

**PRISON CONDITIONS  
IN ISRAEL AND  
THE OCCUPIED TERRITORIES**

**April 1991**

**A Middle East Watch Report**

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## **THE PRISON PROJECT**

**The Prison Project, established in 1988, cuts across the five regional divisions of Human Rights Watch to focus on a single issue: prison conditions worldwide. The Prison Project has investigated conditions for sentenced prisoners, pre-trial detainees and those held in police lockups. It examines prison conditions for all prisoners, not just political prisoners. The work of the Prison Project is guided by the Prison Advisory Committee, whose chairman is Herman Schwartz. Other members are: Nan Aron, Vivian Berger, Haywood Burns, Alejandro Garro, William Hellerstein, Edward Koren, Sheldon Krantz, Benjamin Malcolm, Diane Orentlicher, Norman Rosenberg, David Rothman and Clarence Sundram. The director of the Project is Joanna Weschler.**

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## **INTRODUCTION**

**Israel incarcerates its own citizens at a rate that surpasses that of every country in Western Europe, although it is well behind the United States. In 1989, Israel had 110 prisoners per 100,000 population, compared to 426 in the United States, and below 100 in nearly all countries of Western Europe. One of the few places in Western Europe where the incarceration rate exceeded 100 was Northern Ireland, with 120 per 100,000 (the overall rate for the United Kingdom was 97).<sup>1</sup>**

**The rate for Israel's Palestinian minority<sup>2</sup> was 187, compared to 93 for Jews.<sup>3</sup> More alarming, however, is the rate of incarceration for Palestinian residents of the territories occupied by Israel in 1967 and governed by the Israeli army. If taken separately from that of Israeli citizens, the rate of incarceration in the Gaza Strip and the West Bank, excluding Jerusalem, far surpasses that known anywhere else in the world. At present, the number of Palestinians from the occupied territories held in jails, prisons and detention camps amounts to nearly 1,000 per 100,000 residents.<sup>4</sup>**

**The current rate of incarceration among Palestinians is an outgrowth of the Palestinian uprising, or intifada, which broke out in the West Bank and Gaza in December 1987. The uprising is a movement of mass resistance to Israeli occupation, involving underground political organizing, civil disobedience, and acts of violence, directed mostly at Israeli soldiers and vehicles in the occupied territories and annexed Jerusalem. For the most part, the violence in the occupied territories by Palestinians has been restricted to throwing stones and, less frequently, molotov cocktails.**

**Until the intifada broke out, the number of Palestinians from the occupied territories imprisoned by Israel had not exceeded 5,000 at any one time since at least 1981. Within the first six months of the intifada, that number more than doubled.**

**Caught unprepared, Israel had to find a way to accommodate the surge. The job was given to the Israel Defense Forces (IDF), which was deemed more able than the Israel Prison Service (IPS) to rapidly set up and operate facilities housing thousands of prisoners. The IDF camps enabled Israel to double the number of persons it was incarcerating without requiring the Prison Service to increase its**

**inmate population at all. The IDF also created a network of lock-ups parallel to the police jails. The lock-ups, located in makeshift spaces at barracks and military government buildings, held Palestinians who had just been arrested.**

**Thus a dual system of incarceration has developed consisting of IPS prisons and IDF detention camps. It would be over-simplistic to describe it as ethnically determined, with better standards for all Israeli citizens and inferior conditions for all Palestinians. Palestinian-Israelis are kept in the same prisons as Jewish Israelis, and some 4,000 residents of the occupied territories are housed in IPS prisons. On the other hand, the IDF camps are clearly the inferior system, and they are reserved exclusively for Palestinians from the occupied territories.**

\* \* \*

**This report is part of a series in which Human Rights Watch, through its Prison Project, has investigated conditions in prisons worldwide. To date, reports on Brazil, Czechoslovakia, India, Indonesia, Jamaica, Mexico, Poland and Turkey have been published; studies of prison conditions in Egypt, Spain, the United Kingdom, the United States and the Soviet Union are under way.**

**This report describes and evaluates the conditions of incarceration<sup>5</sup> experienced by all major categories of inmates in Israel and the occupied West Bank and Gaza Strip: criminal and security offenders<sup>6</sup>; men and women; adults and minors; Jewish and Palestinian citizens of Israel,<sup>7</sup> and Palestinians from the West Bank and Gaza Strip; persons awaiting trial, being held during trial, convicted and serving their sentences; and Palestinians held in administrative detention, i.e. interned on security grounds without charge or trial.**

**This volume is intended as a snapshot of prison conditions at the time of the visit, the first to Israeli facilities since Middle East Watch was founded in 1989. It covers, among other topics, overcrowding, food, clothing, hygiene, the physical condition of the surroundings, outdoor time, treatment by staff, family visits, lawyer visits, mail privileges, censorship, access to goods, opportunities for**

**education and work, punishments and avenues of obtaining remedies.**

**In focusing on how inmates are treated inside prisons, this report does not cover the processes that lead to incarceration in Israel and the occupied territories. These processes, particularly as they affect security suspects from the West Bank and the Gaza Strip, raise grave human rights issues that will be briefly addressed in this introduction. Four are particularly worrisome: a broad standard for making an arrest; coercive methods of interrogation; the violation of a defendant's right to a prompt and fair trial in the military courts; and the widespread use of administrative detention orders. The routine denial of bail to security suspects in the territories is also of concern; roughly 4,000 of the Palestinians being held in IDF detention camps at the time of our visit were either pre-trial or on trial.**

**When Middle East Watch visited incarceration facilities in Israel and the occupied territories, they held between 20,000 and 21,000 persons. Roughly 14,000 were Palestinians from the West Bank and the Gaza Strip, and some 6,500 were Israeli Jews and Palestinians, including Palestinian residents of East Jerusalem.<sup>8</sup> Of the Palestinians from the territories, nearly 1,000 were administrative detainees.**

### **Middle East Watch's Research**

**This report is based in part on a visit to 12 facilities by Middle East Watch between July 29 and August 7, 1990. The report was written by Eric Goldstein, research director of Middle East Watch, a participant in the visit.**

**We visited five prisons run by the IPS, two police jails, and five IDF detention camps. The prisons were Judea-and-Samaria Central (Jneid),<sup>9</sup> Ma'asiyahu, Neve Tirzeh, Ayalon (Ramleh), and HaSharon (Tel Mond); the police jails were the Russian Compound (Moscobiyyeh) and Abu Kabir. The IDF detention camps were Beach camp (Ansar II), Ketsiot (Ansar III), Ofer (Beitounia), Megiddo and Far'a.**

**Middle East Watch was quite pleased overall with the access granted it by Israeli officials, and the cooperation received during the visits. Although we reached the conclusion that the civilian prisons we were permitted to visit were**

**among the better facilities within the system, the National Police, on the other hand, let us tour what may be their worst jail, the Russian Compound, as one of the two jails on our itinerary; and the IDF was cooperative in granting us access to its detention camps. The itinerary included the largest and most controversial IDF camp, Ketsiot, as well as Far'a, a smaller camp with a bad reputation.**

**In spite of the cooperation we received from authorities, our access was less than total. Although, as stated earlier, interrogation was beyond the scope of this report, we asked to visit the interrogation wings of facilities that were known to have them, particularly the Russian Compound and Far'a detention camp. We were refused in both cases.**

**To our regret, the IDF did not arrange visits for us to its lock-ups (התחיה מרכז) at some of the military government buildings and in other buildings in the occupied territories. These makeshift facilities, where many Palestinians are held from the time of their arrest until they are transferred to interrogation centers or to one of the camps described in this report, are reported to have substandard conditions.<sup>10</sup>**

**We did not get to see two facilities originally on our itinerary. An appointment to go to the IPS-run Gaza Prison was canceled because of illness in the delegation. A trip to the IDF-run Dhahiriya detention camp near Hebron was canceled by the IDF on the grounds that an official U.S. delegation had arrived to tour the facility on the same day. The IDF offered to try to reschedule our visit to Dhahiriya, but in the end such a visit could not be accommodated in our schedule.**

**The IPS disappointed us by refusing a request to visit the ultra-high-security wing of Nitzan prison, which is reputed to impose particularly harsh conditions on its inmates (some of the allegations appear in this report). It must be conceded, however, that our request was first made during our three days of visits to IPS facilities. Nevertheless, the deputy commissioner's refusal, on the grounds that Nitzan "was not on the schedule," came despite the fact that Nitzan is located in the same complex as some of the other facilities being visited, and we offered to return during the next ten days on a mutually convenient day.**

**The IPS, IDF and National Police permitted us to speak to prisoners of our choosing.<sup>11</sup> However, the IPS, alone among the agencies, required that all interviews be conducted in the presence of an IPS official or guard, despite our**

**strong protests. Deputy Commissioner Yitzhak Nir gave two justifications: "If you talk to [the prisoners] in private, they'll tell you things that aren't true, and we won't be able to react right away to them." And, "If you sit with a terrorist, he might tell you terrorist instructions."**

**We decided to proceed with the visits, despite the fact that agreeing to non-private interviews with prisoners is a departure from the usual procedures of the Prison Project. We had been told by human rights activists that Palestinian security prisoners spoke frankly and fearlessly to visitors, whether or not guards were present, and we found this to be the case. This was not true of the criminal prisoners, some of whom were clearly inhibited by the presence of prison staff within earshot, and this limited the content of our conversations with these inmates.**

**As it turned out, prison staff did not try to hear every conversation with prisoners as we walked through the prisons. On the final day of the tour, the request for private interviews was finally granted, enabling us to interview at length two criminal prisoners in Ayalon Prison. We were also able to supplement our first-hand impressions with interviews with ex-prisoners, lawyers and human rights advocates.**

**In the police jails and IDF camps except Ketsiot, we interviewed Palestinian inmates inside their living quarters, out of earshot, and for the most part, out of view of authorities. In Ketsiot, authorities refused to allow us to enter the fenced-in camps, professing concerns for our safety. We conducted private interviews there either through the fence or in separate rooms outside the enclosures.**

**In every facility, we sought to interview a range of prisoners. We talked to prisoners chosen randomly, to the prisoners' acknowledged leaders or designated contact persons (*shawish*, Arabic for sergeant), as well as to inmates whose names had been furnished by lawyers and human rights organizations before our visit.**

**Each prison profile in this report is based on a single visit lasting between two and seven and-a-half hours. The visits included meetings with the warden or the commander or his deputy, a walk through the facility, and interviews with prisoners.**

**Time constraints prevented us from seeing every wing and area within each facility we visited. We gave top priority to the prisoners themselves, asking them questions and letting them discuss what was important to them. In deciding which areas of the prison to visit, we often followed the urgings of the prisoners themselves. Recreation areas, hygiene facilities and punishment cells were always on the list.**

**In only two facilities did prisoners tell Middle East Watch that authorities had attempted to brighten conditions in anticipation of our visit. One criminal prisoner at HaSharon prison whispered to us in the woodworking shop that the place was not always like what we were seeing on that day. It was not possible to verify this. More persuasive were the comments made by several prisoners at the IDF detention camp of Far'a, that prisoners had been moved out of the most crowded rooms, new supplies had been provided, and other measures had been taken on the morning of our visit. The absence of such allegations in the other ten facilities visited reinforces the impression that our visits provided a realistic picture of conditions at that time.**

### **Minors**

**The age of majority is 18 in Israel and in the occupied territories. The minimum age for imprisonment is 14 in Israel and 12 in the territories. In Israel, all offenders under 18 are tried by a juvenile court; in the territories, minors may be tried in the same military courts that try Palestinian adults.**

**Col. Uri Boehm of the Israeli Prisons Service told us that the IPS "does not hold anyone younger than 14, and tries not to hold anyone younger than 16." He added that all inmates younger than 18 must be held in separate wings, and Middle East Watch found no evidence that these guidelines were violated.**

**The IDF houses Palestinians aged 17 with the adults and assigns younger inmates to separate sections for minors. While many Palestinians aged 15 have been arrested by the IDF, few have been imprisoned for extended periods.<sup>12</sup>**

**During our visit to IDF detention camps, we encountered few inmates**

aged 16 and under. At Far'a detention camp, Middle East Watch was told on the day of our visit, August 8, 1990, that there were 12 youths aged 14 to 16; at Megiddo, there were 75. No statistics were provided about youths under 16 in Beach camp.

The IDF's stated policy on the West Bank is not to admit youths under 16 to its detention camps except in cases involving serious offenses "like murder, molotov-cocktail throwing, or repeated stone-throwing with some damage," according to the then West Bank legal advisor, Col. Ahaz Ben-Ari. With stone-throwing the most common juvenile offense, few youths are imprisoned.<sup>13</sup>

In most such cases, according to Col. Ben-Ari, parents are permitted to post a bond to avoid a prison sentence for their son. If the child commits no further offense during the next year, the sum is returned with interest. It was beyond the scope of this report to investigate how the bond system works in practice.

### **Government Monitoring of Prisons**

Israeli detention facilities are monitored by various branches of the government that can exert pressure for change.

Members of the Knesset, both Jewish and Palestinian Israelis, enjoy easy access to prisons, police jails and IDF camps. MKs can promote change through legislation, by posing parliamentary questions (שאילור) to the relevant government minister, and by focusing media attention on prisons.<sup>14</sup> Prison conditions are part of the brief of the Interior Committee of the Knesset.

State Comptroller Miriam Ben-Porat has acquired a reputation for critical reports on incarceration facilities. In addition, a comptroller within the Police Ministry, appointed by the minister, examines the running of IPS prisons and police jails. The 1989 report of the State Comptroller on IDF detention camps criticized overcrowding, poor conditions for lawyer visits, and, at Megiddo, the handcuffing of prisoners as punishment, in violation of the standing orders.<sup>15</sup> A 1990 audit by the police comptroller described mistreatment of inmates and the domination of strong over weak prisoners at Ayalon.<sup>16</sup>

Israel's courts have also played a role in monitoring conditions. They

**rule not only on petitions filed by prisoners (see Chapter One), but also on class-action-type suits on prison conditions. In response to petitions filed by inmates at Ketsiot in 1988 and at Dhahiriya detention camp in 1989, Supreme Court judges toured the two camps and ordered specific changes. Some improvements were implemented in both places.**

**Israeli courts have sometimes cited as guidelines the UN Standard Minimum Rules for the Treatment of Prisoners, despite the fact that authorities have not pledged to uphold them.**

### **The Role of the International Committee of the Red Cross (ICRC)**

**Israel allows delegates of the International Committee of the Red Cross to visit on a regular basis residents of the occupied territories who are imprisoned in police jails, IPS prisons and IDF detention camps. As the only independent organization to conduct regular visits to these facilities, the ICRC provides an important form of protection for the prisoners. In keeping with its worldwide modus operandi, it communicates its findings and concerns regularly in confidential meetings with Israeli authorities; it almost never goes public with these concerns.**

**The ICRC visits have three purposes: to examine the physical conditions of detention, to assess the psychological well-being of prisoners and to facilitate the flow of correspondence between the prisoners and outside. Delegations always include a physician who talks with inmates and informs authorities about cases meriting care, but who does not himself treat the inmates. In addition, the ICRC brings the inmates certain goods: coffee, sugar, books, caps, magazines, newspapers and equipment for games.**

**The ICRC enjoys wide access to inmates with the notable exception of those undergoing interrogation. The ICRC has fought to have routine and quick access to detainees under interrogation, but authorities consented to grant the ICRC access only after a detainee has been under interrogation for 14 days. At that point, authorities will bring the detainee to meet with an ICRC representative outside the interrogation wing. This is a matter of serious concern as it is the experience of Human Rights Watch in many other countries that most physical**

**mistreatment of detainees takes place within the first two weeks of detention during interrogation. During this period, Palestinian detainees from the occupied territories are usually held incommunicado.**

**As of July 1990, ICRC visits took place twice yearly at IPS prisons, weekly at Ketsiot detention camp, and at least once monthly at other military detention centers. At present, the ICRC regularly visits all facilities holding Palestinians from the occupied territories, except the IDF lock-ups in the occupied territories (see above). This exception meant that for several months the ICRC was denied regular visits to a large IDF lock-up opened in 1989 in the city of Khan Yunis in Gaza (which Palestinians promptly named Ansar IV), until the IDF "upgraded" it from a lock-up to a detention camp.**

### **Issues not Addressed in this Report**

**As mentioned above, this report focuses on prison conditions. It does not cover four aspects of Israeli practices that set the stage for the incarceration of Palestinians: the broad standard for arresting persons in the occupied territories; the routine physical and mental abuse of Palestinians during interrogation; the lack of due process in the military court system in the occupied territories; and the use of administrative detention, i.e. prolonged detention without charge or trial.<sup>17</sup>**

**The focus of this report on prison conditions is not intended to belittle these other concerns. We concluded prison conditions was an important topic in its own right, in view of earlier reports of substandard conditions of detention and the extremely high per capita rate of imprisonment among Palestinians.**

**The issue of abuse during interrogation deserves further comment here, because interrogation represents for many prisoners the harshest phase of incarceration. Administrative detention also needs to be addressed, at least briefly, in order to understand the predicament of the one thousand or so administrative detainees confined in Ketsiot.**

### **Abuse during Interrogation**

**Serious and credible allegations have long been made concerning Israel's methods, particularly those of the General Security Service (Shin Bet), to extract information from Palestinian security suspects during the period of interrogation.<sup>18</sup> In March 1991, B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, released a highly critical report, *The Interrogation of Palestinians during the Intifada: Ill-Treatment, Moderate Physical Pressure or Torture?***

**Middle East Watch was not granted access to any interrogation wings, or to prisoners under interrogation. It was nevertheless clear to us that for many Palestinian security prisoners, nothing they experience during their sentence approaches the mistreatment they receive during interrogation. Many of the prisoners we interviewed were more eager to talk about that phase than about their present conditions in prison.**

**We therefore believe it is important to quote the findings of the B'Tselem report on interrogations. The abuses catalogued in that report, which is based on interviews with 41 detainees and ex-detainees from the West Bank and the Gaza Strip, are consistent with those previously reported by journalists and other organizations:**

**A number of interrogation methods appear to be common, even routine in the group we interviewed. Virtually all our sample were subject to: verbal abuse, humiliation and threats of injury; sleep and food deprivation; hooding for prolonged periods; enforced standing for long periods, sometimes in an enclosed space, hands bound behind the back and legs tied ("al-Shabah"); being bound in other painful ways (such as the "banana" position); prolonged periods of painful confinement in small specially constructed cells (the "closet" or "refrigerator") and severe and prolonged beating on all parts of the body, resulting sometimes in injuries requiring medical treatment. (p.106)**

**In 1987, a government-appointed judicial commission of inquiry confirmed that the Shin Bet routinely used physical force in interrogating security suspects. The so-called Landau Commission said these methods were "largely to be defended, both morally and legally," and endorsed the use of a "moderate measure of physical pressure" against security suspects. Details of the recommended methods were spelled out in a classified appendix to its report. In**

**voting to approve the Landau Commission report in November 1987 – one month before the intifada erupted – the Israeli cabinet in effect sanctioned the use of physical force against detainees under interrogation. All reports indicate that the abuse continues unabated.**

**The General Security Service conducts the interrogation of most security suspects, both inside Israel and in the occupied territories. It is an independent agency that answers directly to the Office of the Prime Minister. Its interrogation centers are located inside some of the IPS prisons (such as Gaza Prison), IDF detention centers (such as Dhahiriya) and police jails (such as the Russian Compound). While the authority operating the facility has legal responsibility for the detainees, the interrogation wings are not under its operational control. All of our requests to tour these wings were turned down by the wardens and commanders.**

### **Administrative Detention**

**Administrative detention is the internment of a person by executive order without charge or trial. Recognizing the drastic restriction on a person's freedom, the Fourth Geneva Convention Relative to the Protection of Civilians in Time of War (1949) permits its use "only if the security of the Detaining Power makes it absolutely necessary." (Art. 42)**

**Israel uses administrative detention both inside its borders and in the occupied territories. As the executive power in the territories, military commanders issue detention orders. In the West Bank, this power is given in Military Order 378 (1970); a nearly identical Military Order is in effect in the Gaza Strip. M.O. 378 is derived from the provisions relating to administrative detention in the British Defense (Emergency) Regulations of 1945, which Israel maintains in effect in the occupied territories, with some amendments.<sup>19</sup>**

**The law governing administrative detention inside Israel is the Emergency Powers (Detention) Law of 1979, which allows the Defense Minister to order a detention for up to six months, but provides for mandatory judicial review of the detention order. It has been applied far more sparingly than its counterpart in the territories, although the number of detainees inside Israel has increased during the intifada.<sup>20</sup>**

**In the West Bank and Gaza, administrative detention orders are subject to far less judicial oversight. M.O. 1281 (August 1989), amending M.O. 378 (1970), empowers military commanders to order the administrative detention of an individual for renewable terms of up to one year if the commander has "reasonable cause to believe that reasons of security of the area or public security require that a particular person be detained." There is no automatic judicial review of the order during the first six months. However, detainees can file an appeal challenging the order before a military judge, and then to Israel's Supreme Court, sitting as the High Court of Justice.**

**It is disturbing that the criteria used by Israel to order administrative detentions make no distinction between violent and nonviolent activity. In the course of the intifada, Palestinians from all walks of life, including doctors, students, laborers, peasants and merchants, have served terms in administrative detention. As the U.S. Department of State reported, "in a number of cases persons appear to have been detained for nonviolent political activities."<sup>21</sup>**

**In contrast to those who are charged and tried in court, Palestinians placed in administrative detention are usually detained on the basis of undisclosed information. The usual justification for withholding the evidence is to protect intelligence sources that would be revealed if the case were prosecuted in court, where strict rules of evidence obtain.<sup>22</sup>**

**Israel's practice of administrative detention in the occupied territories violates the Fourth Geneva Convention in a number of respects. First, the Convention, in Article 78, permits the occupying power to order the detention of an individual "for *imperative* reasons of security" (emphasis added). The authoritative commentary to the Fourth Convention stresses that the "exceptional character [of administrative detention] must be preserved."<sup>23</sup> Israel, by placing at least 14,000 Palestinians from the occupied territories in administrative detention since December 1987,<sup>24</sup> has used this measure in a sweeping rather than an exceptional manner.**

**Article 78 of the Fourth Geneva Convention stipulates that a detainee has a right to an appeal, and that "appeals shall be decided with the least possible delay." In practice, the appeals machinery available to Palestinians is neither adequate nor timely.<sup>25</sup> Palestinians who appeal their administrative detention are frequently assigned hearing dates several weeks later.<sup>26</sup> The appeals process**

**fails to provide adequate safeguards against abuse primarily because detainees and their lawyers are routinely denied on security grounds access to the specific evidence and charges. They therefore cannot easily rebut or challenge the credibility of the allegations.**

**Appeals are generally heard before a single military judge in the detainee's place of detention. Detainees may then appeal the military judge's decision to Israel's Supreme Court, sitting as the High Court of Justice.<sup>27</sup>**

**Administrative detentions are often renewed. In late 1989 the IDF spokesperson said that 243 administrative detainees had served more than one term of detention during the intifada, while Palestinian human rights organizations estimated the number at over 500. At Ketsiot, Middle East Watch spoke with Mahmoud Muhammad abu Madkour of the Gaza Strip, who has spent virtually the entire intifada in administrative detention. In March 1991, he was released because of a serious illness.**

**Of particular relevance to this report are the standards for the treatment of administrative detainees that are laid out in articles 79 through 135 of the Fourth Geneva Convention. They address such matters as food, climate, forced labor, hygiene, medical attention, discipline, recreation, family visits, lawyer visits, and mail. One intent of these articles is to ensure that "internment is not a punishment and involves no slur on the honour of the person concerned."<sup>28</sup> Since internment is not a punishment, "it would therefore be wrong not to alleviate, so far as possible, its unpleasant consequences."<sup>29</sup> The distinction between an administrative detainee and a prisoner was acknowledged and discussed at length by Supreme Court Chief Justice Meir Shamgar in the court's ruling on a petition brought on conditions at Ketsiot.<sup>30</sup> The Geneva Convention standards will be cited in the sections of this report that deal with Ketsiot.**

### **Medical Care**

**Middle East Watch decided not to address the quality of prison health care in this report. We believe that this issue requires careful study by a team of health professionals. Although reports by the Tel Aviv-based Association of Israeli-Palestinian Physicians for Human Rights and the Boston-based Physicians for Human Rights<sup>31</sup> raise serious questions about the delivery of health care in**

**some of Israel's incarceration facilities, a thorough study of the issue remains to be done.**

**A special concern needs to be raised with regard to Ketsiot, where inmates are confined in tents and exposed to a harsh climate. Because of these conditions, extra precautions are necessary to ensure that no prisoner is assigned or forced to remain there if doing so might be injurious to his health. Although some inmates at Ketsiot have been transferred to other prisons on medical grounds, al-Haq, the Israeli-Palestinian Physicians for Human Rights and other human rights organizations have charged that the IDF has refused to transfer others who, for health reasons, should not be at Ketsiot.**

**The Geneva Convention states, "In all cases where the district in which a protected person is temporarily interned, is in an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit." (Art. 85) The success of lawyers in winning court-ordered transfers for their clients out of Ketsiot for medical reasons, while welcome, also suggests that the IDF is failing to respect this provision of the Geneva Convention in at least some cases.**

### **Other Topics Outside the Scope of this Report**

**This report does not examine as a separate issue the treatment accorded to inmates who are foreign nationals. According to informed sources, Israel is holding over 100 security inmates from other countries. These inmates are held in the same wings as Palestinian security prisoners. We did not have the opportunity to interview any of them.**

**The Khiyam detention center in Israeli-occupied southern Lebanon is also not covered in this report. Although Khiyam is nominally run by the Israeli-backed South Lebanon Army (SLA), Israeli army and intelligence officers play a supervisory role.<sup>32</sup>**

**This report did not look at the treatment of Israeli soldiers imprisoned in army-run detention camps. These facilities are not to be confused with the IDF-run detention camps holding Palestinian security offenders, described in Chapter Two. The former hold IDF personnel who have been sentenced in a court-martial**

or army disciplinary hearing to a term of confinement. Conscientious objectors and Israelis convicted of criminal offenses while on army duty can also be ordered to serve their time in an army detention camp instead of a civilian prison.<sup>33</sup>

Finally, we did not see any of Israel's three best-known prisoners, kidnapped Lebanese cleric Sheikh Abd al-Karim Obeid, convicted Nazi war criminal John Demjanjuk, or Mordechai Vanunu, who was sentenced in 1988 to 18 years for divulging information to the *Sunday Times* of London about Israel's development of atomic weapons. Vanunu, who was deemed a high security risk by the Israeli government and later by the courts, is held in isolation in Ashkelon prison, where he is prevented from having face-to-face contact with all persons other than prison staff, his lawyer and members of his immediate family.

