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NEWSLETTER IL/OT/AT

Protecting persons deprived of their freedom is a necessity

Protecting people deprived of their freedom is necessary in any society but in contexts such as Israel, the Occupied and Autonomous Territories, protecting detainees becomes a humanitarian priority of the highest order. This is an essential part of the mandate the international community has entrusted to the ICRC. It has also been the daily task for generations of ICRC delegates visiting Israeli detention places and, since 1994, places of detention under the responsibility of the Palestinian National Authority. It is this essential aspect of the ICRC's humanitarian mission that this edition of the Newsletter sets out to illustrate.

During the detainees' hunger strike of last August, the issue of Palestinians detained by Israel and the work of the International Committee of the Red Cross (ICRC) in their favour was, for a few weeks, at the forefront of Palestinian public debate. Many, including journalists, authorities, and non-governmental organisations, discussed what the ICRC should or should not do, say or not say about Palestinians detained by Israel. Very few explained the actual mandate of the

institution and its relationship to international humanitarian law or how the institution operates in complex detention environments. Unfortunately, most forgot to mention the tremendous impact the ICRC has on thousands of Palestinian detainees and their families.

The events of the past few months in Israel and in nearby Iraq resulted in countless calls for the ICRC to denounce violations of international humanitarian law in detention places. These public outbursts have reminded the ICRC that expectations about its detention work run particularly high in the region. To be reminded that many people rely on the moral authority of the ICRC to protect the dignity of some of their society's most vulnerable individuals is indeed humbling. Unfortunately, we also sense that the ICRC's distinctive way of operating in politically sensitive environments, with its reliance on confidentiality and emphasis on proximity to detainees, is misunderstood by many.

Nelson Mandela, former President of South Africa, was visited by the ICRC in Robben Island for twenty-eight years. Upon his release, the

great man famously said that "what matters is not only the good the ICRC brings, but even more the bad it prevents". It is undoubtedly difficult to assess the true impact of the hundreds of visits to Palestinians carried out by ICRC detention teams every year. But one must recognize that it is equally hard to say how these detainees might be treated or in what conditions they might have to live if the ICRC was unable to visit them. As a pre-eminent ex-detainee explains in these pages, visits by the ICRC have at least one tangible result: they offer those behind bars a lifeline, an opportunity to talk and be listened to, a chance to voice their tensions, frustrations and fears.

At a time when public opinion appears to increasingly favour media campaigns over confidential dialogue to solve detention-related issues, we feel that it is important for the ICRC to explain its unique approach to the problem. We hope that the following pages will help to illustrate how humane treatment for all detainees, a concern so close to the heart of the Palestinian people, is a goal ICRC delegates relentlessly fight for, from the inside of detention places, almost every day.

November 04 : focus on detention



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ICRC

FOCUS ON DETENTION

A visit to Ofer Military Camp

Under the Fourth Geneva Convention of 1949, ratified by the State of Israel in 1951, the ICRC is entitled to visit all persons arrested in the occupied Palestinian territories in order to protect them. It enjoys unparalleled access to all Israeli places of detention holding Palestinians since 1967.

Early in the morning, several cars marked with the Red Cross emblem gather at the gates of Ofer Military Camp, an Israel Defence Forces (IDF) detention place just outside of Jerusalem. Today's ICRC visiting team consists of three delegates, one medical doctor and four Arabic interpreters. None of them are Palestinian or Israeli. All have visited Ofer throughout the year.

Soldiers guarding the entrance wave the ICRC cars in. An assistant takes the delegates to a modest trailer that sits just outside the concrete blocks encircling the camp. Captain Amos (*not his real name*) is the IDF officer responsible for Ofer Military Camp. He is used to visits by ICRC delegates and has grown to respect their discretion and insistence on constructive dialogue. From experience, he also knows that the ICRC expects him and the soldiers under his orders to implement the recommendations it makes in the confidential reports sent after each visit.

Initial talks

Everyone sits into the narrow space of the trailer. Captain Amos' assistant, his deputy, and the camp's doctor join in. Captain Amos welcomes the delegates; strong coffee is served. The tone is cordial but to the point. In order to maintain trust, it is essential for ICRC representatives to operate in transparency so the delegate in charge of the visit explains today's program: tour the facilities to make sure they are clean and functional, follow up pending cases and speak with detainees about issues of concern. The ICRC doctor will check any detainee who might have health problems, inspect the camp's dispensary and speak with its doctor to bring specific medical cases to his attention. The information collected will be the basis of a final discussion later in the afternoon and be used to draft a confidential report to be sent to the camp's commanding officer as well as his superiors in Tel Aviv.

Soldiers accompany the team into the camp. One can hear the cars speed by on the nearby freeway. Through the wire fence, detainees shout greetings in Arabic and in broken English "We have been waiting for you, why so long?"

The soldiers let the team walk around the camp freely. They seem well aware of the modalities of visit followed by the ICRC the world over: ICRC delegates are entitled to visit any detention place where detainees falling under the mandate of the ICRC are held, they must be allowed to visit a detention place in its entirety and over time, to receive lists of persons detained and, most importantly, to speak in private with the detainees of their choosing.

The camp is divided into several sections by fences and barbed wire. The detainees live in large military tents, out in the open. In Ofer, as in most detention places where Palestinians are held, the majority of the detainees divide themselves according to political affiliation: one section for Fatah, one for Hamas, and one for Islamic Jihad.

