



QUESTIONNAIRE

ABN 98 099 972 997

Advisory Council of Jurists - Terms of Reference on Torture Background Paper on Torture

Please complete the questionnaire and send all responses by e-mail to:

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Responses to this questionnaire will be used in the Background Paper on Torture which will be distributed to the Advisory Council of Jurists.

We would be grateful to receive your response by or before **10 December 2004**. Thank you in advance for your time and contribution.

Information about the Advisory Council of Jurists and the terms of reference on torture is available at <http://www.asiapacificforum.net/jurists/>

Please note that the answers below address torture in Palestinian prisons and detention centres. There are currently thousands of Palestinians in Israeli prisons, an estimated 85% of which have been or are regularly subjected to torture, including children. It is not within PICCR's legal mandate (Presidential Decree 59/1995) to investigate human rights violations committed by the Israeli authorities. However with the dramatic rise in Israeli violations since 2000, PICCR believes that, as a National Human Rights Commission, it is important to monitor and document Israeli violations of Palestinian Citizens' rights.

In regard to this survey, PICCR has provided answers about Palestinian prisons in the main part of the document. Information about Israeli torture and the legal context has been provided in the following documents:

- PICCR's 9th Annual Report
- Parallel Report to Israel's State Report to the Human Rights Committee 2003
- Two reports by Palestinian and Israeli organisations about torture.

It should be noted that given the scope of torture in Israeli prisons, there is a substantial amount of literature and data on this subject. In contrast, there is very little on torture in Palestinian prisons, which is largely a result of the limited nature of the problem in comparison to Israeli violations, but also because the focus of most Israeli and Palestinian organisations is the occupation and its consequences.

Activities of National Human Rights Institutions:

1. Has your Commission received complaints from individuals or groups claiming torture? If so, how many complaints and please describe some of the most important cases and the role of your Commission in resolving the complaints.

During 2004, PICCR has received 84 complaints by people who claim to have been tortured in police custody during the interrogation process. In most cases people have been beaten, either by hand or with a plastic bar. Sample complaints have been attached to this document.

In each of the 84 cases PICCR wrote letters to the relevant police departments or security agencies and asked that an investigation be conducted and that perpetrators be brought to justice. The authorities' responses to PICCR's efforts have been unsatisfactory in all cases; either no response or a denial of the charges. As a result PICCR compiled a report about these cases of torture and will shortly meet with the Prime Minister and the Director of the National Security Council to demand that actions be taken to address this systemic problem.

2. Has your Commission conducted research on the issue of torture? If so, please provide the results of this research.

As stated above, PICCR has recently completed a report about torture in the interrogation process. The research relied on complaints and affidavits collected during prison visits. The report consisted of sample cases and a series of recommendations. Some of the sample cases and all of the recommendations and conclusions have been attached to this document.

3. Has your Commission undertaken awareness and education campaigns relating to torture? If so, please provide details of these campaigns, identify the individuals or groups who have been trained and estimate how many people have been trained.

PICCR's Public Education programme takes a multi-faceted approach to raising awareness about torture. Firstly, PICCR provides training courses for police, prison and security officers about human rights, specifically humane treatment of detainees during arrest, detention and interrogation. PICCR also conducts training courses for journalists, teachers, students and lawyers which include a component about torture. PICCR's regular town hall meetings and specialised television emissions raise the awareness of the community at large about torture. These various activities have been running for several years, so it is difficult to estimate how many people have received our message.

4. Has your Commission monitored the conditions in and visited centres of detention to assess the conditions in which detainees are kept and the treatment they receive? If so, please provide details of any findings.

Yes. PICCR visits all detention centres (except for a few intelligence holding facilities) once a month. Field workers collect complaints from inmates and make reports on general conditions. PICCR then follows up on complaints and instances of poor conditions with prison authorities. The Annual Report details these conditions. Findings from the 9th Annual Report for 2003 are attached. Findings for 2004 are still being compiled and will be available in February 2005.

5. Has your Commission intervened in court proceedings on the issue of torture? If so, please provide details of the cases, the role of the Commission and the outcome of the cases. Please provide copies of any submissions and court decisions.

No. There have been no cases of torture brought to court.

6. Has your Commission addressed the issue of torture in its annual reports? If so, please provide a copy of the relevant sections.

Yes. Torture is addressed in the chapters on violations of citizens' rights by both the Israeli and Palestinian authorities. Both sections from the 9th Annual Report have been attached to this document.

7. If your government has ratified the International Covenant on Civil and Political Rights, Convention Against Torture and/or Convention on the Rights of the Child, has your Commission been approached by the government to contribute to the periodic reports to the relevant Committees, or has your Commission provided a shadow report to the relevant Committees? If so, please provide copies of the sections relevant to the issue of torture.

The Palestinian National Authority has committed to ratifying all international human rights conventions upon receiving statehood. PICCR coordinated a parallel report to Israel's periodic report to the Human Rights Committee in 2003. The relevant sections of this report have been attached.

8. Does your Commission have regional offices and are these offices involved in torture issues? If so, in what way?

PICCR has regional offices in Nablus, Bethlehem and Gaza. All offices are involved in the activities described above; visiting prisons, collecting and investigating complaints, conducting training courses and town hall meetings.

9. Does your Commission work in collaboration with civil society including the private sector, government or UN agencies or multilateral donors such as the World Bank on the issue of torture? If so, in what way?

PICCR works with non-government organisations on the issue of torture by sharing information and attending workshops/seminars to discuss the issue. To date, no action has been taken by the private sector, UN agencies or multilateral donors in this area (although this does not mean there isn't the potential for cooperation, especially with the OHCHR). PICCR's work with the government includes lobbying and training.

10. Has your Commission identified laws/policies/practices in your country that impact on torture?

Laws and official policy do not impact on torture. It is the unofficial practices that concern PICCR; the general lack of respect for the rule of law and complying with human rights standards; lack of action taken to bring perpetrators to justice; interrogators being selected because of their knowledge 'acquired' undergoing interrogation in Israeli jails. The conclusions and recommendations of PICCR's report on torture (as mentioned in question 2) highlight practices that PICCR has concerns about.

11. Has your Commission proposed legislation relating to torture, or helped develop a national policy?

PICCR proposed special anti-torture legislation but this was rejected as it was thought that both the Basic Law and Criminal Procedures Law were sufficient in addressing the issue (both prohibit torture in all circumstances). There is no official policy on torture. The recommendations in PICCR's report on torture aim to influence policy on torture.

Documentation

Please send the following documentation to the APF Secretariat by e-mail or by mail:

Constitutional provisions relating to:

- torture, including references to other ill-treatment and refoulement or extradition; and

Article 13 of the Palestinian Basic Law of 2003 stipulates: "1. No person shall be subject to any duress or torture. All persons deprived of their freedom shall receive proper treatment."