## **Conclusions**

Israel opened most of its prisons and detention facilities, though not its interrogation centers, to scrutiny by Middle East Watch. To our knowledge, Jordan, Kuwait and Morocco are among the very few other countries in the region that have permitted international human rights monitors to visit their prisons.

This report looks at the physical conditions of incarceration in Israel, the West Bank and the Gaza Strip. As explained in the introduction, it does not deal with the period of interrogation, and does not evaluate health care in the prisons.

Incarceration facilities are operated by three authorities, the Israel Prison Service (IPS), the National Police and the Israel Defense Forces (IDF). Conditions vary dramatically among the facilities. However, some generalizations are possible.

Inmates are, in general, not subjected to physical abuse by guards. Food is adequate, and is not deprived as a means of punishment. Inmates receive the basic necessities, such as drinking water, bedding, blankets and access to toilets and showers.

However, overcrowding is pervasive, and very few inmates are held in cells or tents that afford them more than three square meters per person, and some have far less. The overcrowding partly reflects the fact that, at least so far

**as the occupied territories are concerned, the rate of incarceration is by far the highest known anywhere in the world: close to 1,000 prisoners per 100,000 population, or one prisoner for every 100 persons. Put another way, for every 14 Palestinian families of seven persons, one has a member in prison at any given time.**

**Beyond this, generalizations become difficult, because a dual system of prisons exists in Israel.**

**One system, run by a civilian authority, the IPS, maintains facilities that are professionally run and conform to certain standards and regulations. Virtually all 10,000 inmates – Jewish and Palestinian, criminal and security – live in cells and enjoy rights to receive publications and mail without unreasonable delay, to own televisions and radios, to have at least one hour outdoors each day, and to receive regular visits by family and lawyers.**

**Criminal prisoners are able to work at jobs for which they are paid modest wages. They are also eligible for meaningful benefits for good behavior, such as promotion to drug-free or to other desirable wards, furloughs and reduction of sentences.**

**Security prisoners in the civilian prisons are respected in their refusal to perform any work except jobs that serve their own welfare. They have also won, through long struggle, considerable autonomy within the prison walls to hold study groups and discussions amongst themselves, according to their various political orientations. However, security prisoners are as a class denied certain privileges given to criminal prisoners, such as use of the phones or going on furloughs, on the grounds that such privileges would pose a security risk.**

**Israel's other prison system is the network of detention camps run by the IDF for residents of the occupied territories, excluding annexed Jerusalem and the Golan Heights. These camps, which now contain over 9,000 Palestinians, became a full-fledged detention system early in the intifada, when the IDF was deemed more capable than the IPS to open prisons rapidly that could absorb the thousands of Palestinians who were being arrested.**

**Conditions in the IDF camps at the time of our visit, July 1990, had improved in many respects compared to the conditions reported to be prevalent**

during 1988 and 1989. Today, the IDF detention camps have generally attained standards that could be suitable for short periods of detention. However, these camps are not only for short-term detention. They have essentially become medium-term detention facilities, holding thousands of inmates under trial for several months or longer, or serving sentences of up to five years.

The IDF has been negligent in providing appropriate facilities for its detainees, in view of the long periods that inmates are held in the camps. Some of the deficiencies described in this report include:

- \* the use of unheated outdoor tents for year-round incarceration;
- \* extreme overcrowding (2 square meters per person) inside 26-man tents;
- \* obstacles to the access of lawyers to meet with their clients;
- \* extremely heavy censorship of reading material, including nearly all political matter;
- \* banning of private radios and televisions.

In each of these respects, conditions are better for Palestinian prisoners at the IPS prisons than at IDF camps. This is paradoxical in a way, since most of the IPS inmates have been convicted of what are considered serious security offenses, while the majority of IDF inmates have not been convicted, and most of the rest have been convicted of relatively minor security offenses, such as stone-throwing.

The differences can be accounted for at the systemic level. The IPS is a civilian agency whose business is running prisons. The IDF is an army stuck with the task of detaining large numbers of civilians in camps designed to be quickly built and expanded, and then operated at low cost.

In a way, the duality mirrors Israel's response to the unrest of the intifada. The National Police, which is a professional law-enforcement agency, has found a way to handle disturbances in Palestinian Jerusalem while causing the deaths of relatively few persons. The IDF, trained to fight wars, is poorly prepared and ill-equipped to police civilian unrest. Responding to confrontations in the occupied West Bank and Gaza Strip similar to those in Palestinian Jerusalem, it has resorted quickly to lethal force, causing numerous avoidable deaths. Here too, the civilian agency is relatively professional at what it is called

**upon to do, while the army is called on to perform a comparable task on the cheap, with grave human rights consequences for civilians.**

**The issue boils down to one of will. The intifada caught Israel off-guard. Thousands of Palestinians were arrested, and Israel sought a quick means of incarcerating them. Three years later, Israel has not shown the inclination to bring the unsatisfactory detention camps up to the standards of its prisons. It appears to accept the continuation of a dual system that subjects most imprisoned Palestinians to clearly inferior conditions. Despite some gradual improvements, the will to maintain a system of incarceration that meets internationally recognized minimum standards for all prisoners is lacking.**

### **Ketsiot**

**Any evaluation of IDF camps needs to be divided into two sections: Ketsiot and the rest. Ketsiot is the largest and worst of the IDF camps, located in a remote corner of the Negev desert where it is seemingly able to expand to accommodate unlimited numbers of Palestinians. Because it holds approximately three-quarters of all Palestinians in IDF detention camps, its problems must loom large in any assessment of conditions in those camps.**

**The location of Ketsiot is a clear violation of the Fourth Geneva Convention, which forbids the transfer of incarcerated persons from occupied territories to the territory of the Occupying Power. In addition to the legal question, the location has created problems that do not exist at other IDF detention camps. Ketsiot is far from both the Gaza Strip and the West Bank, and thus highly inconvenient for lawyers. Family visits do not take place, because Ketsiot, alone among detention camps, is located inside a closed military zone, and the authorities require families to seek special permits, a procedure that Palestinians refuse to accept. The impasse is directly attributable to Israel's violation of the Fourth Geneva Convention, to which it is a party.**

**Inmates at Ketsiot are exposed to the extremes of desert weather. Daytime temperatures in the summer exceed 100 degrees Fahrenheit. In the winter, the temperature drops to the freezing point on some nights. This climate is particularly hard on Palestinians who come from the West Bank, where the weather is much more temperate. The fact that inmates are housed in tents which**

**cannot be heated or cooled, and that their confinement lasts for long periods, exacerbates these hardships.**

**Inside Ketsiot the tension between inmates and staff is greater than at the other camps, and authorities resort to tear gas more often. Inmates are placed in punishment cells more frequently than elsewhere as a disciplinary measure, and special higher-security sections have been built to separate inmates viewed as "leaders" and "trouble-makers" from the others.**

**Mail service is severely backlogged and subject to heavy censorship. Few books are permitted in, and the administration handles lawyers' visits in a way that wastes much time and limits the time a lawyer can spend with a client to no more than a few minutes.**

**The conditions at Ketsiot, where prisoners are confined in tents in a remote and foreign environment, deprived of family visits, reliable mail service, and all but a few books and publications, amounts to a form of severe isolation. The use of Ketsiot as the primary center for administrative detainees is particularly objectionable, since these detainees are entitled under the Fourth Geneva Convention to specific conditions of detention that Ketsiot signally fails to provide.**

**For these and other reasons, Ketsiot is more than just an oversized detention camp. It inflicts on its inmates a regime of isolation and punishment well beyond that of simply being incarcerated. The IDF could do far better than Ketsiot, as the detention camps at Megiddo and Ofer prove, if the will were there.**

### **The Russian Compound**

**The police jail in Jerusalem, known as the Russian Compound, contains the worst overcrowding and physical conditions we observed during our visit. Conditions are squalid both for Jewish and for Palestinian prisoners.**

**Squalid conditions in a police jail are that much more deplorable when inmates are held not for one night or two, but for weeks and months. This is the situation at the Russian Compound. Due to overcrowding in the IPS prisons and the slow scheduling of court dates, inmates languish for months at the Russian**

**Compound and at other police jails.**

**Like the IDF detention camps, the Russian Compound has become a *de facto* prison whose prisoners are denied the rights and conditions that obtain in Israel's prisons. Consequently, authorities at the Russian Compound should strive toward establishing the standards that are applicable to prisons. For example, authorities at the Russian Compound should find a way to allow more than a trickle of books and outdated newspapers to reach prisoners, instead of stating that as a police jail, it has no one to censor incoming material on a regular basis.**

### **Recommendations**

**Israel should comply with the Fourth Geneva Convention by ceasing to imprison Palestinians from the occupied territories inside Israel. In particular, it should close the Ketsiot Detention Camp in the Negev desert, where fully half of all incarcerated Palestinians are being held. Short of that outcome, Israel should reduce its reliance on Ketsiot as a detention facility, and transfer Palestinians to facilities either in the West Bank or in Gaza, according to the region in which they reside.**

**Israel should strive to provide the same physical conditions for all prisoners, and eliminate the dual system that places thousands of Palestinian security inmates in substandard conditions in detention camps. By and large, the IPS prisons – unlike the IDF prisons and the Russian Compound – meet internationally recognized minimum standards. All the incarceration facilities should meet those standards.**

**Israel should strive to reduce overcrowding in all its facilities. Such a reduction as well as physical improvements are desperately needed at the Russian Compound in Jerusalem, in view of the extended periods that many inmates remain there. Under the present conditions, the Russian Compound should be used for short-term incarceration only, even at a cost of further overcrowding of IPS institutions. Overcrowding is easier to endure in a facility that was designed for long-term incarceration, because of the presence of recreational facilities, educational programs, work opportunities, etc., than in a police jail.**

**These goals would be expensive to attain, unless Israel lowered its high rate of incarceration. Other improvements in prison conditions could be made without huge expenditures.**

**Resources should be devoted to allowing all appropriate reading material to reach prisoners in IDF detention camps, and to speed the flow of mail to and from inmates.**

**The impasse over family visits at Ketsiot must be resolved. We believe the duty to resolve the conflict rests with the authorities, for reasons explained in Chapter Two. Also, prisoners at all IDF camps should be permitted contact visits.**

**Regulations regarding IPS prison visits should be revised. The one-visit-per-two-months rule is very restrictive and undoubtedly has a negative impact on maintaining the inmate's bond with the family and his or her future reintegration into society. Even though most inmates are in practice granted more generous visiting privileges, the existence of such rules is an invitation for prison officials to mistreat individual inmates.**

**Conditions for lawyers' visits to inmates at IDF camps must be improved. Lawyers should be granted prompt access to inmate clients and be permitted to consult with them in an unhurried and private setting.**

**Security inmates at IPS prisons should not as a class be subjected to an unnecessarily austere regime. They should enjoy the same rights as criminal prisoners, such as the right to make phone calls and have contact visits, unless they are shown to abuse them. In such cases, punishment should be imposed on individual prisoners and not on an entire class of prisoners.**

## **NOTES**

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### **INTRODUCTION**

**1. Marc Mauer, "Americans Behind Bars: A Comparison of International Rates of Incarceration," the Sentencing Project, Washington, D.C., January 1991.**

**2. This includes Palestinians living inside the 1967 borders of Israel and Palestinian residents of annexed East Jerusalem.**

**3. Stanley Cohen, "Crime, Justice and Social Control in the Israeli Arab Population," International Center for Peace in the Middle East, December 1989, p. 185.**

**4. The population of the Gaza Strip and the West Bank, excluding Jerusalem, has been estimated at 1.5 million. At the time of our visit, late-July/early August 1990, we learned that slightly fewer than 4,000 Palestinians from the occupied territories were being held in IPS prisons, most of them for security offenses. The IDF detention camps were holding at least 9,500 Palestinians, all of them security prisoners. With more than 200 Palestinians in the Russian Compound police jail in Jerusalem, and at least a couple of hundred more in other police jails and in IDF lock-ups in the occupied territories, we arrive at a minimum figure of about 14,000.**

**5. Israel imposes various types of custodial sentences. It is therefore useful to use terms like "detainee" and "prisoner" in specific ways. In this report, "inmate," "incarcerated," and "incarceration" all refer to the global population of persons who are confined, regardless of their judicial status. "Detainee," "detained" and "detention" refer to the subset of inmates who have not been convicted, either because they have not yet completed their trial or because they are administrative detainees; "prisoner" and "imprisonment" refer to inmates who have been convicted and sentenced.**

**6. The term "security prisoner," as authorities use it, refers to Palestinians whose suspected offenses are politically motivated, whether violent -- such as causing death or injury -- or nonviolent -- such as membership in the PLO. Administrative detainees are also "security prisoners" in the sense that, although they have not been charged or tried, the stated grounds for their detention relate to politically motivated activities.**

**7. The State of Israel gives Jewish settlers living in the occupied territories extraterritorial status, treating them as citizens of Israel.**

**8. Palestinian residents of annexed East Jerusalem and the Druze in the annexed Golan Heights enjoy in principle the same legal rights and protections as Israeli citizens. Palestinians under military occupation in the West Bank and Gaza Strip live under a different legal regime.**

**9. Prisons are known by more than one name. This report uses the official Israeli names throughout. The other names by which they are known, given above in parentheses, are either the earlier names of facilities that have been renamed, or names that Palestinians use for these facilities. For consistency, we refer to facilities by their official names; no implication should be inferred from this about the legitimacy of Israeli rule over the West Bank and Gaza Strip, an issue that is beyond our mandate.**

**10. Middle East Watch's request to visit IDF lock-ups in the territories was first made to the IDF on July 30, 1990 and repeatedly thereafter. We had not received an answer by the time that we had to leave Israel on August 11. IDF lock-ups are less regulated than the IDF detention camps, and it is noteworthy that the International Committee of the Red Cross and the Israeli government have not been able to reach an agreement on ICRC access to Palestinians in these lock-ups, in contrast to ICRC's access to all of the**

other types of facilities described in this report. As this report went to press, however, there were reports that an agreement was imminent.

On the lock-ups, see article by Danny Rubinstein in *Davar*, August 15, 1989, translated in the Foreign Broadcast Information Service, Near East and South Asia report, August 16, 1989; and article by Uzi Benziman in *Haaretz*, September 15, 1989, translated in *al-Fajr* weekly, October 2, 1989. Improvements in conditions have reportedly been made since 1989.

11. The only exception occurred at Judea-and-Samaria Central prison, where authorities declined a request, made toward the end of the visit, to interview the spokesman of the prisoners, Qaddoura abd al-Qadir Faris. Col. Uri Boehm, who was escorting us, explained initially that the spokesman's "head had grown too big from giving interviews." Boehm later changed his explanation, stating that the interview was refused because we had added the spokesman's name only toward the end of the visit, rather than when we submitted the initial list of desired interviewees to the warden. In our view, the second explanation was only a pretext, since it would have been easy to summon the prisoner in the time remaining in our program. Despite this refusal, we were able to interview several prisoners at random as well as four prisoners whose names were submitted to the warden upon arriving.

12. See *B'Tselem Information Sheet*, "Violence against Minors in Police Detention," June-July 1990. According to National Police statistics for May 1990, the Russian Compound police jail held at some point during the month a total of six youths born in 1977 (aged 12-13), 18 born in 1976 (aged 13-14), 24 born in 1975 (aged 14-15), and 29 born in 1974 (aged 15-16).

13. According to an article in *Al Hamishmaron* September 9, 1990, the IDF was holding 125 youths aged 14-16, mostly for stone throwing. Senior army sources were quoted as saying that all the minors, except those charged with serious offenses, like throwing gasoline bombs, would be released. Translated in the Foreign Broadcast Information Service, Near East and South Asia report, September 10, 1990.

14. See, for example, coverage of a visit of MKs to the Russian Compound in Robert Rees and Ron Kampeas, "Reeking, Packed Jail 'Shocks' MKs", *Jerusalem Post*, February 27, 1990.

15. See the 1989 Annual Report of the State Comptroller, pp. 835-850 (in Hebrew).

16. See Natan Ro'i, "Beatings, Humiliation, Contract 'Hits' and Fear of 'Strong' Prisoners," *Davar*, July 29, 1990.

17. On the standards for making an arrest, see Al-Haq/Law in the Service of Man and the Gaza Centre for Rights and Law, *Justice? The Military Court System in the Israeli/Occupied Territories*, 1987, pp. 7-10, and B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, *Annual Report 1989*, p. 59. On military courts, see the International Commission of Jurists, *Inquiry into the Israeli Military Court System in the Occupied West Bank and Gaza*, Geneva, 1989; B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, *The Military Judicial System in the West Bank*, Jerusalem, 1989, with a follow-up report published in May 1990; and Lawyers Committee for Human Rights, *Background Memorandum: Boycott of the Military Courts by West Bank and Israeli Lawyers*, 1989.

18. See, for example, *B'Tselem Information Sheet*, "Violence against Minors in Police Detention," June-July 1990; Al-Haq, *Nation under Siege* (annual report for 1989), pp. 168-190; "Israelis' Prisoners Cite Brutality," *Newsday*, January 2, 1989; "Israeli Security Service Mistreats Suspects, Palestinians Charge," *Wall Street Journal*, December 9, 1986.

19. Israel claims that in applying the British Emergency Regulations to the occupied West Bank and Gaza Strip, it is complying with international law of occupation by applying existing local law. However, many international lawyers dispute this claim on the grounds that the Emergency Regulations were formally revoked by the British mandatory government prior to leaving Palestine in 1948, and then effectively repealed by Jordan. The Israeli Supreme Court, however, has ruled that the regulations were not properly revoked by the British and remain an integral part of Jordanian law.

20. According to a report prepared by the Arab Association for Human Rights that was excerpted in *al-Fajr* weekly of August 20, 1990, 70 residents of annexed Jerusalem and 11 Palestinians living inside pre-1967 Israel had been placed in administrative detention during the intifada. On the judicial review of administrative detentions inside Israel, see Mara Rudman and Mazen Qudus, "The Emergency Powers (Detention) Law: Israel's Courts Have a Mission – Should They Choose to Accept It?" *Columbia Human Rights Law Review*, Spring 1990, pp. 469-513.

21. *Country Reports on Human Rights Practices for 1989*, p. 1435.

22. Defense Minister Moshe Arens told the Knesset on November 18, 1990, "We sometimes take the measure of administrative detention rather than a standard criminal procedure fearing for the security of the sources that have helped us to expose hostile activity." *Proceedings of the Knesset*, vol. VII, session 3, p. 891. See also Col. Shalom Harari, Arab affairs advisor to the coordinator of activities in the territories, quoted in *Haaretz*, Nov. 11, 1990.

23. Jean S. Pictet, ed., *Commentary: Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (Geneva: International Committee of the Red Cross, 1956), p. 368.

24. *Haaretz*, December 21, 1990, translated in the Foreign Broadcast Information Service, Near East and South Asia report, December 28, 1990.

25. See Amnesty International, "Israel and the Occupied Territories: Administrative Detention during the Palestinian Intifada," June 1989; al-Haq, *Nation under Siege*, pp. 296-300; and Allegra A. Pacheco, "Occupying an Uprising: The Geneva Law and Israeli Administrative Detention Policy during the First Year of the Palestinian General Uprising," *Columbia Human Rights Law Review*, Spring 1990, pp. 515-563.

26. *Nation under Siege*, p. 297.

27. The outgoing IDF Judge-Advocate General Brig. Gen. Amnon Strashnow was quoted in *Haaretz* of December 21, 1990 as saying that 35 percent of appeals filed by administrative detainees resulted in an immediate release or reduction in sentence. (Translated in the Foreign Broadcast Information Service, Near East and South Asia report, December 28, 1990.) It is not possible to verify this claim; what is certain, however, is that most of the "successful" appeals resulted only in modest reductions in the term of detention.

28. *Commentary: Fourth Geneva Convention*, p. 374.

29. *Commentary: Fourth Geneva Convention*, p. 371.

**30. *Ibrahim Sajadiyyeh et al. v. Minister of Defense*, High Ct. of Justice 253/88.**

**31. See Physicians for Human Rights, *Health Care in Detention: A Study of Israel's Treatment of Palestinians*, April 1990, and the periodic reports of the Association of Israeli-Palestinian Physicians for Human Rights.**

**32. See Ron Ben-Yishai, "Human Pawns in a Sordid Game," *Time*, July 16, 1990, p. 34. Ben-Yishai is one of the few journalists to have visited Khiyam. See also Robert Fisk, "Israeli Jail Cows Lebanese into Silence," the *Independent* (London), April 20, 1990.**

**33. For an English-language account of conditions in the prison for soldiers at Atlit during 1990, see the untitled document prepared by Adam Keller, a conscientious objector. A copy is on file at Middle East Watch.**

## **CHAPTER ONE**

### **Prisons Operated by the Israel Prison Service (IPS) and Jails Operated by the National Police**

#### **Israel Prison Service**

**The IPS is a semi-autonomous branch of the Ministry of Police. It operates 21 prisons, 15 inside Israel, five in the West Bank and one in the Gaza Strip. It is not responsible for operating police jails (see below).**

**The commissioner of prisons is appointed by the government upon the recommendation of the Minister of Police. In May 1991, Gabi Amir replaced Levi Shaul as commissioner.**

**At the start of our prison visits on July 29, 1990, Deputy Commissioner of Prisons Yitzhak Nir told us that there were 9,905 prisoners in IPS institutions, 555 over the capacity of 9,350. In addition, there were some 700 inmates in police jails who belonged in IPS custody (חייבי שב"ס) on the basis of their judicial status: they had either been convicted or had been charged and ordered held until the end of proceedings. However, because the IPS had no space, they had been forced to remain in the jails.**

**Prison authorities did not provide us with statistics indicating the portions of the prison population from Israel and from the occupied territories. However, such a breakdown for April 1, 1990 appears in the IPS annual report for 1989-1990:**

	Capacity	Population	
Israeli Adult male prisoners.....	4,222	4,758	
" Adult detainees.....	936	921	
" Youth.....	96	174	
" Women prisoners.....	146	116	
	<b>Total Israelis<sup>1</sup>.....</b>	<b>5,398</b>	<b>5,969</b>
Palestinian West Bank residents.....	2,581	2,279	
" Gaza Residents.....	1,367	1,519	
	<b>Total Palestinians<sup>2</sup>.....</b>	<b>3,948</b>	<b>3,798</b>
<b>Total Inmates.....</b>	<b>9,346</b>	<b>9,767</b>	

### **IPS Prisons Visited**

The stated official capacity of the facilities ranges from 34 at Nir, a minimum-security prison within the National Police Guard Academy, to Judea-and-Samaria Central Prison, near Nablus (known by Palestinians as Jneid prison), with a capacity of 850.<sup>3</sup>

West Bank and Gaza Palestinians in IPS custody are incarcerated mostly in the territories, but also in certain prisons inside Israel. Jewish and Palestinian citizens of Israel, including residents of annexed East Jerusalem and the Golan Heights, are held in prisons inside Israel, with very few exceptions.