A separate section is used as the camp's kitchen. It supplies a meal to every detainee three times a day and is run by the detainees themselves. This is where the delegates meet Abu Nasser (*not his real name*), the detainees' representative, or *shawish*. Each section has its *shawish* in charge of daily affairs. They all report to Abu Nasser. In his forties, he is a widely respected veteran militant who has served several long sentences and knows the ins and outs of prison life. He has been talking to ICRC delegates for years and understands exactly the limits within which they have to work. The team sits at a table with Abu Nasser and his deputy. A cook-detainee immediately sets up a canvas to protect the guests from the sun. Tea and cookies are brought to the table. Abu Nasser is warm and open and profusely thanks each delegate for their presence, "You must come more often, two months is long time but good to see you anyway" he says. Having heard from the *shawish* what he thinks the issues to be checked during the visit are, delegates split into four groups. In a display of impeccable hospitality, Abu Nasser invites the team for a late lunch once the work is done.

Listening to detainees

Three soldiers with gas canisters and gas masks attached to their belt lead a delegate and his interpreter to Section 1. Through a loudspeaker, they tell detainees to move to the back of the enclosure. They step back before the ICRC team enters. Some detainees recognize Said, the interpreter. They start to chat and laugh right away. The *shawish* welcomes the team and offers a shady corner to sit down and talk. The delegate asks precise questions: regularity and quality of meals, access to medical care, visits by family members, quality of facilities, treatment and internal organization.



Red Cross Messages written by family members are distributed first. For some, especially those arrested not long ago, a few lines from their mothers, wives or brothers bring up strong emotions. Blank messages are distributed to whoever wishes to write back. These will be collected before the team leaves the section. The delegate calls out names to check the list of detainees previously registered by the ICRC. People come out of their tents and wave. Some of them are given Power of Attorney forms to sign, brought to the ICRC by their families, to sign. This is a much appreciated service: without this form, a wife on the outside cannot make any financial transactions for the household. Some detainees have a specific request or complaint. Many just stay inside, in the coolness of their tent.

The delegate notes transfers in and out of the camp. In case a new face has arrived since the last visit, he adds the name and personal data to the list. Some of this information will later be transmitted to the families. A mother does not necessarily know where her son has been interned after his arrest. By taking down a name and an address, the ICRC will be able to contact the

family concerned and later arrange for a visit. But detainees are primarily registered to prevent disappearances. This is why the identity of people recently arrested is established as soon as possible. This system allows the ICRC to keep track of these persons throughout their imprisonment: each time a delegate visits Ofer, he or she will ask to see them again. If this is not possible, it will want to know why, and ask to be informed of the missing detainee's whereabouts. If a detainee is transferred, the ICRC will visit him or her at the new place of detention.

Interviews without witnesses

After the delegate checks the state and cleanliness of the tents, toilets and showers, it is time for private talks with detainees, *interviews without witnesses* in ICRC parlance. A few detainees anxious to speak about a pressing matter line up. These conversations, held in strict privacy between the delegate, an interpreter and individual prisoners, are the cornerstone of ICRC detention work. They have a dual purpose: they give the detainee a break from prison routine during which they can speak freely about what matters most to them and be sure of being heard. Such interviews are also the best way for the ICRC to find out all about the conditions of detention and the treatment of detainees. In addition, the delegate may be given information about fellow detainees whose arrest is not yet known to the ICRC or whom it has not been able to contact.

Conducting these interviews is sometimes delicate: the ICRC delegate is certainly not an interrogator and he or she first and foremost must be a good listener. There are no strict rules for interviewing detainees: the delegate assesses the situation and adjusts to it to create an atmosphere of trust. Now, the delegate and the interpreter listen intensely to a newly arrived detainee. He speaks in a low voice and weighs each word. The matter at hand is important to him. It is also valuable information for the delegate. On the strength of what was gathered this way, after cross checking it, the ICRC will decide what action should be taken about the issue. As the interview comes to an end, the delegate asks the detainee if he agrees for the contents of the discussion to be used for an intervention with the authorities. The response is negative but this is not a problem for the delegate: the ten-minute talk has helped him to better understand Ofer. It is always the detainee who decides whether the information can be used or not. It is after all his security which is at stake.

The same process is repeated throughout the day. The delegate and his interpreter speak with dozens of detainees. Pages of notes are taken and almost one-hundred Red Cross Messages are collected. The same subjects have been taken up again and again during conversations held in private and the results are now rounded off with the delegates' own observations. It is past four o'clock. The entire team gathers to quickly assess what each delegate has seen and heard during the day. There is still time for the meal promised by Abu Nasser. Plates of olives, bread and stew are already on the table.

Dialogue, not compromise

The delegates are back in Captain Amos' trailer. Again, the assistant, the deputy, and the doctor are present. All Red Cross Messages are given to the assistant to be checked and, if needed, censored. The delegate in charge briefs the officers on what was done and observed today. Some issues, like medical cases, are discussed immediately and solutions are found. Other points raised by detainees will need to be corroborated during future visits before they are discussed. The Captain is attentive and receptive. He takes precise notes of each topic discussed. Once the delegate has finished his presentation, he



A break from prison routine

answers each point, one by one. When he is unsure about a particular issue, he asks his deputy to check on it. The delegates take their own notes. During the next visit, the issues discussed today will be followed.