- relevance of international law in the domestic jurisdiction.
As stated above, the PNA is unable to ratify international human rights conventions. However, customary law relating to torture takes precedence over domestic laws.

Relevant legislation referring to:

- torture and other forms of ill-treatment;
The Criminal Procedures Act (in Arabic) has been attached to the email as a separate document. However the relevant section can be found in Question 4 of the following section of the survey.
- the treatment of individuals in all forms of detention; and
The Reform and Rehabilitation Centers Law No. 6 of 1998 (in Arabic) has been attached to the email as a separate document. However Article 37/2 stipulates: "Torture or abuse of the prisoner is prohibited."
- legal and other safeguards aimed at the prevention of torture.

NGO Reports

- Reports by local, national or regional non-governmental organisations on torture within your country.
Ass noted at the beginning of the survey, the torture of Palestinian prisoners in Israeli prisons is substantially more widespread than in Palestinian prisons. As a result there are far more reports on torture by the Israeli authorities. All that we could locate about torture in Palestinian prisons are statistics issued by the Treatment and Rehabilitation Centre for Victims of Torture. These can be found at the following website: <http://www.trc-pal.org/statistics/statistics.html>

Reports: Addameer. 2004. *Background Information on Political Detention: The Infinite Violation of Human Rights*

Public Committee against Torture in Israel Publication. 2003. *Back to a Routine of Torture: Torture and Ill-Treatment of Palestinian Detainees during Arrest, Detention and Interrogation*

Issues raised in the Terms of Reference

1. Do the police and other disciplinary forces in your country currently follow set minimum standards of interrogation?
There is a set of minimum standards, however complaints received by PICCR show that the police and other disciplinary forces do not currently follow them.

If so, are you able to provide a copy of these minimum standards? **No**

If not, please provide any information you have about these minimum standards including:

- who developed them? **OHCHR and the Police**
- on the basis of what documentation? **International Standards**
- when were they developed? **1998**
- when were they last revised? **n/a**
- do the staff of the disciplinary services receive specific training in interrogation methods?
 - if so, how often and who conducts the training? **Yes received randomly by the police authorities.**

Please provide any information about complaints received by individuals or groups about the methods of interrogation used by the disciplinary forces in your country.

In addition to information provided in earlier questions on torture, PICCR receives complaints about psychological and physical pressure and forced confessions.

2. Do your national courts recognise customary international law as a source of law to be complied with? Include any cases that refer to the rule of customary international law prohibiting torture.

Palestine's courts do recognise international customary law as a source of law to be complied with. In any relevant case, international law will prevail over domestic law. To date there have been no cases.

3. Does your constitution or national law allow for any derogation from the prohibition on torture and other forms of ill-treatment? If so, please provide the relevant sections.

No. The Basic Law does allow the restriction of certain rights and freedoms in a state of emergency, however freedom from torture is not included.

4. Set out any legislation, rules or practices of courts in admitting or rejecting any statement that is made by an accused as a result of torture or any other form of ill-treatment.

Article 13(2) of the Palestinian Basic Law of 2003 stipulates: "All statements or confessions obtained through violations of paragraph one of this article shall be considered null and void." (see documentation section of this survey for paragraph one)

Article 214 of the Criminal Procedures Law No. 3 of 2001 requires, for confession of a crime to be acceptable in court: "It shall be offered voluntarily and by choice, without pressure, material or psychological coercion, promise, or threat."

In practice, judges often reject police investigations because they suspect that confessions have been made or statements taken under duress.

5. Describe the remedies available and provided in practice to victims of torture and other forms of ill-treatment, including complaints systems, compensation mechanisms and medical rehabilitation.

Although the Basic Law allows for basic remedies, there is currently no system in place. As PICCR found when writing to the relevant authorities, complaints or claims for remedy have been ignored or denied.

6. Provide information about the protections afforded to persons being forcibly returned to a country in which they may face torture or other forms of ill-treatment.

n/a

7. Have the national courts been asked to consider any cases of alleged torture that have taken place outside the territory of your country and not involving citizens of your country? If so, please describe the position of national courts in exercising their jurisdiction in such cases. For example, General X was a Balkan military officer accused of torturing civilians during the regional conflict. He is currently

holidaying in your country. What would the position of your national courts be if they were asked to try him for torture?

No but theoretically the courts would have jurisdiction.

8. Have the national courts considered the extent of their jurisdiction over international intervention forces? If so, please provide details of the cases and copies of the judgments, if possible.

According to the Penal Law, national courts have jurisdiction however this would not apply in cases of diplomatic immunity.

9. Describe the nature and extent of procedures and safeguards, both legal and practical, in place to protect against torture by non-state actors.

PICCR is aware that militant groups torture suspected collaborators. Legally, the same safeguards described above would protect victims of torture by militant groups. In practice however, these cases do not surface as people are fearful after being 'marked' as collaborators.

This is the end of the questionnaire. Thank you for taking the time to respond.

Attachments on the following pages

Sample Cases

Report recommendations

2003 Annual Report

Excerpt from Parallel Report to HRC

Attachments sent as separate documents in the email

NGO Reports

Criminal Procedures Law No. 3 of 2001

Reform and Rehabilitation Centers Law No. 6 of 1998

Sample Cases Investigated by PICCR

A. Complaint by Citizen M.A., 18, of Tulkarem.

Facts of the Complaint:

On 20 March 2004, PICCR received a complaint from Citizen M.A. regarding his mistreatment at the Criminal Investigation holding facility in Tulkarem. He claimed the following:

On 10 March 2004, I was questioned with my friend G.S. by the Preventive Security Agency in Tulkarem regarding a theft case. We gave our statements and confessions on the matter in a normal manner. On the morning of the following day, we were transferred to the Criminal Investigation Agency in Tulkarem. After we gave our statements and confessions before the Criminal Investigation interrogators, they were not satisfied with what we had confessed to. They began beating us to force us to confess to committing other acts of theft that we knew nothing about. At one point, they tied us up and threw us on the ground, and one of the members of the agency sat on our chests. Then they beat us all over our bodies with sticks and tubes. Throughout our stay at the agency holding facility, our arms were stretched out for long periods of time. Further, we were accused of homosexuality, and vile, painful insults were directed at us. Marks from being beaten are still apparent on our bodies, and the PICCR researcher who visited the prison saw them.

There is a policeman named Gh. and another policeman whose name I don't know, and they are the ones who perpetrated the torture and beating in order to force us to confess to the charges against us. They demanded that we always answer "Yes" to what they accused us of, without asking for any explanation or clarification. However, we did not confess to the additional charges for acts we did not commit, only to those to which we confessed voluntarily before the Preventive Security Agency.