**Ayalon**, a maximum-security men's prison, was built in and around a former British police compound in Ramleh, southeast of Tel Aviv. It is the best-known facility in Israel's largest prison complex. The warden, Yosef Natan-EI, told us that Ayalon was holding 580 men at the time of our visit on July 31, 1990, 20 below the official capacity of 600. Eighty of the inmates were serving life sentences; 180 were serving long terms after their life sentences had been reduced, and the remainder were serving a minimum of five years. The inmate population is 70 percent Jewish and 30 percent Palestinian-Israelis, including a small number of Jerusalemites who have been placed under administrative detention. Sari Nusseibeh, the well-known professor of philosophy who was arrested at the start of the war in the Persian Gulf, served his three-month administrative detention at Ayalon.

**Ayalon has several specialized wards, including one for inmates with mental problems who are deemed unfit for regular wards but not in need of hospitalization. It also has two psychiatric wards that are under the jurisdiction of the Health Ministry.**

**Judea-and-Samaria Central, north of Nablus in the West Bank, was opened in 1984 in a structure built by the Jordanians to serve as a hospital. On the day of our visit, July 29, 1990, we were told that the facility was holding 827 inmates, just under the capacity of 850. The population consisted entirely of West Bank Palestinians, approximately three-quarters of whom had been convicted. Judea-and-Samaria Central has one criminal wing, which we did not visit, and seven security wings. Two of the wings held a total of 200 detainees awaiting trial. There were also six administrative detainees, some of whom had been transferred from Ketsiot on medical grounds. They were being held together in a cell, separately from other inmates.**

**Judea-and-Samaria Central is generally considered to have the best conditions of those prisons primarily used to hold Palestinian security prisoners. The warden, Mufid Abbas, told us, "There's not a single prisoner here who would rather be at another facility." We met no prisoners who refuted this assertion, and met prisoners elsewhere who said they wanted to be transferred to Judea-and-Samaria Central. This preference may be due to factors other than the physical conditions, such as a desire to be with particular prisoners who are housed there.**

**Ma'asiyahu is one of two large minimum-security prisons for men in Israel. It is located in Ramleh, adjacent to Ayalon prison. Ma'asiyahu contained 640 male prisoners on the date of our visit, July 30, 1990, according to Warden Asher Cohen. The IPS annual report for 1989-1990 lists the capacity as 576.**

**All of the prisoners at Ma'asiyahu were serving sentences of seven years or less, or had fewer than seven years remaining on their sentences. These include men serving short sentences for failure to pay debts, alimony, or child support. The inmates were mostly Jewish and Palestinian-Israeli criminal offenders. A small number were criminal offenders from the occupied territories. To gain admission to Ma'asiyahu, inmates must be judged to be neither escape risks nor drug users or sellers.**

**Ma'asiyahu was the most pleasant facility we visited. It resembled a**

**kibbutz in appearance, with a lush lawn, gardens and low-rise bungalows. Security is light. The warden told us, convincingly, that it is easier to sneak out of Ma'asiyahu than to sneak in. The main deterrent to escape is not the low fence but the prospect of punishment if recaptured.**

**Neve Tirzoh, Israel's penitentiary for women criminal prisoners, was opened in 1968 inside the walls of the Ramleh complex. The warden, Malca Olmert, told us it was holding 125 inmates on the date of our visit, July 30, 1990. The official capacity is 146.**

**All of the inmates had been either charged or convicted in connection with criminal offenses, including fraud, drug-trafficking and murder, except for one Yugoslav woman, Victoria David, who had been convicted of giving information to a hostile organization. Most of the inmates were Jews and Palestinians from inside Israel. Only a few were from the occupied territories.**

**HaSharon (formerly Tel Mond) is a medium-security prison constructed in and around a former British police compound near Netanya, on the Mediterranean coast. It was converted into a prison in 1949 and later expanded. We visited all of the categories of inmates housed at HaSharon: male criminal prisoners, juvenile security offenders and juvenile criminal offenders, and women security prisoners. The men live in old barracks facing a narrow courtyard. The women and juveniles live in newly built sections that consist of two-story horseshoe-shaped concrete buildings surrounding a concrete courtyard. In contrast to the grounds of the prison, these new wings contain no greenery.**

**On the date of our visit, July 31, 1990, HaSharon contained 577 inmates, according to the warden, Col. Shukrun: 48 Palestinian women security offenders, 36 male juvenile criminal offenders, 122 male juvenile security offenders, and 371 adult male Jewish and Palestinian-Israeli criminals.**

### **Police Jails**

**Jail cells can be found in police stations throughout Israel and the**

**occupied territories. Three metropolitan-area stations have exceptional capacities: the Russian Compound in Jerusalem, Abu Kabir outside Tel Aviv, and Kishon (formerly known as Jalameh) near Haifa.**

**Police jails held a total of 1,473 inmates on April 19, 1991, including 132 in the occupied territories, according to the Police Ministry. The capacity was said to be 1,604, including 247 in the territories.**

**Police jails are supposed to hold only those persons who have been arrested but have not yet been formally charged. Once charged, an inmate is supposed to be released or transferred to an IPS prison. This often does not happen, due to overcrowding in IPS prisons. Many suspects remain in police jails long after they have been charged, and some even after they have been tried and sentenced. The result is extreme overcrowding at some of the police jails.**

**The situation was described to the *Jerusalem Post* last year by "a source close to the police inspector":**

**We have some 800 men in our lock-ups who belong in prison under the law. There is no way in the world that we can guarantee suspects safety, let alone their minimal rights as humans. The crowding is such that 40 detainees are kept in a cell that was designed to hold 12.<sup>4</sup>**

### **Police Jails Visited**

**The Russian Compound is the main police jail in Jerusalem. The building was constructed a century ago as an inn for Russian pilgrims and converted into a jail by the British mandatory government in the 1920s. It is located in downtown West Jerusalem, next to Israel's Supreme Court.**

**On the day of our visit, August 1, 1990, the Russian Compound held 300 inmates, 130 over the official capacity. According to the warden, Chief Inspector Menachem Nidam, some 250-260 of the 300 were Palestinians, most of them young men from Jerusalem and the surrounding area. About 80-85 of them were under 18 and were being held in the cells for juveniles. Girls, when arrested, are held with adult women, since there are no separate cells for girls. At the time of our visit, there were no girls and fewer than 15 women. The women were held in**

**two adjacent cells, one for security and one for criminal inmates.**

**Of the inmates, 130 were pre-trial while the other 170 should have been in IPS prisons because they had already been charged or convicted. The longest-held inmate at the time of our visit was a convicted man who had already spent one-and-a-half years at the facility.**

**More recently, the Police Ministry informed Middle East Watch that on April 19, 1991, the Russian Compound held 206 inmates, of which 114 should have been in IPS prisons. The breakdown on that date was 162 men, 31 minors and five women. The ministry stated the capacity of the Russian Compound to be 215, or 45 higher than the figure given us in August 1990 (see the Appendix to this report).**

**Abu Kabir is a police lockup in Jaffa, south of Tel Aviv. There were 453 being held at the time of our visit, 303 Jews (of whom three were women and six were youths), 100 Palestinian-Israelis and 50 Palestinians from the territories. Authorities at Abu Kabir said that the average stay is three months, but that convicted inmates sometimes had to wait six to eight months before they were transferred to an IPS prison.**

**On April 19, 1991, according to the Police Ministry, Abu Kabir held 368 inmates, including 330 men, 20 minors, and 18 women. Of this population, 157 should have been in IPS prisons. The capacity on that date, according to the ministry, was 428.**

### **Overcrowding**

**Cells in Israeli prisons, on the average, provide 2.6 square meters per inmate: 2.4 square meters in the closed wards, 2.9 in the open wards, 3.2 in the rehabilitative wards, and 3.6 in the wards for religious prisoners, according to the IPS annual report for 1989-1990. All of these figures reflect severe overcrowding.<sup>5</sup>**

**The space-per-prisoner ratio does not alone determine the hardship caused by overcrowding. The sense of cramped quarters can be mitigated by allowing prisoners to be outside their cells for long periods of time each day. In Israel, criminal prisoners who work spend most of the day outside the wing, while security prisoners are permitted to circulate inside their own wing.**

**Cramped though they may be, prison cells in Israel are laid out in an orderly fashion. All prisoners sleep individually in single or double-decker bunk beds. Only in the Russian Compound police jail in Jerusalem did we see prisoners sharing beds or sleeping on mattresses on the floor.**

**None of the IPS facilities on our itinerary reported a population much in excess of the official capacity. We learned that more severe overcrowding exists in some of the IPS prisons we were not shown, including three intake prisons that house primarily pre-trial prisoners and new convicts.**

**At Ayalon, crowding depends on the ward. Like many IPS prisons, Ayalon features a progression of wards, rewarding good behavior with better conditions. The introductory ward houses 14 inmates in seven bunk beds in cells measuring 6.5 by 5.5 meters (2.6 square meters per prisoner<sup>6</sup>); the intermediate ward houses six inmates in rooms 3.7 by 5.5 meters (3.4 square meters per prisoner). The rooms also contain personal footlockers.**

**At Judea-and-Samaria Central, the largest prison, a typical cell measures approximately 4.3 by 6.2 meters and contains 10 prisoners (2.7 square meters per prisoner), who sleep in five narrow double-decker bunk beds.**

**Conditions are less cramped in the men's (criminal) wing at HaSharon prison. The facility, a former British police station that was converted into a prison after Israeli independence, holds four men per cell in a row of one-story barracks. Each cell has its own bathroom.**

**At the minimum-security Ma'asiyahu, eight prisoners share rooms in bungalows. The rooms are approximately 5.6 meters by 5.6 meters (3.9 square meters per prisoner). Each cell has its own sink. Toilets and showers are shared with other cells in the bungalows. Each section has its own dining area and a recreation room with a television set. The cells do not have bars on the windows.**

**At Neve Tirzeh, most of the women serving relatively shorter terms live six to a cell measuring approximately 4 by 4.3 meters (2.9 square meters per prisoner). The longer-term inmates live two to a cell measuring 4 by 1.9 meters (3.7 meters per person). The rooms, which are in one-story shed-like buildings, all have separate bathrooms and shower alcoves. The larger ones have their own**

dining areas and communal television sets.

The two-women cells for Palestinian women security prisoners at HaSharon prison are slightly smaller, containing a double-decker bunk bed for two prisoners. The women have dressers and small desks across from their beds.

The cells at Abu Kabir police jail are more spacious. They contain three bunk beds, a picnic table, a shower and a toilet. The cells all have windows, and are light and well-ventilated.

### **The Russian Compound**

According to testimony gathered from former inmates and lawyers, no prison in Israel has conditions comparable to the Russian Compound, although the indoor cells in the IDF detention camps at Fara'a and Dhahiriya came close when they were at their most crowded during the first year of the intifada.

The jail has a capacity of 170 but was holding some 300 inmates at the time of the Middle East Watch visit. During an inspection conducted four months earlier by a delegation from the Israeli section of the Swiss-based Defense for Children International, there were 331 detainees. DCI reported that in 1989, the daily population of the Russian Compound averaged 258.<sup>7</sup>

There are 14 adult cells. All of the cells we visited are windowless. One of the smaller men's cells contains four bunk-beds and a table, and measures about 7.7 meters by 7.7 meters. It held 22 men (2.7 square meters per person). In other rooms that were hardly bigger, 35 men slept in a room containing only six double bunk beds. The overflow either shared beds or slept on narrow mattresses that were rolled out at night, covering virtually the entire floor. The same numbers and conditions could be found in the cells for Palestinian minors.

The corner of each cell contains a shower spigot and a hole-in-the-ground toilet. This corner is separated by a blanket hanging from the walls. In some rooms, a person showering would be obliged to stand close to the toilet platform; in other rooms the two fixtures are a more comfortable distance from one another.

Israeli criminal offenders and suspects are held separately from the

**Palestinians. Their rooms are equally squalid, although on the day we visited each inmate had his own bed. The two women's cells were half-empty at the time of our visit and therefore seemed far less disagreeable.**

### **Physical Conditions**

**The physical conditions of IPS prisons and police jails vary widely. Most were adequate in terms of light, ventilation, and upkeep of the cells. Only the Russian Compound was in deplorable condition. Even Ayalon, with its run-down, shabby plant and a sewage system that, by the warden's admission, frequently backed up remained far preferable to the Russian Compound.**

**The buildings themselves ranged from multi-floor cell-blocks in the larger prisons, such as Ayalon and Judea-and-Samaria Central, to barracks in HaSharon, to a kibbutz-like colony of bungalows at Ma'asiyahu.**

**The grounds surrounding the prisons are of little relevance for maximum-security prisoners in the facilities we visited, since they usually can neither see the grounds nor visit them. The outer wall of the Ramleh complex, which includes Ayalon and Neve Tirzeh prisons, is covered by a colorful mural that passing motorists can enjoy; Ayalon inmates see little but buildings, pavement, and barren courtyards. However, at Neve Tirzeh women's prison, the medium-security HaSharon, and the minimum-security Ma'asiyahu, the grounds are attractively landscaped and maintained by inmates.**

**Cell conditions depend on such factors as the age of the facility, degree of overcrowding and the climate. In Ayalon prison, a pre-independence building located on Israel's coastal plain, the cells are humid and poorly ventilated. In Judea-and-Samaria Central, a modern facility in hills north of Nablus, the air is better, although ventilation had been reduced by thick boards that the authorities had placed just outside cell windows on one side of the prison, in order to prevent inmates from trying to communicate with people on a nearby hill.**

**Except at the Russian Compound, the ordinary cells at the prisons and jails we visited have separate bathrooms containing a toilet and shower. The toilets, whether of the sit-down or the hole-in-the ground variety, are cleansed by**

**running water. At all the facilities, an effort is made to keep the premises clean.**

**At a cell chosen at random at Judea-and-Samaria Central, the floors and walls were clean and there were no foul odors. However, there was a bug infestation problem, despite the use by inmates of insecticides. As discussed below, Palestinian security prisoners, as a rule, are required to eat their meals in their cells, which could aggravate the bug problem. Criminal prisoners in Israeli prisons generally eat in dining halls.**

**At HaSharon, cells in the women's, men's and juvenile wings all have adequate ventilation and are well-maintained. None of the inmates complained about filth, but one woman said that cold water leaks into the rooms during the winter.**

### **The Russian Compound**

**The worst conditions were found in the Russian Compound, particularly with regard to ventilation. The cells have vents, and a small grill on the door, but no windows. When Middle East Watch visited in the summer, the vents provided no relief. The air in the adult cells was hot and stifling, both from the human smells and cigarette smoking. Inmates complained that during Jerusalem's chilly winter, the cells are cold and the blankets that are provided do not suffice. The warden said that each inmate receives three blankets from the jail and is permitted to receive sheets and more blankets from his family.**

**Lightbulbs provide the only light, and the cells have a rundown appearance. The staff makes efforts to sweep and mop, but, as the prison doctor acknowledged, "we can't keep the bugs out." Inmates eat their meals in a dining hall, but were permitted to keep in their cells food and drinks purchased at the canteen. This would exacerbate the infestation problem, especially since there are no refrigerators in the cells.**

### **Punishment and Isolation Cells**

**All of the Prison Services prisons we visited contain isolation cells. These cells are used for multiple purposes: protective custody, punishment, and observation prior to assignment to the ordinary cell blocks. Interrogation wings**

**also reportedly contain isolation cells.**

**According to officials at Judea-and-Samaria, none of the inmates in the isolation wing on the day of our visit were there as punishment. They were either protective custody cases or new arrivals at the prison. Prisoners in the ordinary wings did not accuse the authorities of frequently or arbitrarily using the isolation cells for punishment.**

**Cells in the isolation wing each hold one or two inmates. The double cells are narrow, affording little room to pass by the bunk bed. They have running water. The solitary cells are about 2 by 3 meters in size, and contain no plumbing. Inmates in these cells relieve themselves in pails that are provided, or ask the guards to take them to toilets down the hall. Similar conditions exist in the isolation cells at Ayalon prison.**

**At Neve Tirze, the isolation cells, located in a separate building, are substantially larger. According to the warden, only two women in the wing at the time of our visit were confined there as punishment; one had flooded her room and the other had threatened a guard. The other cells contained inmates who, the warden said, had mental problems. Inmates undergoing punishment are confined to their cells around the clock.**

### **Clothing**

**Clothing is generally adequate at prisons and police jails. Both prisons and police jails permit relatives of inmates to supplement the standard-issue items. Clothes brought from outside must conform to the color codes, which include a ban on wearing the colors of the Palestinian flag.**

**At HaSharon, some of the women security prisoners we saw were wearing jeans and blouses, while others had on traditional Islamic garb. At Judea-and-Samaria Central, male security prisoners wore a mixture of prison uniforms and their own garments, primarily shirts brought from outside.**

## **Food**

**Food in Israeli prisons and police jails is generally adequate in quantity and quality. We reached this conclusion despite hearing complaints from some inmates about inadequate portions and variety, and the paucity of fresh produce and meat. Our conclusion is based on a number of factors. Because complaints about food are near-universal among prisoners everywhere, the gravity of the problem is best measured by examining the kinds of complaints one hears from the inmates. Inmates in Israeli prisons and jails, when given the opportunity to air their grievances, did not stress food. Second, ex-inmates who had been held in a variety of facilities raised consistent complaints about inadequate food during interrogation, but did not complain harshly about their diet in the ordinary prison wings. Not a single prisoner we met claimed to get fewer than three meals daily, in a regular or punishment cell. As a group, they did not look underfed.**

**We also observed the food being prepared and served in a number of prisons. It looked institutional but palatable, and no inmates told us that the meals we saw were atypically generous or appealing.**

**In a number of prisons, such as Judea-and-Samaria Central, inmates work in the kitchen. But in HaSharon, authorities denied permission on security grounds to the Palestinian women prisoners to work in food preparation.**

**All prisons have canteens, which sell food and cigarettes to all prisoners and their families. The Russian Compound and Abu Kabir police jails also have canteens. Visitors are not permitted to bring food from home for inmates, with the exception of olive oil, which is permitted for Palestinian prisoners.**

## **Rules and Punishment**

**The procedures for administering punishment are spelled out in the Regulations of the Prison Service. For example, the regulations limit the use of isolation as a punishment to no more than two weeks per infraction, with the two weeks to be interrupted by one week in a regular cell. Certain rights must be respected at all times, including during punishment, such as three meals per day, and one family visit every two months. There does not appear to be any pattern of denying prisoners the minimum entitlements stipulated in the regulations.**

**According to both prisoners and prison authorities interviewed by Middle East Watch, punishment most often takes the form of a reduction of a prisoner's "privileges." For example, authorities may reward a prisoner by increasing the frequency of family visits to once every two weeks or punish him by cutting his visits to once every two months, the minimum frequency to which all prisoners are entitled. As a privilege, prisoners may own personal television sets, but they can be withdrawn as punishment. At Ayalon prison, a slot in the drug-free ward is a sought-after privilege that can be lost if a prisoner tests positive for drugs.**

**Punishments more serious than the revocation of privileges, such as placement in punishment cells, are generally meted out only for the most serious infractions. Inmates lose some of their rights while in punishment cells, including outdoor time or access to the canteen.**

**The UN Standard Minimum Rules for the Treatment of Prisoners<sup>8</sup> require that a hearing be held before a prisoner is disciplined:**

**No prisoner shall be punished unless he has been informed of the offense alleged against him and given a proper opportunity of presenting his defense. The competent authority shall conduct a thorough examination of the case. (Part I, rule 30)**

**Officially, IPS procedures require a hearing before a prisoner is disciplined. According to Col. Boehm, if an inmate violates the rules, the staff person who learns of the infraction writes up a report. The inmate goes before a "judge," who is either the warden or a deputy warden nominated by the Prison Commissioner to act as a "judge." The inmate is read the accusation, and is given an opportunity to present a defense. The "judge" decides if punishment is warranted and what it should be, or orders an investigation. The procedure and the permissible penalties are spelled out in the Regulations of the Prison Service.**

**We did not assess the handling of punishments in any detail. In general, inmates did not complain about arbitrariness, although they occasionally challenge punishments in district courts, claiming they were disciplined improperly or without a hearing. In 1989, for example, the women security**

**prisoners in HaSharon prison filed a suit claiming they had been collectively punished because of a disturbance involving only one or two prisoners and a guard. After the disturbance, the prison authorities had reduced the visiting privileges and confiscated the televisions of all of them. The IPS responded that an internal investigation had determined that all the prisoners had participated in the incident by yelling and banging objects in their cells. Before the court could hear the case, however, the inmates' privileges were restored.**

**The strictest regime followed at any of the prisons is found at the ultra-maximum security wing of Nitzan prison that holds prisoners who are judged dangerous. As mentioned in the introduction, our belated request to visit Nitzan was turned down as inconvenient by deputy commissioner Nir, despite his boast that it is "the best-kept ward in the prison service."**

**Col. Boehm claimed that prisoners are assigned to this wing only on the grounds that they pose a danger, and not because of the heinousness of their crimes. Inmates who attack guards are often transferred here, he said. Nevertheless, reports suggest that this wing of Nitzan is used not only as a secure facility for dangerous inmates, but also as a wing to punish certain prisoners.**

**Nitzan's ultra-maximum security wing held 21 Jews and 20 Arabs on July 31, 1990, according to Deputy Commissioner Nir. They include the Ramallah resident convicted of knifing to death two elderly Jews in downtown Jerusalem in 1989 and the Gazan convicted of causing the Tel Aviv-Jerusalem bus to veer into a ravine the same year, killing 16.**

**Because we were unable to visit Nitzan, we print here a description provided by al-Haq in its annual report for 1989, and follow it with comments that IPS officials made to us about Nitzan.**

**According to al-Haq,**

- Daily exercise is only allowed if prisoners agree to be handcuffed and footchained during that period as well. Since the prisoners refuse this treatment, they have had no exercise since the section was opened.**
- Prisoners are kept two to a cell, with poor lighting and air circulation. Neither prisoner may leave the cell for any reasons whatsoever unless**

**handcuffed and foot-chained;**

- **Detainees are constantly humiliated, insulted, and inhumanely treated, and there is an expressed readiness to tear-gas inmates at the slightest excuse;**
- **Detainees are allowed one visit per two months, convicted prisoners one visit per month, to which they must go handcuffed (behind their back) and in foot-chains;**
- **Detainees meet their attorneys under the same conditions, and through two sets of wire mesh, and within earshot of a guard (a lawyer who raised the issue of confidentiality was told to accept these conditions or not visit at all);**
- **No radios, books, newspapers, or writing materials are allowed, although copies of the Qur'an were recently permitted;**
- **Each prisoner is allowed four cigarettes a day, but no lighter, and must plead with a guard to light his cigarettes.<sup>9</sup>**

**IPS officials made the following comments about the ultra-maximum security wing to Middle East Watch:**

- **The food served at Nitzan is the same as at all other prisons. Inmates may make purchases at the canteen.**
- **Prisoners get one hour daily outside; handcuffs are fastened going to and from the yard, but are removed while in the yard. The same procedure applies for family visits. The only reason for the handcuffs is to protect the guards. Leg chains are not used.**
- **Prisoners do not work, and spend 23 hours a day locked in their cells.**
- **Prisoners are not permitted to own televisions or radios. They can subscribe to newspapers, and their families can bring them books. However, if they are placed in solitary confinement they cannot have any**

**reading material.**

- **Lawyers are not prevented from seeing their clients. A guard is present at their meeting, in order to watch their consultation. He is close enough to hear their conversation.**

**Even the official version raises concerns about excessively harsh treatment of prisoners in Nitzan. The lack of privacy for lawyer consultations violates the IPS's own regulations about the confidentiality of these meetings (see below). The denial of radios and televisions to all inmates in the wing, regardless of whether each one committed some offense while in prison to merit punishment, has more to do with punishment than maintaining security.**

**Middle East Watch is concerned about conditions at the ultra-high security wing of Nitzan. We urge other organizations concerned with prison conditions to press for access in order to assess first-hand the allegations of a permanent punishment regime there.**

### **Treatment by Guards and Staff**

**Interviews with inmates and ex-prisoners from a variety of facilities gave us the impression that physical mistreatment by guards was rare.**

