounds of some weaker gunfire coming from Palestinian fighters. It was impossible for such light weapons to withstand the tanks, and Ramallah was soon completely occupied with Israeli tanks roaming through all of its streets. However, the center of the city remained unoccupied for a brief period, and this gave the Palestinian freedom fighters a chance to move.

When the sun came out the next morning, all of the shops in the city were closed with the exception of a few in the Old City of Ramallah. I saw some young Palestinian men moving between the Old City and the city center, but there were very few.

The occupation forces attack medical personnel

I spent all that day in the office and received many phone calls from people seeking help. Most city residents were completely unprepared for such a situation, and did not have enough stores of food and medicine. The indiscriminate and intensive Israeli shooting and shelling also terrified people. I maintained fairly constant contact with the Red Crescent Society Media Office, which played a key role in helping the injured. Their medical personnel told me that the Israeli occupation forces had attacked them and had deliberately fired at one of their ambulances. They also said that the situation around Arafat's Office (the muqata'ah compound) was tense. The Israeli soldiers were

not allowing the evacuation of injured people trapped in that area. The Red Crescent Society e-mailed me a press release that documented these blatant violations.

The wall of darkness

The situation was critical and Ramallah needed help. Life in the city had come to a standstill due to the bombing and shelling. I was really curious to follow the news, especially as new stories broke. None of the reports mentioned an imminent end to the attack. On the contrary, all the information indicated that the attack was escalating, and that American statements had supported Israel, which was using these statements to justify its own crimes and to present them as a war against "terror".

While I was watching the news in the afternoon the electricity went off. The TV cut out and I was left sitting in the dark. This was a serious problem, as we had no generator in the office to run the computers and other equipment. It was freezing inside the office and I had lost contact with the outside world. I felt helpless, like a piece of furniture or décor.

The rain became heavier and fell continuously. It got even colder. I found some candles to light up the place as the whole city was enveloped in darkness. The candle was not sufficient to light up all the office so I had to carry it carefully around with me to prevent it going out.

The bombs continued falling, rocking the city with their explosions as they hit buildings. The Apache helicopters bombarded houses with heavy machine gun fire that was as lethal as the bombs and missiles they were also launching. I felt that the danger was drawing closer to me. The rumble of the tanks was getting louder. The rain continued to fall heavily, and the weather was as cold as at the beginning of winter. Amidst all of this I felt bitterly alone. An oppressive darkness separated me from the outside world and I could not figure out exactly what was going on around me. My interpretation of events was based on a confused sense of anticipation, influenced by my emotional response to the bombings and shooting. I went into the kitchen and took the food out of the refrigerator and put it on the kitchen table to prevent it from going bad before I went to sleep.

That night was extremely uncomfortable, as I was awakened many times by the sounds of shelling, tanks, and by the cold. I got up very early in the morning and looked out of the window. I saw some young people who seemed to have spent their night on the streets in the rain. It was hard to imagine how they could bear the cold, but they were gone before dawn.

The sun rose and fighting continued nearby. I could now distinguish between the Israeli guns and the Palestinians' responding fire. The sound of the Palestinian gunfire was feeble and receded in the face of the strong and continuous Israeli gunfire. The Israeli soldiers climbed onto the roofs of high buildings overlooking the city, most of which were residential. Their snipers took up positions at the top of these buildings making it impossible for people to move about in the city streets. The day passed very slowly and I had to ration my food and coffee intake. The bread went moldy. As a precaution, I collected some water in pots since the water tanks in the roof could be hit at any time by Israeli gunfire, which would have left me without water.

The attack on Al-Haq

The electricity came back on just before dark and I reconnected the electrical equipment. This made me feel better. I switched on the TV. The images I saw showed that savage atrocities had been committed in the city. I saw the picture of five gray-haired men who had been killed in one of the buildings where they had sought refuge. The news reported that those men had been executed after being arrested by Israeli soldiers. One reporter said that they had worked as Palestinian police. The reporter added that the Israeli soldiers had damaged many houses and institutions in the city, and were attacking and searching all the houses in the city. Everyone, especially children and women, was afraid.

I took advantage of the electricity to charge my mobile phone. Then, as I was opening up my computer to type a few pages and to look up some telephone numbers, I heard loud voices in the building and guessed that soldiers had attacked it. I called Mr. Sha'wan Jabarin, Al-Haq's human rights officer, to let him know what was happening. He said that I should turn all the office lights on and open the door quickly if the soldiers knocked on it. As soon as I had finished this conversation there was a loud knock on the office door. I went immediately to the inner rooms, turned on the lights and moved towards the door, but before I could reach it the soldiers had it open. I have not yet figure out how they opened it. There were about 15 soldiers, all armed. I stood rooted in place. They aimed their guns at the office doors. Some of them went towards the library while others moved towards me. They were speaking in Hebrew, which I do not understand. I had to walk in front of the soldiers as they entered one of the rooms and had to wait there until they finished their search. Two soldiers remained with me in that room. I lit a cigarette thinking that they would soon be gone once they realized what kind of work we did.

Arrest

Less than two minutes later a soldier of Middle Eastern appearance came up to me and angrily asked me in Arabic to stop smoking. He grabbed me and shouted, "Whose bomb is this?" I told him that I didn't know what he was talking about, and that there was no bomb in the office. I thought that he was trying to make up a charge against me. I explained that al-Haq was a human rights organization that documents human rights violations. With my hand I pointed to the books and reports we produce to support my argument. He then said, "Do you want me to bring it here and explode it in front of you?" I told him, "If you have got such a thing, then bring it". He went away angrily and came back accompanied by another soldier who carried plastic handcuffs. He asked me to give him my ID card. He then handcuffed my hands behind my back in a way that forced my palms together. He then left, but quickly returned and asked me the same question. He said, "Tell me whose bomb this is and I will release you". Again, I told him that I knew nothing about it. I did not remember that we had such a thing in our office.^{63[63]}

^{63[63]} A few days after my arrest I realized what the soldier was talking about. It was an unexploded, but disarmed, missile that Israeli helicopters had launched at a Palestinian house in Hebron in 1988 during the previous Palestinian Intifada.

This sequence of events took about ten minutes, after which I was forced to leave the office walking in front of several of the soldiers. Most of the soldiers remained behind in the office. When we reached the entrance to the office one of the soldiers took a white piece of cloth from a colleague and stuffed it into my pocket. We then went downstairs with one of the soldiers holding tightly onto my shoulder. Other soldiers were inside other offices in the building and were on the staircase. The floors of the building were strewn with broken glass. We stopped at the bottom of the staircase and one of the soldiers took the piece of cloth from my pocket, blindfolded me, and asked me to sit on the ground. A few minutes later a soldier grabbed my back and propelled me forward. I could not see anything. We left the building. It was very cold. I was made to stop near a metal object and a soldier then pushed me forward.

The metal object was an armored personnel carrier (APC). I lowered my head and got in. It was full of metal projections that banged into my legs. This was both annoying and painful. I did not know where or how to sit and felt as if I was inside a coffin. I tried to lift the blindfold a bit using my knees, but this was impossible as it was too tightly bound. A few moments later the soldiers got into the APC.