PICCR's Follow-up:

On 30 March 2004, PICCR sent a letter to the Director General of the Tulkarem police regarding mistreatment of these citizens, demanding an investigation into the complaint. On 20 April 2004, PICCR sent a reminder letter.

Results of the Follow-up:

- On 22 April 2004, PICCR received a response from the Director General of Police in the Tulkarem governorate stating the following: "Please know that, regarding the individual who claims he was subjected to beating by the Investigation administration, the claims are invalid and baseless for the following reasons:

- A. The individual and two others from Tulkarem committed an armed robbery of a shop in Tulkarem at night, during which a Preventive Security Officer sustained serious injuries to the abdomen.
- B. The individual and his companions were detained by the Preventive Security Agency, whereupon they confessed to the robberies and shooting, and the Preventive Security Agency transferred them to Investigations.
- C. Their statements and confessions to the robbery and the assault of the Preventive Security Officer were taken, and they were transferred to the judiciary so that legal action could be taken against them.

D. It is illogical that the individual would be transferred by the Preventive Security agency, having confessed to the charges brought against him, and then be assaulted and beaten to extract a confession from him.”

- The citizen was released 45 days after being arrested, not having been examined by a doctor. The lawyer of the citizen reported that he based his request for his client’s release on the prominent signs of abuse as seen by the public prosecutor. Moreover, the citizen submitted a sworn statement to PICCR on the veracity of his complaint, and he supported his case with a statement by his companion in the holding facility and the statement of the PICCR field researcher who saw the signs of abuse while visiting him at the Tulkarem police’s holding facility.

- PICCR did not receive any information regarding investigations of the two policemen who the citizen accused of mistreating him to extract additional confessions. Rather, the agency administration was satisfied with stating that this claim was illogical.

B. Complaint by Citizen A.Sh., 23, of ‘Atil village – Tulkarem.

Facts of the Complaint:

On 5 October 2003, PICCR received a complaint from Citizen A.Sh. regarding his mistreatment at the Criminal Investigation holding facility in Tulkarem. He claimed the following:

On 21 June 2003, Criminal Investigation in the city of Tulkarem summoned my friend, B.3, and I, and then began to interrogate us on a charge of killing a citizen from ‘Atil village about ten days prior. The interrogators accused us of murder, and we denied having any connection to the case or even knowing about its details. After that, they began to mistreat us individually to force us to confess to the charge brought against us. We were stretched out on the floor with our legs raised and bound to the bedpost. Then members of the agency began beating us on the soles of our feet (“falaqa”). In the second stage, we were blindfolded; then our arms were stretched out, and we were beaten on our hands and legs and beaten with sticks all over our bodies. This continued for two days, during which time we were detained in a cramped bathroom. As a result of these practices, we were forced to sign statements that we didn’t read. Then they transferred us to court.

In court, we denied the charge brought against us, and we informed the public prosecutor that our confessions were made due to the beating and mistreatment to which we were subjected. The public prosecutor saw the marks of torture on our bodies, and our lawyer requested that we be transferred immediately to the hospital to confirm the occurrence of beating. After four days, we were transferred to the hospital and examined. The medical report revealed that we had bruises and contusions.

PICCR’s Follow-up:

- A PICCR field researcher submitted a report confirming that he saw the marks of beating, which, according to his statement, were apparent all over the citizen’s body, especially in the areas of the head and feet. After PICCR went to the citizen’s lawyer, the lawyer submitted several medical reports confirming that members of the Criminal Investigation Agency in Tulkarem had beaten the citizen. He also submitted the file with the citizen’s statement before the Tulkarem Public Prosecutor, in which the citizen stated that his confession was the result of the severe beating which they subjected him to. Based on this, the lawyer asked the Public Prosecutor that his client be transferred to the hospital to confirm the occurrence of

beating. The Tulkarem Government Hospital's report, which PICCR obtained a copy of, stated that, "Based on the request by the Tulkarem Public Prosecutor, the individual was examined, during which time he complained of pain in the left and right foot joints, along with pain in the right palm and wrist and muscle pain in both shoulders."

- On 27 October 2003, PICCR sent a letter to the Director General of Police in Tulkarem regarding mistreatment of the citizen, demanding an investigation into the complaint. On 18 November 2003, PICCR sent a reminder letter.

Results of the Follow-up:

- The police have not responded to any of PICCR's letters, and PICCR has not received any information regarding the formation of a committee to investigate the citizen's complaint.

Excerpt from Special Report: Mistreatment of Detainees at Criminal Investigation Holding Facilities of the Police in the Northern Governorates of the West Bank

Conclusion: Findings and Recommendations

The findings of the report are as follows:

1. Grievances PICCR received concerning detainee mistreatment in the northern governorates of the West Bank were concentrated around the criminal investigation department of the police.
2. Most cases of mistreatment occur after the accused has confessed to the charges against him or her. In these cases, the accused is pressured to confess to additional charges when the criminal investigation department is unable to identify the perpetrator.
3. No measures were taken in connection with the investigations that PICCR conducted into citizens' complaints of mistreatment. The police leadership handled PICCR's letters on this matter in two ways: They either completely denied the claims, or they did not respond.
4. The official oversight institutions are completely absent in following up such grievances. We saw no intervention by the Attorney General or the Legislative Council to stop the continuing outpouring of these grievances or to investigate them.

PICCR, viewing with extreme gravity the continuing mistreatment of detainees in the holding facilities of the security agencies, recommends the following:

1. Independent, objective investigative committees must be formed to investigate the cases of mistreatment that PICCR submitted to the security agencies, along with cases that did not reach PICCR, with an aim to stopping such practices and punishing those responsible.
2. The relevant parties must take prompt, effective measures to stop mistreatment of detainees at security agency holding facilities during arrest, custody, and interrogation. They must also take administrative and judicial procedures against those who have violated these measures.
3. Illegal detention centers belonging to the security agencies must be closed, and the necessary legislation must be promulgated to regulate the security agencies' operations and delineate their jurisdictions and powers.
4. The Civil Office of the Attorney General and the judiciary must periodically search prisons and detention centers to confirm that no detainee mistreatment is taking place there.
5. The Cabinet and the National Security Council, each within the purview of its jurisdiction, must undertake their responsibilities in dealing with cases of mistreatment and ensuring that they are not repeated. The National Security Council in particular must work to set down clear, unequivocal directives for those responsible in the security agencies; these directives should prohibit the practices that members of security agencies are taking against detainees in general, and the practices of the police's criminal investigation department.

6. The Legislative Council must question the directors of the relevant security agencies and the Attorney General about the circumstances surrounding detainee mistreatment in security agency prisons and detention centers.