It is night time when the delegates and their interpreters step out of the trailer. Was it a productive visit? "We are able to look at the situation from three different perspectives: the detainees, ours, and the authorities" says the delegate in charge of today's visit. "Captain Amos explained to us his view of the conditions of detention inside Ofer. He has his interpretation of the problems that we discuss with him. As an ICRC delegate, I must never forget that a prison director has, just like us, a job to do and that comes with a perspective that is different from ours. We will of course continue to press for a solution to the humanitarian problems we observe and use all possible channels open to us to press for positive change". How? "Our reports reach those with the power to influence the humanitarian situation, from the prison director right up to ministers. For the ICRC, engaging in dialogue does not mean accepting compromise." ■

ICRC Detention/Family links in IL/OT/AT

Detention

From January to September 2004, ICRC delegates carried out 424 visits to detainees held by Israeli authorities. These included visits in 4 interrogation centers, 3 civilian hospitals, 1 military hospital, 22 civilian prisons, 3 military camps, 6 provisional centers and police stations.

From May to September 2004, ICRC delegates carried 123 visits to Palestinians held by the Palestinian National Authority in 17 interrogation centers, 1 military prison and 11 police stations.

Family links

Since January 2004, over 62,000 Palestinians have travelled to Israeli detention places through the services offered by the Family Visit Program. From May to September, the ICRC facilitated the issuing of permits and arranged transport for 46,152 family members who visited 15,581 detained relatives. This amounts to 939 family visits in 15 places of detention in Israel.

During the same period, over 17,500 Red Cross messages were exchanged through the ICRC between detainees and their relatives.

Confidentiality: answers to frequently asked questions

How does the ICRC deal with abuses in detention places?

If during its visits to detainees, the ICRC sees evidence of abuses and violations of international humanitarian law or other applicable laws protecting detainees, such as Human Rights law, it will document these abuses. It then reports these violations to the relevant authorities and insists they stop. The ICRC intervenes directly and confidentially at the appropriate levels of the military and civilian chain of command to inform those who need to know and can put an end to any abuses. Confidential dialogue is central to the ICRC's detention strategy but if this dialogue doesn't bring the expected improvements and grave breaches of international humanitarian law continue, the ICRC can mobilize other states or influential actors to persuade the detaining authorities to take action.

Why does the ICRC choose to work confidentially?

The ICRC acts in the interest of people deprived of their freedom by seeking to prevent or stop any abuse they might face. One of the means the ICRC has given itself to achieve this goal is the use of confidentiality. This is a strategic choice: by choosing not to denounce publicly, the ICRC gains leverage in its interaction with authorities. Obviously, confidentiality does not in and of itself ensure protection but it does enable the ICRC to establish trust with both authorities and detainees. Our long-term experience in Israel and in the Palestinian Territories has shown that it is through a sustained confidential dialogue that the ICRC can best achieve concrete results.

When does the ICRC publicly denounce abuses?

If and when the ICRC has exhausted all its possibilities, through confidential reports and mobilization of external actors, and grave violations continue, it sometimes publicly denounces the violations it has observed and reported on. It does so rarely and only if this is thought to be in the detainee's best interest. The ICRC does not feel it is in the best interest of detainees to speak out publicly today in Israel or in the Palestinian Territories.



A small window of hope

Is the ICRC reconsidering its policy of confidentiality in detention matters in view of the Abu Ghraib scandal?

The ICRC knows that public advocacy, especially in countries where the media is independent and active, may very well contribute to stop abuses. There are important and well-respected organizations that choose to speak publicly about these matters and they may well be effective. However, these organizations are, just like the ICRC, confronted with the reality that changes only happen when those who are in charge are willing to change their ways. Public discussions, debates, outcries and condemnations do not automatically make a difference to the treatment of detainees exposed to abuse and violence. Only concrete decisions and orders by those who run the operation do. ■

A West Bank imam remembers

"When my parents fled their home in 1948, they had to cross from Lod to Ramallah on foot. My mother, who was pregnant with me at the time, used to tell me that the Red Cross had been there and that it had saved our lives by providing drinking water. So you could say that I had met the ICRC long before my first arrest" says Zuher Sahadad Dibbeh with a laugh.

Today, as the head of the Ministry of Waqf and Religious Affairs for the northern West Bank district of Nablus, Mr. Dibbeh is a frequent interlocutor of the ICRC. Locally known as Abu Islam, he is an imam who has been preaching in his district's mosques for the past two decades.

Mr. Dibbeh was first arrested in 1970 and served a total of seven years in various Israeli detention places. Like so many Palestinians, it was within the confines of a cell, while under interrogation, that he first met an ICRC delegate. "When all you see are other detainees and interrogators, the arrival of an ICRC delegate is a blessing" he says. "Even if you don't quite understand what he is doing, he immediately becomes a small window of hope".

Mr. Dibbeh says that it was common for new detainees to perceive the ICRC as collaborating with the enemy but that "By visiting us regularly, by listening to our problems, by enabling us to communicate with our families and fighting for concrete results, ICRC delegates gained the trust of our group".

Within a few years, Mr. Dibbeh became a *shawish*, a detainee representative. "From then on, I had a privileged relationship with ICRC delegates. I spoke with them openly about all our problems each time they visited. And sometimes, small things did improve".

As he learned about life in prison, Mr. Dibbeh also came to understand the limitations of what the ICRC can achieve in a detention place. "ICRC delegates carried pens and paper but guards carried sticks and guns. We knew this so we accepted that they could not respond to all our demands", he says. "Of course the ICRC could not release me or end the occupation of my land but today, as a Muslim, I see the water the ICRC gave my mother or the assistance it brought me in prison as holy gestures".

As a preacher, Mr. Dibbeh sees the action of the ICRC as embodying the most fundamental principles of the world's great religions. "I think three words define the ICRC best: humane, conscientious, and moral. These three concepts are central to any religion. They certainly are to ours: to respect human dignity is a central tenet of Islam. By experience, I know that this is what the ICRC stands for". ■

"Every internee shall be allowed to receive visitors, especially near relatives..."