The use of schools as detention centers

I didn't know where the armored personnel carrier was going. The soldiers drove for about twenty minutes during which time I lost all sense of direction. My body was continuously battered against the sides of the vehicle. Finally, the personnel carrier stopped and the soldiers took me out. I assumed that I had been taken to an Israeli military post. A soldier held on to me all the time as we walked over rough muddy ground and then up a small staircase of two or three steps. It was raining heavily. A soldier guided me as we walked along a corridor narrow enough that my body often bumped against the walls on each side. Then I was taken to a room and seated on a plastic chair with metal arms. I remained handcuffed and blindfolded with a soldier guarding me. The soldiers often went out of the room and stood in the corridor. I managed to shift the blindfold a bit, which allowed me to see where I was. I could see part of the building of the Union of Palestinian Agricultural Relief Committees through the window, so I could identify where I was being held. It was a secondary school that the soldiers had taken over and were then using as a military post.

They put me in an empty room with only a few chairs inside. Rain leaked into the room and made me feel even colder, especially as I was only wearing light clothes.

An hour later the soldiers brought another bunch of prisoners into the room. After separating them into groups the soldiers ordered the prisoners to sit on specific chairs to prevent us from talking to each other. All of us were tired from being deprived of sleep, food, and water.

Detainees are forbidden to go to the toilet

Al- Haq had kept the missile as evidence of Israeli crimes committed against Palestinians in the occupied territories.

Some of the prisoners wanted to use the toilet. Initially the soldiers refused, but as demands to use the toilet became more frequent, the requests were allowed. However, the soldiers refused to untie our hands, only allowing one prisoner to be untied. This prisoner then had to unzip the other prisoners' trousers and help them urinate. Prisoners had to urinate in this way in front of all of the soldiers in the schoolyard. When I asked a soldier to untie my hands so that I could urinate he refused, so I asked him to take me back to my place, which he did.

Time passed very slowly. Sharp dagger like pains from cramping stabbed through my arms, shoulders and neck. We were not allowed to sit on chairs and this gave me a backache and made my left leg go numb. We were forbidden to move around which made matters worse. My palms became numb because of the tight handcuffs, which tightened whenever I moved. Some prisoners were crying out with pain. I was worn out by tiredness. I cared neither about hunger nor thirst, as pain overrode everything. Finally I fell asleep exhausted on the chair, but was woken up sporadically by the pain. Whenever I woke up I could hear the soldiers laughing and talking in loud voices. The bombs were still falling on Ramallah.

The journey to the detention center

Dawn broke. I was anxious to leave the military post. The conditions there were unbearable. At about 12.00 am on 1 April 2002, a covered military vehicle parked in front of the military post. I was taken to it with the other detainees. We were all handcuffed and blindfolded. Three soldiers accompanied us. They sat opposite us on a bench pointing their guns at us. They squeezed us into the vehicle so tightly that my bones felt as if they were breaking. It was also incredibly difficult to breathe, as our hands were still bound behind our backs. The journey to the detention centre was over very rough roads. The vehicle was thrown around and our heads knocked against its sides. On a number of occasions the driver intentionally braked in order to slam us against each other. After one hour and a quarter's drive we reached an Israeli military camp. We were taken off the military vehicle while the soldiers held us tightly from behind. We were ordered to line up in a straight row. There was a narrow alley behind us, which the rain had turned into mud. From under the blindfold I could see that there were about 100 detainees. Their hands were tied behind their backs and they were blindfolded. Some were moaning or crying out with pain, exhaustion, thirst or because they needed to go to the toilet. The soldiers beat anyone who uttered a word, kicking them or hitting them with their batons.

I was stood up against a wall and searched. The soldiers found eighteen NIS and a lighter in my pocket, which they returned to me. They also found a pen and kept it. Someone in blue trousers and a dark blue shirt came and put his hand inside my pocket and took my mobile phone. Later when the military released me and returned my belongings they denied that anyone had taken it.

After they had finished searching me they took me up a staircase of about ten steps that led into a heated hall. An officer in blue jeans, a dark blue shirt and sport boots came up to me and untied my hands. He spoke to me in Arabic and asked me to sit on a chair in the hall. This gave me some relief from the pain of the handcuffs.

I sat on the chair and started studying the hall. This place was a total contrast to the place where I had spent the previous twelve hours handcuffed and blindfolded. I saw numerous prisoners sitting on plastic chairs around me. We all sat facing several small offices and a kitchen where a woman was making coffee, which some of the soldiers were sipping.

A few minutes later the officer came and took me to a small office. I sat on a chair while he sat opposite me behind his desk, which contained a computer with a Hebrew keyboard. A tall, well-built officer sat close up behind me. The officer facing me first asked me for my ID card. I told him that the soldiers had taken it when they arrested me. He then asked me for my full name and the names of my sisters and brothers. He was using his computer while asking the questions, and the other officer kept on interrupting him. The questioning officer then wrote down some Hebrew words and my ID number on a yellow piece of paper. I quickly realized that the Hebrew words were my name. He asked me to keep that piece of paper. The interrogation was over. It had lasted only fifteen minutes. Before I left the officer said, "You will be released in three days when we leave Ramallah." The other soldier said, "You look polite. There will be peace in three days and you will be released."

The officer stood up and took me back to the hall. A man with a camera stood in one of the corners. The officer went away while the cameraman handed me a board with a chalked number on it, positioned me, and took two photographs of me. Soldiers then came and handcuffed me again, but this time my hands were left against my stomach. Then they blindfolded me and took me downstairs. The prisoners were still sitting in the muddy alley. I walked along the alley with the soldiers. I was stopped at the door of a small room. I got a glimpse of a female soldier inside who laughed when another soldier shouted at me asking me what my name was and about my job. I told him that I worked in a human rights organization. He said, "Damn human rights." The soldiers then took me back into the muddy alley and one of them treated me roughly.

Humiliation and suffering

Conditions in the camp were exceedingly harsh. Prisoners were caused to suffer and were humiliated in many ways. It rained ceaselessly. Soldiers were spread out everywhere. Some of them aimed their guns at us. Others made fun of the prisoners by kicking them with their boots. Prisoners were beaten just because they cried with pain. We stayed there for more than two hours.

Finally the soldiers ordered us to stand and line up in a row. They shouted at us and insulted us. All of us were blindfold and could see nothing. The soldiers ordered us to walk in a line while they directed us with their batons. Two buses were waiting for us. We got into the buses but we did not understand what was going on. The soldiers also got into the bus and ordered us to lower our heads. Everyone had to rest his head against the edge of the seat in front of him. The soldiers threatened to kill anyone who moved.

The bus drove for about 30 minutes inside the military camp. When it stopped we were taken out separately and our blindfolds were taken off. There were many soldiers and officers looking at us. I felt insulted when I saw a cameraman filming us while we were handcuffed. These pictures would be used to market us as terrorists. Israeli propaganda

is vicious. It turns white into black. People would not be bothered to make the effort to find out the truth.

