



LPHR Event: Prisoner Rights Issues in Israel and the Occupied Palestinian Territory.

Tuesday 24th May 2016

Garden Court Chambers

Chair: Tessa Gregory

SAHAR FRANCIS

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LPHR gives special thanks to Angelina Nicolaou for preparing this summary

The LPHR event on prisoner rights issues was organised amidst the recent upsurge in violence and the steep rise in the number of Palestinians arrested, detained and imprisoned.

The event began with a film screening of the short film by photojournalist **William Parry** entitled '**Breaking the Generations: Palestinian Prisoners and Medical Rights**'. This film centred on the use of military arrest and detention as a tool for control and oppression, and focused on the lack of medical care offered to Palestinian prisoners.

Tessa Gregory introduced the discussion by explaining that the short film that had just been screened was edited and released in July 2015. Since October 2015 the use of administrative detention has been used far more frequently. Tessa explained that in international law administrative detention can only be used in exceptional circumstances, but that in Israel it is used as a matter of course. The latest available Israeli prison service figures states that, 6204 Palestinian prisoners are being held on 'security grounds', the highest number since July 2010. 584 of these prisoners are in administrative detention.

SAHAR FRANCIS

Sahar began explaining that the situation for Palestinian prisoners has really deteriorated further since October 2015. The targeting of the Palestinian people continues to occur. Sahar explained that where there was once a 'vague Oslo concept', with the division between Areas A, B and C, this concept has eroded and the Palestinian Authority do not have control of the ground in any area. As a result, there are routinely raids in Ramallah and Nablus.

Sahar noted that there seems to have been a change of policy that has not been publicised or announced. The use of live ammunition by Israeli military officers seems to have risen, however the



direct policy remains behind a veil of secrecy. The Israeli government are refusing to publish orders relating to this, however as Addameer has been documenting incidents of the use of force it has noticed a trend that seems to suggest a 'shoot to kill' policy. There have been 220 cases of Palestinian killed in the last few months. A large number of these people were shot in the chest, consistent with a 'shoot to kill' policy. Sahar explained that the bodies of those killed in these instances were kept away from the families, and the Israeli government refused to carry out an autopsy. These factors, Sahar suggests, indicate that an informal or unspoken 'shoot to kill' policy now exists.

Addameer and a group of other Palestinian NGOs referred this matter to the Supreme Court of Israel, to demand that the state carry out investigations and autopsies into these deaths. The Supreme Court refused to enforce this upon the government.

Sahar explained that there is a range of different people being targeted for arrest and detention, ranging from political activists to children aged only 9-10 years, who have been arrested for stone throwing, attacks or stabbings.

As it stands according to Addameer figures, in May 2016, there are 7000 Palestinian prisoners detained by the Israeli military. 750 of these detainees are in administrative detention, without charge. 70 of these detainees are women. 450 of these detainees are minors (under the age of 18).

Those detained under administrative detention orders include members of the Palestinian Legislative Council. Sahar explained that just last week 3 parliamentarians were arrested. Sahar explained that throughout the entire process, from arrest to interrogation to detention in the detention facilities, there is violence, ill-treatment and torture present.

Whilst the prevailing commentary may be that imprisonment is for the purposes of getting information from those detained, Sahar suggests that the actual reason for the systemic use of the arrest and detention of Palestinians is to facilitate the control and oppression of the whole community. Sahar has noticed that there has been a stronger push to control uprisings and civil movements by using arrests.

Sahar explained that these arrests and killings are operating within a wider framework of oppression, and are linked to other actions such as home demolitions, threats of deportation and expansions of settlements. Arrests provide a necessary control and restriction of the population, and are often accompanied by the enforcement of fines against the accused's family, and in Jerusalem, the threat that the families' national insurance benefits will be revoked.

In terms of the future, Sahar explained that she is expecting that there is worse yet to come with the new government, and that things are likely to deteriorate further.

RACHEL STROUMSA

Rachel began her presentation by explaining that, in discussing the topic of torture, she was only talking about one niche within the fabric of reality that Sahar had been speaking of. Rachel explained that the fact that there is so much to say on the one discrete area of torture, is of deep concern.



Rachel referred to the legal definition of torture as found in the United Nations Convention Against Torture, and explained that, when discussing incidents of torture, this was done with reference to the legal definition; it is not a word that is thrown around lightly. Rachel also emphasised that the statistics that she was to present throughout are likely to grossly underplay the number of incidents of torture that actually take place; this is because PCATI only refer to the cases that they have themselves had worked on and have properly vetted.

Rachel explained that in the last six months, 70 women have been arrested of security offences, which is a spike in the number of women arrested for these types of offences.

As a case study, Rachel presented the case of 'LO'. This was a 30 year old woman, a widow, with one child who was arrested in 2010. LO was violently arrested in the middle of the night and held incommunicado for 47 days. Rachel stated that whilst it is usual for detainees to be held incommunicado, without access to their family or legal counsel, it was unusually long duration for a woman to be held in such circumstances. Rachel explained that detainees are usually allowed to see their family or lawyers once they have signed a confession. Other than that, the usual way in which a detainee will see their lawyer is in the hallway of the Court, 30 seconds before they are put before a judge for the purposes of extending the detainees incommunicado detention. For these purposes there is no meaningful contact between the detainee and their lawyer.

In terms of interrogation, Rachel listed a number of techniques that are often used against Palestinian detainees, including: stress positions, sleep deprivation, painful shackling, verbal and physical intimidation, sexual intimidation on minors and women and demeaning detention conditions.

