

IHRP Final Report

Sofia Mariam Ijaz

September 9, 2011

Two weeks ago I returned from the Occupied Palestinian Territories where I worked with a grassroots Palestinian NGO, Addameer Prisoner Support and Human Rights Association. As someone who has known of the conflict all my life, I have really only now come to understand what it means to live daily life under military occupation. Indeed it is a phenomenon that exists outside our ordinary frame of reference. I am struck by how suffocating it is, and also by the profound patience demonstrated by those who face it every day, in all its forms. As I write this final report, I am still struggling to piece together all I have seen and experienced during my time there. With that said, I will attempt to convey, in brief, aspects of my work with Addameer.

With the Ramallah-based organization, I worked with a team of lawyers and advocates on dozens of cases of Palestinian political prisoners (men, women and children) who were arrested and held by the Israeli military. In addition, a crucial part of my internship included visits to the Israeli Military Court at Ofer in the Occupied West Bank, where prisoners who were represented by Addameer's lawyers were being tried or sentenced.

Before describing my work experiences, I will give a brief overview of the military court system. Palestinians from the occupied territories arrested by the Israeli military and charged with criminal and 'security' violations (as defined by Israel) are tried¹ in either of two military courts, located in Ofer and Salem inside the Occupied West Bank. As an occupying power, Israel is permitted to establish military courts in order to prosecute civilian members of the protected population.² However, these courts are far from meeting basic requirements of international law regarding fair trial rights.³ In addition, there is incredible leeway for military officers in defining what constitutes a 'security' violation. This means that actions such as carrying a Palestinian flag, attending a demonstration, or painting political graffiti on the Wall can all be deemed offenses under various military orders governing Palestinian civilian life.

Since the beginning of the Israeli military occupation of what is now known as the occupied Palestinian territory (the West Bank, East Jerusalem, and the Gaza Strip) in 1967, over 700,000 Palestinians have been arrested and held under Israeli military orders. This means that an estimated 40% of the entire male Palestinian population has been imprisoned at some time during their lives, many of whom are re-arrested at some point after being released. Currently, 5,554 *political* prisoners are being held by Israel, including 19 members of the Palestinian

¹ Some are held in administrative detention and are held without charge or trial.

² Article 66 of the Fourth Geneva Convention

³ For example, *the right to prepare an effective defense*: a Palestinian detainee can be held without access to counsel for 90 days. *The right to interpretation and translation*: although Israeli law states that a prisoner must be interrogated in his native language and also that any statement be written in that language, in practice confessions are many times signed by Palestinian detainees despite it being written in Hebrew. In addition, all proceedings in the military court are conducted in Hebrew with incomplete and insufficient (in quality and quantity) translation. *The right to trial without undue delay*: Palestinian detainees can be held for interrogation for 8 days without being brought before a judge. This interrogation period can be extended upon orders by a military judge for a subsequent period of up to 90 days.

Legislative Council, 221 administrative detainees (those held without charge or trial)⁴, and 211 children.

Amongst the cases I worked on were those of Mahmoud Al-Ramahi, a member of the Palestinian Legislative Council and prominent human rights defender, Bassem Tamimi. On behalf of Addameer, I filed a number of UN Complaints to various working groups (such as the UN Working Group on Arbitrary Detention and the UN Special Rapporteur on Human Rights Defenders) regarding certain cases, such as prisoners suffering from medical neglect and those who have been held for extended periods under administrative detention (in one case, over 2 and a half years).

The Israeli Military Court at Ofer is where I witnessed the trials of cases Addameer was working on. Indeed it is a court in name alone. Inside the half a dozen trailer-like structures called courts, four to five detainees are tried during a given session, which lasts approximately 15 minutes. The proceedings are exclusively in Hebrew, a language which the accused (and even sometimes the Palestinian defense counsel) does not speak or understand. Translation is provided at the whim of an Israeli soldier who is untrained, unmotivated, and often unqualified to do the job. As an example, one case I witnessed was that of an 18 year old Palestinian male from Hebron who was accused of raising his hand in defiance of a soldier. The accused, who had met his lawyer for the first time at the beginning of the proceedings, quickly tried to explain in Arabic that he did not raise his hand in defiance, but rather he was covering his face to prevent the soldier from photographing him. When his defence counsel (who only spoke Arabic) explained to the judge what had happened, the translator mistranslated the statement “preventing the soldier” as “hitting the soldier.” Another Palestinian lawyer in the room, who understood Hebrew, stood up and attempted to correct the translator. He was told not to interrupt the court by one of at least six guards present in the narrow trailer-like building. Suddenly, before anyone could re-translate for the judge, the sentence was announced: guilty of assaulting a soldier.

Most cases I witnessed at the military court involved boys (usually between the ages of 15 and 17) accused of throwing stones. In almost all of the cases, they were taken from their home in the middle of the night and subjected to severe interrogation measures. In many instances, coerced confessions by these minors are used against other adult detainees, such as in the case I worked on of Bassem Tamimi. Palestinian minors prosecuted under military legislation are not afforded the same protections as those subject to Israeli civil legislation. In July 2011, the Israeli NGO B’Tselem published a report which stated that “The military legislation dealing with minors does not conform to international and Israeli law, which acknowledge that the minor’s age affects his criminal responsibility and the manner in which he experiences arrest, interrogation, and imprisonment, and which assume that these experiences might harm the minor’s development.”⁵ According to this report, 835 Palestinian minors were arrested on charges of throwing stones and tried in the military courts between 2005 and 2010. Of these, 34 were between the ages of 12 and 13, 255 between 14 and 15, and 546 between 16 and 17. All except one were found guilty.⁶

⁴ Administrative detention orders are issued on the basis of Military Order 1651 (Article 285) which allows for a Palestinian detainee to be held for up to six-month periods which are renewable indefinitely if there is “reasonable grounds to presume that the security of the area or public security require the detention.”

⁵ <http://www.btselem.org/publications/summaries/2011-no-minor-matter>

⁶ <http://www.btselem.org/publications/summaries/2011-no-minor-matter>

It was at the court that I was also able to get to know many family members of the detainees. For most, this would be the only chance to see their sons, brothers, fathers and husbands throughout the course of detention. This is because 18 of 19 Israeli prisons are located outside of the 1967 occupied territory, a practice illegal under international law.⁷ Permits are required to enter Israeli territory, which are routinely and many times arbitrarily denied. Hence, during trial is one of the few times they can meet. Sitting next to me, an excited sister whispered loudly to her brother, past guards sitting between them, that she found the perfect girl for him, and a new bride mouthed to her recently arrested husband that she was pregnant. The flashes of news from their life outside made the prisoners smile and laugh – even amidst the graveness of the situation before them.

I would like to thank the IHRP for enabling me to have this extraordinary opportunity.

Sincerely,

Sofia Mariam Ijaz

⁷ Article 76 of the Fourth Geneva Convention