We walked in front of the TV camera. The soldiers then untied us. In front of us was a yard. A high fence surrounded it with barbed wire on the top. There were four tents inside the yard. Control towers with armed soldiers surrounded the yard. Nearby there was a large area of farmland surrounded by stonewalls. Ramallah stood exactly opposite us. Its skyline appeared bathed in rain. The scene was like a silent tragic painting. Anyone seeing it would have been filled with sadness. Then I realized that I was in the military camp called Ofer, which was a detention center that Al-Haq's lawyers had spent much time investigating. It had been opened as a prison at the beginning of 2002 to absorb new Palestinian detainees, as other jails had almost reached their full capacity.

Inside the tented prison

It was about 4pm when we entered the section where we were to stay, which contained around 150 to 170 prisoners. We did not know each other. We all spread out to have a look at the new place. The earth was muddy and the tents were old and shabby. Strong winds blew them about in all directions. Those tents were not fit for human beings. They offered no protection from the rain. There was nothing to sit on. The luckiest amongst us found some pieces of cardboard, which they used to cover areas where rainwater had gathered in puddles inside the tents.

A few hours later the soldiers brought us some *Mishtahs* 64[64], *gomys* 65[65] and blankets. There was not enough to go round. Five prisoners had to share three *mishtahs* and three *gomys* and each prisoner only got one light blanket. No sooner had we put them on the ground than the blankets, *mishtahs* and *gomys* got soaked. We had to move very carefully inside those tents. The reality was that we were living in a swamp.

We spent about one week in this section where we exposed to all forms of humiliation and degrading treatment. The tents were on the verge of collapsing due to the strong wind and rain. We frequently had to hold down the sides of the tents to protect them from wind and had to hang onto the side tent poles, which swung about all the time. Prisoners sat about frustrated and with nothing to do. The problems with the tents, the rain, the wind, and the soaked *mishtahs*, *gomys*, and blankets all added to the strain of detention. I remember that the central tent pole collapsed once and hit one of the prisoners on his head giving him a severe headache.

These conditions really affected us. We often slept out of emotional exhaustion not because we wanted to sleep. It is difficult to describe what it is like sleeping while rain falls on your face and soaks your covers. The weather was freezing, so we rarely took off our shoes. Our life was very close to that of primitive man. The only difference was the torture and humiliation we were exposed to. I recall that I and some other prisoners

64[64] Hebrew word for pieces of wood put together to form a square shaped object used by prisoners to sleep on.

65[65] Hebrew word for a light thin pieces of sponge used to cover the *Mishtahs*

could not sleep for more than two days, as we had nothing to sleep on. We were reduced to putting some soaked cardboard on the muddy earth to sit on. To get some rest we had to sit leaning back to back in pairs. We would spend all night sitting like that. I often lost control and fell asleep. When the sun rose we managed to sleep for a short time in spaces that others vacated.

Food

The food we were given was very poor. It was insufficient to provide us with the calories the body needs. In addition, it was not served on a regular basis. The first meal consisted of a small carton of yogurt, one tomato, one raw frozen piece of schnitzel and small piece of *matzoh*^{66[66]}. The same food was served up for the second meal with the addition of some apples. Eventually we were divided into groups of six or seven man and each group shared the following portions for meals:

- Breakfast: one carton of yogurt, two to three tomatoes and sometimes two cucumbers.
- Lunch: five pieces of frozen raw schnitzel, three tomatoes and (sometimes) three to four apples. Sometimes they brought pieces of meat instead of schnitzel. We did not know what the meat was, but we had no other choice.
- Supper: This was exactly like the breakfast. Sometimes the yogurt was replaced by cream cheese.

We were never given hot drinks or cooked food during our imprisonment in that military camp. The schnitzel was solid and covered with ice. This caused health problems for many prisoners. Some suffered from constipation or lost a lot of weight, and others got sore throats. Many prisoners caught flus and colds due to the lack of health care.

Roll calls: Another form of humiliation

Prisoners were counted three times a day. I had heard about this process before my detention and now I was living it. The roll call is a very humiliating process in which soldiers display great brutality and aggression. Whenever the soldiers wanted to count us we had to exit from the tents and sit down in a row in the muddy yard in front of the tent. We had to face forward while the soldiers shouted at us "Rosh Limala, Rosh Limata" "lower your head, look straight forward" while they trained their guns on us.

Depositing our belongings

On the third day in the tents, a large number of soldiers arrived with a list of our names. They shouted at us to get out of the tents, handcuffed us and ordered us to line up in a row. Everyone had to hold onto the back of the prisoner in front of him. While we were walking the soldiers moved around us with their guns trained on us. The ground was

^{66[66]} A special type of unleavened bread baked as thin wafers by Jews for the Passover feast.

thick with mud. We walked a short way until we reached an area containing barracks. The barracks were set up close to each other to form a wall. There was a large tent nearby in front of which some soldiers were positioned. The soldiers ordered us to stand against the side of the barracks, raise our hands above our heads and spread our legs. They then searched us very carefully. Our bodies and faces were touching the side of the barracks. Whenever they finished searching someone, they untied his hands and led him into the tent, which was vast. Inside the tent were several officers and soldiers were sitting behind a number of wooden tables that were laden with files and papers. Some other soldiers stood opposite on guard. The soldiers asked me to empty my pockets. The only things I had with me were a lighter and some cards that they took, and eighteen NIS that they allowed me to keep. They gave me a receipt. I asked them about my mobile phone, but they said they knew nothing about it. I told them that an officer had taken it out of my pocket after I had been brought to the military camp. One of them said, "You can ask the DCO about it".

The medical examination and Doctors

After depositing our belongings they told us to go to a bearded man in a military uniform with a stethoscope hanging round his neck. This was the doctor. I approached him and he asked me in English, "Have you got any health problems?" I told him that I had pains in my stomach and back, which had only started since my detention. He ignored what I said and placed his stethoscope on my chest as I was sitting on a wooden bench in front of him. He then placed the stethoscope on my back and wrote some notes in a file. I was then led out of this tent and handcuffed. I was the last prisoner to leave the tent. We were then taken back to our tents.

I saw doctors in that military camp carrying machine guns. I believe that working in the medical profession and carrying a gun are incompatible. The first is a humanitarian vocation while bearing arms is totally different. If doctors carry guns this is bound to create a psychological barrier between the patient or injured prisoner and the armed doctor.

While I was in the Ofer military camp I saw four Palestinian medical staff who had been arrested. One of them was a doctor wearing a white gown with the Palestinian Red Crescent Society badge. These four had been arrested while they were on duty. I saw some Water Authority workers who were wearing dark blue uniforms. They had been arrested whilst repairing the water network that had been damaged by Israeli attacks. I met two men who worked as guards in the Arab Bank in Ramallah. There was also a journalist who had been severely beaten by the soldiers and some of his ribs had been broken. He had been detained whilst working in one of the local radio stations.

The riddle of the bomb is solved

On the second day of my detention I started to think over my detention. It was like a slow motion film inside my head. I was preoccupied with the soldier's questions about the alleged bomb at Al-Haq. I was puzzled as to why they wanted to throw such accusations at me, as the accusations were so far removed from the focus of my work. It was also incompatible with Al-Haq's mission as a human rights organization. I was surprised that they had not questioned me about the bomb during my detention.

