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ISRAEL AND THE OCCUPIED TERRITORIES Mass detention in cruel, inhuman and degrading conditions

May 2002

SUMMARY

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This report documents the mass arbitrary arrest and detention of Palestinians that took place between 27 February, following the first incursions by Israeli forces into residential areas in the Occupied Territories, and 20 May 2002, and describes the pattern of cruel, inhuman or degrading treatment of those held in custody.

According to official figures, during the first IDF incursions from 27 February some 2,500 Palestinians were arrested. By 17 March all but 135 were released. More than 6,000 Palestinians were arrested during a second period of large-scale Israeli incursions into Palestinian residential areas during Operation Defensive Shield which began on 29 March 2002. Ill-treatment of those arrested was general and many of those rounded up were held for weeks in detention without access to lawyers.

On arrest Palestinians were blindfolded and handcuffed tightly with plastic handcuffs. Most were forced to squat, sit or kneel for prolonged periods; many told Amnesty International delegates that they were not permitted to go to the toilet and were forced to relieve themselves where they sat; they were deprived of food and blankets, and sometimes water, during at least the first 24 hours of detention.

Most of those still detained are held without charge or trial, often under administrative detention orders that may be renewed indefinitely. There is strong evidence that the majority of those held have been arbitrarily detained, and that thousands of Palestinians have been rounded up, humiliated, ill-treated and detained in poor conditions

as a collective punishment for the attacks on Israelis by members of Palestinian armed groups.

Many Israeli civilians have been killed as a result of deliberate attacks carried out by Palestinians. The State of Israel has the obligation to protect its citizens. It also has an obligation to ensure that the measures it takes to protect Israelis, including arrests, detention and trials of Palestinians, are carried out in accordance with international human rights and humanitarian law.

Amnesty International is calling on the Israeli government to set up an independent commission of inquiry to investigate the arbitrary detentions, the cruel inhuman or degrading treatment and the conditions in which Palestinians have been detained since the IDF incursions which began on 27 February 2002, and to take measures to ensure that the rights of those still held are protected in accordance with international human rights and humanitarian law.

This report summarizes a 25-page document (11,328 words), ISRAEL AND THE OCCUPIED TERRITORIES Mass detention in cruel, inhuman and degrading conditions (AI Index: MDE 15/074/2002) issued by Amnesty International in May 2002. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.web.amnesty.org/web/news.nsf/thisweek?openview>

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ISRAEL AND THE OCCUPIED TERRITORIES

Mass detention in cruel, inhuman and degrading conditions



An Israeli soldier guards a group of Palestinian men waiting to be handcuffed and blindfolded on 11 March 2002 ©AP/Pier Paolo Cito

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ISRAEL AND THE OCCUPIED TERRITORIES

Mass detention in cruel, inhuman and degrading conditions

Introduction

We were all handcuffed and we sat on a pebbly ground. We weren't given any food, and when we asked for water they poured it over us. The handcuffs were tight and when the blindfolds were taken off on our arrival I saw some people with hands black and swollen. We told the soldiers that they were cutting into us and they said there was no alternative. We started to shout and cry, begging them to ease the handcuffs. It was very cold and some of us had T-shirts and no shoes. We weren't allowed to go to the toilet and had to relieve ourselves there. By 3.30am we were starting to shake and our teeth were chattering with cold.

Majdi Shehadeh was one of more than 800 Palestinians arrested in Tulkarem refugee camp in the West Bank by the Israeli Defence Forces (IDF) in early March 2002. He was arrested on 8 March, told to take off his clothes from the waist up, left for an hour and then transferred to a kibbutz in Israel, before being released the following day without charge. Amnesty International interviewed him on 20 March 2002. The account he gave of his ill-treatment was similar to many others heard by the organization from Palestinians detained by the IDF since 27 February 2002.

This report draws on the findings of several visits to Israel and the Occupied Territories by Amnesty International delegates between March and May 2002, as well as other research conducted by the organization. The report focuses on the mass arbitrary detention and ill-treatment of Palestinians during Israeli incursions into Palestinian residential areas after 27 February 2002. The arrest of more than 8,500 Palestinians between 27 February and 20 May 2002 was accompanied by a pattern of cruel, inhuman or degrading treatment. Some detainees were reportedly subjected to beatings or other torture. Most of those arrested in the beginning of April were held incommunicado in degrading conditions. There was a great increase in the use of administrative detention whereby the detainee may be held indefinitely without charge or trial.

Background

There were two periods of large-scale Israeli incursions into Palestinian residential areas between 27 February and 20 May 2002. Some 2,500 Palestinians were arrested during the first period of Israeli incursions in late February and early March 2002; most were released

after a few days' detention in what were consistently reported as degrading conditions. More than 6,000 Palestinians were arrested during a second period of large-scale Israeli incursions into Palestinian residential areas during Operation Defensive Shield which began on 29 March 2002. There was widespread ill-treatment of those arrested and more than 2,000 of the Palestinians detained after 29 March were held incommunicado, without access to a lawyer or a court. The use of administrative detention has also greatly increased: in May 2002 more than 700 Palestinians were detained without trial under administrative detention orders, compared with 32 six months earlier.

Israel's military incursions into Palestinian residential areas took place 17 months after the start of the second Palestinian *intifada* against Israeli occupation of the West Bank and the Gaza Strip. The *intifada* which began on 29 September 2000 had started with stone throwing demonstrations and riots which had been put down by Israeli security forces by excessive use of lethal force. By January 2001 the Israeli forces went on the offensive, entering Palestinian areas with increasing frequency and using increasingly heavy firepower. On the Palestinian side, although demonstrations continued, armed political groups began to dominate the struggle. These groups, which often acted in alliance with each other, included *Fatah*, leading organization in the Palestine Liberation Organization headed by President Yasser Arafat; the Popular Front for the Liberation of Palestine (PFLP) and the Democratic Front for the Liberation of Palestine (DFLP), both leftist groups; *Hamas* and Islamic *Jihad*, both Islamist groups; and the Martyrs of al-Aqsa, a group with close links to *Fatah* which emerged during the *intifada*. Armed Palestinians fired at Israeli colonies (known as "settlements") located in the Occupied Palestinian Territories and deliberately targeted Israeli-registered cars with yellow numberplates in the West Bank. Israeli civilians were deliberately targeted by Palestinian armed attacks and suicide attacks in public places - hotels, cafes, markets, bus stations, within Israel. By 27 February 2002 Palestinians had killed 271 Israelis, 196 of whom were civilians, including 30 children. The IDF responded using armour piercing rounds, grenade launchers, F16 aircraft and missiles from Apache helicopters against installations of the Palestinian security services and Palestinian residential areas. By the end of February 2002 more than 860 Palestinians had been killed, including more than 180 children; the majority appeared to have been killed when no other lives were in imminent danger, often shot by reckless or nervous soldiers. Very few cases were investigated by the IDF, allowing Israeli soldiers who shot Palestinians virtual impunity. In addition, during the first 17 months of the *intifada* more than 700 Palestinian houses had been destroyed containing several thousand homes. Within the Occupied Territories the IDF cut off towns and villages from the outside world by military barriers, piles of earth, concrete blocks and trenches; Palestinians from the Occupied Territories were forbidden to travel on many of the main roads in the Occupied

Territories so that a journey of a few kilometres might take several hours; the economy declined and more than 50 per cent of Palestinians were out of work¹.

