

PUBLIC

AI Index: MDE 15/051/2003

05 June 2003

UA 163/03

Incommunicado detention/harsh conditions of detention

ISRAEL/OCCUPIED TERRITORIES Jihad Shaker Abu Ayesh (m), aged 15
Hussam Sameh Zeitun (m), aged 14

Jihad Shaker Abu Ayesh and Hussam Sameh Zeitun are being held incommunicado by Israeli soldiers at the Huwara military base, near Nablus in the West Bank. They are reportedly being held in poor conditions, which amount to inhuman and degrading treatment.

The two teenage boys were arrested on 31 May by Israeli soldiers at a checkpoint in Huwara, where they were selling refreshments to Palestinians queuing at the checkpoint. They have since been detained at the Huwara military base, without access to a lawyer or their families. Their families did not know the boys' whereabouts until local human rights organizations managed to establish that they were held at Huwara.

A lawyer working with the Palestinian human rights organization Defence for Children International – Palestine Section (DCI-PS) requested permission to visit the boys on 4 June, but this request was denied. He was told to ask again in a week's time. The lawyer also repeatedly asked the Israeli military authorities for details of any charges against Jihad Shaker Abu Ayesh and Hussam Sameh Zeitun, but he was not given any information.

Conditions in the detention centre at the Huwara military base are very poor, and amount to inhuman and degrading treatment. A lawyer who visited the centre on 5 May 2003 reported that 15 children under the age of 18 were held there, and that, as in other military detention facilities, children are held with adults, in contravention of both the UN Convention on the Rights of the Child and the UN Standard Minimum Rules for the Treatment of Prisoners. Military authorities classify it as a temporary detention facility for detainees in transit, but many have been held there for up to three months. The base started to be used as a detention facility in the spring of 2002, but for a year no lawyers were allowed to visit detainees. Since March 2003 some lawyers have been allowed to visit detainees, but they have found it difficult to obtain permits for such visits. No family visits have yet been allowed.

Cells are overcrowded and many detainees are forced to sleep on the floor as there are not enough mattresses to go round. The few mattresses and blankets which are available are dirty and bug-infested and no soap or cleaning material is provided for the detainees to wash themselves or to clean the cells, leading to the spread of skin diseases. There is no on-site doctor. Detainees are often not allowed to go outside for days at a time and are only permitted to go to the toilet at set times, usually three times a day. The prison diet is meagre and of poor quality.

BACKGROUND INFORMATION

The Israeli military's treatment of the two boys is in blatant contravention of the UN Convention on the Rights of the Child, to which Israel is a state party. Article 37(a) of the Convention states: "*No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.*"

Article 37(c) of the same Convention states: "*Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults*

unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances."

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Hebrew or your own language:

- expressing your concern about the incommunicado detention of Jihad Shaker Abu Ayesh and Hussam Sameh Zeitun, in the Huwara military base;
- stating that the detention of the two teenage boys contravenes the terms of the UN Convention on the Rights of the Child, to which Israel is a state party; and calling for them to be moved to a detention centre that has appropriate facilities to detain children in accordance with international standards;
- calling on the authorities to grant Jihad Shaker Abu Ayesh and Hussam Sameh Zeitun immediate access to a lawyer, their families, and any medical treatment they may require;
- urging the authorities to immediately release Jihad Shaker Abu Ayesh and Hussam Sameh Zeitun unless they are to be promptly charged with a recognizable criminal offence and tried in a proper court of law in accordance with international accepted standards for fair trial;
- calling for the authorities to ensure that juvenile arrests are monitored to ensure that children are detained only as a measure of last resort, and for the shortest appropriate period of time.

APPEALS TO:

Prime Minister Ariel Sharon,
Office of the Prime Minister
3 Kaplan Street, P O Box 187
Jerusalem 91919, Israel

Telegram: Prime Minister, Jerusalem, Israel

Fax: + 972 2 6512631

Telex: 25279 MPRES IL

E-mail: rohm@pmo.gov.il

Salutation: Dear Prime Minister

Minister of Justice Yosef Lapid
Ministry of Justice
29 Salah al-Din Street
Jerusalem 91010, Israel

Telegram: Justice Minister, Jerusalem, Israel

Fax: + 972 2 6285438

E-mail: sar@justice.gov.il

Salutation: Dear Minister

Elyakim Rubinstein,
Attorney-General/Legal Advisor to the Government
Ministry of Justice
29 Salah al-Din Street
Jerusalem 91010, Israel

Fax: + 972 2 6285438

Salutation: Dear Attorney-General

General Menachem Finkelstein,
Judge Attorney General
Israel Defence Forces

Fax: + 972 3 5694370

Salutation: Dear General Finkelstein

COPIES TO: Diplomatic representatives of Israel/Occupied Territories accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 July 2003.