I was initially confused, but I finally worked out what it was all about. The soldier's claim about the bomb was misguided, as we had no bomb in the office. However, I remembered that we did keep a disarmed missile in the office as part of our documentary evidence. As a human rights organization we document human rights violations we observe in the Occupied Territories. Missiles were one of the means the Israeli forces used to demolish homes in the Occupied Territories. An Israeli helicopter had launched the missile found by the soldiers at a Palestinian home in Hebron in 1988 during the previous Intifada, but it had failed to explode and an Al-Haq fieldworker had found it. Together with publications and pictures it provided concrete evidence for the outside world of the atrocities committed by Israelis against Palestinians. Alas! How could I forget this; had I remembered it, I am certain that I could have proven that the missile was used as documentary material and so could have avoided being detained. However, it wasn't my fault that I didn't understand what the soldier had been talking about. It was the soldier's fault for not showing me the missile.

Moving through the Prison

We were often transferred between different parts of the prison. Each time we were transferred we were subject to a careful search that took hours. Once the prisoners had gotten used to the place they were in they were moved to another section. This was one of the methods the prison administration used to break down prisoner solidarity. They used buses when they wanted to transfer us from one section to another. Every time we were handcuffed and bound, and sometimes our eyes were covered. It goes without saying that the soldiers' treatment was rough and cruel. The handcuffs were fastened as tightly as possible and stopped circulation. The ridges and notches of the plastic handcuffs cut deep into the prisoners' skin. In addition, we had to bow our heads as low as we could get them.

Transfers took a very long time, usually between 4-6 hours, even though the distance between the sections was not that great. Again this practice was intentional as it gave the soldiers an opportunity to torture and insult the prisoners.

In the tank parking lot

At about 1:00 am one night about a week into my detention we were transferred by bus. The buses drove nonstop for more than five hours. As usual we were handcuffed and blindfolded. We did not know where we were going. At about 6:00 am the bus parked. It was still dark. The soldiers pushed us off the bus with their fists. We entered a place that I did not recognize and moved inside it very slowly with no one guiding us. I thought that the soldiers were behind us as they were screaming abuse at us. I heard one of the prisoners saying, "Take off your blindfolds". One of the prisoners came and helped me get rid of my handcuffs. We were exhausted and tense due to a lack of sleep. It was impossible to sit on the ground, as it was earth and full of black greasy patches. We realized that we were in the tank parking lot.

The tanks had left this barracks to go to attack Ramallah and shatter the peace. The barracks was a structure of latticed metal tubes and posts. Three sides were covered with corrugated aluminum plates. One of the sides was covered with a high barbed wire wall, and the barbed wire stretched across the other three walls. The roof of the barracks was covered with asbestos. In front of us was a long alley running along the

high wall, which was used by soldiers and military vehicles. Some soldiers stood watching us from under a tarpaulin that also covered a table and some chairs. A machine gun was mounted on a concrete platform standing in the middle of the barracks. The soldier on that platform often pointed the laser sight fixed on his gun at our heads for fun. Snipers use this type of sight to highlight their targets.

The barracks were designed so as not to let in direct sunlight, so we spent several days with no sun at all. We had lost our sense of direction during our trip to this location and had to guess where we were. After we had spent a few hours standing up the soldiers ordered us to sit down so that they could count us. They forced us to do this, and shouted at and insulted any prisoner who could not sit on the hard earth. They counted us very slowly. When they finished counting they ordered us to continue sitting on the ground for another count. When the counting game finished, we immediately stretched out on the dirty ground. At night the soldiers brought us some *mishtahs* and light blankets.

There were too many prisoners and the barracks were overcrowded. It was difficult to move about inside. The alley near the fence was the only passageway. At one point there were about 300 prisoners inside the barracks. Barbed wire was stretched down the middle of the barracks to separate us. There was so much overcrowding that everyone had to stay put in his own place for about 20 days.

The Toilets

For the first four days in the barracks, no one could use the toilet, as there were none inside the barracks. Any prisoner who wanted to relieve himself had to contact the soldier on the platform through the *Shawish*⁶⁷[67]. Whether or not you got permission depended on the particular soldier's mood. The prisoner was then taken to the portable toilets outside the barracks, and was of course guarded all the time by armed soldiers. The soldiers usually kept on knocking on the toilet door with their batons and legs to urge the prisoner to hurry up if he took more than two to three minutes. One prisoner told me that he was unable to relieve himself due to the psychological impact of the soldiers' presence and their shouting. Because of this treatment, during the first four days many prisoners preferred not to use the toilet.

On the fifth day the soldiers brought three portable toilets and we took them inside the barracks. The toilets were made in America and were like plastic water reservoirs. They were not connected to any pump or tube and had to be baled out by a pump when they became full. Bringing them into the barracks was a disaster as they filled up every two days. The pump was never brought in time to bale them out. Our life was made a misery because of the smell and the accompanying negative health effects. The rising temperatures made things worse as mosquitoes and flies were beginning to converge on the area.

Showers

⁶⁷[67] A prisoner speaking Hebrew who is delegated by the other prisoners to liaise over their daily needs with the soldiers.

There was a small wooden room in one of the corners of the barracks containing some taps and basins. The water couldn't drain out of the basin and leaked onto the ground in puddles soaking our sleeping places. Some water pumps hung from the ceiling of the barracks. Thinking that we could use them for showers, we covered the ground with blankets. Unfortunately there was no hot water. In order to get hot water the soldiers would have had to switch on the gas boilers just outside the barracks, which they refused to do. So, during a whole first month of my detention I only took two showers. For the first twenty days there was neither warm nor hot water. We had no spare clothes with us, and were thus forced to wear the same dirty clothes all of the time. We became very anxious about contracting skin diseases. Whenever one of us started itching all of us became worried.

The treatment of injuries in prison

There were some injured prisoners among us in the barracks, including the following:

- *Abdallah, a policeman of around 20 from Gaza who worked in Ramallah:* This young man stayed stretched on his back on his sleeping place. He wore the green gown, which is typically worn by the sick in hospitals. Other prisoners took care of him. He had been hit in the stomach by a bullet from a heavy machinegun. He could not stand up or walk without the help of others. He walked very slowly. If he needed to go to the toilet one of the prisoners helped him. His wounds often bled.

It all depended on the soldier's whim as to whether he would be taken to be treated. It was extraordinary that injured men were held as prisoners when they should have been in hospitals receiving medical care. Instead they were subjected to injustice and humiliation. Additionally, the diet of the injured and sick was no different than anyone else's and was poor, unbalanced, and not conducive to restoring their health.

- *Maher, a journalist from Ramallah:* He was arrested while working in one of a local radio stations in Ramallah. The soldiers severely beat him when they arrested him and broke some of his ribs. He told us that the soldiers had plotted against him. They wrapped a piece of cloth with the word "Hamas" written on it around his head. They wanted to execute him. They were only prevented from doing this when an officer intervened.

Maher was with us in the barracks throughout my stay. He could never sleep. He had to remain seated all the time. We filled a box with paper and cloth and put it behind him so that he could lean on it. He had to sleep in an L shape. He knew that any strong or sudden movement would puncture his lungs. The doctors brought him some painkillers, but they refused to give him any medical treatment.