The purpose of the first incursions between 27 February and 18 March 2002, according to a briefing given by General Yitzhak Gershon, Commander of the West Bank division, was to "destroy the terror infrastructure". During the month before 27 February 12 Israeli civilians (and 18 soldiers) were killed by members of Palestinian armed groups; there were no suicide bomb attacks. During and immediately after the first incursions, between 2 March and 1 April 2002 there was a sharp escalation in suicide bombings deliberately targeting Israeli civilians by members of Palestinian armed groups; at least 65 Israeli civilians were killed in such attacks. The attacks included the killing of 10 Israelis, including six children, standing outside a synagogue in Beit Yisrael on 2 March; the 9 March killing of 10 Israelis in a café in West Jerusalem; the killing of 26 Israelis celebrating Passover at the Park Hotel in Netanya on 27 March 2002 and the killing of 14 Israelis in a restaurant in Haifa on 31 March 2002. By 20 May 2002, the number of Israelis killed in Palestinian suicide bomb attacks in Israel since 2 March had risen to 97; doubling the number of Israelis killed in Israel since the beginning of the *intifada*. Those Palestinians who ordered or aided such unlawful attacks benefited from almost complete impunity.

Israel's actions in the wake of these attacks were marked by serious human rights violations. At least 320 Palestinians, including 46 children, were killed between 27 February and 20 May 2002. Amnesty International delegates researched many killings where the IDF used excessive force, unlawfully killing Palestinians, including women and children. IDF soldiers also used Palestinians as "human shields" to protect them during their operations. Other Palestinians were reportedly forced to participate in IDF military operations. Behind the IDF blockade the Palestinian residential areas were cut off from the outside world and curfews lasting for days, sometimes without respite, were imposed on them; during the curfews the IDF blocked or impeded entry to medical and humanitarian workers and frequently shot at ambulances. Eight medical personnel, including two medical doctors, were killed during those three months as they tried to carry out their work. During both incursions the IDF not only cut electricity cables, telephone lines and water pipes; they appear also to have deliberately shot at water tanks. Apartments occupied by the IDF were systematically trashed and there were many allegations of looting by IDF soldiers. Palestinian houses were demolished as punishment: a whole quarter of Jenin refugee camp was demolished in April in an apparent act of collective punishment. In Jenin and Nablus the IDF demolished houses while occupants were still inside.

¹ See *Broken Lives - a year of intifada* (November 2001, AI Index: MDE 15/083/2001) for a discussion of the first year of the *intifada*; also *Israel and the Occupied Territories: the heavy price of Israeli incursions* (April 2002, AI Index: MDE 15/042/2002).

Amnesty International has unreservedly condemned deliberate killings of civilians by Palestinian armed groups. The grave abuses by members of Palestinian armed groups do not justify the violations of international human rights and humanitarian law committed against Palestinians by the IDF and ordered or condoned by the Israeli government.

This report focuses on the mass arrests of Palestinians which was accompanied by cruel, inhuman or degrading treatment or punishment, incommunicado detention and administrative detention without trial.

Israel has an obligation to protect those under its jurisdiction and to arrest and bring to justice those who order or participate in attacks. Such measures should be undertaken in a manner which is consistent with international human rights and humanitarian law. Amnesty International considers that the manner in which Israel has acted, in particular since 27 February 2002, in carrying out mass, mostly arbitrary, detentions accompanied by ill-treatment sometimes so severe as to amount to torture between 27 February and 20 May breached international human rights treaties which Israel has ratified, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Regulations governing detention in the Occupied Territories

Arrest and detention by Israeli security services in the Occupied Territories are governed by a series of Israeli military orders which, for years, have given the Palestinians of the Occupied Territories rights which are inferior to the rights of Israeli citizens and breach international standards for arrest and detention.

International human rights instruments lay down the following guarantees, among others, to people who are arrested or detained. These guarantees must be applied to all without discrimination on the basis of race, colour, sex, language, religion, political opinion, social origins, birth or other status:

- The right not to be arbitrarily arrested.
- The right to be informed of the reasons for arrest.
- The right of access to lawyers.
- The right to inform or have informed their families of their arrest and place of detention.

- The right to be brought promptly before a judge.
- The right to challenge the lawfulness of detention.
- The right to have access to the outside world.
- The right to be treated with humanity and respect for the inherent dignity of the human person.

Few Palestinians living in the Occupied Territories who have been arrested or detained by the Israeli security forces enjoy these rights. Palestinians in the Occupied Territories (apart from those with Jerusalem ID cards) arrested by Israeli security services are under a system of military justice. The law which has governed arrest and detention of Palestinians over the past 32 years has been Military Order No. 378. This order was issued in 1970 and has been frequently amended. Palestinians may be arrested without warrant and without "reasonable suspicion" that a person has committed any criminal offence. The arresting body, the IDF or the Israeli General Security Service (GSS)², does not directly inform families of those arrested, but provides information to Israeli non-governmental organizations such as HaMoked, Centre for the Defense of the Individual, which families may contact (if they are aware of the organizations' existence). Until 1994 those arrested could be held for up to 18 days without judicial review; in 1994 the period without access to a judge was reduced to 11 days and in 1997 it was reduced to eight days.

Under Military Order 378 the military judge may issue an order extending detention and prohibit access to lawyers for a maximum of 90 days. The interrogating authorities may prohibit access for the first 30 days if, in their opinion, this is "necessitated by the security of the region or for the sake of the investigation". Military court judges may prevent access for a further 30 days on the same grounds and for an additional period not exceeding 30 days if the army Regional Commander certifies in writing that "special reasons of security in the region require such a measure" (Article 78).

On 5 April 2002 a new military order, Military Order 1500 was introduced. This order, effective retroactively from 29 March 2002, states that "because of the unusual security situation present today in the area, and as reasons of security in the area and public security require it and for the need to fight against the infrastructure of terror in all its parts" "an IDF officer of the rank of at least Captain or a police officer of the equivalent rank" may "order in writing the holding of a detainee in detention, for a period of not more than

² The GSS (also known as the *shin bet* or *shabak*), is the main security service involved in interrogating Palestinians.

18 days". A detainee is defined as "one who was detained during the military action in the area, beginning on 29 March 2002, and from the circumstances of his arrest arose a suspicion that he endangers or could potentially endanger the security of the region, of IDF forces or of the public" (Article 1). Under Article 3d "...a detainee will not meet with an attorney during the period of detention". At the end of the 18 days a detainee should be brought before a judge who may extend the detention and may also place an order prohibiting access to a lawyer. As before, in accordance with Military Order 378, such orders may be renewed for up to 90 days.

Three additional military orders (Military Orders 1501, 1502, 1503) were issued during the following month; all made possible further extensions to the period without access to a lawyer.

The Israeli High Court of Justice (HCJ) regularly receives and considers petitions by lawyers seeking access to clients held in incommunicado detention. However, when petitions were brought by lawyers for access or bail to clients held under Military Order 1500 the military commander has imposed an administrative detention order on the detainee. This has allowed the lawyer access to the detainee, but has meant that the detainee is held under a system which allows the evidence against him to be withheld, making challenges difficult.