Article 116, Fourth Geneva Convention of 1949

Hana (not her real name), from Bethlehem, is a mother of eight. Two of her sons are detained in Israel. Like so many Palestinian mothers, she visits them regularly thanks to the ICRC's Family Visit Program (FVP).

"I used the Family Visit Program for the first time in 2000 after the arrest of Imad (not his real name), our eldest son. The very next day, I went to the ICRC Bethlehem office for the first time. I tried to hide my tears. I wanted to know what happened to him very badly but I was confused and I did not know what to do. The staff advised me to go to the Palestinian Prisoner's Club to get help and hire a lawyer. Three weeks later, the ICRC called to tell me that they had seen my son and that he was held in Megiddo Military Camp. He needed eyeglasses and clothing. He had been sentenced to eighteen months."

"I visited him for the first time after sixty days. The entire family went except his brothers: they could not get security clearance. I started to prepare stuffed chicken, grapes, olives, and cakes days before the visit. Whatever foods I knew he liked, I prepared. I was imagining what would happen on the bus, on the way to the prison. How would he look? Had he lost weight? Would I be able to kiss him, to hold him? When I saw him behind bars, I could not stop crying. I could not hug him. When he saw my tears, he told me "I don't want to see you crying. If you want to come next time, you will have to be strong. I don't want to hurt you".

"During 2001, the Family Visit Program was suspended for a year and a half. I used to go to the ICRC office but they could not help. Everything was blocked. So my brother took me to Megiddo. He lives in Jerusalem and could get in but because I was from the West Bank, I could not. I waited in his car as he went. This was one of the worst moments of my life. For hours I was in front of the place that held my son but I could not see him. How do you think this feels for a mother?"

"Today I have two sons in prison. From the time I get the green light to be on the bus, I start to prepare food, clothes, money, all I can put together for the visit. I spend a whole day packing and labelling all the items I want to bring just to be sure that there will be no problems with security. The night before



© C. APPEL/ICRC

Entering the prison

the visit, I cannot sleep. I cannot close my eyes. I go by myself. My daughters are not allowed to come: they are over sixteen. I arrive at the Bethlehem ICRC office at three-thirty in the morning. We reach the prison at around eleven. We are usually not home until late in the night. On the bus, we read the Quran and we pray. These journeys are full of pain, full of stories of parents missing their sons."

"The ICRC reaches all the families that have a son, a grandson or a husband in Israeli detention places. We appreciate this service a lot but some people wish the ICRC could do more, that it could free their son for example. This is easy to understand: it is unbearable for a mother to be separated from her children. I try to hide my pain in front of my three daughters but when I sit by myself, it burns me inside. I would be helpless without this Family Visit Program. I can't imagine not having it. I cannot imagine myself sitting in front of IDF soldiers and begging to see my son. We are Palestinian mothers and we are powerless. The ICRC gives us hope."

The ICRC's Family Visit Program has transported thousands of Palestinians to visit relatives held in Israeli detention places since it started in 1969. The FVP facilitates visits for persons living in the Gaza Strip, the West Bank, East Jerusalem, and the Golan Heights to relatives detained by Israeli authorities. The ICRC arranges the travel permits of and hires buses for family members who apply to visit relatives detained in Israel. It is the Israeli authorities only that approve the names submitted by the ICRC. Despite repeated interventions by the organisation, many families are still unable to visit their loved ones. In October 2004, the ICRC Bethlehem Office arranged twenty-seven family visits to various places of detention in Israel. ■



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Family Visit Program to resume in Nablus District

After a three-year-long interruption, the ICRC is pleased to announce that Nablus District families will soon be able to again visit their relatives detained in Israel. Due to restrictions imposed by Israeli authorities, approximately 1,500 detainees from Nablus District have not received family visits at their place of detention in Israel since September 2001. Following repeated interventions with the concerned authorities, the ICRC has received assurances that it will be able to resume its Family Visit Program for all Nablus District families starting in December 2004.

Hunger strike in Israeli prisons: the ICRC response

Over two-thousand strikers

In early August, security detainees held by Israel announced through their lawyers and various organizations that they would undertake an open-ended hunger strike starting on the 15th. "For the strikers, the most important of their 146 demands were access to telephones, removal of glass windows in family meeting rooms, and an end to body searches" says an ICRC delegate who visited several places of detention during the strike. According to ICRC estimates, a total of two-thousand nine-hundred detainees were on hunger strike by August 29.

Intensification of ICRC activities

"Our response to the hunger strike was a continuation and intensification of our regular humanitarian efforts in favour of those detained" says Françoise Derron, head of the ICRC detention program in Israel. "Our delegates had already conducted one-hundred and seventy-nine visits in Israeli detention places in the first six months of 2004."

Prior to the hunger strike, ICRC officials had met with Israeli Prison Services representatives to better assess the potential humanitarian implications of the decision taken by detainees. "The ICRC was in contact with detaining and medical authorities both in the detention places themselves and at higher level throughout the strike" explains Derron, pointing out that the institution continued its confidential representations on a range of relevant detention issues throughout the crisis.

Keeping families informed

"We also made an effort to communicate with the families of detainees and detainee organizations participating in sit-ins in front of many of our offices" says Marianne Gasser, head of the ICRC Jerusalem and West Bank sub-delegation. "In Gaza, in Jerusalem and in the West Bank, we kept the families informed of our work in favour of their loved ones, explained our modalities, and took Red Cross Messages to be delivered to the detainees during visits" she says.