**Nasir Ghanem Abu Zunta, a former security prisoner, said that during his year in Nablus Central Prison in 1989-1990, there had been only one incident in which guards beat a prisoner. Jamil Shafiq al-Matour in Judea-and-Samaria prison said that there were "no problems these days" with the guards. Criminal prisoners in Ayalon also said that physical abuse by guards was infrequent, and did not raise the issue when invited to list their chief grievances. Some Palestinian youths in the security cells in the Russian Compound complained about verbal abuse by guards, but not about physical mistreatment.**

**Women inmates gave us a similar overall impression. Security prisoner Rula Abu Diho told us that in HaSharon the guards shouted a lot at the prisoners but were not violent. The women security prisoners in the Russian Compound**

**police jail said they had experienced no physical abuse in the regular wing (i.e. after the end of interrogation). The women criminal prisoners at Neve Tirzeh made no allegations about mistreatment. The guards with whom they were in constant contact were women; male guards were in non-contact positions only.**

**The guards in civilian prisons carry no weapons and are forbidden to use force, except in life-threatening situations; they carry walkie-talkies and are instructed to respond to infractions by writing a report to their superiors, or, if urgent, to radio for help on their walkie-talkies. Guns, clubs, tear gas and helmets are stored in arsenals and are rarely brought out.**

**The IPS prisons have not had a serious disturbance during the last three years. As pointed out in the section below on IDF detention camps, not a single security prisoner in the custody of the IPS has been killed in a disturbance during the period of the intifada, while five have been killed in IDF camps.**

**Corruption among guards was not raised as an issue by prisoners. The internal discipline of security prisoners drastically curtails contacts between staff and inmates outside the channel of the inmates' designated contact persons. This arrangement limits the opportunity for individual initiatives between guards and security inmates.**

**In the criminal wings, where "drugs rule everything," according to one inmate at Ayalon, incentives to bribe guards would seem to be stronger. Middle East Watch did not conduct a sufficient number of private interviews with criminal prisoners to gauge the problem; but those who were interviewed suggested that drugs were smuggled in less by corrupt guards than by visitors and by inmates returning from furloughs.**

**There are several prerequisites to attaining the post of prison guard. A candidate must have completed at least ten years of education, must have a good record in the army, pass a civil service exam and take a seven-week training course. After a year on the job, guards may take a test that qualifies them to take a 12-week course to become sergeants.**

**The starting salary for guards is the equivalent of U.S. \$850 a month, after taxes. The average salary for guards is \$950 a month, after taxes. The average monthly salary in Israel stood at approximately \$1,250 after taxes, in January 1991.**

**Guards who work in wings containing Arab inmates are not required to speak Arabic. In practice, however, many of the staff are Arabic-speaking Druze and Sephardic Jews.**

**Guards in police jails are regular police officers, mostly of low rank.**

### **Austere Regime for Security Prisoners**

**While Palestinian security prisoners are entitled to the minimum rights stipulated in the prison regulations, they are as a class subjected to an austere regime that the prison authorities justify on security grounds. This regime amounts to a form of punishment that is added to the punishment of incarceration.**

**Criminal prisoners ordinarily receive their families in open rooms. Security prisoners are always separated from their visitors by a thick grill. The need to prevent passage of contraband and messages is the justification given.**

**Criminal prisoners eat in dining halls. Security prisoners eat in their cells. Col. Boehm said that the purpose is to avoid having so many security prisoners together in one room.**

**Criminal prisoners with good behavior records are entitled to furloughs of up to three days every three months after serving one-quarter of their sentence, provided that they have served at least three months. Prisoners in work-release programs are entitled to up to four days. Furloughs are exceedingly rare for security prisoners. Decisions on furloughs are made by the administration of the individual prison.**

**Security prisoners almost always serve their full sentences, while criminal prisoners frequently earn reductions of up to one-third of their sentences. Reductions are decided upon by the Release Committee, a body that is formally separate from the IPS but counts among its members an IPS official and a representative of the Commissioner of Prisons. Many criminal prisoners win their release after serving only two-thirds of their sentences.**

**This may not amount to discrimination, in view of the criteria used by the Release Committee: the applicant's behavior in prison, expressions of remorse, if any, and whether he is a recidivist. Security prisoners are rarely willing to express remorse; a small number who did succeeded in having their sentences shortened.**

**Security prisoners are prevented from making or receiving phone calls, on the grounds that it is necessary to prevent them from exchanging "illegal" instructions with their associates on the outside. The fact that criminal prisoners can also exploit phone calls to pursue illicit activity has not led to an across-the-board ban on their phone privileges. The calls of criminal prisoners are sometimes monitored, and action is taken when they are suspected of pursuing illicit activity, according to Col. Boehm. Thus, measures are taken after the fact for criminal prisoners, and before the fact for security prisoners.**

**The policies outlined here are sweeping in their severity. For example, if security prisoners are permitted to have regular visits with family members, with guards looking on, there appears to be no further security risk in permitting them to make phone calls that are monitored.**

**The double standard was challenged in court in 1990. Muhammad Musaweh, a Palestinian-Israeli convicted of espionage, was assigned to a criminal wing of Ayalon. While his Palestinian cellmates could phone out, he was forbidden from doing so. In a petition before the district court, he questioned whether such a ban could be imposed on a certain class of prisoners, rather than on a case-by-case basis. Although the district court rejected the petition, the Supreme Court, in hearing the appeal, said it was improper to deny phone privileges automatically to a prisoner merely because he was designated a security prisoner. "It is still necessary to examine whether it is appropriate to grant him a particular privilege," the judge, Dov Levine, ruled on September 4. Musaweh has since been able to make some phone calls from prison. His attorney, Avigdor Feldman, said that the decision could have an impact on other petitions filed by security prisoners, but does not create a binding precedent. Another security prisoner serving in a criminal prison, Victoria David, petitioned unsuccessfully in 1991 before a Tel Aviv district court to have phone privileges in Neve Tirzeh.**

### **Time Outdoors and Outside the Cells**

**The UN Standard Minimum Rules for the Treatment of Prisoners states, "Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits."**

**IPS regulations give prisoners a minimum of one hour outdoors per day, with the exception of those under punishment. In practice, many prisoners receive more time.**

**Palestinian security prisoners at Judea-and-Samaria Central generally receive a total of two and-a-half hours daily in the courtyard. The courtyard we saw was long and narrow. It was not suitable for vigorous sports, but was comfortable for calisthenics and walking.**

**At Neve Terzeh there are no large open spaces, but the women are able to sit outdoors in the pleasant green areas outside their bungalows. Those who hold jobs are generally out of their cells from 6:30am until 9:30pm.**

**Juvenile security offenders at HaSharon prison are allowed outdoors from 8am to 1pm. Their cells front on a concrete courtyard that is large enough for vigorous pacing, but not much else. They also have a recreation room that contains a ping pong table.**

**The women security prisoners at HaSharon, whose wing resembles the youth wing in layout, also spend much of the day free to go between their cells and the courtyard. Those under punishment are locked in their rooms for up to 22 hours a day.**

**IPS inmates who work spend much of the day outside their cells. In the medium-security HaSharon, many Israeli criminal prisoners who work in the prison's orchards and fields spend most of the day outdoors. The prison includes a basketball court and spacious recreation areas. Prisoners at the minimum-security Ma'asiyahu also spend most of their day outside their cells, and the grounds contain large open areas, an exercise room, and outdoor picnic tables.**

**Palestinian security prisoners at Judea-and-Samaria Central who work in prisoner services, such as the kitchen or laundry room, spend several hours daily**

**outside their cells. Some of the prisoners are also permitted, as a privilege, to leave their cells to use the prison library or to visit friends in other wings.**

**The only wholly inadequate courtyard we saw was at the Russian Compound police jail, where the space was an enclosed fence-covered courtyard approximately 22 by 22 meters in size. Perhaps sufficient for a jail with a smaller population and a faster turnover, this courtyard was too cramped for inmates who are crowded into poorly ventilated cells for several weeks or longer. The Russian Compound also has a small recreation room with ping pong, board games, and a television set (inmates do not have television sets in their cells).**

**To make matters worse, many inmates at the Russian Compound, in contrast to all of the other facilities we visited, said they received less than one hour a day outdoors. Men, women and the youths said they were given 30 to 60 minutes in the courtyard on most days, and sometimes were not permitted to go outside at all.**

**The warden of the Russian Compound denied that prisoners received less than one hour of outdoor time each day. He said that more time was not possible due to limitations on manpower and the need to provide separate outdoor time for each category of inmates, e.g. Palestinians and Israelis, men and women, adults and minors. However, on the day that Middle East Watch toured the facility, a sunny day in August, we passed the courtyard twice when it was empty; its use was not being maximized.**

## **Activities in Prison**

### **Work**

**The IPS annual report for 1989-90 states, "A major principle in the work of the IPS is that every inmate must be engaged in some form of employment activity throughout the entire day and that this employment activity must be creative and beneficial..."**

**Excepted from this requirement are inmates who have been remanded pending trial, those in isolation, and security prisoners. The latter are willing to work only in jobs that benefit the welfare of other Palestinian prisoners. Some**

**security prisoners have been refused permission to work even in such jobs: women at HaSharon asked to work in food preparation and were refused, on security grounds. Juvenile security offenders at HaSharon do not work, while juvenile criminal offenders in the same prison work in a factory that manufactures tape measures.**

**Of the 2,346 IPS inmates listed as employed for March 31, 1990, 839 worked in prison services and cleaning, 713 were working on local projects inside the prison, 280 were engaged in education and training, 146 were doing sub-contract work for the prison, and 140 were involved in production for the IPS. An additional 170 inmates held jobs with private concerns operating inside the prison, and 58 who were nearing the end of their sentences were working outside the prisons.**

**IPS policy is to pay all working prisoners according to a rate structure that is linked to the average national wage.<sup>10</sup> The wages are disbursed one-third for the inmate's use at the canteen, one third to his family, and one third to a savings scheme that is redeemable upon release.**

**Those who work for one of the private concerns in the prison earn the highest wages. A prisoner working at a private toy factory in Ayalon prison said he earned 3.5 shekels per hour (\$1.70). Those who are not employed in the private-sector enterprises earn considerably less.<sup>11</sup>**

**Middle East Watch toured a woodworking shop at HaSharon, an electrical fixtures assembly plant at Neve Tirzeh, and a printing press at Ayalon prison. At Ayalon, prisoners told Middle East Watch that work conditions were unsafe in the toy factory, and that two prisoners had recently had accidents there. Middle East Watch was unable to interview enough working prisoners or to inspect the workplaces closely enough to judge the standards of occupational safety.**

**Ma'asiyahu minimum-security prison offers a wide range of work opportunities. Prisoners work on grounds maintenance, in a privately run electrical shop, a government-run print shop, in construction, or leave each day for jobs outside the prison.**

**Aside from working in the kitchen and maintenance, inmates in police jails have no education or work opportunities, since the jails are considered**

**temporary holding centers. The fact that some prisoners have been held in the jails for over one year has not led to a modification of this policy.**

### **Education**

**In 1989, according to the IPS, 1,000 inmates attended a total of 27 educational classes, and 441 inmates were enrolled in vocational training courses.**

**HaSharon offers classes to adult inmates at the elementary school level only, while the larger Ayalon prison has classes at the high-school level. Women at Neve Tirzeh may enroll in classes at the prison or study in an "open university" by correspondence. Prisoners at Neve Tirzeh have access to personal computers in the prison library. At Ma'asiyahu, classes are given in basic education, religion, art, drawing, language, and interpersonal skills.**

**Juvenile security offenders and Israeli criminal offenders at HaSharon attend classes in the afternoon. The 80-85 juvenile security offenders and suspects we saw at the Russian Compound police jail were receiving no formal education, despite the fact that many of them had already been at the facility for several months. One youth told Middle East Watch that "the more learned [youths] teach the others." As with many of the deprivations at the Russian Compound, the absence of formal education for juveniles is inexcusable for the medium-term jail that the Compound has become.**

**At HaSharon and Ma'asiyahu, inmates may attend courses on family relationships. Families of the inmates are encouraged to participate in the courses. Both prisons have recreation facilities for visiting children.**

**The IPS claims a ratio of social workers to criminal prisoners inside Israel of 80-100:1. Social workers do not work with security prisoners -- who in any event do not seek their services -- or criminal prisoners imprisoned in the occupied territories. Security prisoners neither seek, nor are they offered, participation in the rehabilitation programs and services available to criminal offenders.**

## **Religion**

**Ayalon has a religious ward for Jews who wish to devote part of their day to religious study and prayer. Its two-person cells and quiet atmosphere were in marked contrast to the raucous atmosphere in the general wings of the prison. Nothing comparable is available to Muslims and Christians, although no Arab prisoners we met in any of the prisons or jails complained that they could not pray freely.**

**There is an even greater contrast in atmosphere between the cells in the Russian Compound and its synagogue, where some observant inmates are able to spend much of their day. When we visited, we found praying in the synagogue a group of ultra-Orthodox Jews who were being held on suspicion of having smashed bus shelters in Jerusalem, presumably to protest advertisements on them that they considered morally offensive. These inmates, who remained in their street-clothes, would spend little time in the Compound's dreadful cells before being released. There is no comparing the treatment given these zealous Jews and that given to Palestinians who are also accused of causing property damage out of a sense of personal conviction. Nor is there a mosque or chapel where Palestinian inmates can spend their day in prayer, although they are free to do so inside their cells.**

## **Women Inmates with Children**

**Women who are pregnant at the time they are imprisoned may keep their babies with them for two years. At the time we visited, inmates were caring for their babies at both Neve Tirzeh and HaSharon.**

## **Autonomy among Security Prisoners**

**Over the years, Palestinian security prisoners have won considerable autonomy in organizing their day-to-day life. Excused from the work requirement, they are left plenty of time to read, study and discuss amongst themselves. Newly arrived security inmates declare or choose an allegiance to one of the Palestinian political factions, which remains one of their primary affiliations in prison life. Each group organizes study groups for its members, and to some extent looks after**

**them. These activities, which are largely tolerated by the prison authorities, are described by Israeli journalists Ze'ev Schiff and Ehud Ya'ari:**

**Rather than serving as a deterrent and a punitive framework for breaking the PLO's strongest cadres, Israel's prisons were transformed into higher "academies," as the inmates called them, for reflection and education, ideological and spiritual rehabilitation, and experiments with new political constructs...Each day a symposium was held to discuss the content of that morning's newspaper. Many prisoners studied Hebrew "to get to know the enemy better." The uninitiated received instruction (albeit theoretical) in the use of arms and explosives. Prisoners who had attended officers' courses in one of the Arab states gave lessons in topography and field craft, military tactics and history. College graduates taught languages and political science. The prisoners pored over the works of Marx, Mao, and Frantz Fanon, developing a new lexicon of strategy and learning the value of consensus over ideological purity. They copied out whole books by hand to circulate among the cells, in a prison variation of samizdat.<sup>12</sup>**

### **Mixing Inmates**

**Because of Israel's political and ethnic conflicts, prison authorities must handle a complex set of variables when it comes to mixing prisoners.**

### **Security and Criminal Prisoners**

**Authorities classify Palestinian inmates from Israel and from the occupied territories as "security" or "criminal" (see Introduction). We found no evidence that, with regard to Palestinians from the West Bank and Gaza Strip, Israel assigns security offenders to criminal wings, or vice versa. We were also told that Arab foreign nationals, including Palestinians resident in other countries, are also assigned to the appropriate wings.**

**More controversy has surrounded the assignment of prisoners from Israel. Because there are no wings for Jewish security prisoners, four Israeli members of the leftist HaNitzotz organization who were jailed in 1988 were placed in criminal sections or in isolation. The four, who were convicted the following**

**year on charges of membership in a PLO faction and receiving funds from it to publish a newspaper, campaigned unsuccessfully to be transferred to wings containing Palestinian security prisoners.**

**Two women members of the group, Michal Schwartz and Roni Ben-Efrat, were placed in Neve Tirzeh among criminal prisoners, who called them traitors, pelted them with garbage, and seriously assaulted Schwartz. Their demands to be placed with Palestinian security prisoners in the same prison were refused,<sup>13</sup> and they were placed instead in isolation, and later transferred to the regular criminal wing.**

**One of the men, Yaakov Ben-Efrat, was refused the transfer by the Minister of Police "for reasons of prison security," apparently an allusion to the supposed risk of attack that Ben-Efrat could face from Palestinian prisoners.<sup>14</sup> Because he refused to be held in a criminal wing, Ben-Efrat was held in an isolation wing at Ashmoret prison for much of his two-and-a-half-year term.**

**In this regard, the IPS discriminates against Jews. While both Israeli-Palestinians and Palestinians from the occupied territories whose offenses were motivated by their convictions are placed with other inmates in the same category, Jews do not receive such treatment. Even if they number no more than a handful, Jewish security prisoners should enjoy the same right as their Palestinian counterparts to be among prisoners of their own kind rather than among criminal offenders.**

**The only foreign security prisoner we met with during our mission faced a predicament similar to the HaNitzotz prisoners. Victoria David, a Yugoslav sentenced to two years for giving information to a hostile organization, was the only security prisoner in Neve Tirzeh at the time of our visit. She said she wanted to be with the Palestinian security prisoners in HaSharon, a request that had been refused on the grounds that her offense was criminal. She said she had been assaulted by criminal prisoners when she arrived, but that this no longer happened.**

**In the Russian Compound jail, security inmates were kept separately from the criminals. However, there was one questionable form of mixing: Palestinians accused of stone-throwing were assigned to the criminal cells rather than the security wing, which is reserved for those suspected of offenses**

**more serious than stone-throwing, according to the warden. The warden's claim seemed true: the inmates in the security wings we spoke to said they were facing charges of murder and possession of weapons and explosives; none said he was accused of stone-throwing.**

**It does not seem proper to house suspected stone throwers with persons suspected of common crimes. Although stone-throwing is not always a political act, it has, in the context of the intifada, had political motives in most cases.**

#### **Pre-trial and Convicted Prisoners**

**The UN Standard Minimum Rules for the Treatment of Prisoners states: "Untried prisoners shall be kept separate from convicted prisoners." (Art. 85)**

**The mixing of pre-trial and convicted prisoners occurs mainly in police jails rather than in prisons. Middle East Watch encountered such mixing in the security cells of the Russian Compound jail. According to the *Jerusalem Post*,**

**A source close to the police inspector-general said that "because the police are not trained to deal with prisoners, we do not distinguish between and categorize suspects in custody. It often happens that a suspect in a case of unpaid alimony will sleep on the floor next to a convicted murderer."<sup>15</sup>**

**With regard to the IPS prisons, we encountered no evidence of disregard for the official policy of separating pre-trial from post-trial, men from women, and youths from adults. Civil rights attorneys told us that the separation policies were being respected.**

**Throughout Israeli prisons, adults and minors (under 18) are kept separately. Middle East Watch visited the youth wings at HaSharon prison and youth cells at the Russian Compound police jail. At Neve Tirzeh women's prison, minors are placed in separate cells, but there were none at the time of our visit. The delegation heard no allegations that juveniles are placed in the company of adults or abused by them.**

#### **Prisoners Needing Protection**

**A major concern of prison authorities is to protect Palestinian security prisoners who may be at risk of attack by other prisoners because they are suspected of informing or having informed to authorities. The civilian prisons have had far fewer problems in this regard than the IDF-run detention camps, where well over 20 suspected "collaborators" have been murdered by other inmates during the last three years (see Chapter Two). A total of four inmates were murdered in IPS prisons in 1988 and three in 1989, according to the IPS annual reports, which give no breakdown by presumed motive.**

**New adult male prisoners are first housed in one of the three intake centers, Nitzan, Ashmoret and Damon. They are put through a series of diagnostic tests before being transferred to a penitentiary, where a second period of observation and processing takes place. Among the issues that prison authorities check is whether the inmate will need to be in protective custody.**

**Each prison has an intelligence officer who advises the administration on potential problems of prisoner-to-prisoner violence. Prisoners are sometimes transferred from one wing to another, or into the isolation wing. If under protection, they take their time outdoors separately from the general inmate population.**

**It was not possible for Middle East Watch to determine the basis for the placement of prisoners in protective custody. Several prisoners in protective custody at Judea-and-Samaria Central pleaded with Middle East Watch to help them return to the regular wings, and prisoners have staged hunger strikes in the past to dramatize this demand. The prisoners said they did not know why authorities had separated them from the general prison population; clearly, they feared that their assignment to protective custody, whatever the motives, might taint them in the eyes of other prisoners.**

**Security wings have few if any problems with other forms of prisoner violence, such as homosexual rape or drug-related assaults. By all accounts, self-discipline among security prisoners keeps violence to a minimum and has made drugs all but nonexistent.**

#### **Mixing among Criminal Prisoners**

**Among criminal prisoners, conflicts arise less from ethnicity than from other matters, such as drugs and power.**

**The prison authorities reported a total of 80 attacks on prisoners during 1989, the vast majority of them occurring in facilities populated mostly by criminal offenders, such as Ayalon and Beer Sheva.**

**In Ayalon prison, criminal prisoners did not raise the issue of strong prisoners exploiting or preying on weaker ones. However, a report by the Police Ministry comptroller, prepared at the time of our visit, described a violent underworld culture in Ayalon, with strong and weak prisoners, and inmates transferred to protective custody because a "contract" had been put on them. A senior IPS official claimed that the situation described in the report had been corrected.<sup>16</sup>**

**Homosexual rape is not a serious problem in IPS prisons, according to inmates we interviewed. At Neve Tirzeh, the warden said, "Lesbianism exists, but doesn't cause problems." This view was endorsed by a woman imprisoned there for half of 1988.**

**As mentioned above, Ayalon has specialty wards that offer prisoners an opportunity to segregate themselves according to desired lifestyle. There are wards for drug-free prisoners and for observant Jews. However, demand for the drug-free ward exceeds the number of available beds.**

**In IPS prisons, Jewish and Palestinian criminal inmates live in the same wings, if in different cells, and mingle during their daily routines. At the minimum-security Ma'asiyahu, Palestinians and Jews live together in multi-cell bungalows, and occasionally are roommates. At Neve Tirzeh prison, Palestinian and Jewish women are kept in the same wings but in separate cells. In the criminal youthful offender wing at HaSharon, Palestinians and Jews share cells.**

**Deputy Commissioner Nir said that, in general, tensions are high between Palestinian and Jewish inmates only when news of a local terrorist incident reaches the prisoners. Jewish and Palestinian criminal prisoners concurred.**

**No inmate at the Russian Compound police jail, either Jewish or Palestinian, said there was any trouble between the two groups.**

### **Contacts with Outsiders**

#### **Phone Calls**

**Security prisoners in prisons and police jails are uniformly forbidden to make any phone calls. Criminal prisoners who are not being punished are able to make phone calls once a week or more. Their calls may be monitored by authorities.**

#### **Family Visits**

**The regulations of the Prison Service state that prisoners are entitled to one half-hour visit by family members every two months. In practice, most prisoners receive, as a privilege, more frequent visits, of up to one per week.**

**The character of the visits is determined by the category of prisoner. Criminal offenders are permitted to have unobstructed contact with visiting relatives, unless authorities suspect that drugs are changing hands. In that case, a divider is put down between them. At present, Israel has no system of conjugal visits, although some prisoners are able to go home on furloughs (see above).**

**Col. Boehm said that all prisoners are permitted to have up to three adult visitors and two children at one time. He said prisons were flexible on the number of children.**

**In the facilities visited by Middle East Watch, security prisoners are separated by a thick screen from all visitors, including their children. At Judea-and-Samaria Central and HaSharon, the visiting room for security prisoners consists of a room divided down the middle by a fence. Prisoners enter through a door on one side, and visitors enter from the other. A guard watches over the visits.**

**Those facilities where a weekly half-hour visit was the norm include Neve Tirzeh, the youth security wing at HaSharon, and the Russian Compound and Abu Kabir police jails. For the security prisoners at Judea-and-Samaria Central and HaSharon, the norm was one half-hour visit every two weeks. The most liberal policy we encountered was at Ma'asiyahu minimum-security prison, where visits were weekly and lasted up to two hours.**

**In the police jails we visited, Abu Kabir and the Russian Compound, the official policy is to grant 30-minute visits each week, except to prisoners still in the first 30 days of detention or still under investigation. The warden of the Compound said that prisoners are permitted to choose the day of the week for their visit. Some, but not all, inmates of the Compound complained that they were allowed less than 30 minutes with their visitors. In IPS facilities, prisoners did not complain that visits were shorter than the allotted time.**