Mass arrests and arbitrary detention

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 procedure as are established by law. (Article 9(1) ICCPR)

Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. (Article 9(2), ICCPR)

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. (Article 33, Fourth Geneva Convention)

The first incursions by the IDF, which took place between 27 February to 18 March, were characterized by mass round-ups and arbitrary arrests of Palestinians. The great majority of those arrested were subjected to degrading treatment and nearly all those arrested were subsequently released. The IDF also rounded up and arbitrarily arrested thousands of

Palestinians during Operation Defensive Shield, which began on 29 March; a far higher proportion of those arrested remain in detention.

The first attacks by the Israeli army during the incursions between 27 February and 18 March, took place in the Balata refugee camp in Nablus and Jenin refugee camp. During these attacks the IDF used helicopters and tanks to fire at Palestinian homes, they occupied houses in key positions, trashed apartments, demolished some houses, imposed curfews, cut electricity and water. Arrests took place mostly during house to house searches.

It was not until a week after the incursions began and after 13 Israeli civilians and one soldier had been killed in a suicide bombing and armed attacks in Israel between 2 and 5 March that the IDF began carrying out mass arrests in refugee camps. The pattern of degrading treatment which accompanied these short-term arrests suggests that the detentions might have been carried out to collectively punish male Palestinians for attacks on Israelis.

In Tulkarem (7 to 12 March), Deheisheh in Bethlehem (from 8 March), Qalqiliya (from 10 March), and al-Am'ari refugee camp near Ramallah (from 12 March) the IDF made announcements by loudspeaker soon after they had encircled and started to occupy an area. All male Palestinians between the ages (usually) of 15 and 45 were told to report. In al-Am'ari and Tulkarem they were told to come to the courtyard of the United Nations Relief and Works Agency (UNRWA) school and in Deheisheh to an open place near a stone-cutting factory. At the assembly point the men and boys were usually questioned briefly and sorted. Some were allowed to leave but hundreds were detained. Other Palestinians were arrested during house to house searches.

Those detained were taken to temporary holding stations located in military camps such as Adourayim temporary detention centre (*Majnuna* to the Palestinians); Shomron temporary detention centre (known as Huwara to the Palestinians, from the nearby Palestinian village) and Ofer temporary detention centre, or in Israeli settlements such as Kedumim, Gush Etzion, Beit El and Erez. The detention of Palestinians in Israeli settlements located in the Occupied Territories has increased greatly during the recent *intifada*.

According to IDF figures about 800 Palestinians were detained in Tulkarem by 11 March; about 600 were arrested in Deheisheh and the same number in Qalqiliya; and about 200 were arrested in al-Am'ari refugee camp in Ramallah.

'Awni Sa'id, from al-Am'ari refugee camp in Ramallah, described what happened to him when he was arrested on 12 March:

They called by microphone that any man between 15 and 45 should get out of the house, whether armed or unarmed, that every man found in the house would be shot dead and that we should go to the school. This call seemed to be recorded as it was repeated again and again. At the school they sorted us. They searched us, interrogated us, checked our ID cards and took our mobile phones. They asked our name and routine questions. Then they checked their computer where they had a file on you. Some people were handcuffed all the time. The first day we didn't get any food. They moved us to Ofer. Next day in the morning we got food; for 10 people we got a tomato and an apple and we shared this. Every six people had a loaf of bread, but a very small one and 200 grams of yoghurt.

The number of Palestinians detained was so great that on 12 March the IDF opened a new detention centre at Ofer Military Camp, near Beitunia, between Jerusalem and Ramallah in the Occupied Territories. Some of those arrested at Tulkarem were transferred to Ofer.

Some of those arrested in house to house searches were said to have been "wanted" men and arrested for further interrogation. However, the vast majority of those arrested in the mass arrests before 18 March 2002 were released after a few days. Some said they were not questioned apart from being asked routine questions of name and address; others were questioned only briefly. Altogether, according to official figures, during the first IDF incursions from 27 February some 2,500 Palestinians were arrested and by 17 March all but 135 were released.

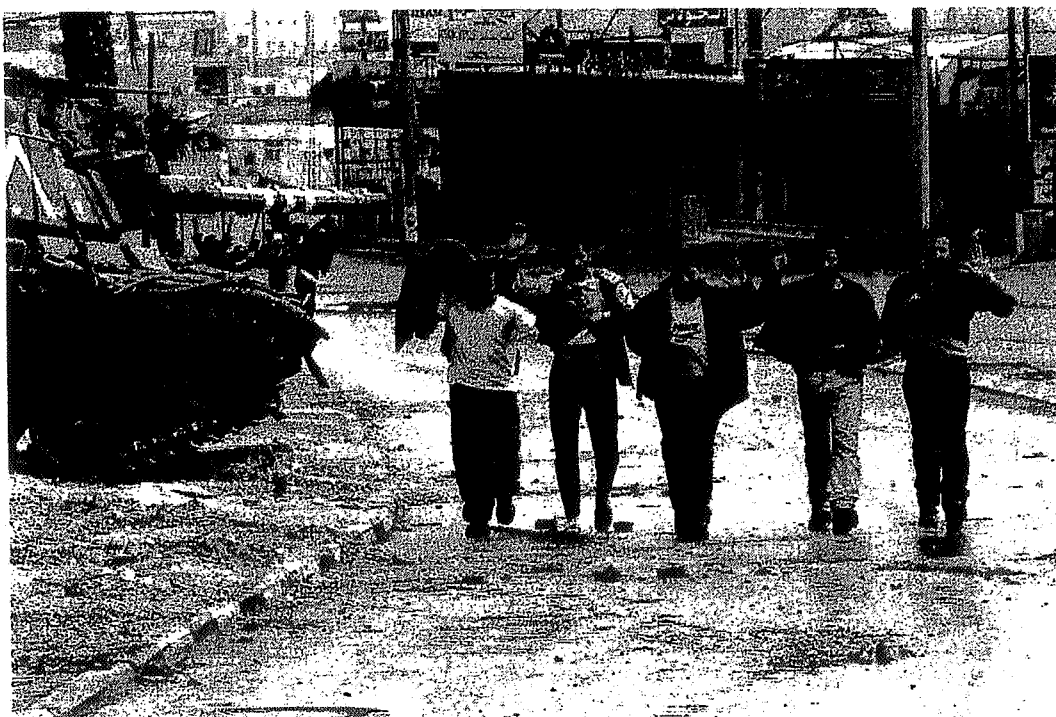
The second wave of IDF incursions, known as "Operation Defensive Shield", began with an attack on President Arafat's compound in Ramallah on 29 March 2002. The IDF then spread through Ramallah and from 1 April entered Bethlehem, Tulkarem and Qalqiliya followed by Jenin and Nablus from the night of 3/4 April. The IDF withdrew from most areas by 20 April, although the siege of the Church of the Nativity in Bethlehem continued until 10 May.