ICRC modalities respected throughout

Between the beginning and end of the hunger strike, the ICRC conducted sixteen ad-hoc detention visits focusing on its effects. An additional medical doctor was flown in from ICRC headquarters in order to have an independent medical representative present during all visits. Derron points out that all ICRC detention visits took place according to the institution's usual modalities, including the possibility to conduct interviews in private with detainees of its own choosing and to tour the entire premises. "All visits were unhampered" she says.

The end or, according to the detainees, the suspension of the hunger strike was announced by Palestinian and Israeli authorities on September 2nd. According to detaining authorities, no negotiations were held with striking detainees. According to the detainees and various Palestinian bodies, detaining authorities agreed to several of the detainees' demands. ■

ICRC communiqué of August 25

"The ICRC has been continuing its activities in Israeli places of detention during the present hunger strike by Palestinian security detainees. In the last ten days, the ICRC has begun the process of visiting all prisons where there are detainees on hunger strike, while maintaining close contact with their families and representative groups.

The ICRC plans to strengthen its team of medical doctors visiting the detention places with a view to intensifying its monitoring of the health conditions of these detainees and their access to medical care. During visits, the medical teams will stress the possible health implications of such action, and that detainees should not be subject to duress or force-feeding.

Palestinians detained by Israel are protected persons under the Fourth Geneva Convention and are therefore entitled to the relevant provision of that convention, including respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs.

As a strictly humanitarian and neutral organization, the ICRC cannot take a public position on the causes and goals of the hunger strike, nor play a role in any negotiations between detainees and prison authorities. The ICRC will, however, continue to notify the concerned Israeli authorities of its findings on a strictly bilateral and confidential basis and to stress its recommendations for any improvements to be made in the treatment and conditions of detainees held under their authority.

Since January 2004, the ICRC has conducted over 180 detention visits in Israeli military camps, provisional detention centers, civilian prisons, and police stations. In conformity with the mandate conferred on it by the Fourth Geneva Convention, the ICRC intends to continue its detention visits in Israeli places of detention throughout the strike and will monitor the situation closely, both in general and regarding the hunger strikers."



Legal framework of ICRC activities in Israeli and Palestinian places of detention

In Israeli places of detention

All civilians living in the Palestinian Occupied Territories are considered protected persons by the Fourth 1949 Geneva Convention (GC IV). According to this internationally recognized convention, the ICRC must be granted access to these persons when deprived of their liberty by the Occupying Power.

The work of the ICRC in Israeli places of detention is based on Article 143 of the Fourth Geneva Convention: "Delegates of the ICRC shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work. They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses [...] Such visits may not be prohibited [...] Their duration and frequency shall not be restricted [...] delegates shall have full liberty to select the places they wish to visit".

The work of the ICRC is also based on Article 76, §6: "protected persons who are detained shall have the right to be visited by delegates of the ICRC".

According to Article 76 of the GC IV, protected persons accused of offences shall be detained in the Occupied Territories, and if convicted shall serve their sentences therein.

Other provisions of the Fourth Geneva Convention deal with ICRC activities related to assistance (Articles 10, 30, and 142) and Red Cross messages (Article 25) in places of detention.

In Palestinian places of detention

The work of the ICRC in Palestinian places of detention is based on a Memorandum of Understanding signed between the ICRC and the Palestinian National Authority in 1994 and amended in 1996.

According to the latter document, "the ICRC shall be allowed access to all the detainees held by the Palestinian Authority. Access shall be granted to all persons arrested for whatever reason, be they in custody of the security forces in general, on remand, awaiting trial, sentenced or held under any kind of administrative measure" (Annex II, Art.2).

Other provisions of the Memorandum of Understanding deal with ICRC activities related to assistance (Annex II, Art.3, §6) and Red Cross messages (Art.5, §e) in Palestinian places of detention. ■

Visits to persons detained by the Palestinian National Authority

An interview with Laetitia de Radigues, head of the ICRC protection program in the West Bank and Gaza

What are your main activities in favour of Palestinians?

I work on two files: protection of the civilian population and visits to detainees. Through our detention activities we visit persons detained by the Palestinian National Authority (PNA) in the West Bank and Gaza.

Why does the ICRC visit PNA detention places?

Persons detained are a particularly vulnerable group in times of tensions. In view of the situation prevailing in the West Bank and in Gaza, the ICRC offered to the PNA to visit all detainees held in its detention places. This offer was formalised in 1996. As anywhere else in the world, the purpose of ICRC visits in the Occupied and Autonomous Territories is to monitor the conditions of detention and the treatment of persons detained.

Who do you see during your visits?

We visit all places of detention regularly. Because we work according to an "all detainee approach", we see all persons deprived of their freedom. We particularly follow persons arrested in relation to the tensions that exist in the Palestinian Territories today. We pay great attention to vulnerable persons such as minors and women, or anyone else whose situation we think needs to be followed. We of course work closely, and in complete confidentiality, with all Palestinian interlocutors in charge of detention issues.

Who carries out the visits?