- One of the prisoners suffered a heart attack and suddenly collapsed. He was taken to the Hadassa Hospital in Jerusalem. A few days later he was brought back to prison. He had to pay for the treatment expenses himself. He said that the soldiers stayed with him throughout his stay in the hospital.

Some of the staff working from the International Red Cross Society met those who were injured and sick.

Farce: the “Trial”

On 14 April 2002, a few days after I had been arrested, an officer carrying a notebook and accompanied by a group of soldiers came to us and read out some numbers. My number was one of them. He ordered the prisoners whose numbers he had read out to line up and leave the barracks. We were handcuffed and forced to walk in single file. We then got into a bus that had curtains covering its windows and were ordered to lower our heads. The bus traveled for about an hour stopping many times. It finally parked in a place where there were three tents erected near to each other at the edge of a military camp. We got off the bus and the soldiers ordered us to sit on the ground. We were thirsty, but the soldiers refused to bring us water. The handcuffs were very tight. We asked if they would loosen them, but they also refused this request.

A soldier came out of one of the tents and called me by my number.^{68[68]} I walked in front of him while he pointed his gun at me. He ordered me to stop at the entrance of the tent. Once there, another soldier approached me and took off my handcuffs. I had to bend my head a bit to enter the tent. A well-built man in blue was inside sitting behind a table. Wore a Yarmulke, which indicated that he was religious. He was clean-shaven whereas I had a long beard, as we had no razors. I realized that he was a judge. A female soldier in military uniform sat beside him with a computer in front of her to record the trial. Behind another table sat someone in military uniform. He was the prosecutor. He did not utter a single word. There was a translator whose mother tongue was Arabic.

The judge asked me to introduce myself and I gave my full name. Throughout the trial I had to stand surrounded by soldiers. After stating my name the judge delivered his judgment, which was three months administrative detention. He then said, "Another hearing will be conducted on 21 April to consider the delivered judgment. It might be approved or revoked." The translator told me what the judge was saying. The judge then added, "So far we have no evidence about you. Therefore, we will give the prosecutor a chance to find out if there is any evidence."

When the judge finished speaking I said, "My detention is illegal and unjustified. There is no charge against me and I request my release and I expect you to release me."

They asked me whether I had an attorney. I told him "No". He said, "You can have one." Since I could not contact anyone outside, I did not pay much attention to this. The hearing adjourned. The soldiers took me to the entrance of the tent and handcuffed me again. I was then taken back to the bus. We had to wait until all the trials were finished. We arrived back at the barracks towards the end of the day after a very long journey.

When the date of the second hearing arrived the soldiers who accompanied us to the court were extremely aggressive. They continuously insulted and shouted at us as we

^{68[68]} The Israeli occupation forces give all prisoners numbers when they enter the prison. These numbers are used instead of names.

traveled to the court where we were to be tried. I was the third prisoner to appear before the court. The soldiers took me off the bus and I walked towards the entrance of the tent. I sat next to two other prisoners, one of whom understood Hebrew fluently. We heard the judge talking to someone on the phone. He said, "I have three empty files in front of me for three prisoners. The files do not contain anything that convicts them. I have no choice except to release them." He was talking about the three of us. We did not know what the person on the other end of the line said, but the prisoner beside me said, "The judge is being put under pressure. It seems that the person on the other end of the line told him to make up any charge and to approve the previous sentence." We spent about fifteen minutes in front of the court. Then we were taken to the bus again and waited there for about four hours. The weather was very hot. We were handcuffed and could not even use our shirt sleeves to wipe away our sweat. We were given no water to relieve our thirst.

A soldier eventually came and called out my number. He took me off the bus and let me sit down in front of the tent. When the judge was ready for me to go into the tent-court, the soldiers took my handcuffs off and led me inside. It was the same judge. I stood about four meters away from him on the earth floor of the tent. The judge said "Yaser al-Disi, do you remember that you were here on 21 April and that you were sentenced to three months administrative detention?" He continued "We decided to postpone the approval of the delivered sentence until 27 April, as we don't yet have any evidence against you. The prosecutor will gather his evidence by that date." I had nothing to say. I was convinced that it was a prearranged farce. The soldiers took me back onto the bus.

The bus moved off and the soldiers warned us that there would be a high price to pay if anyone moved. We were forced to lower our heads. I was sitting in the front of the bus in the seat nearest to the soldiers. A soldier moved very close to me and asked me to repeat the following statement after him, "hummus fool⁶⁹[69], I love mishmar kvol⁷⁰[70]". I refused to repeat it and did not talk to him. Then the soldier took out a penknife from his pocket and held it against my face. He then said something in Hebrew, which I did not understand and said, "Talk". I insisted that I did not understand what he said. I moved my face but he shaved the flat of the penknife down my cheek. Then he went away. The other prisoners witnessed this. A few minutes later the soldiers hit Muhjahed who was sitting next to me on the head with a baton for no reason. The soldiers kept on provoking us until we got back to the barracks.

The date of the third hearing came due. I felt frustrated by the Israeli court and its proceedings. I was convinced that the trials were no more than a formality. The judges were neither impartial nor just.

⁶⁹[69] . Arabic words that mean beans. They are used in this sentence because they rhyme with the other part of the sentence (the last two words)

⁷⁰[70] . Israeli border forces (Hebrew)

The soldiers took me off the bus. I sat down in front of the tent waiting to appear before the court. Then I caught sight of the lawyer Sahar Fransis, who works for Addameer^{71[71]}. She told me that she would represent me.

The soldiers then took me back to the bus without appearing before the court. Later I was taken before the judge who made the same comments as in the previous hearing. When he had finished talking Sahar spoke with him in Hebrew. She said that I had been arrested while at work and that my work was of a humanitarian nature. She added that I had recently returned from abroad where I had completed my studies, and that I had been busy working ever since.

When she finished her defense, Sahar whispered to me, "There is no charge against you. Administrative detention is not based on a specific charge or conviction. It is usually based on a confidential file that we are not allowed to see." The judge asked me to leave and the soldiers took me out for about ten minutes. When I returned the judge said, "I now have the confidential information. The previous judgment is approved. You are sentenced to three month's administrative detention starting on 31 March and ending 10 July 2002." I asked whether my lawyer could look at the confidential information the judge claimed that he had received. He adamantly opposed this suggestion. My lawyer then asked him to include the previous period of detention as part of the sentence. He agreed that I could be released on 1 July. Then I was taken back to the barracks.

Transfer to open sections

On 28 April a large group of soldiers came to the barracks in buses. They handcuffed us, searched us, and took us onto the buses. The curtains of the bus windows were pulled down, and we had to lower our heads. The bus stopped after an hour's drive in front of a yard divided into square areas surrounded by barbed wire. The yard was empty, and we were left in it. This was the first time we had seen a sunset since being placed in the tank barracks. We felt calmer as we could see Ramallah from there. The soldiers brought us four tents to erect on the ground, which was covered by a layer of concrete. We put them up and divided ourselves into tent groups on the basis of friendship.