According to Major-General Giora Eiland, Head of Operations and Planning in the IDF, the main goal of Operation Defensive Shield "was not to conquer or reoccupy the Palestinian areas, but to control a very wide part of the Palestinian areas for a significant period of time in order to reduce the possibility of access into Israel by Palestinian terrorists. The second goal of this operation is to arrest, to catch or to kill as many terrorists as we can".

Operation Defensive Shield included mass arrests carried out in the same way as before - either by summoning by loudspeaker all males to report to the IDF or in house to house searches. In Ramallah on 30 March loudspeakers called on all males aged between

16 and 50 to come for questioning and by 1 April IDF forces announced that they had arrested more than 700 people in Ramallah. In Jenin the IDF announced that 685 had been arrested by 11 April.

On 11 April the IDF announced that it had detained 4,185 Palestinians since the beginning of Operation Defensive Shield, including 121 "wanted militant suspects". On 18 April, the State Attorney told the Supreme Court that a total of 5,600 Palestinians had been detained since 29 March, of whom 3,900 had been released (these figures would include those arrested and released by the GSS).



Palestinians pass an Israeli army tank after they were released in the main street of Ramallah, 6 April 2002
© Reuters/Ammar Awad

Reports indicate that treatment of Palestinians detained during Operation Defensive Shield was even more cruel and degrading than during the previous incursions. Scores of detainees were not only forced to take off their shirts and trousers but also forced to remain for hours or even days dressed only in their underclothes. Also, unlike the previous incursions, most detainees remained in custody incommunicado in poor conditions. Administrative detention orders began to be imposed on those held and by May the number of Palestinians held in administrative detention without charge or trial was more than 10

times the February figure. On 10 April the detention camp of Ketziot (also known as Ansar III) in the Negev desert was reopened. On 5 May the IDF figures of those still in detention were 2,350, divided between Ofer (870), Ansar III (548) Megiddo (831) and 99 said to be in other detention centres (in Israeli settlements or elsewhere). The shift in the pattern of mass arrests and detentions between the first and second wave of incursions is shown by the figures. Most of those detained during the first incursions were released within a few days -- of around 2,500 arrested, some 135 remained held. During Operation Defensive Shield a far larger proportion of the more than 6,000 Palestinians arrested remained in detention: of the 2,350 still held on 5 May (the number detained by the GSS is not known) the vast majority were held without charge or trial.

Amnesty International considers that the mass arrests and detentions carried out during March and April 2002 were arbitrary. The detention of those arrested without charge and without the right to take proceedings before a court, in order that the court may decide without delay on the lawfulness of the detention, constitutes arbitrary detention. The small number of those who remained in detention during the first incursions (135 out of some 2,500 arrested) and the figures given by the IDF during Operation Defensive Shield (that out of 4,185 detained there were 121 "wanted militant suspects) also strongly suggest the detentions were arbitrary and may have been carried out as an act of collective punishment.

Cruel, inhuman or degrading treatment

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. (Article 10(1), ICCPR)

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. (Article 27, Fourth Geneva Convention)

Nearly all detainees who were released reported that they had been subjected to cruel, inhuman or degrading treatment. During both incursion periods (in March and in April) on arrest Palestinians were blindfolded and handcuffed tightly with plastic handcuffs; most were forced to squat, sit or kneel for prolonged periods; most told Amnesty International delegates that they were not permitted to go to the toilet and were deprived of food and blankets during at least the first 24 hours of detention. Those who were not allowed to go to the toilet said that they were forced eventually to relieve themselves on the ground where they sat, with their hands handcuffed behind their backs. Such treatment was profoundly

degrading. The denial of blankets also caused great suffering during a period when nights were cold. Members of the IDF wrote numbers on the wrists of some of those arrested; however, this practice ceased after reports of this sparked harsh criticism from many sectors of Israeli society, including Knesset members.

Images of groups of Palestinians sitting blindfolded and handcuffed were shown on television and published in Israeli newspapers. In light of the large number of those arrested and detained for a short time with very little interrogation, and the consistent use of degrading treatment, Amnesty International is concerned that the aim of the large-scale arrests may have been to collectively punish and to degrade and humiliate Palestinians not involved in armed opposition.



Israeli soldiers arrest a group of Palestinians during a raid into a village near Bethlehem, 22 April 2002
© Reuters

On 20 March Amnesty International interviewed a number of those who had been detained and later released. One detainee, **Jamal 'Issa**, arrested on 8 March and released six days later without interrogation, said of the first 24 hours of his detention:

We stayed the night at the DCO [District Coordination Office], about 60

of us, handcuffed and blindfolded, treated as terrorists and humiliated. The basic rights of prisoners in the past were denied us. We asked to go to the toilet and they refused. We spent a night of shouting and crying.

The handcuffs (*azikonim*, small shackles) used by the Israeli security services immediately after arrest (and sometimes for days after) and during the transfer of detainees are in themselves a form of torture or ill-treatment. As many testimonies show, the plastic used and the way in which the handcuffs are secured means that the cuffs often tighten on the wrists, causing intense pain. Detainees describe how their wrists turned blue and how many screamed with pain as they begged for them to be taken off.

Muhammad 'Arafa, aged 23, gave a similar description:

I was arrested round 2.30pm on 8 March. They took 28 of us to the school and ordered me to sit down. They asked our names and sorted us in groups. Then they took us to the DCO at about 9pm. They sprayed water on us rather than giving it to us. The weather was cold. There was no toilet - we had to be taken to the street to relieve ourselves, without being unhandcuffed, and they asked a man to help us. We stayed there the night. Then they handcuffed our hands in front and gave us each a sandwich and water. That was the first food for me for 30 hours -- about 5 or 6am the following day when we were about to board the buses. Then they took us to Kedumim... No one accused us of anything. They took our watches, rings, and put us in different rooms. We stayed there for three days. They did not ask us any questions, nor did they charge us. Then they blindfolded us and at the gate they took off the blindfold and asked us to go. We walked for an hour, looking for a taxi, and we got to Tulkarem four hours later.

Those arrested during Operation Defensive Shield (after 29 March 2002) continued to report treatment amounting to cruel, inhuman or degrading treatment. Two people arrested in Ramallah stated that they were forced to lie down, blindfolded and handcuffed, exposed to the elements in a half-finished building in Ramallah before being released 24 hours later.

A number of Palestinians rounded up during Operation Defensive Shield reported that they had been ordered to strip to their underclothes on arrest. Loudspeakers ordered male Palestinians to report during the first days of the IDF incursion into Jenin which began around 4.30am on 4 April; others were arrested later. On 13 and 14 April Amnesty International delegates and other human rights organizations interviewed Palestinians who had been released from detention in Rumaneh village; they gave consistent accounts of their treatment at the hands of the IDF. According to their statements the IDF separated men aged about 18 to 50 from women, children and older men. These males were ordered to

strip to their underwear, their hands were then bound behind their backs with plastic handcuffs, and they were blindfolded. They were taken from the camp to Bir al-Sa'adeh. Periods of detention at the forest ranged from 4 to 10 hours. Throughout this period, they were kept handcuffed, blindfolded, and in their underwear. They were exposed to the elements and as it had just been raining, the ground was muddy and the weather was cold. They were forced by the IDF to kneel or assume a squatting position on the muddy ground. They were not given any blankets or food, and a number said they received little or no water. From this area, the IDF took the detainees by lorry to Salem military camp where they were held in an exposed open gravelled area for periods of time ranging from four hours to three days. They were not provided with blankets and received only small amounts of water. Only those kept for more than a day reported getting any food. The detainees were again made to squat or kneel and most stated that they were ordered by soldiers to keep their heads lowered. They were then taken to an interrogation point, somewhere in or near Salem military camp, and were interviewed for periods ranging from 15 to 30 minutes. The first few questions were standard including name, ID number, occupation, place of residence; some were asked whether they possessed arms and one man reported having been asked his opinion on the political situation. At the conclusion of the interrogation, two Polaroid photographs of each detainee were taken and the detainee's ID number was written on the back. One photo was given to the detainee and one was kept by the IDF. Following the interrogation and photo session, the detainees were taken back to the gravelled area and then taken by lorry or bus to a crossroads area near a petrol station just outside Rumaneh village. They were told to walk to the village and to stay there.