The ICRC delegates who carry out the visits are based in Gaza and in each West Bank district. They always work with expatriate translators so as not to involve national staff in sensitive detention activities. ■

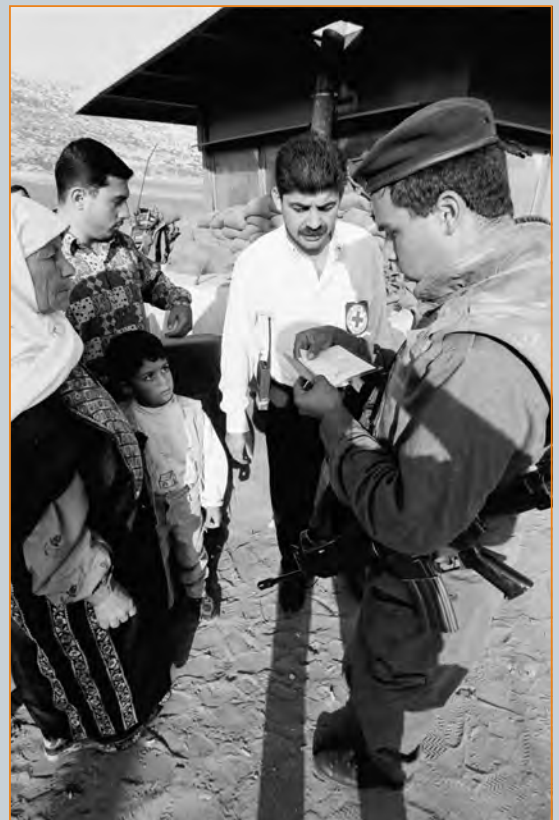
Detention facts

- In 2003, ICRC delegates visited close to 470,000 people held in over 1,900 places of detention in some 80 countries around the world.
- As of 30 September 2004, there were, according to ICRC records, 10,575 Palestinian detainees detained by Israeli authorities. In 2003, the highest figure was 8,324, in 2002, 7,126 and in 2000, 3,602.
- Out of these 10,575 detainees, 7,787 were security detainees and 871 were administrative detainees (also known as civilian internees). The rest were Palestinian common law detainees, also visited by the ICRC.
- The ICRC paid particular attention to the 119 female detainees and 466 minors it visited during this period.

- Detainees were held in 3 military detention camps, 6 provisional detention centers, 22 civilian prisons, 3 civilian hospitals, and in police stations.
- The Israeli authorities notify the ICRC of arrests 12 days after they take place and the ICRC is allowed to visit detainees 14 days after their arrest.
- 1,125 Palestinians are currently held by the PNA in the West Bank and in Gaza.
- There are 17 ICRC detention delegates working in Israeli and Palestinian places of detention, including 1 medical doctor. 7 interpreters assist them in their work.
- In 2004, over 62,000 persons living in the West Bank and Gaza were able to visit relatives held in Israel through the ICRC's Family Visit.

PORTFOLIO

FROM HEBRON TO SHATTAH PRISON





Family Visit Program, photographs by Thierry Gassmann / ICRC (1997)

Palestinians and Israelis on the rights of persons deprived of their freedom

*In 1999, the ICRC published People On War, a major survey conducted in various areas affected by armed conflict, including Israel and the Palestinian Territories. Some of its findings can help us to better understand the current state of the conflict.**

- 45 per cent of Palestinian men under 40 reported having been imprisoned. In striking contrast to Palestinian experiences, only 1 per cent Israelis reported having been imprisoned and none said they had been tortured.
- A majority of Israelis and Palestinians supported international standards for the treatment of prisoners, such as allowing prisoners to have contact with their relatives or to receive visits from representatives of independent organizations.
- 15 per cent of Israelis and 20 per cent of Palestinians said that they would support killing prisoners if the other side were doing the same.
- Large majorities of Israelis (69 per cent) and Palestinians (90 per cent) surveyed believed those suspected of illegal activities should not be jailed without trial.
- Large majorities also believed that those who were held prisoner in the Israeli-Arab conflict (including the Palestinian conflict) had to be allowed to contact relatives (70 and 74 per cent respectively).
- A large majority of Palestinians believed that prisoners must be allowed a visit from a representative of an independent organisation (80 per cent). Just 60 per cent of Israelis believed prisoners in conflict must be allowed such visits.
- Less than half of the Israelis (47 per cent) and Palestinians (44 per cent) said a prisoner could not be subjected to torture to obtain important military information.
- Majorities of Israelis and Palestinians said it was acceptable to subject prisoners to abuse not only to obtain information that would save people's lives but also just to obtain information.
- The role of the ICRC with respect to the protection of prisoners was widely accepted among Israelis and Palestinians. When respondents accepted that independent representatives must be allowed to visit prisoners, the representative of choice was the ICRC for 83 per cent of Israelis and 90 per cent of Palestinians.
- Among Palestinians who had been imprisoned and visited during the Palestinian-Israeli conflict, 79 per cent said it was by a representative of the ICRC.



* These findings are the product of consultations carried out by the ICRC, Telseker Research of Tel Aviv, MRO of Amman, Magen David Adom and Palestine Red Crescent Society, under the supervision of Greenberg Research, an internationally recognized leader in its field. They consisted of: 8 focus groups (4 with Palestinians, 4 with Israelis); 23 in depth interviews (12 with Palestinians, 11 with Israelis); 2 quantitative surveys (1 among the Palestinian population, with 486 persons surveyed, and 1 among the Israeli population, with 442 persons surveyed).

HIGHLIGHTS

GAZA EMERGENCIES

A day in Jabalia

Monday October 11, an ICRC convoy delivers emergency assistance to forty families in Shusha'a, an eastern Jabalia neighbourhood that has been under de facto curfew for twelve days following a major incursion by Israeli Defence Forces into northern Gaza. A delegate reports.