The case of LO showed the timeline of a complaints procedure in cases where torture and ill-treatment is alleged. In this case, LO was arrested in 2010. The complaint of torture was not lodged until March 2012. This is because of the lack of access to a lawyer while initially held in detention, and because many of the allegations of torture contain topics which are taboo, such as sexual intimidation, and as such, detainees do not confide in their lawyers about these incidents until a relationship of trust has been built over time. In the case of LO the complaint was lodge in 2012 and in July 2015 PCATI was notified that the file was to be closed and that no criminal investigation was to ensue.

Rachel explained that in her experience at PCATI, this outcome was inevitable. Despite taking 40 months to deal with the complaint, nothing substantial was done with it. Rachel explained that PCATI has appealed this decision, but from what she knows of her experience with these cases so far, it is almost inevitable that this appeal will be refused.

Rachel highlighted that there is complete impunity of the Israeli Security Agency (ISA) in their interrogations. There are now over 1000 complaints regarding torture in ISA interrogations and despite this there has not been one criminal investigation.

Rachel explained that in the course of her work at PCATI she has noticed the consistent use of techniques such as stress positions, beating and sexual harassment. She explained that the technique of shaking is very rare, due to the fact that it was specifically outlawed by the High Court of Justice in 1999.



What this reveals is that there is a policy that surrounds the techniques used by the security forces in interrogation. It is clear that there is permission for some techniques to be used over others. Rachel suggests that there is a firm hand steering the wheel of interrogation, walking the line of what is considered to be prohibited torture, and what is considered to be acceptable interrogation techniques.

In terms of dealing with complaints of torture, Rachel explained that the system is missing elements such as promptness, efficacy and professionalism. Frankly put, Rachel explained: “this is not what due process looks like.”

In terms of access to health, Rachel explained that prisoners do not get to see medics. There are prison doctors who see detainees within 24 hours of their detention, but this tends to be a meaningless exercise as the health professional does nothing to help the detainee. The usual scenario is that the prisoner is given a piece of paper written in Hebrew and is asked to tick off the boxes to mark their medical complaints. When a prisoner explains that they cannot read the list, they are told to simply sign at the bottom. This is then taken as a formal declaration that the prisoner has no medical complaints.

Rachel explained that the root of this problem lay in the fact that prison doctors, in every way, see themselves as employees of the prison, embedded within the culture of the prison system, and not as independent medical professionals. Ultimately, the doctor should fall under the jurisdiction of the Ministry of Health and not the Minister of Internal Security, but this is not the case.

Q&A SESSION

Is there counselling/help available for children after they are released to help them deal with the trauma they have suffered?

Sahar explained that there is more awareness for psychological rehabilitation after release than there was in the 1970's-90's however it is still not enough. This is the reason why many children suffer from symptoms of PTSD and are found to drop out of school following an incident of arrest and detention.

What is the reason for the rise in prison numbers in the last 3-4 years?

Sahar explained that one reason may be that imprisonment is being used in a very political way. Even in instances where there have been arranged prisoner releases, the Israeli government has done this in a controlled and careful way in order to be able to use those detained as a bargaining chip. Sahar referred to the fact that the Israeli government did not release one group of detainees as promised, because it was trying to put pressure on the Palestinian Authority to not ratify the Rome Statute. Therefore prisoners can be used in this way to exert pressure or punishment on the Palestinian Authority for its political decisions.

Is there a medical regulating body that could hold prison doctors accountable for their malpractice?

Rachel explained that she is aware of only one case, but this is a case where the doctor was actually present in the interrogation room whilst the methods of torture and ill-treatment were being undertaken before his eyes. Even in this case, Rachel highly doubts that this doctor will be struck off. In



most other cases the involvement of the doctor is more remote as they usually only assess the detainee and conclude that they are fit for interrogation. Whilst they are therefore complicit in the torture and ill-treatment, they are not currently likely to face accountability at the hands of a regulatory body.

What is the impact of the force feeding bill? Is there any way this bill can be changed?

Sahar explained that the bill was confirmed in July but was never practiced until today, despite several prisoners being on hunger strike in administrative detention. Whilst the bill was apparently created to 'save lives and protect health', Sahar says that the use of force feeding is for other purposes.

Rachel explained that the bill presents glimmer of hope because there was a strong negative reaction of the medical society and the public that the legislation had gone too far. In her view, the hope for this legislation is that it will be forgotten about and repealed in ten years' time with little consequence. In contrast, Rachel explained that the fear is that the legislation will be pulled out to be used next month, or next year.

How can we as individuals in the UK help those who are suffering from this oppressive system?

Sahar explained that raising awareness of the issues is central to helping. However supporting the Boycott Divestment and Sanctions is another route to gaining traction and facilitating further conversation about these important issues.

Rachel explained that approaching Israeli lawyers and offering assistance with our experience and expertise in the legal system in the UK would also be highly beneficial, as well as awareness raising of the issues.

William Parry explained that steps seem to be being taken by the UK government to quell freedom of speech, and that students and other activists should continue to raise awareness of these issues.

When complaints of torture are closed without criminal investigation, are reasons given to the complainant as to why their file has been closed? In light of the findings of the Landau Commission, why are the accounts given by interrogators held to be more credible than that of the victim?

Rachel explained that in the last few years she has seen an improvement in the quality of response given by the complaint investigator. The refusal tends to be a letter of about 2-3 pages long which notes that the investigator has spoken to the victim and those involved. The refusal is usually based on one of three reasons: (1) There are issues of credibility, (2) there is no evidence and (3) the investigator is aware that the incident occurred in a factually different way to what is alleged by the complainant.

Rachel explained that the findings of the Landau Commission, which found that interrogators routinely lied on the stand in court, was not taken into account in current investigations into torture or ill-treatment. The findings of the Landau Commission are, as Rachel describes, "water under the bridge". The only thing that will help facilitate these complaints, or stop the need for them in the first place, is the use of audio visual recording for all interrogations, including cases of security offences.