An Israeli armoured personnel carrier passes Palestinian prisoners in Jenin, 12 April 2002

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Ahmar Muhammad 'Abd al-Karim, aged 25, arrested in Jenin refugee camp on 9 April, told how all those sheltering in a house with him came out when they saw that houses were being bulldozed around them:

There were 60 people in the same building, there were three women, a new-born baby, about seven children and five or so old men... the shelling began again and the house next door was being bulldozed. The people in the house decided to leave rather than face the bulldozer. When they left, they gave the sign of surrender. The IDF told them to sit on the ground and place their hands behind their back, their hands were bound with plastic ties. Men were separated from women and taken 10 by 10 and told to strip to their underwear. They were then told to parade around in a circle. We were not blindfolded. We then were marched for about 20 metres and then separated from one another. When we were marching I saw an injured woman who had just one leg. We asked the IDF to help her and get an ambulance. They refused and said not to fear. At that time, I heard shooting coming from the left which lasted about 10 minutes. During this period, the Israeli soldiers were using people as human shields. The soldiers would have us walk in front of them, sometimes with them resting their rifles on our shoulders. At times they were exchanging gunfire and shooting from people's shoulders. After about 10 minutes, we were blindfolded and then taken to a big area. I tried to take off my blindfold to see if friends were with me. I asked about the injured woman and was told that they left the woman there. We were then bound together in groups of five by the hands. We then went about 30 minutes... we were made to then sit on the ground for about 5 minutes. I heard a soldier say to put 20 into four columns. There was a tank in front and one behind, I heard it. It was now late at night. We were gathered in one area and sat in a row. I tried to get off my blindfold with my leg. I was worried I was going to be run over by a tank... they started to beat us on the body and chest with rifle butts... after beating we were seated with our head on our knees with our arms behind our back. We all gathered in a large area near Bir al-Sa'adeh forest, near Jenin outpost. We were all gathered there in our underwear. It was cold. When we asked for blankets, we were beaten. We were not given any water. We were there from about midnight to about 10am. We were then taken to Salem by a bus or something like a truck with chairs. We were taken off the bus one by one and asked for ID and names. They started gathering information then -- names and personal details. One soldier asked who knew Hebrew. I put my hand up. They took off the blindfold. I was given a gallon or so of water which was hot and told to give to the thirsty. There were about 30 or so men there. Because I knew Hebrew, I was asked to tell the soldiers that some people were injured. I was told by the soldiers that they would deal with it later. The water ran out before everyone had a drink. One soldier told me to tell the others that "you fighters don't deserve

to live -- you should die". I told him that "we came to you for surrender, we are ordinary people". It was quite hot and some of them tried to lie on the ground but the soldiers told us to put our heads between our legs. There was a man about 68 years old who would not do it so the soldiers beat him with their rifle butts and their boots. We stayed in this squatting position from about 10am until nighttime. We did not have a break. Only when I was pouring water was I allowed to be in a different position. We were at Salem from Tuesday night until Wednesday night. There was one man with us who had diabetes but there was no medical help provided during this time. I was released at a gas station. I was still blindfolded but with my hands cuffed in the front. When I left the bus I was told not to enter back into Jenin or the camp.

Torture

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. (Article 7, ICCPR)

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents. (Article 32, Fourth Geneva Convention).

Amnesty International has received reports that some of the Palestinians detained since 27 February have been subjected to ill-treatment which was so severe that it amounted to torture.

Until September 1999 the use of torture was effectively legalized in Israel after a 1987 Commission of Inquiry into interrogation methods recommended that the GSS should be allowed to use "a moderate measure of physical pressure" as well as psychological pressure during interrogation of detainees suspected of "hostile terrorist activity". In a landmark ruling, after years of work by human rights organizations and lawyers, the Israeli HCJ in September 1999 banned a number of interrogation methods consistently used by the GSS including shaking; prolonged squatting on haunches; painful handcuffing; *shabeh* (prolonged sitting or standing in painful positions), hooding; and the playing of loud music.

However the judgment left two loopholes by which methods amounting to torture or other ill-treatment in detention may continue. The HCJ ruled that only means "other than

that which is inherently required by the interrogation” were forbidden; sleep deprivation under intensive interrogation was not expressly forbidden. In addition the GSS may still claim the “defence of necessity” in cases where they use physical pressure on detainees. Amnesty International has received information on two cases, both dating from 2001, in which such a defence has been allowed by the State Attorney³.

Among the thousands of Palestinians arrested after 27 February 2002, some hundreds were transferred to full-scale interrogation by the GSS, in centres such as the Moskobiya detention centre in Jerusalem, Shikma Prison in Ashkelon, Megiddo Prison, Jelemeh (or Kishon) Prison and Petah Tikvah detention centre. However, Amnesty International has received reports that some of the detainees interrogated by the GSS were subjected to prolonged sleep deprivation, *shabeh* (prolonged standing or sitting in a painful position), beatings and being violently shaken.

‘Abd al-Salam ‘Adwan was held incommunicado for 34 days and met his lawyer for the first time only on 11 April. He told his lawyer that whilst being interrogated, he had been beaten, deprived of sleep and made to stand for long hours in a painful position (*shabeh*). He initially complained of severe back pain and could not hear in one ear, apparently as a result of the beatings. He did ask for and receive medical care, and since then his condition seems to have stabilized. During his interrogations, he was sometimes accused of being a member of *Hamas*, other times of being a *Fatah* activist. Most of the questioning, however, seems to have covered Gaza, and his relations with people there. ‘Abd al-Salam ‘Adwan is originally from Gaza (but has lived in Jerusalem since 1982), and frequently visited the Gaza Strip to meet his relatives.