"The roads leading to Jabalia are so damaged that we can only reach our destination with a bulldozer opening the way. Drones are humming above and Apache helicopters appear frequently in the distance. As we step out of our cars, a teenager and her grandmother come out of a house waving an improvised white flag towards the tank that is stationed across the street. A few metres away, an armoured bulldozer is levelling a patch of sandy land strewn with debris.

A tank has just turned its turret towards the crowd that starts to gather around the Red Cross cars. Fayeze el Akra, an ICRC field officer, shouts at children trying to get a closer look at us to stay inside, in the relative safety of their homes. We are told that no one has been able to leave their quarters for the last twelve days. Amal, the young girl with the white flag, says that her school has been closed since the military operation started.

Faces are wary and tired. Gunfire erupts nearby so we distribute our emergency food packages and bottled water rapidly. Elderly people requesting medicines swarm the Palestine Red Crescent Society team and doctor that accompanied us. A sick teenager is moved into their car for evacuation. Today is the fifth time that the ICRC has entered the front line area since the beginning of Operation "Days of Penitence". It is the first time anyone reaches Shusha'a."

"Days of Penitence" was launched by the IDF on 28 September with the proclaimed aim to put an end to rocket fire by Palestinian militants into southern Israel. The operation ended on 15 October, and now stands as the heaviest IDF incursion into the Gaza Strip (in terms of casualties) since the beginning of the second Intifada in 2000.

The IDF repeated that it was doing its best to avoid civilian casualties, but the intensity and duration of the fighting has been traumatic for thousands of residents in Jabalia and the surrounding neighbourhoods. The toll on civilians who do not take part in the hostilities has been high, with many children killed. Dozens of houses have been destroyed and damage to the infrastructure is

extensive. According to international humanitarian law (IHL), constant care must be taken in the conduct of military operations to spare the civilian population.

In eighteen days, the ICRC assisted over 2'400 Jabalia families, unable to leave their homes due to intense fighting, with food parcels and drinking water. It successfully coordinated the passage of eighty medical missions in and out of Jabalia, for a total of about 150 patients.



Emergency relief for those affected by fighting

In addition, the ICRC repeatedly escorted Palestine Red Crescent Society medical teams as well as municipal engineers into eastern Jabalia. The latter carried out emergency repairs, restoring access to tap water and electricity for 5'000 residents.

Now, as a semblance of normality returns to Jabalia, Gaza-based ICRC teams start to interview dozens of residents and victims to document violations of international humanitarian law that may have taken place during the latest operation. The ICRC will then use this data as a basis for confidential interventions addressed to the relevant authorities. ■

Beit Hanoun: the ICRC active throughout "Forward Shield"

The ICRC was the sole humanitarian organization working in Beit Hanoun in the first days of "Forward Shield", an IDF operation that began there on June 28 and ended on August 5. The ICRC focused its efforts on three particularly vulnerable areas located south, east, and north of the town where about one-thousand persons had been unable to leave their homes due to a tight curfew. Throughout July and August, the ICRC assisted over 2,500 persons living in these three areas with drinking water, food, hygienic items, and medicine purchased by the PRCS. ICRC delegates also distributed tents, blankets,

stoves, and cooking utensils to families whose home had been destroyed. On 4 July, an ICRC water and habitat engineer entered Beit Hanoun to assess the state of its sewage, water, and electricity systems. The next day, the ICRC coordinated with IDF for municipality workers to enter Beit Hanoun and carry out much needed emergency repairs. Throughout the military operation, the ICRC was in constant dialogue with the Palestinian and Israeli authorities so as to facilitate its humanitarian mission as well as that of the PRCS. ■

Rafah: the ICRC responds to emergency needs

The ICRC was particularly active in Rafah as soon as a large scale IDF operation began there on May 17. "We immediately created an operational cell in order to better respond to urgent humanitarian needs mainly related to health, access to water, and the immediate effects of house destructions" says Jean-Nicolas Marti, head of the ICRC in Gaza at the time. Following an assessment of all hospitals serving the Rafah area, an ICRC medical team delivered war wounded surgery kits for 200 patients while the PRCS set up an Advanced Medical Post near Al Najjar Hospital. In addition, the ICRC coordinated with the IDF to ensure the safe passage of PRCS ambulances through various checkpoints. The ICRC was particularly active in Tal Al Sultan and Brazil, the two Rafah areas whose population and infrastructure were the most affected by the military operation.

Marti explains that four days after the military operation began, the ICRC coordinated with the IDF to escort a Rafah Municipality-UNWRA convoy bringing 38,000 litres of water to the people of Tal Al Sultan, until then

completely cut off from the rest of the city. Following ICRC efforts on May 20, Rafah Municipality engineers were able to enter Tal Al Sultan and conduct emergency repairs that re-established water for over 100,000 Rafah residents. On the 23rd, an ICRC Water and Habitat engineer entered the area with municipality technicians and helped to reactivate two wells supplying 25,000 persons with clean water. After the incursion had ended, the ICRC continued to assist the Rafah municipality by helping it to assess the state of its sewage, water, and electricity systems. Overall, the ICRC assisted over 1,200 Rafah residents whose house had been destroyed with relief kits distributed through neighbourhood committees.

By maintaining a constant dialogue with all Palestinian and Israeli authorities, the ICRC facilitated not only its humanitarian mission but that of the PRCS and other actors active in Rafah during the crisis. "It is by coordinating the humanitarian efforts of different organizations that the ICRC was able to make a small difference" says Marti. ■

NEWS IN BRIEF

MAY - SEPTEMBER 04

Protection

The ICRC maintains a constant presence in areas where civilians are at risk. By monitoring events in the field, its delegates seek to minimize the dangers to which people are exposed, prevent and put a stop to the abuse to which they are subjected, draw attention to their rights and make their voices heard.