**Prisoners from the occupied territories complained that family visits were sometimes blocked because a curfew order confined relatives to their homes. Visits virtually stopped during the Gulf war, when Palestinians were under strict curfew for weeks on end. Since then, a new problem of access has become prominent: a pass system being established as a security measure to limit the number of West Bank and Gaza residents entering Israel has prevented some Palestinians from visiting imprisoned relatives. There is a danger that the stalemate between Palestinians and the IDF that has prevented family visits at the IDF detention camp of Ketsiot for three years (see Chapter Two) may spread to IPS prisons inside Israel.**

### **Lawyers' Visits**

**According to Israeli law, inmates are entitled to unlimited visits by their lawyers before completion of their trial. Certain restrictions apply to detainees under interrogation, which in practice routinely prevent their access to counsel for two weeks or longer.<sup>17</sup>**

**Criminal inmates are allowed to phone their lawyers. No criminal inmate, either facing trial or already convicted, complained to Middle East Watch that impediments were being placed in the way of phone calls or consultations with lawyers.**

**The situation for lawyers representing security prisoners is more problematic, although here too, access and privacy are generally respected.<sup>18</sup> The IPS policy is that privacy is guaranteed for all meetings between prisoners and lawyers, whether the inmates are criminal or security, pre-trial or convicted. Col. Boehm said, however, that IPS authorities would interfere if they had information that specific lawyers were using their meetings with security prisoners to give or receive subversive information. Palestinian lawyers have been accused of this offense and imprisoned. For example, Adnan abu Leila, a prominent lawyer in Nablus, was given a three-month administrative detention order in September 1989; authorities accused him of being a Fatah activist who served as a communications link between the leadership and prisoners.**

**Lawyers interviewed by Middle East Watch asserted that conditions for meetings with security prisoners were far better at the IPS prisons than at IDF detention camps. They said that disrespect for privacy was the exception. Osama Halaby, a Palestinian-Israeli attorney, said that once, at HaSharon prison, a guard stationed in the consultation room refused to leave, insisting that she was not eavesdropping because she spoke no Arabic. Neta Goldman, an Israeli lawyer, said she had also encountered guards stationed in rooms where she was to meet Palestinian security prisoners, but that the guards had agreed to remove themselves from hearing distance when she insisted that they do so. Attorney Muhammad Na'amneh said conditions are worse at the Russian Compound, where the consultation rooms lack doors and noise from the hallways is distracting.**

**As mentioned above, IPS authorities acknowledged that privacy is not guaranteed at the ultra-high security wing of Nitzan, where a guard is placed within earshot when inmates meet with their lawyers.**

**Lawyers also complained about being made to waste time at the prisons, although here too they stressed that the system was more efficient than at IDF detention camps. Israeli lawyer Lea Tsemel, who has represented many clients at Judea-and-Samaria Central, complained that lawyers are made to wait long periods while clients are escorted to see them, even though the lawyers are required to submit in advance the list of clients they wish to see. The system is "not done to serve you," she said.**

**Halaby, a member of the Israeli bar, said lawyers from the occupied**

**territories, who belong to local bar associations and not the Israeli one, are treated less well by prison staff. Sharhabeel al-Za'eem, a Gaza attorney, described inefficiencies and harassment at Gaza Prison:**

**If I have an appointment at 9 am, the guard comes to me at 9:15 and asks the names of five clients. The security check takes 15 minutes. Then they start to bring my clients out. We sit in a room with three lawyers facing their three clients across a table and two guards. Since they make me finish by 9:50, I am left with four minutes per client.**

### **Mail**

**Ingoing and outgoing mail is subject to random checks, for content and for drugs, according to prison authorities.**

**In contrast to the IDF-run facilities, none of the prisoners in IPS prisons raised censorship or interference with mail as a serious problem. They said they received the mail sent to them, and their outgoing mail also reached its destination.**

**The ICRC serves as an intermediary for correspondence between prisoners and persons in countries that do not have postal agreements with Israel. This allows Palestinian prisoners to correspond with relatives and others resident in Arab countries. Such correspondence must also pass through prison censorship.**

### **Raising Grievances**

#### **Formal Procedures**

**Prisoners with grievances may first seek redress from the prison administration. There is no formal procedure system-wide by which the administration responds. There is variation in the degree to which wardens and their staff are accessible, and the manner in which they hear grievances.**

**The warden of Neve Tirzeh women's prison, which has only 120 prisoners, told Middle East Watch that prisoners could meet with her at any time; and they**

**often do so, on such matters as requests to make phone calls or to be transferred to a different cell. She added that disciplinary decisions, which are made by her or the deputy warden, are not subject to any formal appeal within the prison.**

**Prisoners, like other persons in Israel and the occupied territories, may appeal administrative acts to Israel's courts. Generally speaking, the petitioner must show that he has brought his grievance before the prison authorities before seeking remedy from the courts.**

**The procedure available to the prisoner depends on the type of facility he is in. For inmates in IPS prisons inside Israel, a prisoner's petition (עִיָּה) is heard in the first instance by a district judge, who usually holds the session inside the prison. The prisoner can then request an appeal of the judge's ruling before the Israeli Supreme Court, sitting as the High Court of Justice. Appeals to the High Court must be approved by the district court or the High Court itself.**

**For prisoners in all other facilities, i.e. IPS prisons located in the occupied territories, IDF detention centers and lock-ups and police jails, the petition is heard in the first instance by the High Court of Justice.**

**The procedural requirements for filing a petition are light. Petitions can be written in long-hand, and prisoners are able to represent themselves, although they generally fare better with a lawyer. In the two cases cited earlier in this chapter, the petitioners were represented by prominent civil rights lawyers. Their grievances were at least partially redressed by the prison authorities, although not as the direct result of a court order.**

**The office of the legal advisor to the IPS is responsible for preparing the IPS response to such petitions. It is also responsible for dispatching investigation committees to look into allegations of improper conduct by prison staff. The litigation is handled by the office of the State Attorney.**

**Official statistics provide the following breakdown of the subjects of prisoner petitions filed in 1989:**

**parole: 94  
medical treatment: 65  
home leave: 280**

**place of imprisonment: 67**  
**conditions of imprisonment: 29**  
**harassment and improper treatment: 71**  
**calculation of remaining sentence period: 29**  
**denial of opportunity to participate in rehabilitation work  
program outside prison walls: 25**  
**loss of equipment: 19**  
**denial of treatment for drug abuse: 43**  
**petitions against non-IPS agencies (police, State Prosecutor's office,  
etc.): 96**

### **Informal Procedures**

**The rights currently enjoyed by Palestinian security prisoners are the result of a long struggle. Israeli journalists Ze'ev Schiff and Ehud Ya'ari describe that struggle:**

**The prison struggle began in 1970, three years after the occupation of the West Bank and the Gaza Strip, with a hunger strike to exempt Palestinians from the rule of addressing the guards as "sir." The second round came in 1976, when the prisoners held a general strike to secure a privilege enjoyed by their criminal counterparts: the right to make purchases in the prison canteen. In 1980 another hunger strike was held to improve living conditions, which were truly appalling in the Jneid (Judea-and-Samaria Central) Prison, with fourteen men crowded into each twenty-four-square-yard cell appointed only with filthy bare mattresses strewn on the floor. Two more strikes followed in 1985 and 1986. The last major one, held in March of 1987, was over the demand for sheets and pajamas and the right to receive the Arabic newspapers of the prisoners' choice.**

**These strikes were landmarks in the security prisoners' gradual progress toward a kind of autonomy inside the prison walls. Out of a desire to keep the security blocks orderly and quiet the wardens agreed to grant prisoners more and more privileges....<sup>19</sup>**

**In that struggle authorities gave Palestinians the right to form representative committees, and agreed that no security prisoners would be**

**allowed to communicate with the administration, or vice versa, except through one of their designated spokesmen.**

**A cruder system of prisoners' spokesmen has developed in some of the criminal sections of IPS prisons, where "strong" prisoners play an intermediary role between authorities and inmates, meeting with the warden or his deputies to discuss prisoner demands and grievances.**

**Long hunger strikes, once a common tactic among security prisoners as a way of making demands, either regarding general conditions or in support of individual prisoners, have grown less frequent. Col. Boehm said that the vast majority of hunger strikes are one meal or one day in duration, some of them as a statement on political developments outside the prison. He said that in recent memory no IPS inmate was hospitalized or force-fed as the result of going on hunger strike; no prisoners or lawyers we interviewed contradicted this assertion.**

**The IPS official statistics list 174 group hunger strikes system-wide during 1989, a disproportionate number having taken place in prisons holding security prisoners. In 1988 there were 130 group hunger strikes, according to the IPS.**

**Self-mutilation with knife cuts, once an occasional phenomenon among criminal prisoners, is rare today. It was not raised as an issue by prisoners or prison authorities.**

### **Censorship and Availability of Reading and News Material**

**Censorship is an issue primarily with Palestinian security prisoners, who wish to read newspapers and books that share their political orientation. In prisons, unlike the IDF detention camps, prisoners are permitted to receive the more outspoken Palestinian journals, such as *al-Tali'a* weekly and *al-Shaab* daily. Newspapers arrive via the ICRC, and in the mail, if the prisoners can arrange for payment.**

**All publications in Israel and the occupied territories are subject to military censorship. Censorship is heaviest for the Arabic press. The prison authorities do not impose another layer of censorship; if a newspaper is**

**published with the approval of the military censor, it is generally allowed to reach the prisoners. However, military authorities in the West Bank and Gaza sometimes block the delivery of newspapers published in Jerusalem. When this happens, inmates in prisons in those areas may also be deprived of their papers.**

**Security prisoners rely more on radio and television than on newspapers to keep up with news. They keep radio and television sets by their beds, and are able to tune to broadcasts from Israel, Jordan, Syria, and the West. However, radios and televisions are sometimes confiscated temporarily as a punishment.**

**Each prison has a library. Some of the libraries serving security prisoners are managed partly by the prisoners themselves. We did not visit any libraries.**

**At Neve Tirzeh, the warden said that there were no books in Arabic, since all of the Arabic books had been transferred to HaSharon, when the Palestinian security prisoners were transferred there three years ago. However, there remained some Palestinian criminal prisoners at Neve Tirzeh.**

**Censorship is a severe problem at the Russian Compound, where the only reading material is what the ICRC brings in. Families are not permitted to bring in books or publications, and there is no library. Prison authorities discourage the ICRC from bringing in political books, on the grounds that the jail has no staff to check the suitability of the publications. The result is that inmates have access to almost no reading material other than newspapers that reach them several days after the cover date. They have no personal televisions or radios, and the juveniles are even forbidden from having pens, on the grounds that they used them to deface the walls and mattresses.**

## **CHAPTER ONE: Prisons Operated by the IPS and Jails Operated by the National Police**

**1. Israeli Jews living in the West Bank and Gaza are treated as Israeli citizens under Israeli law, and are sent to prisons inside pre-1967 Israel. Palestinians who reside in annexed East Jerusalem and Druze residents of the annexed Golan Heights are also counted as citizens of Israel. Statistics for the small number of imprisoned foreign nationals are not given.**

**2. Most pre-trial detainees from the occupied territories are held not by the IPS, but by the IDF, in detention camps such as Megiddo and Ketsiot. The vast majority of inmates from the occupied territories are charged or convicted for security rather than criminal offenses. We obtained no precise breakdown, however.**

**3. The official capacities provided are, except where noted, those given by the wardens of the institutions. The numbers provided by the IPS Annual Report for 1989-1990 are in some cases slightly different.**

**4. Yoram Bar, "Unfit for Humans," *Jerusalem Post*, March 2, 1990.**

**5. Three square meters equal a little more than 30 square feet. For purposes of comparison, a number of decisions by courts in the United States have required a minimum of 60 square feet per prisoner.**

**6. These figures have been rounded.**

**7. Defense for Children International, "Visit to the Jail: the Russian Compound, Jerusalem," March 21, 1990.**

**8. Approved by the Economic and Social Council by its resolutions 663C (XXIV) of July 31, 1957 and 2076 (LXII) of May 13, 1977.**

**9. Al-Haq, *Nation under Siege*, pp. 202-203.**

**10. See IPS Annual Report 1989-1990, p. 34.**

**11. The wage levels for those employed by the prison as of January 1, 1990 were reported to range between 70 cents and \$4.20 daily. Palestinian security prisoners who work in cleaning and service jobs receive the same pay as Jewish prisoners performing comparable jobs, according to Col. Boehm.**

**12. "Israel's Prison Academies," *Atlantic*, October 1989, pp. 26-27.**

**13. Palestinian security prisoners were held in Neve Tirzeh until the women's wing of HaSharon was opened in 1988.**

**14. In a letter, Ben-Efrat and another activist in the same group, Assaf Adiv, explained why they sought a transfer to the security wing:**

**The security prisoners' wing is the only place in prison where we can reasonably maintain our way of life...[In other wings] social and moral disintegration prevail under the reign of drugs. The attempt to separate us from prisoners convicted on the same charges is based on racist norms of discrimination between Jews and Arabs..**

**Cited in "The Struggle against Separation of Nationalities," *Challenge* magazine, Tel Aviv, October 1990.**

**15. Yoram Bar, "Unfit for Humans," *Jerusalem Post*; March 2, 1990.**

**16. See Natan Ro'i, "Beatings, Humiliation, Contract Hits, and Fear of Strong Prisoners," *Davar*, July 29, 1990.**

**17. See B'Tselem, *The Interrogation of Palestinians during the Intifada*, March 1991, pp. 97-99.**

**18. As stated in the introduction, this report does not deal with arrest procedures, interrogation, or the military courts in the occupied territories.**

**19. "Israel's Prison Academies," p. 26.**

## **CHAPTER TWO**

### **Detention Camps Operated by the IDF**

**IDF detention camps hold a specific category of prisoners: male security inmates from the West Bank and the Gaza Strip. The IDF sometimes arrests girls and women, but has no facility to incarcerate them. If not released, girls and women are transferred to police or IPS custody.**

**Prior to the intifada, the IDF played only a minor role in imprisoning people. It operated three facilities: Far'a, north of Nablus, opened in 1982 to hold youthful suspects arrested during the wave of unrest that followed Israel's dismissal of several West Bank mayors, Tulkarm in the northern West Bank, and Beach camp in Gaza, opened in 1987. After two years of the intifada, the IDF was operating eight facilities<sup>1</sup> in Israel and the territories, holding some 9,000 Palestinians, including 2,000 administrative detainees.**

**The IDF was reluctant to get deeper into the business of running prisons, according to Col. Ahaz Ben-Ari, then legal advisor to the West Bank Civil Administration,<sup>2</sup> but "the intifada created a new situation, and the [IPS] couldn't cope with the numbers." The task fell to the IDF rather than the IPS because it was able to erect and expand facilities "faster and cheaper," Col. Ben-Ari said.**

**The IDF did the job faster and cheaper because it mobilized inmates and conscripts and reservists to carry out much of the labor,<sup>3</sup> and because the facilities it chose to construct were outdoor tent camps rather than conventional cell blocks, and therefore designed to absorb large numbers of prisoners at minimal cost.**

**While faster and cheaper to build, the outdoor tents are more exposed to the elements and less suitable for long-term incarceration than a prison cell that meets internationally required minimum standards. The IDF acknowledges this, turning over to the IPS most prisoners who are sentenced to terms of five years and longer,<sup>4</sup> as well as a small number of shorter-term inmates who are judged medically unfit for life in the camps.**

**The differences between IDF camps and IPS prisons go well beyond the difference between a tent and a cell. The guards at prisons are experienced professionals who carry no weapons; in IDF camps, armed soldiers keep watch on the prisoners. IPS prisoners have their own television and radios; IDF prisoners, at most, have Israeli radio broadcast to them over loudspeakers. These are only two examples of the disparity.**

**Building tent camps may have been a reasonable response to the rapid doubling of the inmate population at the start of the intifada. Regrettably, they did not turn out to be a temporary emergency measure. Instead of expanding capacity in its regular prisons, Israel has in the 40 months since the start of the intifada institutionalized the IDF tent camp as the main type of detention facility for Palestinians.**

**These camps, which might be considered acceptable for two or three weeks' detention, now house detainees for months and often for more than a year at a time. It is important to remember that the majority of these inmates have not been convicted, but are either administrative detainees or suspects awaiting trial. The former is a special category of inmate entitled to a high standard of conditions laid out in the Fourth Geneva Convention, while the latter group are presumed innocent until proven guilty. Neither should be subjected to conditions of incarceration that amount to punishment over and above the denial of liberty. Yet that is what they experience at Ketsiot.**

**Conditions in the IDF camps, as with conditions in the prisons and police jails, vary dramatically from one to the next. When interviewed by Middle East Watch, prisoners who had spent time in two or more IDF facilities expressed clear preferences among the camps. While several detainees and ex-detainees from the West Bank said that conditions at Ketsiot had improved since its early days in 1988, it remained the unanimous nominee for the least desirable destination. Megiddo, on the other hand, was a relative favorite among those Palestinians who had moved around.**

**The camps are run primarily by the IDF Military Police, and are staffed by career officers, reservists, and conscripts. At the three largest camps we visited, Beach camp, Ketsiot, and Megiddo, the commanders had assumed their posts**

fairly recently, and the inmates in private conversations with us generally gave them better marks than their predecessors. All of the commanders let Middle East Watch's delegation walk freely throughout their facilities, except for the interrogation wing at Far'a. The commanders seemed eager to convey the impression that they had nothing to hide at the detention camps, and that the problems that may have characterized the camps in their early days had been merely "growing problems," as then West Bank Legal Advisor Col. Ben-Ari termed them.

Through interviews with inmates and persons who have visited IDF detention camps in the past, Middle East Watch has a clear impression that conditions at the camps have improved overall since the start of the intifada.<sup>5</sup> The improvements have been made at least partly in response to pressure brought to bear upon the IDF: by the prisoners themselves, through hunger strikes and other means of protest; through court cases filed over prison conditions,<sup>6</sup> and critical reports by journalists, lawyers and others who have toured the camps. Despite the improvements, it needs to be stressed that the conditions found in all of the IDF camps can, at best, be considered acceptable only for short periods of incarceration.

There is a rough division of labor among IDF detention centers. Most of the camps primarily hold prisoners who are pre-trial or ordered remanded until the end of judicial proceedings. Ketsiot is the only one intended primarily for administrative detainees and prisoners serving sentences, and consequently the average length of stay is longer than at other camps.

### **IDF Detention Camps Visited**

**Ketsiot (Ansar IID)** may look like the other IDF detention camps, with its rows of fenced-in tents, but it stands apart as a phenomenon. Its remote desert location, the makeup of its inmate population and its unique conditions give the impression that it is conceived as something other than just a larger version of the IDF detention camps that exist elsewhere. Ketsiot reflects the apparent determination of the Israeli authorities -- manifested generally in their response to the intifada -- to leave no one in doubt as to who is in control. Its physical characteristics contribute to this: the remote location in a closed military security zone; the harshness of life in a tent city with little or nothing to do; the

**confinement of so vast a number of prisoners in one place; the rotating platoons of soldiers who help to guard the prisoners; and the guns trained on the prisoners. The isolation, which derives from the remote location, the failure to process mail adequately, and the absence of family visits (due to an impasse for which the Israeli authorities must be held responsible), contributes to the atmosphere of subjugation that pervades Ketsiot.**

**Ketsiot's fences enclose approximately one out of every fifty West Bank and Gazan males older than 16. Its sections for administrative detainees hold as many intellectuals and professionals as can be found in a small West Bank city. Alone among detention camps, Ketsiot holds inmates from both the West Bank and Gaza – but prevents them from mingling. The two groups are isolated from another, and they are all isolated from their home environment. Inside the camp, the tension felt by prisoners, and perhaps by soldiers as well, resembles less the atmosphere at other camps than the atmosphere in a West Bank town when an army unit is on patrol.**

**Ketsiot was opened in March 1988 at a military base about 40 miles southwest of Beer Sheva, three miles from the border with Egypt. According to the IDF, the controversial site was selected because it was judged the location that best fit the following criteria:**

**able to accommodate at least 5,000 detainees;  
a minimum area of 50,000 square meters;  
a relative proximity to both the West Bank and the Gaza Strip;  
a location near an existing military facility (the base at Ketsiot already contained a detention facility for IDF soldiers);  
it was reasonably distant from the civilian population (desirable because of "the large number of hostile detainees whose detention at the center was contemplated").<sup>7</sup>**

**Since its opening, Ketsiot has expanded steadily to its current capacity of over 7,000. It was holding 6,216 prisoners on the date of our visit, August 6, 1990, according to its commander, Col. Ze'ev Shaltiel. As of late March 1991 Ketziot was holding over 7,000 inmates. Ketsiot is more than four times the size of the next largest incarceration facility of any kind in Israel or the territories.**

**At the time of our visit, Ketsiot held 877 administrative detainees, a**

number that was reported to have risen to over 1,200 by the end of March 1991. Ketsiot also holds sentenced prisoners from the West Bank and Gaza (3,802 on the day of our visit), as well as Gazans who are under trial or awaiting trial (1,442).

**Beach camp (Ansar ID)** was opened in 1987, just west of Gaza City, by the Mediterranean Sea. It is convenient to the military court in Gaza City. According to its commander, Maj. Aharon Levy, Beach camp's capacity is 1,050. On the day of our visit, August 5, 1990, it held 725 prisoners. Most inmates are either pre-trial or ordered remanded until the end of proceedings. Once sentenced, those who have already served most of their sentence may be permitted to serve the remainder at this facility; those with considerable time remaining are sent elsewhere.

**Far'a**, a former British police compound north of Nablus, reopened as an IDF-run detention center in 1982. Most of its prisoners are from the northern West Bank. The commander, Lt. Col. Hermon Wachs, described Far'a as a transit point. Of the 677 inmates on the day of our visit, August 8, 1990, about two-thirds were either awaiting trial or being held until the conclusion of their trial. The 198 who had been tried and sentenced, and the 28 who were under administrative detention orders were likely to be transferred to other facilities, unless their remaining sentences were brief. The average stay at Far'a is short. According to the commander, among current inmates, 511 had spent less than one month at Far'a, 154 had spent less than two months, and only 12 had spent two months or longer. Twelve inmates at the time of the visit were between 14 and 16 years of age.

Far'a has an official capacity of 820. Inmates are housed in twelve cells in the old administration building, and in an adjacent tent camp.

Far'a has an interrogation wing. While the General Security Service is primarily responsible for the interrogations, IDF personnel are reputed to play a more prominent role in the interrogations at Far'a than they do at other interrogation centers. Commander Wachs refused a request from Middle East Watch to visit the interrogation wing.

**Mogiddo** opened as a detention camp in May 1988, after "it once again became evident that existing detention space was not sufficient and that even the opening of the Ketsiot facility had not been enough."<sup>8</sup> Located in Israel on the border with the northwestern West Bank, it serves primarily as a pre-trial facility.