Marwan Barghouthi, the Secretary General of *Fatah* and a member of the Palestinian Legislative Council, was arrested in Ramallah on 14 April 2002 and detained in the Moskobiyyeh detention centre in Jerusalem. His lawyer was allowed to see him on 18 April and then was denied access until 15 May. Marwan Barghouthi told lawyers allowed to visit him on 21 and 22 May that he was suffering from severe sleep deprivation. He said he was interrogated and deprived of sleep continuously for several days while sitting on a small chair in a painful position (*shabeh*). The chair had nails in the back which were just

³ Contrary to international law, the “defence of necessity” for torture in a “ticking bomb situation” is allowed by the Israeli Supreme Court. This is said to be a situation where, for instance, torturing a person might allow the discovery of a “ticking bomb” placed in a room full of people. For a discussion of torture before the 1999 judgement see *Israel/Occupied Territories and the Palestinian Authority: five years after the Oslo Agreement: human rights sacrificed for “security”* (September 1998, AI Index: MDE 02/04/98). For additional information on the two 2001 cases see *Israel: briefing for the Committee against Torture* (May 2002, AI Index: MDE 15/075/02).

above the surface of the wood, increasing discomfort as he sat bound for hours. He said guards threatened to kill him and his son.

In addition to use of physical or psychological pressure under interrogation by the GSS, there have been a large number of reports that some detainees were subjected to beatings after their arrest. **Ghassan Muhammad Sulayman Jarrar**, aged 42, director of sales in a commercial company and a former administrative detainee, was arrested at his house in Ramallah at 11 am on 4 April. According to his affidavit, his ill-treatment started after about 12 hours.

At around 12 midnight they tied my hands and blindfolded me. I heard soldiers ask: "What's his status?" and the answer, "There is blood on his hands". One of them beat me on my left leg with a club. I felt as though my leg had broken and I started screaming and he began to beat me heavily with the club. After that the soldier left. After approximately 10 minutes, they began to hit me again. They repeated this around seven or eight times. Then one soldier arrived and began to strangle me with an old sheet while the other soldiers kicked me all over my body especially in the chest and the kidney area. They did this four or five times, and one time I passed out. When they hit me on the head I gained consciousness again. At one point another soldier came... this soldier began to beat me hysterically and loaded a gun he was carrying and pointed it at my head. One of the soldiers yelled, "Don't do it" and dragged him away by force. Then the soldier hit me on the head with the gun. He repeated this sequence several times. I was kept in this situation until approximately 8.15 am... [I heard the soldiers discussing killing me] At this moment a bus arrived... The soldiers had to carry me so that I could get into the bus. The bus took me to Ofer detention camp next to Beitunia. ...

One detention centre where torture or other ill-treatment, including beatings, have been consistently reported for more than a year is the military police detention centre in Gush Etzion. Detainees held by the military police and the police have described beating, kicking, slapping, being confined to small, cold coffin-like cells (known as "fridges"), often while being handcuffed with tightening plastic handcuffs and while being blindfold. Amnesty International raised its concerns about the treatment of detainees in Gush Etzion detention centre in letters to Prime Minister Ariel Sharon and Meir Sheetrit, the Minister of Justice, dated 21 February 2002. No reply to or acknowledgement of these letters has been received. Reports from lawyers who have seen detainees transferred from Gush Etzion to Ofer during March and April suggest that beatings of detainees were still continuing during that period. However, the Department of Investigation of Police (*Mahash*) in the Israeli Ministry of Justice is said to be at present investigating reports of torture or other ill-treatment at the centre.

Incommunicado detention

A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law. (Principle 11(1), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles))

Governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention. (Principle 7, UN Basic Principles on the Role of Lawyers)

Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. (Article 9(4) ICCPR)

An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution. (Article 92, Standard Minimum Rules for the Treatment of Prisoners.)

International standards require that all people deprived of their liberty have prompt access to lawyers, are brought before a court without delay, have their families notified promptly and have access to their families. Prolonged incommunicado detention without access to lawyers or family breaches international standards and is a situation known to facilitate torture. In November 2001 the Committee against Torture called on Israel to "review its laws and policies so as to ensure that all detainees, without exception, are brought promptly before a judge, and are ensured prompt access to a lawyer". Despite this recommendation, the only recent change in the law and policies of Israel has been the extension, under Military Orders 1500, 1501, 1502 and 1503, of the period which a Palestinian from the Occupied Territories may be detained without access to a court or a lawyer. After the 18 days' detention (further extended by Military Orders 1501-1503) without access to lawyers or a judge has expired, detainees may be brought before a military judge who may then continue to prohibit access to the outside world, including lawyers, for the 90 days allowed under Military Order 378.

Various challenges have been made to the legality of Military Order 1500. Lawyers petitioned the High Court of Justice (HCJ) for access to their clients detained under this order; the HCJ initially refused to accept the petitions until after the 18-day period should have expired. Later, in cases where lawyers petitioned the HCJ for access, the military commander would serve the detainee with an administrative detention order, enabling the lawyer to see him but denying the detainee right to see the evidence against him and to receive a fair trial (see above, page 6). The right to challenge the legality of detention is a fundamental right. The Human Rights Committee, the body of experts which examines states' implementation of the rights included in the ICCPR, stressed in its General Comment 29 that the right to take proceedings before a court in order that the court may decide without delay on the lawfulness of any form of detention is a non-derogable right.

On 16 April 2002 three Palestinians detained in Ofer detention centre and seven human rights organizations: Association for Civil Rights in Israel; HaMoked; B'Tselem; Physicians for Human Rights - Israel; Adalah - the Legal Center for Arab Minority Rights in Israel; LAW - The Palestinian Society for the Protection of Law and the Environment; and the Public Committee Against Torture in Israel, filed a petition before the Israeli Supreme Court challenging the legality of Military Order 1500. The petition argued that the order was illegal as it violated the Israeli Basic Law on Human Dignity and Liberty, made possible the arbitrary use of force and impinged the right of due process. In response to the petition the State said that the order was necessary in order to deal with the large number of detentions. The case is still pending before the court.

Most families did not know the whereabouts of relatives arrested during the mass arrests between 27 February and May 2002. Detainees were not allowed to notify their families, and the IDF and the GSS frequently appeared to lose track of individuals among the thousands of Palestinians they had detained. Most of those detained were held incommunicado, sometimes in secret centres. **Jamal Mustafa Khueil**, a resident of Jenin refugee camp, was detained by the Israeli army on 11 April 2002. After his arrest, Jamal Khueil was held by the GSS at the GSS Interrogation Unit of the Kishon detention centre (also known as Jalameh detention centre) near Haifa. He was held there until 22 April 2002. From this date, Jamal Khueil's father could not obtain any information about where his son was being held. On 24 April 2002 he was taken from the Centre by GSS investigators, who did not inform the Kishon detention centre where they were taking him. He was not returned to Kishon/Jalameh detention centre. The human rights organization Adalah submitted a pre-petition to the Attorney General's office requesting information about where Jamal Khueil was being held. The Attorney General's office did not provide this information at the time, but stated that he was being investigated at a GSS facility and that investigators from the Kishon GSS Interrogation Unit were taking part in the investigation. On 2 May, after Jamal Khueil had been detained for 22 days without access to the outside

world, the Attorney General informed Adalah that Jamal Khueil would be allowed to have access to his lawyer the following day. When he was allowed access to his lawyer, on 3 May, Jamal Khueil alleged that he had been beaten while blindfolded and handcuffed immediately after arrest. He said that after being taken to a military court where his detention order was renewed around 30 April, he was taken by the IDF, blindfolded, shackled and handcuffed, to an unknown place where he was held isolated in a dark room for seven to eight days. He was then handcuffed, shackled and blindfolded again and transferred to Kishon/Jalameh detention centre, where he was held with other detainees.