7. The leadership of the various security agencies must comply with international standards and agreements, which require respect for prisoner and detainee rights. They must also respect Palestinian laws, which prohibit the torture and mistreatment of detainees.

8. There must be more work toward spreading a culture of human rights among law enforcement personnel, especially as regards principles related to detainee treatment in detention centers.

Excerpts from 2003 Annual Report

Palestinian Prisons and Detention Centers (taken from Executive Branch Chapter)

Prisons in the areas of the PNA are of two types. The first type includes reform and rehabilitation centers, which are supervised by the police's General Directorate of Reform and Rehabilitation Centers and governed by the **Reform and Rehabilitation Centers Law** no. 6 of 1998. The second type includes detention centers supervised by the various Palestinian security agencies, and which are not regulated by any legislation.

The reform and rehabilitation centers (prisons) under the auspices of the Civil Police and the detention centers under the auspices of the security agencies were subjected to complete or partial destruction by the Israeli occupation forces during 2002. In addition, their furnishings, files, and documents were burnt and damaged. During the second half of 2002 and during 2003, however, some of the headquarters were repaired and some buildings were used as temporary headquarters. In addition to the detention centers under the auspices of the Palestinian security agencies and police departments, there are six detention centers under the auspices of the Directorate of Reform and Rehabilitation in Jenin, Nablus, Ramallah, Jericho, Al-Dhahiriyyeh, and Gaza.¹ During the second half of 2003, the Government also announced that a decision had been made to establish two modern reform and rehabilitation centers,² one in the West Bank and the other in the Gaza Strip. However, 2003 came to a close without any effective steps being taken in this regard.

Through the periodic visits made by **PICCR** researchers to Palestinian reform and rehabilitation centers (prisons), police departments, and other detention centers, the following main problems were identified:

1. **Space allocated to inmates:** The reform and rehabilitation centers suffer from overcrowding, whereby the space allocated per inmate is no more than one square meter (with the exception of the Nablus Reform and Rehabilitation Center). Visits by a **PICCR** researcher to the Ramallah Reform and Rehabilitation Center on 12 October and 18 November 2003 revealed that there were more than 40 inmates in two cells and a larger shared room.

2. **Recreational time³:** The reform and rehabilitation centers suffer from insufficient space allocated for recreational time (with the exception of the Jericho Reform and Rehabilitation Center). During visits by **PICCR** researchers to the reform and rehabilitation centers in Jenin and Ramallah and the police departments in Tulkarem and Qalqilya, the inmates complained of the lack or short duration of recreational time, as well as of the unsuitability of the spaces allocated for this purpose.

¹ Colonel Musa Abdel Nabi, Director General of Reform and Rehabilitation Centers, reported to *Al-Quds* newspaper on 24 August 2003 that the reform and rehabilitation centers hold 632 arrested and convicted detainees, 474 of whom are in reform and rehabilitation centers in the Gaza Strip.

² Ibid.

³ Recreational time refers to the period during which inmates are permitted to leave their prison cells and congregate in an open area.

3. **Ventilation:** Some reform and rehabilitation centers suffer from poor ventilation. In addition, sunlight cannot penetrate inmates' cells, resulting in a high level of dampness that leads to lung diseases and rheumatism.¹

4. **Cleanliness:** The reform and rehabilitation centers suffer from a general lack of cleanliness, and unclean blankets and beds in particular.² There is also a shortage of cleaning supplies for cleaning inmates' rooms, clothes, and bathrooms.³

5. **Nutrition:** The food served to inmates in the reform and rehabilitation centers is lacking in quantity and quality. Inmates at the Al-Dhahiriyyeh, Jericho, Nablus, and Jenin Reform and Rehabilitation Centers complained that they were served inadequate amounts of food of poor quality. Indeed, inmates in the Jericho Reform and Rehabilitation Center are only given one meal per day.⁴ Likewise, inmates at the Nablus⁵ and Jenin⁶ Reform and Rehabilitation Centers and the Qalqilya police department⁷ attested that they were given insufficient meals.

6. **Medical Services:** Some inmates at reform and rehabilitation centers suffer from illnesses requiring their transfer to hospitals to undergo surgery. There is also a shortage of medicines needed by patients receiving medical services. Moreover, there are few doctors' visits to the prisons. For example, on 18 March 2003, inmates at the Nablus Reform and Rehabilitation Center complained that a physician had not visited them at the prison for 45 days. Inmates at the Jenin Reform and Rehabilitation Center complained that the military medical services pharmacy did not provide some medicines, forcing them to purchase them at their own expense.⁸

7. **Mistreatment:** Some inmates complained of mistreatment by officials in some of the detention centers and prisons. For example, inmates at the Ramallah Reform and Rehabilitation Center complained of mistreatment by center officials, occasionally going so far as physical assault. Likewise, female inmates at the Central Nablus Prison complained of mistreatment by female police guards.⁹ Inmates at the Jericho Reform and Rehabilitation Center complained of mistreatment by the administration.¹⁰ Inmates at the Tulkarem and Qalqilya police departments complained of mistreatment by some members of the police and of being beaten¹¹ and tied up and confined for many hours.¹²

¹ Visit by a **PICCR** researcher to the Bethlehem Detention Center on 2 November 2003.

² Visit by a **PICCR** researcher to the Jericho Reform and Rehabilitation Center on 29 November 2003.

³ Visit by a **PICCR** researcher to the Jericho Reform and Rehabilitation Center on 29 November 2003, and to the Nablus Reform and Rehabilitation Center on 27 January, 18 March, and 9 November 2003.

⁴ Visit by a **PICCR** researcher on 29 November 2003.

⁵ Visits by a **PICCR** researcher on 26 and 27 January, 18 March, 7 September, and 10 November 2003.

⁶ Visits by a **PICCR** researcher on 2 June, 21 July, 30 September, and 19 November 2003.

⁷ Visit by a **PICCR** researcher on 8 November 2003.

⁸ Visit by a **PICCR** researcher on 30 August 2003.

⁹ Visit by a **PICCR** researcher on 6 July 2003.

¹⁰ Visit by a **PICCR** researcher on 29 November 2003.

¹¹ Visit by a **PICCR** researcher to the Qalqilya police department on 8 November 2003.

¹² Visits by a **PICCR** researcher to the Tulkarem police department on 19 May and 3 June 2003.

Palestinian Violations of the Right to Freedom from Mistreatment and Torture (taken from Chapter on Violations of Citizens' Rights)

Torture of all forms is regarded as a violation of international treaties and conventions related to the treatment of prisoners and detainees, in particular the **Convention to Eliminate Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment of 1984**. According to the Penal Code in force in the West Bank and the Gaza Strip, torture is a crime punishable by six months to three years imprisonment.