The period we spent there was better in a relative sense. We could sit in the sun and move around in the yard even though it was small. I vividly remember one particular incident that happened there. On 29 April, a soldier who seemed to be of Indian origin and who wore a Yarmulke cocked his gun and pointed it at one of the prisoners. He wanted to shoot him, but an officer who was sitting behind him prevented him from firing. We discussed this incident among ourselves. We concluded that this soldier was either mentally disturbed or had a deep hatred for Palestinians. He repeated the same action a day later.

To the Negev

^{71[71]} . A Palestinian human rights organization based in Ramallah that works to defend the rights of Palestinian prisoners.

On 30 April, while I was sitting with a group of prisoners talking and waiting for the sun to appear from behind the clouds I received some bad news. An officer carrying a piece of paper in his hand came up to us and read out a series of prisoners' numbers. I heard other prisoners close to the officer saying my number, and they waved me over to them. After reading out the numbers the officer said, "Get ready. You will be transferred to the Negev in ten minutes." 72[72]

We said quick goodbyes as we had only limited time. Four buses were waiting for us. We were again handcuffed and blindfolded and put into the buses. We knew that our journey would be exhausting. We were given nothing to drink or eat. In addition we had had no breakfast that day. The soldiers in the bus forbade us to raise our heads. They shouted and threatened to hit anyone who moved.

The journey to the Negev took about four hours. During this time our minds were full of images of the desert, which forms one third of the area of historical Palestine. The image of that desert was beginning to imprint itself in our brains. This desert would be our exile.

The Ansar 3 prison, also known as Ktse'ot, appeared on the horizon. We had been uprooted and brought to this desert. It was extremely hard to leave the sturdy, well-established white houses of Ramallah, which were visible from the Ofer military camp, for this deserted place.

Our handcuffs and blindfolds were tightly fastened and it was difficult to even glance outside of the bus. The soldiers made fun of us, and we finally decided challenge them. Just as the sun was about to drop below the horizon and the glow of a crimson sunset filled the sky we all removed our blindfolds. The soldiers threatened to punish us, but we were able to seize our chance in the brief moment that existed between our assertion and their resumption of control. In the distance reflecting the rays of the sun I could see the shadows of barbed wire surrounding a vast area in the desert.

Obsessions and thoughts

The bus stopped, the prison gates opened, and we were swallowed up into the prison. We were surrounded by wire. I thought to myself that this prison could strangle people and steal their lives, but I didn't give into these feelings and they soon disappeared.

As usual, we were subject to the routine of ID checks, body searches, preparation of files, and medical checks. These procedures continued until midnight, after which we were put in section "B4", which faced the place where inspections took place. The night was calm and the sky clear. There were two stars near the moon. We looked at them and they gave us a sense of inner peace and eased the detention a little.

We were too exhausted to even check out the place. I was struck by the thickness of the wire surrounding the prison and this depressed me. I also noticed a small tree whose branches had withered due to lack of water. Apparently the soldiers ignored it as it grew inside the section where we were held.

72[72] . A desert in the south of historical Palestine

The kitchen workers^{73[73]} brought us some food and hot tea, something we had not had for about a month. We ate some food, drank the tea, and then went to sleep quickly on the earth as we were worn out. In the morning soldiers making a din woke us up. They wanted to do a roll call. We were sixty prisoners. Unlike the timid sunshine of Ramallah, here the heat of the sun bore down on us, and we were at the mercy of mosquitoes.

It took us a day to figure out how the prison was organised. It consisted of five sections surrounded by wire and metal cages. The wire was over four meters height. Every section consisted of four units. Every unit contained sixty prisoners divided between three tents. Some of the sections were empty. All the units in sections "A" and "D" were full, while only two units out of four were being used in section "B" where I was held.

Unit "B4"

In that Unit there were three faded, shabby, dirty and torn tents standing in a straight line. They had withstood the desert storms for a very long time. I often thought that they must have been there since ancient times. There was a yard about 250 metres sq in front of the tents. This was where the prisoners spent the afternoon even though it was too small for the full number of the prisoners.

There were no sanitary facilities in the sections, only tents and toilets. Prisoners had to use the toilets to take showers. The toilets were made out of a box that had been divided in three sections, each with its own door that locked from outside. The box was very small. One could not move about inside it. Each of the three compartments was about one meter square in area and 1.5 meters high. The toilets were filthy, not because the prisoners didn't try to clean them, but because of the lack of cleaning materials and due to their design. They were constructed of metal plates and wood dividers, which allowed rats to run free and multiply. The heat generated by the metal sides and the puddles of water that formed were a breeding ground for a host of insects. Despite frequent requests made to the prison administration during my stay in Ansar 3, the administration failed to provide any cleaning materials for the toilets. The garbage containers were also located near the sleeping sections, and I leave it up to you to imagine the health risks these containers created.

Sewage effluent overflows

Once the sewage pumps broke down and the effluent overflowed into our section. The sewage plant outside our section became blocked, and its effluent covered part of the section. Those two days were foul. The prison administration did not deal properly with the problem. Some prisoners, guarded by soldiers, went out to fix the problem but they failed. The same thing happened the next day.

Isolation

^{73[73]} . These workers were Palestinian prisoners selected by other prisoners to prepare food, although, there was no real kitchen, but only a tent where food was prepared under very basic conditions using primitive utensils.

Prisoners in Ansar 3 prison usually feel that they are isolated. This feeling overwhelmed me as soon as I heard that we were to be transferred there. The name of that place conjures up images of exile. This prison is located in the Negev desert in the south of historical Palestine along the border with Egypt. It was established there well away from the eyes of a free world, which rejects occupation and the oppression of people. When you are there no one hears you. When you cry out, you cry out alone. You feel how bitter it is to be powerless. You also experience the weakness of a world that fails to end this disaster. Under these conditions prisoners identify with refugees and understand what it means to be a refugee.

Everything in that prison was carefully designed to pressure prisoners. The prison is surrounded by barbed wire. Enormous mounds of earth are piled up behind the wire. Military vehicles move over the mounds that are about ten meters high. Prisoners cannot see anything outside. It is truly isolated. I believe that the aim of the barbed wire is to break a prisoner's spirit by isolating him from the real world. Therefore, I was not surprised by the hatred the soldiers in the prison displayed towards trees and plants. The color green was taboo. The soldiers often got together to cut a tree's branches or uproot a plant they found somewhere in the area. I finally came to the conclusion that the soldiers only wanted one color to exist in that area, gray. They realized the positive effect green leaves have on people's psyche. Therefore, trees were excised from the prison and were replaced by barbed wire. There was only one tree inside our section. The prisoners took care of it until it became taller than the wires.

Lack of contact with the outside world compounded our isolation. We were not allowed to receive visitors, and were forbidden Arabic newspapers. We only had one radio, but its reception was poor and its batteries were low. The Israeli attacks in the West Bank against Palestinian civilians had not stopped when we left for the prison, and this fact kept us preoccupied, as we had no news about our families, relatives, and friends. The isolation encouraged the circulation of rumors.

Prisoners as training targets

The prison is located inside a military camp where soldiers trained continuously, so we lived in a situation similar to what we had experienced outside. We could hear the sound of bombing, and shooting ranges were located close to us. F-16s continuously over flew the camp at very low altitudes, and we could see precisely how large they were. This reminded us of the damage they had wrought in Palestinian cities and camps.