The mass arrests of the first incursions and of Operation Defensive Shield caused anguish to families who remained under curfew after their relatives were led off by the IDF. The relatives had no means of knowing the whereabouts of those who had been detained or whether they were alive or dead. Amnesty International received dozens of telephone calls from anxious relatives during this time; Israeli and Palestinian human rights organizations received hundreds of similar calls. With occupied towns in the West Bank declared closed military areas and thus cut off from the outside world, including journalists, and strict curfews in force, rumours of killings by the IDF abounded, increasing the fear of relatives confined to their homes. The Israeli authorities were also frequently unable to provide the names of those they had detained or to locate detainees.

Before the mass detentions the Israeli human rights organization HaMoked had normally been able to locate Palestinian detainees within 24 hours when contacted by family members; during the incursions the military police tracing office was on occasion unable to locate detainees for weeks at a time. For example, **Hussein Ahmad Jabarin al-Rashdi**, aged 32, was arrested at his house in Ramallah on 1 April 2002. On 14 April the IDF military police tracing centre informed HaMoked that he was no longer at Ofer detention centre nor was he held by the IDF, the Israeli police or the prison services. On 15 and 28 April and on 1 May they gave the same answer. On 5 May the State Attorney informed HaMoked that Hussein al-Rashdi "was arrested under the auspices of Order # 1500 for 18 days, which expired on 20 April. On 15 April he was placed under administrative detention for three months. His current whereabouts are not known, but as soon as he is traced, the Court will be informed of his whereabouts". In the meantime another detainee at Ofer had already informed Hussein al-Rashdi's family that he was at Ofer and on 6 May the State Attorney informed HaMoked and the Court that the detainee had been brought before a judge and his release was ordered.

On 7 May, after another apparent misplacement of the detainee, he was actually released after 37 days in detention without access to family or lawyers.

Conditions of detention

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. (Article 10(1), ICCPR)

Unconvicted prisoners are presumed to be innocent and shall be treated as such. (Article 84(2), Standard Minimum Rules for the Treatment of Prisoners)

The treatment of Palestinian detainees who remained in detention continued to be cruel and degrading. This was especially so in the two additional detention centres opened, Ofer temporary detention centre and Ansar III/Ketziot.

'Awni Sa'id from al-Am'ari refugee camp in Ramallah, one of the first detainees to be held in Ofer detention centre after it was opened in March 2002, described what happened to him soon after he was arrested on 12 March:

...we were moved to Ofer in an armoured truck. At Ofer there were about 200 people. Among them was one deaf-mute and he was allowed to go. It was at Ofer that we were handcuffed and hooded... We stayed like that until 1am when a soldier took our IDs and searched us; they took everyone's mobiles. Then they picked out some people and gave them tents and told them to put them up – there were four tents for the 200, about 50 in each tent. By 2.30 to 3am we had finished putting up the tents and we asked them for mattresses which they refused. They brought us wood instead, rough, worse than you make coffins with. We had no blankets at all the first night – they only brought them around 10.30pm on Wednesday. By that time five people were sick from the cold; they took them to see a doctor but he did nothing. We were given our first food on Wednesday at 8am. Later we were also given two cigarettes per day.

A month after the opening of Ofer, Ketziot detention centre in the Negev (otherwise known as Ansar III) was reopened. Ansar III had been opened during the first *intifada* when at one time it had housed in tents more than 2,000 administratively detained Palestinians. From 12 April administrative detainees and previously sentenced prisoners transferred from other Israeli prisons were held there.

According to consistent reports received by Amnesty International detainees' conditions in Ofer and Ansar III/Ketziot are poor and may amount to cruel, inhuman or degrading treatment or punishment. In Ansar III there are, at the time of this report, more than 500 detainees, 300 of them administrative detainees; in Ofer more than 800 detainees including about 40 children (under the age of 18). In both camps detainees sleep in tents;

in Ansar III/Ketziot nights are particularly cold. Conditions in Ofer are said to be overcrowded, with detainees sleeping 25 to 30 to a tent. In both camps detainees initially slept on pieces of rough wood; now in Ofer thin mattresses have been given to put on top of the wood. Detainees in both Ofer and Ansar III/Ketziot have complained about inadequate food, and a hunger strike took place in Ansar III in protest. Detainees were said to be given frozen chicken schnitzels which they had to defrost in the sun; a tub of yoghurt, one or two cucumbers and two pieces of fruit between 10 prisoners. Each section of 120 detainees in Ofer was to be allowed one bar of soap. Even if they were arrested in pyjamas detainees reportedly remained in the clothes in which they were arrested for the first two weeks, although they were given clothes if they had been detained wearing only underclothes. In both Ofer and Ketziot/Ansar III there was no electricity in the tents. In Ofer detainees were said to have no books, no radio, no pens and no paper. Not a single detainee from the Occupied Territories was known to have access to family, as relatives from the Occupied Territories are prohibited from visiting any of the detention centres, within Israel or the Israeli-controlled settlements, where detainees are held. The detainees in Ofer and Ansar III were not, at the time of writing, even allowed to telephone families. In addition, according to families of detainees, the International Committee of the Red Cross, which tries to organize visits to detainees from family members, was told that access would be denied. Family members from within Israel have also been refused access to visit the detainees.

After spending an initial 18 or more days incommunicado most detainees at Ofer and Ansar III/Ketziot had access to lawyers. Palestinian lawyers visiting clients in Ofer complained that they were forced to wait for up to three hours outside the camp, they met detainees who remained handcuffed in a rubbish-strewn tent, and a soldier often insisted on staying during the meeting. Lawyers visiting Ofer also stated that frequently they were not informed of the time of the military court session which took place irrespective of whether the lawyer was present. When detainees were taken to court they were usually handcuffed and blindfolded; on occasion the blindfold was been lifted only during their appearance in court.

Administrative detention

Administrative detention is a procedure under which detainees are held without charge or trial. An administrative detention order is issued by a military commander for a specific term (usually up to six months). Administrative detainees have the right to appeal against every detention order, initially before a military judge and ultimately to the Supreme Court sitting as the HCJ. They are allowed a lawyer, but, in the vast majority of cases, neither they nor their lawyers are given access to all the evidence against the detainee. The court decides how much evidence to disclose for security reasons. It is therefore difficult for a lawyer,

ignorant of all the details of the accusations and the evidence against the detainee, to conduct a defence. The administrative detention order can be renewed indefinitely.

Amnesty International believes that all political prisoners must be charged with a recognizable criminal offence and tried within a reasonable period of time, or released. Israel has justified its use of administrative detention by citing Article 78 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War which allows the internment or assigned residence of protected persons "for imperative reasons of security"⁴. Israel's treatment of administrative detainees, including the location and conditions of their detention, contravenes not only international human rights standards but also the provisions of the Fourth Geneva Convention. For many years, Israel has abused the system of administrative detention using it to punish without charge or trial those it believes have acted against its interests, rather than as an extraordinary and selectively used preventative measure. Existing safeguards fail to prevent violations of the detainees' fundamental human rights, including the right to defence, the right to a fair and public hearing, the right to call and examine witnesses and the presumption of innocence. UN human rights mechanisms have condemned the use of administrative detention. The United Nations Working Group on Arbitrary Detention, when considering the case of administrative detainee Sha'wan Jabarin, stated that "individual liberty cannot be sacrificed for the government's inability either to collect evidence or to present it in an appropriate form". The group concluded that administrative detention without trial was a form of punitive rather than preventative detention, and in this case contravened Articles 9 and 10 of the Universal Declaration of Human Rights and Articles 9 and 14 of the ICCPR⁵.