During 2003, **PICCR** received 55 complaints containing allegations of torture and/or mistreatment during interrogation, primarily for the purpose of extracting confessions from those in custody.

Despite the gravity of torture and executive branch officials' repeated declarations prohibiting and criminalizing it, the security agencies possess neither directives sternly prohibiting it nor clear, effective mechanisms for investigating detainees' complaints of mistreatment or torture. Further, the security agencies' cooperation with **PICCR** in following up such complaints remains unsatisfactory. The majority of complaints that **PICCR** received involving allegations of mistreatment and torture were raised against the Civil Police, especially in the West Bank governorates. One such case that **PICCR** handled is as follows:

- On 7 August 2003, citizen D.G., 17, of Beit 'Anan/Jerusalem governorate, was arrested by the Al-Dhawahi police in the Jerusalem governorate on suspicion that he bought and stockpiled stolen materials. The police handed him over to the Ramallah prosecutor general, whereupon he was held at the Ramallah Reform and Rehabilitation Center. In a complaint filed with **PICCR** on 10 August 2003, the said citizen claimed that he was transported from the Ramallah Reform and Rehabilitation Center to another location, where he was beaten and cigarettes were burned on his neck before being returned to the said reform and rehabilitation center. The **PICCR** researcher observed burns and bruises on the complainant's body. **PICCR** contacted the Director General of the Reform and Rehabilitation Centers at that time, requesting an investigation into the said citizen's complaint. The response stated that after the citizen had been detained in the Ramallah Reform and Rehabilitation Center on charges of hoarding stolen monies, he was turned over to the Ramallah police on 9 August 2003, upon the request of the police director in the governorate. At dawn the following day, he was returned to the reform and rehabilitation center, where it became apparent that he had been subjected to beating and mistreatment while at the headquarters of the Ramallah police, as evident from cigarette burns on his body. The response went on to state that the Ramallah Reform and Rehabilitation Center did not have any connection to the matter. Immediately thereafter, **PICCR** contacted the Minister of Security Affairs demanding that he investigate the said citizen's complaint and punish those who tortured him. As of the end 2003, however, **PICCR** had not received any response.

Excerpt from the Chapter on Israeli Violations of Palestinian Citizens' Rights

Arbitrary Detentions

During 2003 the occupation forces continued their campaigns of arbitrary arrest almost daily, taking in thousands of Palestinians. As of 23 June, 130 citizens from the Hebron governorate were being detained under claims by the occupation forces that they were Hamas activists. Moreover, a large number of Palestinian detainees have been transferred to administrative

detention. The occupation forces also detained family members of those who carried out bombing operations inside the Green Line and of those who carried out armed operations against settlers and soldiers inside the occupied territories, as well as of those wanted by the occupation forces for activist involvement in the Intifada.

Although the occupation authorities released 100 detainees on 8 June 2003, following the Aqaba Summit held on 3 June, as of 31 December there still remained 6,206 Palestinian detainees, distributed as follows: 2,518 in the main prisons, 3,397 in military detention centers, and 291 in other detention centers. Among the 6,206 detainees, 669 were being held in administrative detention, 275 were children, 77 were women, and 117 were in solitary confinement.¹ Also among the detainees were Palestinian Legislative Council members Marwan Barghouti and Husam Khader; PLO Executive Committee member Abdel Rahim Malluh; Hasan Yousef, one of the leaders of Hamas; and other political leaders.

Further, the occupation authorities' practices against Palestinian civilians in this regard, especially administrative detention and arrest for extended periods without trial, are a blatant violation of the right to not be arbitrarily detained without charge, as well as the right to a fair trial with all legal guarantees of defense. The occupation authorities are also violating international standards, under which an arrestee must be informed of the reasons for his or her arrest; the family of the arrestee must be immediately notified of the place of detention; and the arrestee has the right to meet with his or her lawyer without delay.

Credible sources in the human rights field—Palestinian as well as non-Palestinian—affirm that the Israeli security agencies continue to practice the following forms of torture: placing the detainee in a chair for long periods and tying his hands behind his back with metal ties, while tying his legs together and forcing them back underneath the chair; seating the detainee for long periods next to an air conditioner that expels cold air and then next to a machine that expels hot air; violent shaking, which is known as “banana shaking” used in Moskobiya detention center; and sleep deprivation.² Torture is used on children detainees as well, especially at the time of arrest.

Occasionally, Israeli prison authorities conducted raids of prison cells, beating prisoners and firing tear gas—in many cases resulting in injuries among prisoners. For example, on 2 March, a number of detainees at Ketse'ot prison in the Negev were injured when they were fired upon by rubber bullets and tear gas due to their protest against the prison administration's foot-dragging in improving their detention conditions. On 7 July, a force made up of police and border guards stormed the Ramla women's prison, where they assaulted and fired tear gas at prisoners; as a result some of the prisoners sustained severe injuries and were thereupon transported to the Ramla prison hospital. On 31 July, a military force stormed Ashkelon prison, where they assaulted and fired tear gas at detainees, resulting in the injury of approximately 100 of them. On 20 August, a number of prisoners at Megido prison sustained injuries from rubber bullets and tear gas bombs during their protest against the transfer of a group of fellow-prisoners to Al-Naqab desert prison.

Some Israeli prisons and detention centers continued to lack appropriate health facilities. Most prisons suffer from a lack of cleanliness, cramped space, and the spread of mice and cockroaches. Moreover, prison administrations are not always bound to provide prisoners

¹ According to the **Mandela** Institute for Political Prisoners.

² See the Website of the **Palestinian Prisoners' Society** at <http://www.ppsmo.org>.

with the medical treatment in accordance with the status of the patient or the doctor's prescription. The prison administrations prevent outside physicians from examining patients or following up their treatment, despite the fact that prisons lack on-site physician specialists—or even qualified nurses. On 19 February, detainee **Walid Muhammad 'Issa Amr**, 40, of the town of Doura/Hebron, died at Nafha prison in the Negev due to administrative foot-dragging in providing him with the required treatment when he was suffering from bronchitis. On 8 December, detainee **Bashir Muhammad 'Oweis**, 27, of Balata Camp/Nablus, died in Al-Afula hospital after suffering a stroke at Megido prison. In Al-Naqab desert prison, there are 200 detainees suffering from various illnesses while the detention center administration drags its feet in providing the required medical treatment.

Prisons and detention centers continued to suffer from overcrowding. In response to a petition on this matter presented by the organization Physicians for Human Rights – Israel on 1 July 2002, the Israeli High Court of Justice issued a final ruling on 24 June 2003 affirming that the state of Israel was in violation of the law, and prohibiting a continuation of the current situation, in which detainees are sleeping on the floor. The same ruling demanded that the state submit a periodic report to the Court by no later than 31 December 2003 showing constant reduction in the number of detainees sleeping on the floor. According to Physicians for Human Rights, the petitioning organization, detainees sleep on the floor in most detention centers, and some of the centers exceed their occupancy capacity by more than 100 detainees.