Groups of armed soldiers walked in the alleys inside the prison, patrolling the prison continuously. Their behavior was very unsettling. We began to feel worse when we became training targets for the soldiers. In the course of a short period our section was twice transformed into a training field. A battalion of about fifty fully armed soldiers, led by an officer, attacked our section. Every soldier took up a position and did things I could not understand as I had little military knowledge. These operations lasted for more than twenty minutes each. We thought that the soldiers were being trained in preparation for some later attack on the section, especially as we had often complained about the food, the long time that roll calls took, as well as the whole concept of administrative detention.

Previously I referred to the conditions of the tents in which we slept. Sleeping arrangements were no better than the tents. Every prisoner was given a *mishtah* that was only a few centimeters thick and a thin khaki-colored piece of rubber to cover the *mishtah*. The piece of rubber was not thick enough to cover the gaps between the pieces of wood out of which the *mishtah* was made. As a result, many prisoners developed backaches and rheumatism. The condition of those who previously suffered from back problems, deteriorated.

Poor medical care

The clinic administration failed to provide medicine for sick prisoners. Under pressure due to our frequent demands, sick prisoners were taken to the clinic, but they were not given appropriate treatment. Mostly they were given painkillers regardless of the source of their pain. The doctor would apologize to those who suffered from backaches saying he could not help them, as he did not have the necessary medical equipment.

The blankets they gave us also caused serious health problems, because they were saturated with dust from the desert. The prisoners would inhale the dust from the blankets through their noses and mouths while they slept. As a result, people developed chest problems, coughs, nasal infections, and eye irritations.

Continued Suffering

The overcrowding in the tents compounded our suffering. We could not move around freely in the tents, each of which was shared by 20 prisoners. There was not an inch of extra space, and only the luckiest amongst us managed to keep clothes in boxes hung from the top of the tents.

Rats made life a misery. They were permanent "guests" inside the tents. They spoiled everything including the food. Their favorite meal was the bread we received once every three days.

The severe heat compounded the physical and psychological pressures. Although the tents kept out the direct sunlight, they were not designed to decrease the effect of the sun's rays and the heat. The material out of which the tents were made created a greenhouse effect and exacerbated the situation. We asked for some blankets to block out the sun, but our demands were rejected. However, although the tents were hell during the daytime, we were forced to stay inside, as we had no other choice apart from sitting directly in the sun. We could hear one another's rasping breathing, especially at noon.

The tents were full of flies that were not like normal houseflies. They stung and bit us constantly, and their stings were very painful. We would spend a lot of our time trying to get rid of the flies, but this was useless without insecticide.

Food

The food was poor in quantity and quality. Each prisoner got three meals a day consisting of the following.

- Breakfast: Beans that lacked key ingredients such as olive oil and spices, one boiled egg and one glass of tea. (Many prisoners described the beans as “the concrete mixture”)
- Lunch: Rice, soup, a piece of frozen burger or schnitzel
- Supper: Beans or vegetable salad plus a few olives

We ate only because we were imprisoned and had no other choice. The cooking pots were made of steel. They were very dirty, old and burnt. The dialogue committee⁷⁴[74] told us that they were left over from the previous *Intifada*. Each prisoner was also given a plastic cup that tainted the drinks with a terrible taste and smell, and a thin white plastic spoon. We often ate without using spoons as they broke easily. Every prisoner was also given a *magash*⁷⁵[75] for his food.

Visits by lawyers and human rights organizations

Our only contact with the outside world came during visits made by lawyers and human rights organizations. Prisoners appreciated the role these lawyers and organizations played, despite the fact that the lawyers were forced to be selective in their visits. We were only allowed three minutes to meet with the lawyers, which was not enough time. The lawyers and prisoners could not hear each other well, as they were separated by a piece of glass with holes in it. All meetings took place with a soldier present.

Prisoners were disappointed by the ICRC. We had high hopes that the ICRC would provide books and newspapers. Following an agreement reached with the prison administration the prisoners asked the ICRC to provide us with newspapers. They agreed, but we received nothing. We also relied on the ICRC to help released prisoners reach their homes. When they were released all prisoners had to undertake a long journey on rough and dangerous roads from the Tarqoumya checkpoint near Hebron, which is where they were let go by the Israeli army, to their homes. The journey was particularly hazardous as all Palestinian cities were under curfew. There was a feeling that the ICRC did not provide enough help to released prisoners and that they failed to adequately protest about the prison administration, its policies and prison conditions. During my period of detention, the ICRC visited us only three times. We also once asked the ICRC to help provide medical aid for sick prisoners. The person in charge apologized saying that this request was outside of the ICRC’s mandate.

Below are some details of cases of prisoners who were sick and needed medical attention who I met in Ansar:

1. Khalil Hamdan, aged 30 from Nablus, married with two children: Hamdan suffered from asthma. He said that he had an inhaler that he used whenever he found it difficult to breathe. He used it almost every day, but it was at his house

⁷⁴[74] . A committee elected by the prisoners to negotiate with the prison administration on daily matters.

⁷⁵[75] . Special plate for the food (Hebrew)

in Nablus. We asked the prison administration to provide an inhaler. They maintained that such issues were the responsibility of humanitarian organizations like the ICRC. Hamdan approached someone in the ICRC and asked for an inhaler, but his request was refused.

A few days later some prisoners woke up very early in the morning to pray. I could not sleep as the voice of the *Muazen* was loud and went for a walk in the yard. A prisoner called Naser told me that Hamdan was sick. I rushed over to him and found him lying on his *mishtah*. We asked the doctor to come. Hamdan was breathing in snorts and with difficulty, and his chest sounded very congested. His face was colored and his body was bathed in sweat. I talked to him, but he did not answer. I was scared for him. He was writhing and pressing his chest with both of his hands.

We carried him on his *mishtah* and put him out in the yard. We thought the open air might help. We fanned him with pieces of cardboard to help him breathe. He cried out and tore at his shirt in pain. His mouth and nose were full of mucus. We could not help and thought that we would lose him. We were really worried that he was having a heart attack. He suffered like this for about half an hour until a nurse came. Two of the prisoners carried him to the clinic. The next day we learned that he had been transferred to a hospital in the Negev. He stayed in hospital for one day and was then brought back to prison. His voice was weak and he was ill for several days. He had still not received an inhaler by the time I was released.

2. Ramzi Fayyad, from the Jenin refugee camp: Ramzi was injured after the Israeli army shot him in the thigh, fracturing the bone in his leg. Doctors had implanted pins into his thighbone and his leg was in a cast, so he could not walk or sit properly. He needed specialized medical care, but received none.
3. Basman Fahel, from the village of Kober Near Ramallah: Basman had severe back problems, which affected his legs. He managed to see a doctor after frequent requests. The doctor did nothing for him. It turned out that he had a lumbar compression. The doctor said that the clinic lacked the equipment to treat him properly, so he was given painkillers. When a member of staff from the ICRC visited us, Basman asked him for a walker, but he did not get it.