The number of administrative detainees has rocketed from the 32 reportedly held in November 2001. By 23 April 2002 various official estimates put the number of administrative detainees at between 150 and 350. On 5 May the IDF stated that there were 465 administrative detainees, although the same day two other figures were given -- an IDF spokesperson told an Israeli lawyer that there were 629 people in administrative detention; and in answer to a petition before the HCJ, the State said the IDF was holding 990 people in administrative detention. There are now believed to be more than 700 people in administrative detention. Most of those placed in administrative detention after the

⁴ The High Contracting Parties to the Geneva Convention reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territories at a meeting held in Geneva in December 2001. The government of Israel has repeatedly stated that the Fourth Geneva Convention, which emphasizes the rights of people living under occupation by another state, does not apply *de jure* to the territories occupied by Israel in 1967.

⁵ Decision number 16/1994 addressed to the government of Israel on 18 July 1994.

beginning of April 2002 received administrative detention orders of two to three months; in May 2002 many administrative detention orders were for six months.

'Abd al-Salam 'Adwan, 39, a nurse and father of five children, was arrested on the night of 7 March 2002 at Maqassed Hospital in Jerusalem, where he worked. He was taken to the Moskobiyya detention centre in Jerusalem. He was then transferred to Shikma Prison, Ashkelon. His lawyer was promised that he could see him on 24 March, but when he tried to do so he was refused. On 26 March the lawyer was told that there was an order prohibiting 'Abd al-Salam 'Adwan access to his lawyer for 10 days; when that expired a further five-day order prohibiting access to counsel was imposed. On 28 March Amnesty International raised 'Abd al-Salam 'Adwan's prolonged incommunicado detention in an urgent appeal to the Israeli authorities. On 9 April 'Abd al-Salam 'Adwan's lawyer and the Public Committee against Torture in Israel, a non-governmental human rights organization, filed a petition to the HCJ on his behalf; the appeal was withdrawn after the State Attorney agreed that he would have access to his lawyer. 'Abd al-Salam 'Adwan saw his lawyer on 11 May, after 34 days in incommunicado detention. He was allowed to call his wife on 12 May. On 13 May 2002, he was served with a six-month administrative detention order, which was effective from 1 May. On 5 May, he was transferred from Shikma Prison, Ashkelon to Ansar 3/Ketziot, then to Beit El and finally Ofer detention centre where he remains at present. 'Abd al-Salam 'Adwan is reported to have suffered torture or other ill-treatment while under interrogation (see above page 16). He may be held because he frequently travels to Gaza to see his family there so it is possible he is believed to be in contact with an armed Palestinian group. However he is not able to know the details of these accusations.

Yasser 'Ali Mohammad Dissi aged 28, the public relations officer of the Palestinian human rights organization al-Haq, was detained when Israeli forces entered al-Haq's offices in Ramallah on 30 March 2002. He had volunteered to stay in the office so that at least one individual would be present there in case of an Israeli incursion into Ramallah, to answer telephone calls and to follow up on requests for assistance. On the evening of 30 March one of al-Haq's researchers received a telephone call



Yasser Dissi, Al-Haq worker who is in administrative detention

from Yasser Dissi telling him that Israeli forces were at the office door and were attempting to get inside. He said that he was going to open the door, but before he put down the phone he said that the soldiers had broken through one of the outside doors into al-Haq's library and that they were going to arrest him. The telephone line then went dead. Following his detention it took al-Haq more than one week to locate him in Ofer military camp, as the Israeli authorities initially denied that he was in their custody. Notification that a three-month administrative detention order had been issued against Yasser Dissi was finally given to an Israeli lawyer in the afternoon of 13 April. Amnesty International and al-Haq believe that his detention is directly related to his activities as a human rights activist, and as such consider him to be a prisoner of conscience. The organization has called for his immediate and unconditional release.

Conclusion and Recommendations

Many Israeli civilians have been killed as a result of deliberate attacks carried out by Palestinians. The State of Israel has the obligation to protect its citizens. Israel also has an obligation to ensure that the measures which it takes to protect Israelis, including arrests, detention and trials of Palestinians, are carried out in accordance with international human rights and humanitarian law. The manner in which the mass detentions of Palestinians after 27 February 2002 were carried out breached human rights standards. The Israeli security forces consistently denied Palestinians they arrested the fundamental rights due to all persons deprived of their liberty. They treated detained Palestinians in a way apparently designed to humiliate and degrade those arrested. Palestinian detainees were not brought promptly before a judge, and they were denied access to lawyers and to their families. The Israeli authorities showed an apparent intent to bypass the justice system by increasing the period of incommunicado detention without access to a judge. It also imposed administrative detention orders rather than charging detainees with a recognizably criminal offence and bringing them before a court for trial.

Most of those still in custody are held without charge or trial, often under administrative detention orders which may be renewed indefinitely. There is strong evidence that the majority of those detained have been arbitrarily detained, and that thousands of Palestinians have been rounded up, humiliated, ill-treated and held in poor conditions as a collective punishment for the attacks on Israelis by members of Palestinian armed groups.

Amnesty International calls on the Israeli government to set up an independent commission of inquiry to investigate the arbitrary arrests, the cruel, inhuman or degrading treatment and the conditions in which Palestinians have been detained since the IDF incursions which began on 27 February 2002.

Amnesty International further calls on the Israeli government to ensure that the rights of detainees are protected in accordance with international human rights and humanitarian law.

- All detainees must be informed immediately of the reasons for their arrest and promptly of any charges against them. Those arrested should be formally notified of their rights at the time of their arrest and the relevant authorities should ensure that their families are promptly notified of their arrest, place of detention and any transfers.
- Military Order 1500 and all other military orders which allow prolonged incommunicado detention should be immediately repealed.
- All detainees must be brought promptly before a judge after being deprived of their liberty.
- All detainees should be given access to a lawyer of their choice without delay after their arrest and thereafter. The confidentiality of communications with their lawyers within the bounds of the professional must be respected at all times.
- In addition detainees should be permitted prompt and regular access to their families.
- All members of the Israeli security forces must be informed of their absolute duty to respect the dignity of all persons arrested or detained. All members of the security forces must act in accordance with this duty.
- Torture and cruel, inhuman or degrading treatment or punishment must be strictly prohibited. Any member of the security forces who has ordered or carried out an order to use cruel or degrading treatment must be brought to justice.
- In view of the pattern of misuse of administrative detention in Israel and the Occupied Territories the use of administrative detention should be ended. All administrative detainees held for non-violent opinions should be released immediately and unconditionally; others should be released unless they are charged with a recognizable criminal offence in a court of law and tried in accordance with internationally accepted fair trial standards.