The period covered by this report also witnessed hunger strikes in protest against poor detention conditions. On 27 June, detainees at the Nafha and Bir Al-Sabi' prisons went on hunger strike in solidarity with prisoners Ahmad Al-Barghouthi and Musa Doudin, who were at the Ramla prison hospital due to deteriorating health following their own hunger strike to protest their solitary confinement. On 6 July, 900 detainees at the Ashkelon prison declared a hunger strike to protest the Israeli government's decisions related to unfair criteria for releasing Palestinian prisoners. On 1 August, prisoners at the Shatta, Nafha, Bir Al-Sabi', and Hadarim prisons declared a one-day hunger strike to protest the assault on prisoners at Ashkellon prison. On 9 September, 27 Palestinian prisoners in the Qedumim military detention camp, located near Tulkarem, began an open hunger strike to protest the assault of prisoners as well as the difficult conditions prisoners must endure.

The Israeli authorities continued to detain thousands of Palestinian prisoners outside the borders of the Palestinian territories occupied in 1967. This is a breach of Article 76 of the Fourth Geneva Convention, which stipulates that: "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein."

Excerpt from Parallel Report to the Human Rights Committee

Legal Context

The Palestinian court system is based on legal codes that predate the 1967 Israeli occupation and Israeli military orders. The Gaza legal code is based on Ottoman, Egyptian, British Mandate, and PA directives and laws. The West Bank legal code is derived from pre-1967 Jordanian law (informed substantially by Ottoman and British Mandate law), and PA directives and laws. Israeli military decrees issued during the occupation, which number over 1500, are still enforced by Israeli authorities in both the West Bank and Gaza.

As well as the Palestinian civil and criminal courts, citizens' are tried in Israeli military courts which lack legal protections used in civil courts. The only exception to this is appealing to the High Court over the administrative actions of the military (i.e. use of weapons, practices, checkpoints).

Applicability of International Law

Israel has argued that under international law it is not required to apply these treaties to areas that are not part of its sovereign territory. It takes the position that humanitarian law should be applied in the Occupied Territories to the exclusion of international human rights law. However, it is a basic principle of human rights law that the International Covenant on Civil and Political Rights and other human rights treaties are applicable in all areas in which states parties exercise effective control, regardless of whether they exercise sovereignty in that area or not.

In addition, Israel argues that it cannot be internationally responsible for ensuring the implementation of the International Covenant on Civil and Political Rights in these areas because the majority of civil powers and responsibilities have been transferred to the PA under the Oslo Agreements. Israel claims that the PA "is directly responsible and accountable vis-à-vis the entire Palestinian population of the West Bank and the Gaza Strip with regard to such issues."

The Oslo Agreements envisage that the PA should exercise extensive powers and responsibilities in the Occupied Territories. However, the PA is clearly dependent on Israel's cooperation to exercise these powers and responsibilities. Israel can and does control the movement of Palestinians within the Occupied Territories, as well as access to many vital resources such as land and water. Increasingly in the past year, it has redeployed its forces in towns and villages which according to the Oslo Agreements are under the PA jurisdiction and where most Palestinians live. There can be no doubt that Israel continues to exercise effective control over the Occupied Territories and is therefore responsible for implementing its obligations under international human rights law.

Even though Israel has argued before the UN human rights treaty bodies that the appropriate legal regime to be applied in the Occupied Territories is humanitarian law only, it has refused to accept that many of these norms are applicable. While recognizing the de jure applicability of the Hague Regulations, it has consistently rejected the applicability of the Fourth Geneva Convention. Israel maintains that it applies de facto unspecified "humanitarian provisions" contained in the Fourth Geneva Convention, while arguing that it is not required to do so by international law. However it alone on this as the UN, the ICRC and the international community at large have consistently maintained that the Fourth Geneva Convention fully applies to the

Occupied Territories and that the Palestinians are a protected population under the terms of the Convention.

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

i. Practice of torture

The Israeli Intelligence services, the Israeli military, and the Israeli police have all been involved in Torture or Cruel, Inhuman or Degrading Treatment (CIDT) or Punishment of Palestinian detainees. In addition, the IDF regularly subject Palestinian civilians to such treatment at military checkpoints. Because such treatment is so routine, it is difficult to quantify (see also article 12). Soldiers and settlers frequently engage in violent beatings and shootings of Palestinian civilians, particularly during curfews. Israeli soldiers also attack Palestinian workers, with beating and humiliating them as they are come and go from their areas of residence.

As examples of such behavior, on the morning of 1 January 2001, Jadallah Al-Juabari was stopped by the IDF as he was trying to leave the occupied area of Hebron (Area "H2") towards Palestinian controlled Area "H1." He was informed, in Hebrew, that he could not be out walking in the area because of a curfew. However, Al-Juabari does not understand Hebrew. He was then ordered to return to home. He left, but when he reached a distance of some 15 meters, a soldier fired two bullets at him, breaking his right foot and separating it from the rest of his leg. An Associated Press photographer happened to be in the area and snapped a photo of Al-Juabari lying on the ground, holding his severed foot with his hand and bleeding intensely. As reported by the Washington Post, in December 2002, Israeli forces started engaging in a new practice, known as "The Lottery," where curfew violators are ordered to choose one of several folded pieces of paper that have different punishments written on them -- such as "broken leg," "smashed hand" or "smashed head" - and the soldiers then administer the selected punishment. This was reported to have happened in Hebron, where a group of Palestinian youths were taken to the Israeli settlement of Beit Hadassah and after selecting various pieces of papers, had their hands, legs or nose broken. Similar illegal behavior occurred in other West Bank locations, as testified to by Firas Mohammad Khamis El-Srafandi (17 years), who was subjected to it when he was stopped by Israeli soldiers while returning to his village of Jifna, near Ramallah. It is believed that this practice lead to the death of Amran Abu Hamediye, 18, who Palestinian witnesses reported was beaten severely around the head.