**It is near the city of Jenin and the military court situated there.**

**Like Ketsiot, the Megiddo camp was built around a pre-existing detention center for IDF soldiers. Megiddo and Ketsiot are the only two IDF detention camps inside Israel, following the transfer of security prisoners out of the Atlit detention camp.**

**The commander of Megiddo, Col. Shtumpeter, told us that on the day of our visit, August 7, 1990, Megiddo was holding a total of 1,518 inmates, all of them males from the West Bank. 75 of these were aged 14-17. 1,339 were awaiting trial or being held until the end of proceedings. A further 182 (number as given) had been tried and convicted; those with a substantial amount of time still to serve were likely to be transferred to Ketsiot.**

**Ofer (Beitounia), in the village of Beitounia in the Ramallah district, was reopened in 1988 after a period of disuse. According to Commander Lt. Col. Roni Levy, the main purpose of the facility is to hold suspects being tried at the military court in Ramallah. Sentenced prisoners are held only until they can be transferred. Ofer has a capacity of 450, and was holding 320 on the day of our visit, August 8, 1990, all of them in outdoor tent sections. 301 of them were pre-trial or remanded until the end of proceedings; 14 had been sentenced the previous week, and five were appealing their convictions.**

### **The Incarceration of Residents of the Occupied Territories Inside Israel: A Violation of International Law**

**The holding of residents of the occupied West Bank and Gaza Strip in facilities inside Israel is a violation of the Fourth Geneva Convention. Article 76 stipulates that "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein." Article 49 applies more broadly to all members of the protected population: "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or that of any other country, occupied or not, are prohibited, regardless of the motive."**

**The legality of detaining Palestinians in Ketsiot was challenged in a petition brought by a group of detainees before Israel's Supreme Court, sitting as**

**the High Court of Justice, in 1988. In November of that year, a three-judge panel headed by Chief Justice Meir Shamgar dismissed the petition. The court held that the Fourth Geneva Convention, as conventional rather than customary law, cannot be enforced by an Israeli court unless the provisions have been incorporated into domestic Israeli law.<sup>9</sup>**

**Since 1988, most of the growth in the IDF's detention capacity has taken place inside Israel's borders. Megiddo and Ketsiot now house fully one-half of all West Bank and Gaza Palestinians who are being held in any type of facility. After our visit, an old section that formed a jail for soldiers at the army camp adjacent to Ketsiot was reopened to expand the capacity for Palestinian prisoners. As of late March 1991, over 7,000 Palestinians were being held at Ketsiot.**

**While both Megiddo and Ketsiot violate the Geneva Convention by holding residents from the occupied territories inside Israel, the two facilities are not comparable in terms of their remoteness. Megiddo is practically on the border with the West Bank and is far more accessible to prisoners' families and lawyers.**

**Despite this proximity, the fact that Megiddo sits on the other side of the Green Line poses real problems for prisoners. On days when the territories are sealed off, or when army roadblocks are set up near the Green Line, prisoners' lawyers and visitors may be unable to reach Megiddo. Also, administrative restrictions on certain residents of the territories bar them from entering Israel, and therefore from visiting a relative or client in Megiddo. These restrictions were tightened in March 1991 on security grounds.**

### **Regulations**

**IDF detention camps are operated according to a series of directives. These directives are based on rules regarding the treatment of imprisoned soldiers ("Military Police Directives Concerning Detention Centers"), and on IDF standing orders issued in July 1988 concerning the conditions of detention for civilians.**

**The standing orders discuss various aspects of prison conditions, including daily routine and discipline. For example, prisoners are given complete**

**freedom to practice their religion. They have a right to send and receive mail.**

**The IDF claims that the regulations for the treatment of detainees, including daily routine, discipline and security provisions, are posted in Arabic at each camp. Such notification is required by international law.<sup>10</sup> As far as Middle East Watch was able to determine, prisoners in IDF camps do not receive copies of any such regulations; nor were copies posted in Arabic within their view. We did however, see a copy of the regulations in Hebrew posted in one of the camps, in view of the soldiers.**

**Beyond these regulations, commanders of individual camps have leeway on certain matters affecting conditions, apparently more than do wardens within the IPS prison system, where conditions are more standardized. The commander's management style plays a significant role in shaping prison conditions. For example, at Megiddo, prisoners said there had been a dramatic improvement in the atmosphere since the current commander took office in November 1989.**

### **Physical Layout and Overcrowding**

**Throughout the course of our visits to IDF detention camps, military authorities and soldiers stressed to us that the conditions we would see were also those of the soldiers who staffed the camps. The soldiers, we were told, ate the same food and slept on the same mattresses inside the same type of tents as the prisoners they guarded.**

**Middle East Watch did not attempt to verify such claims, although soldiers working at the camps clearly lived in spartan conditions. But even if the material conditions were identical -- and they are not<sup>11</sup> -- the contrasting circumstances that bring soldiers and Palestinians to these camps render such assertions beside the point. The physical conditions for soldiers, who are rotated out or go on home leave at regular intervals, is not the applicable standard for inmates who are confined for several months or as long as three or four years. It bears repeating that most of the inmates are administrative detainees and pre-trial detainees, who have not been convicted of any offense.**

**In all of the detention centers visited by Middle East Watch, most of the inmates are housed in tent camps. A minority is kept in cells in old buildings at Far'a and Megiddo, and also at Dhahiriya and other camps that Middle East Watch did not visit.**

**The tent camps are divided into fenced-in blocks that consist of a series of smaller paved, fenced-in rectangles (hereafter "subsections"). Barbed wire tops off the fences surrounding the subsections, and is looped on the ground in two-and-a-half-foot-wide coils just inside the fences. Within each section are two or more tents, each spanning 50 square meters. The enclosures also contain some open space and a shed with sinks, showers and toilets. Armed soldiers are stationed outside the fence.**

**The tents are supported by poles tall enough to allow a man of average height to stand. The flaps are generally open on the sides during the day, weather permitting, and closed during the night. They are lit by light bulbs that are turned off around midnight.**

**A unique feature of Ketsiot is the separation of blocks by tall ridges made from sand and gravel, preventing inmates from seeing into other sections, and allowing staff to patrol the perimeter of the blocks in vehicles.**

**Middle East Watch witnessed no officially recognized overcrowding at the camps, but saw crowded conditions nearly everywhere. The IDF states that each detainee is to be given at least two square meters of floor space,<sup>12</sup> and none of the facilities is significantly more generous than the minimum.**

**The number of prisoners housed in a subsection ranges from 50 to 200. With only minor variations, each tent contains 20-30 narrow foam mattresses resting on wooden slats, placed one against the next, so that there is no space to walk inside the tents except in the aisles separating the rows of mattresses. Other than a narrow aisle between the rows of beds, the tents contain no open space for prisoners to sit or store personal belongings. There are no chairs or tables in the tents, and no television sets; nor would there be room for these items unless some of the mattresses were removed. Prisoners eat sitting on their beds or on the ground.**

**A straightforward comparison of crowding in IDF and in IPS prisons is not**

**possible. IPS security prisoners spend most of their day confined to their wings. IDF prisoners have the free run of the surrounding yard, weather-permitting; prisoners are able to walk, exercise, and talk in privacy with one another during much of the day.**

**However, when all of the prisoners are confined to their tents, the overcrowding is more severe than in IPS cells. Such confinement occurs nightly, as well as during punitive "lock-downs," and when it is cold, rainy, windy, or uncomfortably hot. Israel's Supreme Court, sitting as the High Court of Justice, made clear that the outdoor space provided little relief from the crowding at Ketsiot:**

**The climatic conditions at Ketsiot, principally in the summer, the structure of the compound in which the tents are located, and the prohibition on the gathering of detainees in large numbers outside of the tents, result in the detainees staying in the tents during most of the hours of the day. This is also the place where they receive their meals and hold their prayers. For this reason the overcrowding has even more serious significance.<sup>13</sup>**

**A modest reduction in overcrowding has occurred since 1988.<sup>14</sup> But the basic formula at Ketsiot, of inmates sleeping on mattresses laid side by side inside tents, remains in place and has been replicated throughout the detention camps.**

**The housing of administrative detainees in these tents violates article 85 of the Fourth Geneva Convention, which states, in part:**

**The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of war. In no case shall permanent places of internment be situated in unhealthy areas or in districts the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more**

**suitable place of internment as rapidly as circumstances permit.**

**The authoritative ICRC commentary to that article asks:**

**Could the term "building or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigors of the climate and the effects of war" be taken to mean camps made up of tents? This practice is allowed in the case of prisoners of war where the Detaining Powers follow the same procedure for their own troops...The same latitude, however, could hardly be granted with regard to civilian internees and it seems clear that "building or quarters" must be taken to mean structures of a permanent character.<sup>15</sup>**

**Middle East Watch opposes Israel's practice of widespread administrative detention as a violation of the Fourth Geneva Convention. However, to the extent that Palestinians continue to be placed in administrative detention, Israel should meet its obligation under that convention to house them in appropriate buildings. Failure to do so compounds the violation.**

### **Physical Conditions and Climate**

**In all of the tent camps visited by Middle East Watch, prisoners were responsible for maintaining cleanliness. In Megiddo, Far'a, Beach camp and Ofer, the tents, outdoor areas, and the hygiene facilities were free of litter and filth. The plumbing seemed adequate everywhere: there was adequate water for drinking, washing, and showers, although hot water was available in some camps only at certain times (at Megiddo, for example, only three days a week).**

**At Ketsiot, where we were not permitted inside the sections (see Introduction) the sections appeared clean from the outside, and prisoners did not complain about dirt. However, they complained about scorpions – one prisoner showed us a freshly killed specimen – and snakes, against which the IDF had placed powdered lime on the perimeter of the blocks. Mice are common at Megiddo and elsewhere.**

**Because inmates live in tents, climatic conditions affect conditions**

**dramatically. Middle East Watch visited the camps in July and August, and therefore experienced the intense midday heat in Ketsiot and Beach camp. It is important to note that this heat is not the norm throughout Israel, the West Bank and the Gaza Strip. While Gazans who are sent to Ketsiot may be accustomed to noontime temperatures topping 100 degrees Fahrenheit, most West Bank Palestinians are not. They come from a region that is green and hilly in most places, where temperatures for the most part remain comfortable during the summer. The heat they encounter at Ketsiot is oppressive and can tax their health.**

**Middle East Watch has no first-hand experience of the tent camps during cold or rainy weather. However, prisoners and others familiar with the camps attest to the cold conditions that prevail in all of them. In central Israel and the West Bank, daytime winter temperatures are commonly in the 40-50 degree range, Fahrenheit. At Ketsiot, the temperature frequently dips to the 30s Fahrenheit at night.**

**Rain and strong winds are common during the winter, throughout Israel and the occupied territories. Prisoners at Megiddo and Ketsiot complained that water penetrates the tents during rainstorms, although such complaints were more pervasive during the winters of 1988 and 1989.**

**The tents are unheated. Prisoners are given extra clothing and blankets in the winter, but these measures cannot substitute for a heated indoor environment. Such conditions are particularly unsuitable for persons in fragile health.**

**Nearly all of the sections in Ketsiot, Beach camp, Megiddo, and Far'a that were visited by Middle East Watch were paved. In the relatively new Ofer camp, however, most of the prisoners were being held in enclosures that had yet to be paved, although the warden said they would all get asphalt. Unpaved sections, in the past common in other camps as well, reportedly experience mud and drainage problems during rainfall.**

### **Indoor Cells at IDF Detention Camps**

**In addition to the tents, Far'a, Megiddo and Dhahiriya have cells located inside older buildings. Some of the cells had been used earlier for incarcerating soldiers.**

**At Megiddo, the cells are reserved for minors, newly arrived adult males, and those under protection or being punished. At the time of our visit, the cells contained 70 minors and eight adults under punishment or protection. Although permission was offered, we did not visit the general cells at Megiddo, due to limited time. The punishment/protection cells were visited, however, and are discussed below.**

**At Far'a, we visited three of the 12 indoor cells. Conditions are very poor. The cells are dark and run-down. The cells have no plumbing; a jerry-can holds drinking water, and a garbage can behind a hanging blanket serves as a toilet. The only furniture is narrow foam mattresses on the floor.**

**One cell that is approximately 3 meters by 4 meters in size contained eight young men. One of them stated that the room had housed 14 youths until the morning of the visit. (As mentioned in the introduction, Far'a was the only IDF detention camp where inmates told Middle East Watch that the administration had made hasty improvements in anticipation of our visit.) A room that is about 7 meters by 5 meters held ten inmates. One inmate contended that the room had held up to 20 during his stay.**

**The rooms have ventilation systems and are not uncomfortably hot. But they have an unpleasant odor, due to the crowding, improvised toilets and the fact that inmates eat their meals in the cells and sometimes hoard food. The rooms are also infested with bugs.**

### **Outdoor Time**

**Prisoners in tent camps, of course, have ample outdoor time. Privileges for inmates in the cells vary. At Megiddo, according to the commander, the minors are outside six hours daily in an enclosed courtyard; the adults who are not in punishment cells get 90 minutes daily.**

**Cell inmates at Far'a receive one hour outside daily, according to both**

**the commander and the inmates. However, the commander said inmates did not get their outside time on days of family visits or court appearances. Inmates who help in food preparation have more freedom of movement, since they are able to move between their cells and the inmates' kitchen, which is across an outdoor corridor.**

**Inmates in punishment cells are confined around the clock (see section on punishments, below).**

## **Food**

**Food is adequate, if monotonous, in the camps we visited. The complaints about food were harsher among ex-prisoners we interviewed than among current inmates, suggesting that improvements had been made in the diet of inmates.**

**Prisoners generally told us that the food provided was adequate in quantity, but said they wanted greater supplies of fresh ingredients, particularly fruit, vegetables, and meat. Cooked beans are a staple of their diet.**

**IDF officials stressed to Middle East Watch that inmates receive the same food as soldiers, with minor adjustments. The IDF legal advisor at Ketsiot said that the only difference in diet is that, for sanitary reasons, the inmates receive only canned meat.**

**In most tent camps, each section has its own kitchen that is staffed by inmates. They are free to devise the menus from the rations they receive. Inmates tend to eat on their beds, using the plasticware they are provided. They can prepare their own tea and coffee.**

**The detention camps have no uniform policy on receiving food from outside. Megiddo allows no food to be brought in. At Beach camp, lawyers can bring in candy when they visit their clients. At Far'a, families can bring a prisoner food to be eaten during the visit, but not taken back to his quarters. Ketsiot is the only camp we visited where inmates can make purchases at a canteen.<sup>16</sup> They cannot reach the canteen, however, which is fact an army store (מקום) serving the military base. With no internal delivery service, inmates must rely on visiting**

lawyers to pick up goods for them. Goods commonly purchased are cigarettes, olive oil and za'tar, a wild oregano cherished in Palestinian cooking.

### **Clothing and Basic Supplies**

Virtually all inmates request clothing from their families to supplement the army issue, in order to have adequate changes of clothes. The IDF requires clothing brought from outside to be black, blue, or white. In the winter, prison authorities distribute coats and sweaters to inmates. In the summer, the ICRC provides them with white hats as protection from the sun.

Inmates receive detergent, soap, toothpaste, razors and cigarettes from the authorities. At Ketsiot, one razor is issued per day to each tent, and must be returned, requiring men to share. Complaints about shortages were more common at Ketsiot than elsewhere, although inmates who had been there for a long time said that quantities had increased since 1988 and 1989. Commander Shaltiel insisted that the inmates received adequate supplies, but charged that the shawishes, who are responsible for receiving and distributing the goods among inmates, gave preferential treatment to their political comrades in the section. Inmates who were shortchanged then blamed the administration because they were afraid to point the finger at their shawishes. If this is the case - and we found no independent information to corroborate it - then the administration should find an alternative way of insuring the delivery of supplies to all inmates.

Ketsiot issues ten cigarettes daily to administrative detainees, half that number to the other prisoners. Their lawyers are also permitted to bring them cigarettes. At Megiddo the ration is eight cigarettes per day.

### **Treatment by Staff and Guards**

During our visit to IDF detention camps we saw staff-inmate interaction that varied from perfunctory to cordial, but was never strained or hostile. Obviously, their behavior in the presence of a human rights delegation is not necessarily the way they ordinarily behave, so this section relies less on first-hand observation than on inmates' testimony that has been gathered and cross-

checked.

There are clear structural differences between the guard-inmate relationship at IDF detention camps and at IPS prisons. In the former, to state the most basic difference, soldiers stand outside a fence, armed, watching the prisoners within, except during searches and the three to four daily counts, when they enter the subsections. In IPS prisons, professional IPS guards are routinely in close proximity with the prisoners, armed only with a walkie-talkie.

IPS guards undergo professional training before they begin work (see Chapter One). They, and the prisoners they watch, spend longer in the same institutions, and get used to one another. The IDF soldiers who have the most daily contact with inmates are military police conscripts, who receive some special training, but less than IPS guards. Inmates are also watched by reservists, who serve three or four weeks and then go back to civilian life.

Within this framework, the treatment of inmates varies from one camp to another. At Beach camp, Megiddo and Ofer inmates generally did not complain about the behavior of guards. At Megiddo, prisoners even praised the administration for keeping tensions from building, by fostering regular dialogue.<sup>17</sup> The two camps where we heard frequent, though not universal, allegations of mistreatment were Far'a and Ketsiot.

At Far'a, the complaints focused on verbal abuse, harassment and unjust punishments, but not on beatings. Prisoners, particularly those living in the cells, complained of guards who rush and prod them on their way to the toilets and the showers. The inmates said they are hastily punished for minor infractions, usually by the suspension of family visits. If they talk to prisoners in the outdoor tent camps as they pass them on the way to the showers, they may be denied one or more family visits. If they take too long or talk in the showers, the water is cut.

The problem at Far'a, as far as Middle East Watch could tell, seems to stem in part from the attitude of the commander, just as at Megiddo, the commander seemed to deserve credit -- and received it from many inmates -- for improving the climate.

After most of the visits to IDF camps, we met with the commander, who asked us what complaints we had heard. In most camps, the commander took

notes and discussed the prisoners' complaints. Commander Wachs at Far'a was the only commander who dismissed most of the prisoner complaints with sarcastic remarks. When we told him of some of the complaints expressed by one of the prisoners in the cells, Commander Wachs insisted he knew which prisoner must have made the complaints and assured us he was a trouble-maker. When asked why he, alone among the commanders we met, refused to allow the inmates to designate contact persons (shawishes), Commander Wachs remarked, "I don't want to talk to a shawish. I want to talk to everyone." We replied that the prisoners claimed he rarely toured the cells to hear their complaints. He retorted, "They're *nudnikim* (pests). They want to talk to me all the time. But not about prison conditions; they want to talk about why they're innocent."

When asked about complaints that the guards confiscated notebooks during searches, Col. Wachs said, "We will take notebooks if there's any propaganda in it." (See below.) He then produced a bag of items he said had been confiscated during searches, including sharpened objects and plastic dishware that had been written on in Arabic. Among the items was a small domino block, on which someone had sketched a picture of the Dome of the Rock, the Islamic shrine in Jerusalem -- apparently this too was considered subversive.

Col. Wachs said that he replaces inmates' dishware twice every six months. If prisoners lose or break the dishware or it is confiscated, they must then eat with their hands or share with others until the time when new supplies are distributed.

However, Col. Wachs did acknowledge that the cells were unpleasant, and said he tried to rotate prisoners between the cells and the camps to ease the burden on prisoners. Prisoners said this was indeed carried out.

Ketsiot was the only camp where inmates spoke of beatings. Prisoners did not claim that physical abuse was common, but several said they had heard of incidents where inmates who were taken to the punishment cells had been beaten on the way to or inside the punishment cells.

We noted above that Ketsiot is in many ways an entity unto itself, and this was true about the quality of inmate-staff interaction. The difference was brought home to us when we watched soldiers conduct a count. While one soldier performed the count, another soldier stuck the barrel of his rifle through the

**fence, aiming it at the inmates as they moved through the procedure. This, we were told, is standard practice at Ketsiot for the three daily counts. At other camps, guards were visible but did not regularly patrol along the perimeters, and they did not point their guns as often.**

**Inmates in the various camps, but especially at Ketsiot, said their treatment depended on the character of the particular reserve units assigned to them. Lawyer Tamar Pelleg, who has been visiting inmates at Ketsiot since it opened, said prisoners are keenly aware of the personality of the reserve units as they come and go month after month. At Megiddo, by contrast, a facility with one-quarter the population of Ketsiot and a commander who appeared to be running a tight ship, inmates did not give the impression that guard behavior fluctuated much from one reserve unit to the next.**

**No staff member of an IDF detention camp has been murdered by an inmate during the intifada, although several have been assaulted. But Commander Shaltiel told Middle East Watch that guards at Ketsiot are "very scared they'll be murdered or taken hostage." He said also that guards are bitter that they work long days and get to go home only once every two weeks.**

**The fear and bitterness felt by the guards are two of many factors contributing to the tension at Ketsiot. Other factors include the harsh desert climate and setting, the lack of family visits, the longer periods of time that prisoners are confined at Ketsiot, compared to the other IDF camps, and the uncertainty, among administrative detainees, about whether their term will be renewed or allowed to expire. Not least is the huge prison population, which increases the risk that on any given day a disturbance will occur, and that it will spread quickly to other sections and rage out of control.**

**Officials told us that tension was particularly high on the day of our visit because an inmate had succeeded in escaping one day earlier. But the tension is always there, according to prisoners and their lawyers. Sha'wan Jabarin, a field-worker for the human rights organization al-Haq who had been in administrative detention for eight months at the time of our visit, said soldiers frequently threaten to use their guns, and prisoners live in fear that they will make good on those threats. In August 1988, after soldiers shot dead two inmates during a disturbance (see below), the ICRC said in a statement:**

**Ever since the Ketsiot camp was opened in March 1988, the ICRC has repeatedly stressed to the Israeli authorities that detention and internment of persons from occupied territories in Israel's south, particularly in the harsh climatic conditions prevailing in this case, was not compatible with the provisions of the Fourth Geneva Convention, and could only lead to tension and unrest.<sup>18</sup>**

**Because of the tension at Ketsiot, rules appear to be enforced more tightly than elsewhere. Group sports are prohibited, so as not to "excite" the inmates. Soccer is permitted at Megiddo and at Beach camp, albeit within a field bounded by coils of barbed wire.**

**A tear-gassing incident that occurred in Ketsiot a few weeks before we visited exemplifies the climate surrounding enforcement. There is a rule forbidding prisoners from praying outside their tents. When Ketsiot's deputy commander, Maj. Avi Chasa'i, spotted some of the inmates praying outside a tent he ordered them back in. The shawish tried to intervene, asking Maj. Chasa'i to let them finish the prayer. He replied with tear gas.**

**When asked for comment, Maj. Chasa'i told us:**

**I ordered the tear gas. There is a rule that they must not pray outside. They know it. Some of them were praying outside the tent. I asked the shawish to ask them to stop, and he refused, so we fired gas.**

**Deputy Commander Chasa'i did not claim to have fired tear gas to quell or prevent violence. He said, simply, "I ordered it because they disobeyed. They are constantly testing you."**

**When we asked Commander Shaltiel how often tear gas has been used at Ketsiot, he replied, "many times." Rubber bullets are also used. Shortly before our visit, a search in one wing had erupted into a melee in which inmates threw pieces of wood taken from the pallets supporting their mattresses, and soldiers fired rubber bullets. Inmates claimed that several wounded inmates were taken to a civilian hospital; the administration denied that anyone had been hospitalized. Twenty-five youths were sent to punishment cells; 20 were still in at the time of our visit (see below).**

**At Megiddo, by contrast, during the nine-month tenure of the current commander, tear gas had been used only once, and a gun had been fired once by a soldier, and that was into the air. Unlike some of the inmates interviewed at Ketsiot, inmates at Megiddo said they did not live in fear that weapons would actually be used by the guards. It appears there are more incidents of tear-gassing and opening fire at Ketsiot than elsewhere, even in proportion to its population size. Statistics are not available, however.**

**Live ammunition has been fired at prisoners in a handful of incidents during the intifada, killing five Palestinians. Middle East Watch did not conduct independent investigations of these incidents, which are described below, to determine whether deadly force was justified under the circumstances. However, it must be stressed that the IDF has shown itself less capable than the Israel Prison Service of handling prison disturbances without resorting to gunfire. During the entire period of the intifada, not a single security prisoner in the custody of the IPS has been killed during a disturbance.<sup>19</sup> Of course, the disparity in the frequency of disturbances may be due to several factors, including better conditions and a more settled inmate population in the prisons. Whatever the interplay of these factors, the greater frequency with which arms are used in IDF camps reflects their harsher overall circumstances.**

**On August 16, 1988, two inmates were killed in Ketsiot during a disturbance in which inmates hurled stones, wooden slats and other articles at soldiers. According to eyewitnesses, the commander at the time, Col. David Tsemach, fired the shots that killed at least one of the inmates. An army investigation cleared Col. Tsemach and all other soldiers involved of criminal wrongdoing.<sup>20</sup>**

**On December 12, 1988, an officer shot inmate Abdullah abu Mahraka fatally in Beach camp in Gaza. Knesset members Yossi Sarid and Dedy Zucker announced that according to two reserve soldiers who had witnessed the shooting, the officer fired at abu Mahraka while the detainee was lying wounded on the ground. The suspect claimed the prisoner had made threatening movements with the knife still in his hand, but the witnesses said the prisoner was so seriously wounded that he was no longer a danger to anyone. After a criminal investigation by the Military Police, the military prosecutor decided against charging the soldier, on the grounds that he had fired after the detainee had**

**threatened his life.<sup>21</sup>**

**In Megiddo, a soldier shot and killed an inmate during a disturbance on February 8, 1989, that was reportedly triggered by a protest by prisoners over the cancellation of family visits.<sup>22</sup>**

**In the only killing since 1989, a soldier fatally shot an inmate at Ofer on July 7, 1990. The Army claimed he was trying to escape and, after he defied orders to halt, the soldier opened fire. According to the camp commander, the soldier was cleared of wrongdoing after an investigation by the Military Police.**

**Inmates have also been wounded by live bullets in a number of incidents, most recently on March 12, 1991. In that incident, according to a military source quoted in the press, an inmate at Ketziot approached one of the guards saying he wanted protection but instead attacked the guard and tried to drag him toward the other prisoners. An officer shot the prisoner, who was reportedly evacuated to a hospital by helicopter. His condition was reported as moderate.**

### **Activities and Daily Life**

**IDF inmates must submit to certain routines, such as the three to four daily counts, periodic searches, and nighttime confinement of six to seven hours inside their tents. Beyond that, they are free to set their own schedule of activities. None of them works, except the designated cooks for the sections.**

**The political studying and strategizing that have turned the IPS security wings into Palestinian "academies" take place, on a lesser scale, at the IDF detention camps. Classes are held inside the tents, although they are officially forbidden, as is singing and marching. The commander of Ketsiot claimed to tolerate political discussions and studies as long as they took place inside the tents. He said he knew such activities were taking place because of the material found in the notebooks that were seized from inmates. While such activities are not directly suppressed, the transfer of prisoners among sections, often without a specific cause given, is probably intended in part to undercut political "leaders" in the sections.**

**In all of the camps, prisoners can obtain pens and notebooks from the**

**Red Cross.** Inmates everywhere complained bitterly that their notebooks are confiscated during searches and not returned. Commanders said they do not return notebooks found to contain illegal political writings. The commander of Megiddo said he is willing to return any notebook whose contents are cleared and whose owner writes his name and prisoner number on the cover. But few inmates enter their names on the notebooks, he said, so few notebooks are returned.