In IL/OT/AT, the ICRC works towards ensuring the faithful application of international humanitarian law, above all the Fourth Geneva Convention relative to the protection of civilians in times of war and occupation. In this context, the ICRC submits confidential representations based on its delegates' observations to the Israeli authorities.

In the period under review, the ICRC submitted a total of 39 written interventions to Israeli authorities.

In addition, the ICRC coordinated the crossing of Golanese students, brides, and medical patients at Kuneitra, in the Occupied Golan.

Emergency assistance

In the framework of its Emergency Assistance Program, the ICRC distributed over 1,500 emergency relief kits to families whose houses had been destroyed or damaged in the West Bank and Gaza between May and September.

West Bank olive harvest 2004

Olive oil production is one of the most important economic activities in the West Bank. This year, the olive harvest is expected to be substantial, yet farmers often face difficulties in harvesting their olives. The ICRC drew from its own experience and from meetings held with Palestinian representatives to identify areas where problems may occur during this year's harvest.

With this information, the ICRC submitted a confidential "preventive" report to the Israeli authorities on October 6. The report highlighted the two main areas of concern: access to land situated behind the West Bank Barrier, and the potential for violence against Palestinian farmers on land near Israeli settlements or bypass roads. This report was followed by discussions with the authorities to try to ensure that incidents during the olive harvest are minimized. ICRC delegates working in the field are now monitoring the olive harvest for further dialogue with the Israeli authorities.

In the H2 area of Hebron, 19,000 food and hygiene parcels were distributed to the most vulnerable families. In addition, 423 emergency food parcels were distributed in other parts of the West Bank.

Health

The ICRC, in cooperation with the Palestinian Ministry of Health, held 4 war surgery seminars throughout August. Some 180 surgeons, anesthetists and residents of several West Bank and Gaza hospitals attended lectures, including those of two ICRC specialist war surgeons. In addition, the ICRC continues to provide medical journals to West Bank and Gaza hospitals.

Water and Habitat

The ICRC's mobile water trucking program continued throughout the summer, delivering low-cost water to over 8,400 households in Hebron and Tubas districts. In addition, the ICRC contributed to the rehabilitation and construction of over 100 rainwater cisterns in areas of Hebron and Nablus districts where access to clean water is particularly difficult.

Several infrastructure rehabilitation projects were started by the ICRC in May. Over 125,000 residents of Jenin, Bethlehem, Tulkarem, Nablus and Qalqilia districts will benefit from these community support programs upon their completion.

Cooperation with the Palestine Red Crescent Society and Magen David Adom of Israel

The ICRC and Magen David Adom of Israel (MDA) signed their second cooperation agreement on June 6. The ceremony was attended by both ICRC Head of delegation and MDA Chairman.

On 5 July, MDA hosted a disaster management workshop for its staff and various Israeli authorities. The Red Cross/Red Crescent Movement was represented by the Finnish Red Cross, the Federation, and the ICRC.

From August 28 to September 9, MDA hosted an international youth exchange program for the first time. This was a chance for Red Cross and Red Crescent youth volunteers from Bulgaria, the UK, Uganda, Jordan, the United States, Norway and Denmark to share their experiences with MDA volunteers.

An ICRC Emergency Medical Services (EMS) specialist participated in an EMS workshop held in Gaza for Palestine Red Crescent Society (PRCS) staff on August 29.

With the support of the Danish Red Cross, the PRCS has expanded its psycho-social program for school

ICRC Setup/Budget

The ICRC currently has 247 staff members, including 70 expatriates, working in IL/OT/AT.

The ICRC has a budget of 30 million USD for 2004. Its 2005 budget is currently estimated at 37 million USD, a 16 per cent increase.

children to include Qalqilia. Since September, over 4,500 Tubas and Qalqilia children benefit from the program.

Presentations on the ICRC and international humanitarian law

In addition to its regular sessions with IDF soldiers, checkpoint officers, Civil Administration cadets, Border Guards and policemen, on August 30, the ICRC presented its activities to the IDF's Gaza Strip operational command in Erez for the first time. Another ICRC presentation was held on September 29 at the Civil Administration Training Base in Tel Aviv. Other sessions were held in Israel for MDA volunteers and staff as well as teachers.

In the West Bank and Gaza, ICRC presentations were provided to PRCS volunteers and staff, senior employees of various Palestinian ministries, Palestinian Security Forces, journalists, students, teachers and NGOs.

3 seminars presenting the Exploring Humanitarian Law (EHL) module to West Bank teachers were held in cooperation with the Ministry of Education and the PRCS. Their aim was to facilitate the implementation of the EHL program in 85 new schools in the West Bank and Gaza.

International Red Cross/Red Crescent Day

On May 8, International Red Cross and Red Crescent Day, the ICRC, in association with the PRCS and the Palestinian Ministry of Education, held, among other activities, an Exploring Humanitarian Law (EHL) competition for Gaza schoolchildren. 20 schools participated in the competition. EHL presentations by the ten best students were broadcast live on Palestinian national TV.

Explosive Remnants of War

In the framework of its Explosive Remnants of War (ERW) awareness program, the ICRC delivered 4,500 posters and 30,000 pamphlets warning against the danger of ERWs to the PRCS Volunteers department.

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavors to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.

The ICRC has been continuously present in Israel and in the Occupied and Autonomous Territories since 1967.

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