Insults are not restricted to the living. On 30 December 2001, the IDF killed three Palestinian children in Beit Lahya near Gaza City: Muhammad Ahmed Labed, age 16, Muhammad Abd Al-Rahman Al- Madhoun, age 16, and Ahmed Muhammad Banat, age 15. Their corpses were kept for four days near the Eli Sinay settlement. Palestinian medical sources reported that Israeli soldiers had killed the three children after they had been wounded, and then mutilated their corpses. They burned and stabbed the bodies with knives, broke their limbs, crushed their heads, and removed some of their internal organs. The mutilated bodies of the three children were shown to the media on 3 January 2002, before their burial.

ii. Methods of torture

On 31 May 1987, the Israeli Government established a commission of inquiry to investigate the interrogation methods used by the General Security Services (Shabak) to obtain

confessions from Palestinian detainees. The Commission, chaired by retired Israeli High Court Justice Moshe Landau, concluded that “the interrogation of prisoners who are accused of carrying out terrorist activities will not be successful without using pressure.” The Landau Commission recommended the use of pressure that “should principally take the form of non-violent psychological pressure via a vigorous and lengthy interrogation... However, when these methods do not attain their purpose, the exertion of a moderate measure of physical pressure cannot be avoided.”

On 13 January 1999, the Israeli Government submitted a written response to the Israeli High Court of Justice regarding appeals against various interrogation methods used by the Israeli Intelligence Service (Shabak), including "severe shaking " which resulted in the death of Abed El-Samad Hreizat on 25 April 1995. That document stated: "The Government decided to submit to the Israeli Knesset a draft law regulating the authority for special investigations conducted by the Shabak, including the authority to use moderate physical and psychological pressure". On 16 January 1999, the Israeli Attorney General issued an official statement asserting that the torture methods used by the Shabak while interrogating detainees, including physical pressure and severe shaking are "legitimate and vital methods," since they aim to prevent suicide operations and thus save the lives of Israeli citizens.

On 6 September 1999, as a result of numerous complaints and petitions by human rights organizations concerning Israel’s use of torture against Palestinian detainees, the Israeli High Court of Justice banned the use of four methods of torture which were previously allowed by the Landau Commission. These included the vigorous ‘shaking’ of a detainee, placing the detainee in the ‘Shabeh’ position, forcing the detainee into the ‘Gambaz’ (frog crouch) position, and depriving the detainee of sleep in a manner other than that which is inherently required by the interrogation. That decision, made by 9 judges, overruled the regulations permitting use of such methods of torture during interrogation as severe shaking, position abuse, sleep deprivation, hooding and shackling the detainee and the use of extremely loud music. The Court added: "If the State wishes to enable the Shabak to use physical means during interrogation, then it should adopt a law". But no new legislation was ever passed.

Evidence suggests the continued use of the four methods of torture specifically outlawed by the Israeli High Court in 1999. In addition, that ruling left a loophole permitting the use of “moderate pressure” in “ticking bomb” cases. These definitions have not been further refined by the Court, and torture or CIPT appear to remain rampant.

The methods of physical brutality used to coerce confessions are as following: in addition to physical torture, detainees are often threatened with the arrest, deportation or demolition of homes of family members. Since the beginning of the current Intifada, a significant increase has been noted in the use of the following methods: threats and actual attempts to kill the detainee, attempted rape, arrest of family members, threats of deportation and house demolition, use of collaboration cells to obtain confessions, and the threat of placing the detainee in administrative detention if he/she does not ‘confess’.

According to their testimonies, Palestinian detainees continue to be subjected to the following forms of torture:

1. Tied up in painful positions for hours or days on end.
2. Solitary Confinement.
3. Placement in collaboration cells.

4. Confinement in tiny isolation cells.
5. Beatings.
6. Deprivation of sleep and food.
7. Preventing the use of the toilet.
8. Exposure to cold or heat.
9. Tightening of plastic cuffs
10. Verbal, sexual and psychological abuse.
11. Threats against the individual or the individual's family.
12. Lack of adequate clothing or hygiene.

The Treatment and Rehabilitation Centre for Victims of Torture conducted a study in 2002-2003 on 105 persons out of 508 tortured persons registered at their Center. 100 participants among the study sample were arrested by Israel (95.2%). They had been exposed to the following kinds of torture: severe beating, torture under hot or cold weather, pressure on the head or other parts of the body, gas inhaling, violent shaking, electrical shocks, falanga, bones breaking, burns with cigarettes, intense noise, deprivation of sleep and of food and /or water, solitary confinement, subjection to bright light or darkness for long time, deprivation of necessary medication, verbal abuses, rape or attempt to be raped by others, threat to rape a family member (sister, wife), threat to injection causing sterility, and threats against the victim's family.

Article 10-Treatment of persons deprived of their liberty

i. Conditions of detention

Palestinians detainees do not benefit from adequate standards of detention. Administrative detainees are held together with convicted prisoners and political prisoners are not separated from common criminals. Freed detainees have reported that they were not given sufficient food during their detainment and that the food they were given was of extremely poor quality. Detainees have also reported that they were deprived of sleep and not allowed to use bathrooms when needed. Some of them were forced to sit for hours, sometimes days, with their hands tied behind their backs and their eyes covered. Detainees have also reported that the general conditions within the detention centers are extremely bad. Skin diseases are rampant, the bathroom facilities exude foul odors, and there are not enough clothes or bedding for the detainees. Moreover, the rooms or tents are overcrowded and approximately 60 detainees are placed in a tent that is not big enough for 25.

The Israeli prison authorities sometimes attack the prisoners' rooms, assault detainees, and fire teargas bombs, resulting in numerous injuries among prisoners. Some of the Israeli prisons and detention centers still lack appropriate sanitary facilities. Most of the prisons suffer from filth, and the spread of mice, snakes, and roaches. The prison administrations do not provide prisoners with necessary medical treatment as required by individual cases or as indicated by doctors' prescriptions. Doctors from outside the hospital are forbidden from examining patients or following-up on their treatment, despite the prisons' lack of resident physicians or even qualified nurses. Family visits are denied, and visits by lawyers are severely restricted.

Conditions at Ansar Detention Centre

The detention center is in the Neguev desert. Each of the prison tents holds approximately 20-22 detainees. However, this number increases irregularly as new detainees are brought in and

as many as 70 detainees have been in a tent at one particular time. The tents themselves are in extremely poor condition, with thinning material and holes. Each detainee is given a wooden shipping plank and a thin outdoor mattress to sleep on. The wooden planks are approximately 60 cm wide and 1.60 meters long, with gaps every 5 cm along the length of the plank. The plank is raised approximately 7 cm from the ground. The outdoor mattress is approximately 2 cm thick. Each detainee is given three thin blankets. However, the blankets are often not long enough to cover the length of the detainee, and as there are no pillows given by the military prison administration, one of the blankets is usually folded up and used as a pillow.

The time of use of 220 V electrical cords is restricted from 11 pm in the evening until 6 am, and discontinuing electrical supply has been used frequently as a punitive measure by the military administration. For each of the four units, one toilet facility made up of three makeshift toilets is available for over 60 detainees each. The toilet consists of an open dug out channel and one of the toilet areas includes a shower. Outside of the toilet area, there are 12 water faucets, which are also for laundry. Detainees are free to use the toilet at any time, but the conditions of the area are extremely unsanitary.