The prisoners had a discussion with one of the ICRC staff. They complained about the prison conditions. They also protested the fact that the Israeli forces were again using administrative detention, and the fact that they had reopened the Ansar 3 prison. They said that our detention in the prison was a threat to our lives, as the prison was located inside a military camp and was had inadequate facilities. They also added that the prison was not protected from insects. He ignored what they said replying, "Wasn't there a prison here before?"

Roll calls

Roll calls took place three times a day. During the roll calls prisoners were humiliated. They had to line up in rows of five. They were then told to sit on the ground regardless of its temperature or the weather conditions. We had to remain sitting until the officer finished reading out our numbers. It was absolutely forbidden to turn around or stand up during the counting process. Soldiers used to take up positions and point their guns at

us. The counting was done deliberately slowly and it was very hot during the counting, especially at noon. The prisoners were very upset and angered by the soldiers' insults and the guns trained on them, making them rebellious.

Racist behavior

One of the prisoners was in charge of distributing food among the sections. On 24 June 2002 he was talking to another prisoner across the barbed wires when a soldier swore at him saying, "Shut up". The prisoners' representative asked him to stop swearing, but he took no notice and carried on insulting that prisoner and others saying "F*#x your mom". As a result the prisoners walked up to the barbed wire to protest his behavior. The soldier only stopped when his commander arrived and took him away.

Extension of detention period

Most of the prisoners were due to be released in the second half of June. Everyone waited impatiently for the date of his release, but when the time for release came, many prisoners were surprised to find out that their detention period had been extended based on decisions taken by the Israeli security services. They were really shocked. These decisions contributed to deterioration in the prisoners' moral. During May the prisoners announced a partial hunger strike to protest against the administrative detention policy and the conditions they had to endure.

Injures and suffocation

On 26 June 2002 the administration informed one of the prisoners in section "D" that they wanted him to give an affidavit in the Ofer prison. The prisoners could not agree to this, as they knew that he would be humiliated and harassed during his transfer. One prisoner had had his arm broken when soldiers assaulted him while transferring him from the Negev to Ofer. The prisoners insisted that they would not hand over this prisoner. They were told that they would be given 20 minutes to hand him over or else he would be taken by force. During these 20 minutes about 150 soldiers assembled, and took up positions surrounding the prisoners' compounds. Snipers were placed opposite the section in which I was located. The soldiers were armed with heavy machine guns in addition to light weapons, shock grenades, clubs, and teargas.

In the meantime the prisoners were also preparing to defend themselves against the impending attack. They filled pots with water and soaked pieces of cloth to counteract the effects of teargas. No sooner had the twenty minutes expired than the soldiers attacked the section next to us. The sound of shock grenades rocked our section. Then we saw a cloud of smoke, a few seconds later our section was attacked. Teargas canisters and shock grenades fell on us from all directions. Our section was the easiest to attack, as it had no ceiling, unlike the other sections, which were like cages.

Prisoners clambered over each other to escape from the suffocating tear gas. None of us could breathe. Every now and then we removed the soaked cloths from our faces to check if anyone was injured, especially the elderly and the sick. Three prisoners, including myself, were hit and injured by shock grenades. I was injured on the leg and thigh; Amin Abu Raddahah was injured on the shoulder; and Muhammad Nagheyyeh was injured in the head.

Live ammunition was also used. We feared for the lives of the old and the sick, and took them out into the yard. We put them on the ground so that the soldiers could see the results of their actions. The attack lasted around 10-15 minutes. One of the shock grenades tore a tent cover.

Three prisoners suffered severe respiratory problems from the inhalation of teargas. They were Abu Husam from Ramallah, Abu We'am from Ramallah, and Abdel Jabbar from the village of Zawata near Nablus. Four other prisoners suffered from lesser respiratory problems. The three prisoners who were suffocating collapsed onto the ground and tried to vomit. They could not speak or breathe properly. At that moment a soldier threw another teargas canister. There were some nurses among the soldiers. We asked for their help. We could not do anything for the sick men except tear open their shirts, as none of us was trained in first aid. It was half an hour before the soldiers allowed these prisoners to be taken away. This was the first time in my life that I had seen a sick person being handcuffed despite the fact that he was almost unconscious. I also witnessed one patient who was unconscious and naked being taken to a doctor. He was thrown to the ground and dragged half of the way to the doctor and then held up in front of the doctor by his arms and legs.

An hour later the patients returned to the section and our fears subsided. We had been worried about them as they were old and sick. The smell of teargas remained in the section for two days. The prison administration punished us by depriving us of our allocation of cigarettes. They also cut off our water.

Catching rats and organizing our lives

Some of the prisoners came up with creative solutions to ease our conditions. At night rats had taken up permanent residence in the toilets. One of the prisoners made a trap to catch them, and managed to catch three mice, but we needed a bigger and stronger box to catch the large rats.

We made good use of the evenings; we read, talked, and exercised. Sometimes we met to drink a cup of coffee, a rare luxury in the prison. We made the coffee in a primitive way. Instead of kettles we used vegetable tins. We also used cardboard and moldy bread to make a fire. Some of the prisoners were experienced in making fires using butter and paper, but often there was no paper.

Extending detention periods

The last few days in prison were difficult. Most of the prisoners had their detention periods extended. Only a few of us were released on time. This meant that prisoners had to mentally prepare themselves for a new period of detention to avoid trauma.

I was due to be released on 1 July 2002. On the night before my release all of the prisoners were happy, as many others were supposed to be released on that day and no one had been informed that their detention would be extended. We had just started to enjoy a simple party for which we had prepared songs, drama and poetry. Everyone was in a very warm and friendly mood. However, half an hour later the soldiers snatched away our happiness when they informed some of the prisoners that their detention period had been extended. The singing stopped abruptly. Twelve out of the thirty

prisoners who had been due to be released had their detention orders renewed. Everyone felt sympathy for those who had waited so impatiently for their freedom only to have it snatched away at the last moment.

The moment of release

The next day we got up early in the morning, but had to wait until 12:00 am to leave the section. A mixture of joy and sadness overwhelmed us. The release procedures lasted until about 4:00 pm. The prison authorities confiscated a notebook in which I had written some notes describing the prison, conditions, and my emotions. They took it under the pretext that the law prohibited prisoners from taking any written material out of prison. The same applied to letters that prisoners had written to their families and given to me to deliver.

Again, we were handcuffed and our legs were tied. Prisoners were tied to each other in pairs. Then we got into the bus for a final ride.

The bus took a round about route and drove for about three and a half hours. Finally it parked near the Tarqoumya checkpoint, which is located to the south of Hebron. We got off the bus, and in order to cross the checkpoint we had to show the soldiers a paper that stated that we had been imprisoned in Ansar 3. We then walked until a passing car gave us a lift for a short distance. We took another two vehicles to bypass roadblocks. We finally reached the al-'Arroub refugee camp in Hebron at about 9:00 pm. A Palestinian family in the camp put us up for one night. The next day we continued our journey to Ramallah, which including long walks over difficult mountain roads. We finally reached Qalandya refugee camp outside Ramallah in the afternoon. It was only then that we learned that Ramallah was under curfew, but we insisted on taking the risk of entering the city, moving from one house to another until we finally reached our homes.

Yaser al-Disi,

July, 2002

END