The confiscation of anonymous notebooks simply because they are anonymous seems to be one more gratuitous display of control in a cat-and-mouse game being played by the IDF and Palestinians. Putting aside the question of what may be legitimately censored inside a prison, authorities should strive to minimize the amount of material they confiscate from inmates.

Inmates of IDF camps are forbidden to have private radios and televisions. News and Arabic music are broadcast from loudspeakers in each section for certain periods each day (see below). After our visit, television sets controlled by the authorities were installed in the administrative detainee section of Ketsiot. Inmates are now able to watch Arabic movies.

The ICRC brings in dominoes, backgammon and chess sets for inmates. A few sections of Ketsiot have ping pong tables donated by the ICRC. Soccer is forbidden at Ketsiot but played in some of the other camps.

#### **Access to News and Reading Material**

In 1989, Ketsiot authorities returned to lawyer Tamar Pelleg two packages containing books she had brought for prisoners two months earlier. She was told that the books were prohibited in Ketsiot. The books, all in English except otherwise noted, included Shakespeare's *Hamlet*, *The Cancer Ward* by Alexander Solzhenitsyn, *Tolstoy* by Henri Troyat, and *Constitutional Law* (in Hebrew) by Israeli Knesset Member Amnon Rubinstein.<sup>23</sup>

The criteria for admitting books into Ketsiot are not made public.<sup>24</sup> In a letter of May 30, 1989, then-Minister of Defense Yitzhak Rabin wrote to MK Yair Tsaban, "For well-known reasons of security, books are not allowed into facilities before they have undergone an appropriate security check to assure that no books which contain inflammatory materials get into the facility."<sup>25</sup>

**Censorship is far more severe at IDF camps than at IPS prisons. This seems paradoxical, since inmates of IDF camps have either not been convicted or have been convicted of less grave security offenses than the inmates of IPS security wings. The lighter censorship at IPS prisons reflects more than the achievements of a long struggle waged by IPS prisoners to obtain newspapers and books of their choice, as well as televisions and radios. The disparity is also due to the differences between the IPS, which is a professional civilian agency in the business of running prisons, and the IDF, which is an army stuck with the task of detaining large numbers of civilians in camps designed to be hastily constructed, expanded, and operated at low cost. Faced with large numbers of inmates enclosed in the subsections, the IDF prefers to block information as much as possible rather than to balance the rights of prisoners against the concern for security.**

**The IDF permits the ICRC to deliver newspapers to inmates, but only *Yediot Achronot*, the *Jerusalem Post*, *Haaretz* and *al-Quds*. The latter, the only Arabic paper permitted, is a politically moderate East Jerusalem daily. This list of newspapers was objectionable to some inmates, who said they wanted to receive "their" newspapers, i.e. the more radical Palestinian dailies, *al-Fajr* and *al-Shaab*. Inmates in IPS prisons receive these papers, which are subjected to military censorship before publication and are licensed to distribute in the West Bank and Gaza.**

**Papers often reach the prisoners at Ketsiot ten days after the cover date, which is longer than at the other camps; when we visited Ofer on August 8, inmates had received papers from August 5. Authorities blame the tardiness on the ICRC, saying that the papers they bring are not that day's editions. This claim, if true to some extent, cannot account for the tardiness of papers in Ketsiot, where mail and books brought for prisoners are also delayed unduly, if they reach the prisoners at all. What Israel's Supreme Court stated in 1988 remains true today:**

**There is no reasonable basis for not granting [the prisoners'] claims regarding the frequency of the distribution of newspapers and the date of the papers that are distributed. Of course the authorities have the power to institute security precautions, but they must make sure that these measures do not result in the distribution only of dated newspapers to the detainees.<sup>26</sup>**

**Given the censorship of the Arabic press and other factors, Palestinians outside the prisons rely heavily on radio stations beaming from nearby Arab countries as well as from the West, for their news. IDF inmates are forbidden to own radios or televisions. Their only broadcast news comes from Israeli state radio broadcasts in Hebrew and Arabic, played over loudspeakers in the sections for fixed periods each day. As with the newspapers, inmates said they wished to select the stations themselves.**

**Prisoners everywhere complain about the scarcity of books, and the virtual absence of political books. The ICRC, which is the source for most of the books in the prisoners' possession, tends to select books that are likely to pass censorship, which means fiction, educational primers, and other nonpolitical works.**

**The complaints about reading material are loudest at Ketsiot, with its large number of well-educated administrative detainees and its more isolated environment. Sha'wan Jabarin, after being released from ten months' administrative detention in September 1990, claimed that during his detention his lawyer had brought 40 books of which only 14 had reached him. Another inmate made a similar claim.**

**A small library has been established in the administrative detainees' section of Ketsiot. Comparing it to the library at the IPS-run Gaza prison, which detainees have a hand in running, is "like comparing the bookshelf in my office to the library of Oxford University," Gaza attorney Sharhabeel al-Za'eem told us.**

## **Punishment**

**In the IPS prisons, the most common form of punishment is the revocation of a prisoner's "privileges." Only serious infractions tend to earn him a stint in a punishment cell. In the IDF camps, with fewer "privileges" to take away, prisoners tend to be sent to punishment cells more often.**

**At Ketsiot, confinement in punishment cells is perhaps the most common form of punishment. The cells at Ketsiot are about three meters by three meters square. They have windows in the doors.**

**On the day of our visit, a building containing four punishment cells was holding 23 prisoners, 20 of whom had been given ten days in the cells in connection with a melee that had erupted when a soldier tried to search a prisoner. The cells were uncomfortably hot and crowded. Inmates relieve themselves either in a pail that is provided or during one of the outings to the facilities. They do not receive recreational time outdoors.**

**An administrative detainee from Gaza, Sami Samhadana, spent three days wearing handcuffs and legcuffs in isolation in 1991 after he damaged a television set in a fit of anger, his lawyer, Tamar Pelleg, reported. According to the UN Standard Minimum Rules for the Treatment of Prisoners, "Instruments of restraint, such as handcuffs, chains, irons, and straitjackets, shall never be applied as a punishment." (Art. 33(c)) Restraints are permissible only as a precaution against escape, on medical grounds, or, as a last resort, to prevent a prisoner from harming himself or others.**

**Authorities usually impose punishments without a hearing, and often without telling inmates why they are being punished. Zahran abu Qbeitah, an administrative detainee, reported to attorney Pelleg that he had been held in isolation for over 50 consecutive days in 1991 without being told the reason.**

**Another form of punishment at Ketsiot is to reassign prisoners to special sections that are more tightly secured than the others. Known to prisoners as "cages," these sections are surrounded by three-meter-high cement walls, topped by three meters of fencing. Each cage section is divided into subsections that are also separated by concrete walls. Each subsection is covered with steel netting, ostensibly to prevent inmates from corresponding with inmates in other sections by lobbing messages attached to stones or other throwable objects. Armed soldiers patrol along a walkway that runs past the front of each subsection.**

**Commander Shaltiel said that some of these special subsections hold prisoners in need of protection and others hold "the leaders and violent and hardcore prisoners." Security is tighter in these sections, as is the prisoners' isolation from the rest of the prison.**

**Prisoners sent to live in the "cages" told us they were not told specific reasons for their transfer. Mahmoud Muhammad Abu Madkour, who has spent most of the intifada at Ketsiot under administrative detention, said he and the**

others were told only that they were considered the "activists" at Ketsiot. One of his section-mates, the deputy commander confided to us, was the "Don Corleone" of the inmates.

Although not explicitly designated as a punishment, assignment to the "cages" imposes a harsher regime on prisoners, and seems akin to a form of administrative detention *within* Ketsiot – imposed without stating any specific charges or holding a hearing, and intended at least in part as a preventive measure.

Infractions at Ketsiot sometimes prompt collective punishments, such as placing inmates under "curfew" by confining them inside the tents with the flaps down. On a summer day the heat quickly becomes intolerable. Commander Shaltiel said such "curfews" never last longer than two hours; inmates claimed they sometimes exceed that period.

At other detention centers, assignments to punishment cells are less frequent and of shorter duration. The commander of Ofer said that terms in the punishment cells do not exceed four days and have to be separated by one-week intervals. The cells are approximately 2.5 meters by 3 meters in size and contain mattresses, blankets, and a pail serving as a toilet. Each has two windows. Inmates at Ofer to whom we spoke, including the three contact persons (shawishes), did not allege that authorities use the punishment cells frequently or arbitrarily.

At Beach camp, the punishment cells are approximately 2.5 meters by 2.5 meters each, and hold up to four persons per cell (1.6 square meters per person), according to camp authorities. They contain a pail and a container of drinking water, but no toilets or running water. Inmates are taken outside to use the toilets. The commander said the cells are rarely used, and inmates did not raise the cells as an issue.

Megiddo has four punishment cells, located in a wing of the administration building. The commander said he preferred to impose other sanctions, such as depriving inmates of cigarettes or one family visit. The maximum stay in the punishment cells is 48 hours, he said. When we visited the cells, the heat, humidity, moldy air and lack of ventilation were so suffocating that even 48 hours' confinement seemed cruel, at least in the summer. The cells are

about two meters by three meters in size, with room for little besides a double-decker bunk bed. A cell we visited held two inmates, one of whom allegedly had tried to set fire to the prison infirmary to insure that he would not be returned to the general section, where, he said, he was afraid of being attacked by prisoners who suspected him of collaborating with the authorities. The inmate was in his second day in the cell.

The only camp besides Ketsiot where inmates said arbitrary punishments were common was Far'a. There, the most common form of punishment is to deny an inmate a family visit. Inmates said that visits are denied for petty infractions, such as talking to other inmates on the way to the showers.

### **Contacts with Outside**

#### **Notification of Kin of Prisoner's Whereabouts**

Early in the intifada, Palestinian families found it difficult and time-consuming to confirm that someone had been arrested and discover where he was being held.<sup>27</sup> The IDF did a poor job of making the information available, and with detainees being held incommunicado for interrogation or being transferred from one facility to the next, Palestinian families often learned about detentions of their relatives by word-of-mouth before they obtained any information from the authorities.

In 1989 the Association for Civil Rights in Israel (ACRI) filed a petition in the High Court of Justice demanding a streamlined system of notification. The IDF responded by announcing that each detention facility would begin submitting a list of detainees each day to the regional Civil Administration office, and require each newly arrived detainee to mail a postcard to his family without delay.

These innovations have brought some improvement, but the system of notification remains unreliable, according to attorney Neta Goldman of ACRI. Not all the detention camps send the postcards immediately, and the lists at the Civil Administration offices are not always up-to-date or complete. The army's central computer, which contains the names and ID numbers of persons in detention, is also not kept current.

### **Phone Calls**

**Prisoners in IDF camps may not place or receive phone calls. Communication takes place via the mail and visits by lawyers and families. When there is a need to notify a prisoner of a family emergency, the ICRC is the usual intermediary.**

### **Family Visits**

**Nearly all IDF detention camps allow each inmate one half-hour family visit on a biweekly or monthly basis. This is equivalent to what most security prisoners in IPS prisons receive. In this respect, Ketsiot stands out once again: virtually no family visits have taken place since it opened three years ago.**

**The lack of family visits is due to a standoff between the IDF and prisoners. The IDF has contended that because of Ketsiot's "proximity to sensitive military installations, and further due to the problem foreseen of large numbers of private vehicles arriving at the detention center at uncoordinated times and via different routes,"<sup>28</sup> Palestinians must apply for a permit from the Civil Administration in the West Bank and Gaza in order to visit.**

**The inmates reject these conditions on several grounds. First, they insist on having the same rights as inmates in prisons and detention camps in the territories, where family visits require no applications or special permits. Second, they reject, for nationalist reasons, that the right to family visits should be contingent on dealing with the Israeli Civil Administration, whose authority over the territories they do not wish to legitimize. Third, prisoners say that such dealings would subject their families to an application process resembling other permit procedures that Palestinians must go through, which involve long waits, the approval of several agencies, and possibly the payment of fees.<sup>29</sup> The IDF has blamed the impasse on the Palestinian leadership, claiming it has intimidated families from applying for permission to visit relatives in Ketsiot.**

**The IDF insists that approval of the permits would be routine for most applicants. The then West Bank legal advisor Col. Ahaz Ben-Ari told Middle East Watch, "Any person who has not been convicted and who does not have a green ID card<sup>30</sup> will be permitted to go." A very few family visits have taken place over the past three years, including relatives from abroad. Middle East Watch does not have information about the manner in which their applications were handled.**

**The ICRC stands ready to facilitate regular visits by providing buses to transport families to and from Ketsiot, as it does with other facilities. But the standoff continues, and many inmates have remained at Ketsiot for one year or longer with no visits or phone contact with their families.**

**Middle East Watch believes that the burden lies with the IDF to resolve the issue of family visits. The main source of the problem is Israel's decision to locate this detention camp for residents of the occupied territories at a military base inside Israel, in defiance of the Fourth Geneva Convention (see above). In choosing this site, Israel must have anticipated that family visits would require special arrangements, which the Civil Administration would be called upon to handle. It also must have known that Palestinians would likely boycott dealings with the Civil Administration, particularly during the intifada. In this light, it appears that the IDF created a situation in which a basic humanitarian right has become hostage to a test of wills.**

**The Fourth Geneva Convention affirms that administrative detainees must be permitted "to receive visitors, especially near relatives, at regular intervals and as frequently as possible." (Art. 116) The UN Standard Minimum Rules for the Treatment of Prisoners states that all categories of prisoners "shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits." (Art. 37)**

**Legal issues aside, both sides agree that the absence of family visits exacerbates the tense atmosphere. The tension, in turn, prompts the authorities to maintain a tighter control on the lives of inmates than is found at other camps. The persistence of this problem for three years suggests once again that Israel conceives Ketsiot not as just another detention camp, but as an institution apart.**

**Family visits are fairly standardized at the other four detention camps we visited. The policy at Ofer, Far'a and Beach camp entitles each prisoner to one half-hour visit every two weeks and at Megiddo, to one visit monthly. The commander of Megiddo said that visitors are supposed to be members of the immediate family, but that this regulation is not tightly enforced. Visits can be denied as a punishment. The commander of Ofer said visiting privileges are**

**denied for a maximum of one month; the commander of Far'a said there is no maximum.**

**The facilities for family visits vary, but in all camps take place under the watch of soldiers. At Ofer, 30 inmates at a time are brought to the edge of the camp, where they greet their families across two barbed-wire fences. Far'a has a similar arrangement. At Megiddo, visits take place in a large tent, with inmates and family separated by two screens about 70 centimeters apart. (In many other countries, it is only as a special punitive measure or in particularly high security cases that prisoners are denied the right to have contact visits and are required to communicate with their families through such screens. In the IDF-run camps, no prisoners may have contact visits.) Inmates also complain about crowding in the tents and that one visit monthly is not enough.**

**At Beach camp, visits take place in a barrack every Friday from 6:30am to 1 or 2pm, with eight prisoners lined up on one side of a thick screen and families on the other. Beach camp inmates complained that visits frequently last 20-25 minutes rather than half an hour. The commander denied that inmates are shortchanged, but his claim that half hour visits are provided seems logistically impossible. With a population of 725, Beach camp does not seem to have the space to handle half-hour visits for half its population every Friday, even when discounting for those under punishment or who have arrived within the previous two weeks.**

**While the impasse continues over visits to Ketsiot, the tighter controls that authorities were implementing in March 1991 on the entry into Israel of Palestinians raised concerns that family visits at Megiddo, which is inside Israel, would fall victim to a Ketsiot-type standoff. As this study went to press, the new restrictions have reduced family visits to Palestinians incarcerated inside the Green Line. For the reasons outlined above, Middle East Watch believes that the burden rests upon the authorities to ensure that prisoners are not penalized in terms of family visits merely because they happen to be illegally held inside Israel rather than in the occupied territories.**

#### **Lawyers' Visits**

**One of the most deplorable aspects of the IDF detention camps remains the violation of the inmate's right to counsel, despite some improvements since**

**1988 and 1989 that were due partly to pressure from lawyers and petitions to the High Court of Justice. Further improvements could be made at minimal cost if the will were there.**

**The IDF recognizes that "According to the laws in force both in Israel and in the territories, the commander of a prison or a detention facility must enable a detainee to meet with legal counsel 'as soon as possible' after having been requested to do so by the detainee or his counsel."<sup>31</sup> The then West Bank Legal Advisor Col. Ahaz Ben-Ari said there is no limit to the number of times an inmate may meet his lawyer, nor to the number of times a lawyer may visit a camp.**

**While lawyers are allowed to meet clients at all the detention camps, the conditions of those meetings effectively deny the inmates their right to meaningful legal counsel. Lawyers portray a degrading system in which soldiers cut off their consultations after ten meetings or less, in which they spend more time waiting for soldiers to bring their clients than in discussing their cases, and in which they fail to see all of the clients they requested by day's end.**

**Middle East Watch believes the failure to improve the conditions for lawyers' meetings is due in part to a pervasive disrespect for Palestinian lawyers among the authorities. Camp authorities repeatedly assured us that lawyers used most of their time with clients to discuss family news and other non-legal matters. The commander of Beach camp implied that the consultations were devoted to political strategizing:**

**Sometimes, many lawyers come to see the same prisoner. These lawyers are talking about other things. They do the legal work in the five minutes before the court session begins.**

**Dan Cohen, the legal advisor at Ketsiot, told us:**

**Lawyers don't use the time to discuss legal matters. They use it to swap messages to and from the families. Because there are no family visits, lawyers are the only connection between prisoners and their families.<sup>32</sup>**

**If lawyers' consultations are spent discussing nonlegal matters, it may be due also to the fact that the military justice system in the territories often gives a lawyer little to discuss with his client that relates directly to the reasons for incarceration. For administrative detainees, the specific accusations are likely to**

**be classified, leaving the lawyer in the dark as to what he must attempt to refute. For pre-trial clients, the lawyer may not know the charges because the military prosecutor has not yet drawn up the charge sheet or made it available to him. Yet there are other reasons a lawyer might wish to discuss matters confidentially with a client, including matters relating to a prisoner's family and property. The Israeli practices of demolitions and deportations make such matters of urgent concern to some Palestinians.**

**Authorities cannot justify the poor conditions for all lawyer-client meetings by charging that some lawyers abuse the time they spend with clients. If the authorities have evidence of illegal or improper behavior on the part of a lawyer, they may take measures against that individual; the current restrictions on lawyer-client meetings amount to a form of prior restraint, as the Association for Civil Rights in Israel labelled it in a 1990 petition concerning conditions of lawyer's visits to clients at Ketsiot.**

**When we visited Ketsiot, the conditions for lawyers' visits had begun to improve over what they had been. New barracks for consultations had been installed near each section, but were not yet in use. Instead, lawyers were obliged to hold their consultations across a double fence at the perimeter of the sections. The lawyers' clients were brought several at a time to the interior side of the fence. Each group had about 15 minutes with their lawyer, during which time the lawyer tried to address each of them in turn. With up to five lawyers simultaneously conferring with their clients through the fence, all parties had to speak loudly, permitting the other inmates as well as the guards to hear. No documents – legal, medical, or other – were permitted to change hands. Legal documents, like ordinary mail, had to go via the Ketsiot censorship office, and therefore took weeks to reach the inmate.**

**At the time of our visit, the administration at Ketsiot had recently doubled the number of hours that the camp was open for lawyers' visits. Lawyers were permitted to arrive as early as 8am and remain until the early evening. This was an important improvement, since it enabled lawyers to see more clients each time they made the long drive from Jerusalem, the West Bank or the Gaza Strip.**

**However, the administration continued to restrict access to prisoners in other ways. Ketsiot allowed lawyers' visits only on Monday through Thursday, and imposed a ceiling of 20 lawyers per day and a limit of 15-20 prisoners that each**

**could request to see. These rules effectively limited each lawyer to one visit per month.<sup>33</sup>**

**Lawyers were required to submit a list of the inmates they wished to see a week in advance -- and despite this requirement were made to wait long periods for the prisoners to be brought to them. When it was time to visit inmates in other sections, the lawyers had to wait for soldiers to escort them, and then had to walk long distances in the sun, carrying parcels that they had brought for the prisoners.**

**Since our visit, improvements have been made. Lawyers no longer have to wait for soldiers to check their parcels, and then carry them themselves to their clients; they can now leave them with the prison authorities, who deliver them after a security check.**

**The barracks for legal consultations are now in use, permitting lawyers to meet their clients one-on-one. But because conversations are conducted through a sheet of plexiglass containing small holes as a speaker, guards can still hear some of the conversations.**

**Lawyers' visits continue to be held under severe time pressure. According to Tamar Pelleg, the guards interrupt the consultations after five to seven minutes to announce that time is up. A lawyer who prolongs a consultation may then be unable to see the clients remaining on his schedule. The main cause of the time pressure seems to be the time that is wasted when lawyers must wait for their clients to be brought out, and for soldiers to escort them across the camp.**

**The Ketsiot authorities said that constraints on manpower prevent them from widening and streamlining access for lawyers to their clients. Whether or not this is credible, Middle East Watch endorses the view of the Association for Civil Rights in Israel that "the military is subject to the law concerning legal access [for detainees] and it must find the financial resources to carry it out. Furthermore, financial priority should be given not only to military security needs, but also to the protection of the inmates' human rights."<sup>34</sup>**

**Conditions for lawyer visits vary at the other detention camps. At Beach camp, conditions have improved considerably over what they used to be. Gaza attorney Sharhabeel al-Za'eem said that in the past if the authorities could not locate a lawyer's client, they would merely say he was not available; today they**

can usually find him or confirm to the lawyer that he was transferred. In the past, consultations took place in an open area, forcing visits to be canceled when it rained. At the time of our visit, the consultations took place at a table under an open-sided tent, with benches on both sides, and no divider.

Megiddo is officially open for lawyers' visits approximately 28 hours weekly. Lawyers and inmates confer with nothing separating them. A guard sits in the room. The commander said the guards have orders not to listen, and that many do not speak Arabic. This, of course, is besides the point, because, as a couple of inmates complained, the guards *can* hear and some do understand Arabic. Inmates also complained that the guards hurry them to finish their consultations.

Far'a camp is one of the most difficult for lawyers. Lawyers have no way of phoning the administration; the IDF blames sabotage of the phone lines by residents of the area. Instead, lawyers must send a list of clients they wish to see one week in advance.

Attorney Lea Tsemel said that lawyers are sometimes not assigned a visit date at Far'a until weeks after they submit names of clients they wish to see. In the absence of phone service, lawyers cannot reconfirm that their clients are still in the camp as the date for the trip approaches (the camp is a short-term detention facility and has a rapid turnover). Whatever the cause of the phone problem, the failure to find an alternative means to facilitate meetings with lawyers is indicative of the low priority given to the inmates' right to legal counsel.

At Ofer, lawyers meet with clients in open-sided tents, and are permitted to exchange legal documents with their clients. Lawyer Tawhid Sha'ban of Jerusalem said that guards sometimes refuse to remove themselves from hearing distance, and that he is sometimes forced to wait up to half an hour if the two lawyers' tents are in use. Ofer's commander said that delays occur only when lawyers do not know which clients they wish to see. He added that a lawyer can arrange for access to an inmate with 24 hours' notice.

Of all the camps visited, Ofer seemed to have the smoothest system for lawyer consultations. It is also the smallest of the five.