The military prison authority provides one bar of soap for every ten detainees, in addition to toothpaste, a toothbrush, and a shaving razor that is returned and replaced once a week. Detainees are not given a change of clothing and remain in the clothes they were wearing when they were arrested. Lawyers have been prevented from bringing any personal effects for detainees from family members.

The military prison authority provides detainees with basic food rations once a month. The provided rations do not meet necessary daily requirement, both in terms of quality and nutritional value. For example, one bag of sliced bread was allowed for 12 detainees (this ration has now been changed to one bag per 4 detainees, after much protest from detainees), 1 small container of yoghurt was allowed for 8 detainees, and, very rarely, limited fresh fruits and vegetables. No sweets are provided. Special dietary needs are also not considered by the military authorities. There are 56 detainees who require special meals due to previous conditions, including ulcers, diabetes, lactose intolerance, etc. Detainees are responsible for cooking their own food, and each detainee is given a metal food tray and plastic spoon for food distribution. Steel spoons have been forbidden for security reasons and it is extremely difficult to replace broken plastic spoons. There are no burners provided for boiling water in the prison tents, and detainees have often resorted to taking apart parts of their plank beds, clothing, etc. to make small fires for heating water. Eating times are set by the military guards, as food must be distributed under military escort. Often, if there are not enough soldiers to do this, meals are delayed for extended periods of time until more soldiers are available. Detainees are forced to eat in the prison tents, on their beds, as there is no designated eating area.

There are approximately 60 detainees being held at Ketziot prison who require medical attention that has, as of yet, not been provided to them. Many of those who require medical attention were arrested during the Israeli invasions in April 2002 and sustained injuries during raids and mass arrest campaigns. There is a makeshift medical clinic in the prison, comprising of the passenger cabin of an old Israeli military jeep, which offers general first aid care. However, detainees who have reported medical conditions have rarely received the necessary treatment.

ii. Arrest and interrogation

During arrest and interrogation, the vast majority of Palestinian detainees (adults and juveniles) are exposed to violent physical and psychological mistreatment including: beating, isolation, sleep deprivation, threats, position abuse (shabeh), exposure to humiliation and degrading situations, food and drink deprivation, being prevented from using the bathroom, being doused with cold and hot water, shaking, deprivation of family and attorney visits, pressure to collaborate with the Israeli security services, forced signing of confessions, and collective interrogation.

iii. Conditions for juveniles

Children are often placed for long periods of time in small isolation cells, with little ventilation and an open toilet. Children are also repeatedly threatened with long prison terms, imprisonment of family members, demolition of family home, and/or rape of female members of the family. The conditions for child detainees are far below standard. Palestinian juveniles are mixed in with adults at the age of 16 (see also article 24).

Israeli military authorities transfer juveniles to temporary detention facilities pending trial. The type of the detention facility depends on factors like age, sex and residence. Juveniles are distributed among three centers Ramla, Megiddo and Tal Mund. Some juveniles were also held at 'Ofar, a military camp west of Ramallah, and at the Ansar III facility, in the Negev desert.

Ofer Detention Center

The camp includes a section for juveniles, holding about 30 inmates under the age of 18, at the end of 2002. Juveniles are totally isolated from the outside world and are denied family visits. Lawyer visits are also scarce. For the first several weeks, there was no electricity, no radios, TV, newspapers or books. There was nothing to do inside the tents, except sit and talk. Conditions have improved somewhat, but they are still the worst of any Israeli military detention camp. Clothing is supplied by the ICRC and other charitable organizations, newspapers and books have been brought in by Mandela, supplied by the Al-Bireh municipal library.

The detention center consists of nine sections each with four tents that house 23-25 prisoners each. The sections are separated by barbed wire covered by heavy cloth that prevents communication between each section. The tents are in poor conditions and are erected over an asphalt surface. They are filled with dust and insects. Each tent contains wooden pallets with a thin sponge mattress on which the detainees sleep. Each detainee is given four dirty blankets to use as bedding. There are no pillows provided. There is nothing to do inside the tents except sit and talk. The tents do not keep out the extreme winter cold or the scorching summer heat.

The food provided for the detainees is unfit for human consumption and provided in very small quantities. Until 13 May 2001, the detainees were not provided with any hot meals or beverages at all. Instead, they were given frozen schnitzels, which they had to place in the sun to defrost. They were provided with powdered coffee and tea bags and told to take hot water from the bathroom in order to make drinks. Each 10 prisoners were provided 1-2 cucumbers, a couple of pieces of fruit and a small tub of yogurt. Detainees who suffer from

chronic diseases such as diabetes and blood pressure problems were not given any special food, so other detainees had to give them their food portions in order to ensure an adequate diet for these sick detainees. Following the 13 May 2001, detainees were provided with hot meals but the quantity and quality of this food is unknown. The detainees are not given plates and instead each eight prisoners are forced to eat collectively from a large bowl. Charitable Palestinian non-governmental organizations often donate food supplies to the prisoners. But, at times, the camp administration restricts its admittance. On 7 November 2002, for example, the Mandela Institute obtained permission for a shipment of fish. The camp administration returned the shipment without giving any reasons.

The detainees spend most of the time sitting in the tent talking amongst each other. After nightfall, movement between the tents in each section is forbidden. At night, soldiers harass the detainees by firing bullets in the air, throwing gravel at the tents and yelling at the prisoners. The detainees have been forbidden from electing a representative to deal with the authorities (as is the usual practice inside prisons) and they reported that they are regularly exposed to beating by soldiers, especially while being taken to and from interrogation.

Tal Mund Central Prison

Most of the juveniles held at Tal Mund are under 16 years of age. This prison is located inside Israeli borders and is run by the Israeli Prison Authority. There are approximately 68 Palestinian juveniles confined there under harsh conditions. On 3 January 2002, juvenile prisoners went on a hunger strike to protest these harsh conditions. Palestinian juveniles are held among common Israeli criminals, mostly drug addicts and traffickers, in clear violation of international norms and principles. Israeli prisoners often assault, provoke and even attempt to molest Palestinian juveniles. Food is of poor quality. The prison administration restricts food supplies provided by families. Medical care is inadequate. Several inmates with gun wounds sustained prior to or at time of arrest need appropriate medical attention badly. Windows are sealed with metal sheets preventing sunlight from coming in. Ventilation is also very poor. Exercise time is limited to 15 minutes per day. Lice infest the inmates, as the administration restricts cleaning and hygiene materials. The prisoners' representative was thrown into solitary confinement and was threatened with bodily harm for demanding such materials.