## **Mail**

**With regard to mail service, Ketsiot is again in a class by itself. In a camp where the importance to inmates of letters is heightened by the lack of family visits and the longer average term of incarceration, mail service is the slowest and least reliable.**

**Several ex-prisoners said they received only a fraction of the letters sent them. Current prisoners said they knew of letters they never received, because the ones they did get referred to earlier letters.<sup>35</sup> Sha'wan Jabarin, the human rights fieldworker, reported that during his ten months in Ketsiot his wife sent him 25 letters and he received only three. Mahmoud abd al-Latif Qaddoumi of Nablus, whom we interviewed after his release from Ketsiot in mid-1990, said his family had sent him 20 letters and he had received only two. Tamar Pelleg spoke of a client in Ketsiot whose wife numbered the letters she sent, and only a fraction of those sent arrived.**

**Incoming letters that reach their addressees routinely arrive one month or longer after they are mailed. The commander of Ketsiot said inmates "receive letters freely," but acknowledged a "backlog." He said that a censorship office at Ketsiot reads every incoming and outgoing letter, the main objective being "to prevent attacks [by prisoners] on [other] prisoners." The implication is that the correspondence might contain accusations that certain individuals collaborate or collaborated with Israeli authorities and should be punished. The censor's job, they explained, is complicated by the likelihood that such information would come in coded language.**

**The commander blamed the delays in mail partly on the fact that inmates are permitted to write as often as they want. (Each inmate is given four postcards monthly to mail, but may write more often.) The commander said he had told their contact persons that the more they wrote the more they would slow the mail system.**

**Ketsiot has only four soldiers serving as censors, the commander told us, and they are also responsible for attending to the camp's computerized directory. Thus, if every one of the 6,200 inmates sent an average of one letter monthly and received one monthly, then, in order to keep up with the flow, each censor would**

**have to read 20 letters per hour, eight hours a day, five days a week all month long, in order to keep up with the flow. The commander said that manpower limitations prevented him from assigning more soldiers to censorship duty.**

**The volume of missing mail is too great to enable prisoners to deduce the criteria the censor uses or whether there is a pattern to the nondelivery of letters. They receive no notification when mail addressed to them has been stopped by the censor.**

**The problem of prisoner attacks on suspected collaborators is a serious and daunting one (see below), although the claim that this is a problem that can be dealt with by censoring both incoming and outgoing mail is dubious. But if authorities judge censorship an appropriate tool for preventing such attacks, they have an obligation to conduct the process in an efficient manner that does not delay mail inordinately and sometimes indefinitely. Clearly, this means employing enough censors to keep the mail moving. (Since Ketsiot does not have to assign personnel to deal with family visitors, they should at least be assigned to improve the processing of mail.) The commander's proposal that inmates write less in order to speed the flow is repugnant, again, the more so because Israel's failure to abide by international law in the location of the detention camp has resulted in the impasse that has blocked family visits.**

**At Megiddo, there were complaints about the slow delivery of mail, but the system seems to work more smoothly than at Ketsiot. There are two soldiers assigned to censoring mail, and every piece of ingoing and outgoing mail is read, according to the commander. Complaints at other camps about the mail service were infrequent. It is likely that far less mail is sent by and to inmates in the facilities other than Ketsiot, because they have been held for shorter periods, receive family visits, and are more likely to be transferred before long.**

### **Prisoner Self-Government**

**At all the camps we visited except Far'a, prisoners and the administration communicate through designated inmates known as shawishes (Arabic for sergeant). Shawishes are selected by the inmates in each section, subject to the administration's approval. They must be bilingual in Hebrew and Arabic. Shawishes are generally not considered to be the leaders or power-brokers**

**among the inmates they represent; they are merely go-betweens. The shawish system is taken for granted by prisoners as a desirable and established feature of prison life.**

**Inmates are instructed to speak to guards only through the shawishes, and most communication from the administration to inmates is done through them as well. The administrations of the camps hold regular meetings with the shawishes. The commander at Megiddo said he holds monthly meetings lasting three to six hours with all of the shawishes, and each officer in charge of a section of 250-300 inmates meets weekly with the shawish in his section. The commander at Ketsiot said that the camp has 58 shawishes, each representing up to 300 inmates. Each month, he said, he holds a meeting with a group of the shawishes. We found no reason to doubt these assertions by the commanders.**

**At Megiddo and Beach camp, the administrations allowed one inmate from the adult sections to live in the youth section in order to look after its inmates, who are 15 to 17 years old. This seems a laudable move for the welfare of the youths.**

### **Mixing of Inmates**

**IDF detention camps hold only suspected security offenders, so the issue of mixing security and criminal inmates does not arise. In general, pre-trial and convicted prisoners and administrative detainees are kept separately, although this is not rigorously maintained.**

**With regard to administrative detainees, Ketsiot maintains a separate wing of the camp exclusively for the detainees. However, Middle East Watch has heard of at least three cases of administrative detainees who have been removed from the general wing and placed in one of the "cages" with other categories of inmates. At the time of our visit, Sha'wan Jabarin was the lone administrative detainee in a "cage" holding convicted prisoners from Gaza.**

**This mixing violates Article 84 of the Fourth Geneva Convention, which states: "Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason."**

### **Attacks on Suspected Collaborators**

**The most difficult issue concerning the assignment of prisoners is the protection of prisoners suspected of collaborating with authorities. At the time of our visit, some 243 Palestinians had been killed since the start of the intifada by other Palestinians throughout the occupied territories on suspicion of collaborating with the Israeli authorities; 21 of these killings had taken place inside Ketsiot.<sup>36</sup> Attacks have also occurred at other camps, although few have been fatal.**

**The prospect of being confined in a section with prisoners who suspect you of collaborating is horrifying. Outside prison, a person under such suspicion might be able to summon acquaintances who can clear his reputation, or can try to flee. Inside prison, inmates have on many occasions resorted to the desperate measure of dashing toward a soldier for protection during a count or family visiting session. If successful, this ploy will lead to the prisoner being removed from the section and placed in protective custody, at the cost of tainting his reputation.**

**The challenge to prison authorities of preventing collaborator killings is a formidable one so long as they are commonplace outside the prisons and the Palestinian leadership fails to condemn such killings unequivocally.<sup>37</sup> To the extent that Israeli security forces have information indicating which Palestinians might be at risk of attack as suspected collaborators, this information should be shared with authorities at detention camps and used to ensure that such persons are incarcerated in places where they are out of danger.<sup>38</sup>**

### **Administrative Detainees**

**Administrative detainees are a special category of inmates, entitled by the Fourth Geneva Convention to certain conditions of detention on the grounds that they have not been tried or convicted of any offense.**

**The Fourth Convention lays out important rights to which administrative detainees are entitled. Article 94 requires the Detaining Power to encourage intellectual, educational and recreational pursuits, and to grant "all possible facilities" to detainees to pursue their education. Inmates are to receive regular allowances (Art. 98) that they can use to make purchases at a canteen (Art. 87) and**

**receive regular family visits (Art. 116).**

**As we have shown, none of these conditions required by international humanitarian law to which Israel is a party is met at Ketsiot. Except for such superficial advantages as having a higher cigarette ration and, recently, having movies screened in their section, administrative detainees are treated in a manner that is barely distinguishable from convicted prisoners.**

**The Commentary to the Fourth Convention is clear: "internment [administrative detention] is not a punishment."<sup>39</sup> At Ketsiot, that is exactly what it is.**

## **CHAPTER TWO: Detention Camps Operated by the IDF**

**1. Beach camp, Khan Yunis, Ketsiot, Megiddo, Dhahiriya, Ofer, Far'a, and Tulkarm. A ninth, Anata, has since closed.**

**2. The Civil Administration is Israel's quasi-military government in the occupied territories.**

**3. Efforts to coerce administrative detainees to work in the construction and expansion of wings at Ketsiot during its first year of operation led to prisoner strikes and punishments against those who refused to perform the tasks. See Lawyers Committee for Human Rights, *An Examination of the Detention of Human Rights Workers and Lawyers from the West Bank and Gaza, and Conditions of Detention at Ketzio*, 1988, pp. 79-81.**

**The IDF also forced inmates at other camps who had not yet been convicted to perform construction. See, for example, Al-Haq/Law in the Service of Man, "Dahriyyeh: Centre for Punishment," May 1988, pp. 9-10.**

**In November 1988, the High Court of Justice, citing Israeli regulations related to the treatment of administrative detainees, said that "the administrative detainee is only obligated to clean and tidy-up the cell in which he is detained." To our knowledge, forced labor no longer is practiced in IDF detention camps.**

**4. An IPS official told us that Palestinians with sentences five years or longer generally went to IPS prisons. However, assignments are subject to availability. In April 1991 attorney Tamar Pelleg said she knew of inmates sentenced to eight years who were currently in Ketsiot.**

**5. For descriptions of Ketsiot during its first year of operation, see Lawyers Committee for Human Rights, *An Examination of the Detention of Human Rights Workers*, Glenn Frankel, "Israeli Detention Center Opened to Press Inspection," *The Washington Post*, June 3, 1988; and Joel Brinkley "In Desolate Israeli Desert, 2,000 Prisoners 'Just Sit,'" *The New York Times*, June 3, 1988. A comparison of the earlier reports suggests that improvements were made in space per prisoner, water facilities, access to books, lawyers' visits and provision of radio broadcasts.**

**6. In particular, petitions to the Israeli Supreme Court, sitting as the High Court of Justice, concerning conditions in Ketsiot in 1988 and Dhahiriya in 1989, led to inspections of the camps by judges and orders for specific improvements.**

**7. IDF Judge Advocate-General's office, "Administrative Detentions and Detention Centers since the Onset of the Uprising," September 1988, p. 25.**

**8. *Ibid.*, p. 25.**

**9. Israel has ratified the Fourth Geneva Convention, but maintains that it is not applicable to the territories it has occupied since 1967. Virtually the entire international community, including the UN Security Council, the United States and the ICRC, maintains that Israel is obliged to comply with the convention in its administration of the territories.**

**While disputing the convention's *de jure* applicability, Israel has said it will voluntarily comply with its "humanitarian**

provisions." However, it has never specified which provisions it regards as humanitarian, and the rejection of *de jure* applicability has contributed to the reluctance of Israeli courts, as illustrated by the case on Ketsiot, to base their decisions on the convention.

10. The UN Standard Minimum Rules for the Treatment of Prisoners states in article 35(1):

Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

With regard to administrative detainees, the Fourth Geneva Convention states, "Regulations, orders notices and publications of every kind shall be communicated to the internees and posted inside the places of internment, in a language which they understand." (Art. 99)

11. A quick glimpse at the soldiers' tents at Ketsiot indicated that while the tents may have been similar, the number of mattresses inside were far fewer than inside the prisoners' tents. Also, soldiers enjoyed no end of amenities that prisoners did not.

12. IDF Judge Advocate-General's office, "Administrative Detentions," p. 34.

13. Cited in Lawyers Committee for Human Rights, pp. 68-69.

14. The 1989 Annual Report of the State Comptroller stated that at Megiddo there were as many as 30-31 inmates living in tents that covered an area of 49.5 square meters. Thus, at that time, there was about 1½ square meters, or 15 square feet per prisoner, approximately one quarter of the share considered by some U.S. courts enforcing U.S. constitutional standards to be the minimum that may be provided to each prisoner.

15. *Commentary: Fourth Geneva Convention*, p. 386.

16. Canteen privileges at Ketsiot were permitted only after a long struggle by prisoners, including hunger strikes in which access to a canteen was among the leading demands. Article 87 of the Fourth Geneva Convention states:

Canteens shall be installed in every place of internment, except where other suitable facilities are available. Their purpose shall be to enable internees (administrative detainees) to make purchases, at prices not higher than local market prices, of foodstuffs and articles of everyday use, including soap and tobacco, such as would increase their personal well-being and comfort.

17. Middle East Watch was impressed by Commander Shtumpeter at Megiddo, who escorted us through the camp but allowed us to hold private interviews with inmates whenever we requested. Prisoners addressed him in a relaxed and respectful way, and, in private, had positive things to say about him. Interestingly, Col. Shtumpeter requires all staff at the prison to greet him with a formal military salute, a practice we saw at no other detention camp. He said that he forbids soldiers to show disrespect toward the shawishes, and that he had recently sentenced a guard to ten days confinement for cursing a prisoner. We did not check this claim.

**18. International Committee of the Red Cross, Press Release No 1581, August 18, 1988.**

**19. Several have died during their period of interrogation. For a description of three cases in Gaza prison in which, according to B'Tselem, "death appears to have been a direct or indirect result of interrogation methods," see B'Tselem, *The Interrogation of Palestinians*, pp. 40-44. Two other Palestinians were said to have committed suicide during interrogation, one in the Russian Compound in Jerusalem in 1988 and another in Gaza prison in 1990.**

**20. For accounts of the incident, see Lawyers Committee for Human Rights, pp. 97-105.**

**21. Michael Sela, "No Steps against Officer Who Shot Detainee," *Jerusalem Post*, June 12, 1989.**

**22. "Inmate Killed as Palestinian Prisoners Riot," *Jerusalem Post*, February 9, 1989.**

**23. See *B'Tselem Information Sheet*, "Banned Books and Authors," October 1, 1989, and Joel Greenberg, "Hamlet Kept Out of Prison," *Jerusalem Post*, October 17, 1989.**

**24. If it is possible to extrapolate from the rules that apply to censorship in the West Bank and Gaza Strip, where books are not legal unless they are expressly permitted, Ketsiot censors work from a list of books that are expressly permitted, rather than the opposite, and either reject or take a long time to approve books not on their list.**

**25. See *B'Tselem Information Sheet*, "Banned Books and Authors," October 1, 1989.**

**26. *Ibrahim Sajadiyyeh et al. v. Minister of Defense*, High Ct. of Justice 253/88.**

**27. See Juan Tamayo, "Hundreds of Palestinians 'Lost' by Israeli Jails," *Miami Herald*, May 31, 1988.**

**28. IDF Judge Advocate-General's office, "Administrative Detentions," p.30.**

**29. Matthew Seriphs, "Closed Military Zone," *Jerusalem Post*, November 23, 1990.**

**30. Palestinians holding green ID cards are prevented from entering Israel on security grounds. The cards are issued by administrative order, without specific reasons being given.**

**31. IDF Judge Advocate-General's office, "Administrative Detentions," p. 39.**

**32. One reason authorities know so much about what is discussed is that in some detention camps, the soldiers who stand guard at the lawyer-prisoner meetings are within earshot (see text below).**

**33. An exception was made for Tamar Pelleg, an Israeli attorney with the Association for Civil Rights in Israel, who was allowed to visit more often.**

**34. Document summarizing petition to the High Court of Justice concerning access to legal counsel in Ketsiot detention camp, Association for Civil Rights in Israel, August 1990. Copy on file at Middle East Watch.**

**35. Joel Greenberg, "Letters Rarely Reach Detainees, Say Families," *Jerusalem Post*, March 6, 1990.**

**36. Associated Press statistics through the end of July 1990, cited in *B'Tselem Information Sheet*, August 1990.**

**37. See Human Rights Watch, *World Report 1990*, pp. 473-474.**

**38. Protection cells or wards are standard in prisons worldwide for prisoners who fear attacks as informers, sexual deviants or because they fail to pay their debts in prison. Former officials who are sent to prison, or police officers convicted of corruption, are also at risk in many countries which provide separate facilities for such prisoners.**

**39. *Commentary: Fourth Geneva Convention*, p. 371.**

## **Afterword: About this Report**

**As noted in the Introduction, Middle East Watch's visits to the prisons in Israel and the Occupied Territories took place between July 29 and August 7, 1990. In the middle of that period, Iraq invaded Kuwait. Accordingly, Middle East Watch instructed its research director, who had led the prison mission, to stay in the region to interview refugees streaming out of Kuwait.**

**From the moment of the invasion, Middle East Watch has been almost completely preoccupied with its human rights consequences. These have included: Iraqi abuses in occupied Kuwait; the civilian casualties of the air war; the treatment of prisoners of war; the suppression of civil liberties in several countries as a consequence of the war; Kuwaiti abuses against Palestinians and other suspected collaborators with the Iraqis following the liberation of Kuwait; and Iraqi abuses against Kurds, Shiites and others who rose up against Saddam Hussein at the end of the war. Middle East Watch's small staff of four professionals and one administrative assistant has been stretched to the breaking point in reporting on these developments.**

**In addition to Middle East Watch's research director, the participants in our visits to the prisons in Israel and the Occupied Territories included a member of the faculty of American University and her daughter (a Hebrew-speaker with prison experience), Rita and Judith Simon. Though they had never previously taken part in any investigation on behalf of any division of Human Rights Watch, their participation had been recommended by a colleague of Rita Simon at American University who has been a participant in many of our investigations. On September 24, 1990, we received a 15,000-word draft of a report from the Simons.**

**While the Simons' speed in producing a draft was laudable, it was not publishable, in part because it omitted much of the information that belongs in such a report. To cite one example of many, it lacked any discussion of the legal system that governs Israel's three systems of incarceration. Equally serious, its entire tenor was inappropriate for a human rights report. Far from being a critical examination of prison conditions in Israel and the occupied territories, the document was a superficial account of casual impressions.**

**Unfortunately, because of the preoccupation of the Middle East Watch**

**staff with the human rights consequences of Iraq's invasion of Kuwait, we put off the substantial effort that would have been required to transform this draft into a publishable report. During this period, Middle East Watch also put aside work on several other projects, among them a report on the Egyptian prisons based on a mission that took place several weeks before the mission to investigate the Israeli prisons.**

**After the war ended in late February, Middle East Watch's research director found the time that was required to produce this 40,000-word report, a complete rewriting of the draft produced by the Simons. Immediately upon completing it, he left for Iran to interview refugees from Iraq. We regret that more than eight months have elapsed between the time that the visits to the Israeli prisons took place and the appearance of this report, but believe that little of substance has changed since the mission took place to alter its findings and conclusions. By working in close telephone contact with human rights lawyers and activists in Israel and the occupied territories, and through frequent telephone contacts and correspondence with the appropriate Israeli authorities, we are convinced that the report remains fully up-to-date.**

**One final comment: before publishing this report, we discovered by accident that Prof. Simon had submitted her draft to Israeli security officials for review and comment, though she did not inform us of this. We regard this as irresponsible, if not unethical. On learning of it, I informed Prof. Simon that we considered her association with us at an end.**

**Aryeh Neier  
Executive Director  
Human Rights Watch  
April 15, 1991**

## **APPENDIX**

### **Response to *Prison Conditions in Israel and the Occupied Territories* Prepared by the Foreign Ministry of Israel and Submitted by the Consulate General in New York June 5, 1991**

#### **Israel's Cooperation with Human Rights Organizations**

Middle East Watch's (MEW) report on the prisons in Israel and the administered areas of Judea, Samaria and Gaza (the "Report") discusses in detail the results of an investigative mission into conditions at these facilities. As the report notes at the outset, "Middle East Watch was quite pleased overall with the access granted it by Israeli officials, and the cooperation received during the visits." MEW and other human rights groups have received such complete assistance for the simple reason that Israel has nothing to hide.

Israel's cooperation with such organizations was commented upon by the *Country Reports on Human Rights Practices for 1990* of the United States State Department. It states:

Israel is responsive to international and non-government interest in its human rights situation. It hosts and works with a delegation of the International Committee of the Red Cross and permits regular visits by a wide range of private and international organizations concerned about human rights such as Amnesty International, Middle East Watch, the Lawyers Committee for Human Rights, the International Labor Organization, and others. (p. 1472).

The authorities responsible for prisons, the Israeli Police (Police), the Israel Prison Service (IPS) and the Israel Defense Forces (IDF), conduct continual internal review of conditions at their facilities. In addition, these authorities are subject to legal supervision by Israel's judiciary, the state comptroller, and the Ministry of Justice. Problems are addressed with the goal of ensuring the safety and well-being of both the prisoners and the prison staff.

It is within this context that an MEW delegation was granted permission

**to visit 12 facilities in Israel and the administered areas during July and August 1990.**

### **Doubts Regarding Middle East Watch's Objectivity**

**Regrettably, the tone of MEW's report suggests a lack of objectivity. MEW emphasizes and repeats what it considers to be deficiencies in Israel's prison system and frequently uses unjustifiably harsh language in its criticism. This is nowhere more obvious than in the four-page press release which was issued simultaneously with the 82 page report. Not a single one of the positive findings of the report was even mentioned in the press release.**

**While the report claims to be based on objective criteria, it is disappointing that the objectivity is not consistent throughout. For example: the mandate of the report is ostensibly to present the facts as witnessed by the members of the Middle East Watch mission. Initially, the group did not request to see the high-security wing of the Nitzan facility of the Israel Prison Service, and therefore it was not included among the approved visits. This did not prevent Middle East Watch from citing the 1989 al-Haq annual report on the facility, which itself was based on hearsay.**

**The report published by MEW was written by just one of the three participants in the visiting delegation, MEW's research director, Eric Goldstein. MEW refused to publish the findings and conclusions of the other two members, Professor Rita Simon and Ms. Judith Simon, who issued their findings independently. We believe that their findings, entitled "Prison Conditions in Israel", constitute a more balanced analysis than the MEW report. (MEW note: see the Afterword to this report.)**

### **Current Conditions in the IDF Detention Facilities**

**The findings of the MEW report are generally positive. MEW acknowledges that in many respects, the prisons meet or exceed internationally recognized standards. For example, the report mentions the availability of classes in basic education, religion, art, drawing, language, and interpersonal skills as well as vocational training courses.**

**It also states that conditions observed during the July 1990 visit to the IDF**

detention facilities indicated an improvement in many respects as compared to reported conditions in 1988 and 1989. These improvements resulted from an earnest effort by the authorities to enhance conditions and were implemented by the expenditure of millions of shekels. This effort continues with noteworthy results.

#### **The Ketsiot Facility and the Russian Compound Police Lock-Up**

The report singles out the Ketsiot facility and the Russian Compound police lock-up for criticism. While it is not our objective to enumerate the errors and misleading impressions created by the report, several points need to be addressed.

Ketsiot is a large facility. The number of detainees presents a very real danger of violent outbursts that could result in injuries or deaths, particularly to the inmates themselves. Therefore, the IDF has no alternative but to impose reasonable measures of supervision and control, including armed guards. These measures are not power games "intended to leave no one in doubt as to who is in control", as the report claims. Rather, these measures are aimed at preventing riots and the murder of Ketsiot inmates by other prisoners carrying out the dictates of the intifada leadership.

The MEW report addresses the complex issue of family visits to Ketsiot, but it improperly places the blame for the paucity of such visits on the IDF. The IDF is interested in having family visits in Ketsiot and has in fact prepared the groundwork for such visits. Family members who wish to visit a relative incarcerated at Ketsiot refrain from doing so, out of fear of the intifada leadership. This leadership has instructed families not to apply for permits to visit Ketsiot and threatened those who disobey with violence. This threat was demonstrated when, during the early days of the facility, intifada activists burned a bus carrying visitors to Ketsiot.

From the time Ketsiot was opened in March 1988, numerous improvements have been made to facilitate meetings between prisoners and their lawyers. Today, meetings with lawyers are held close to the prisoners' living quarters, thereby reducing the time spent by lawyers waiting for their clients.

The report describes what MEW sees as inadequacies in the Russian

**Compound police lock-up.** It highlights the overcrowding due to inadequate space for convicted prisoners in the IPS prisons. Intensive efforts are being made to find appropriate solutions to this problem. By the end of the 1991 fiscal year, accommodations for about 550 new prisoners will be added in IPS facilities. Planning has also begun for a new prison which will provide an additional 500 accommodations when completed in early 1993. In the interim, discussions are under way to furnish convicted prisoners held in the Russian Compound with the privileges that they would normally receive in IPS facilities.

The Russian Compound has itself undergone a major renovation to ease conditions of overcrowding. In the course of the past year, a new wing containing 50 beds has been added and another wing for women and minors is under construction. Long-range plans call for the building of a large, modern facility to replace the Russian Compound lock-up facility. General conditions in the Russian Compound have also been substantially improved during the past year. A new ventilation system has been installed and other measures, such as daily floor washing and regular spraying of insecticides, are carried out to ensure a hygienic environment for the prisoners and the prison staff. Additionally, a large library is currently being organized which will provide inmates with books in various languages. The report's accusation that prisoners at the Russian Compound do not receive adequate outdoor time is not accurate. Outdoor exercise hours are strictly adhered to. The same is true of visitation rights.

### **Conclusion**

Israel acknowledges that there are aspects of its prison system which need improvement and willingly accepts criticism from international human rights organizations. Despite difficult circumstances, Israel's desire to provide humane prison conditions for every detainee in all of its facilities remains steadfast.