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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 February 2019]

* Issued as received, in the language(s) of submission only.

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Torture in Israeli and Houthi prisons

Preface:

Maat for Peace, Development and Human Rights Association (Egypt), submits this report in the context of its target to promote for human rights in the middle east. This report depends on a systematic focus on International obligations through the International covenants; including: The convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by its state parties. As well; it includes the recommendations accepted by the country under the UPR beside the variable information available on the human rights situation in these states.

First: Cruel Treatment and Torture committed by the Israeli authorities:

The Israeli authorities have continued to detain thousands of Palestinians and continue to imprison them. As of October 31, 2018, the Israeli authorities detained 5,426 persons, including 3,224 prisoners and 1,465 detainees in administrative detention on the basis of secret evidence and without a charge. Most of the Palestinians stand before military courts. These court judges are almost 100% against all prisoners. In a clear violation of international humanitarian law, which prohibits the transfer of detainees outside the occupied territories or restricting the ability of their relatives to visit them, Israel detainees many Palestinians from the West Bank and Gaza Strip inside Israel.

On February 6, 2019, "Fares Baroud" a Palestinian detainee who was arrested on March 23, 1991, and the court issued a ruling on him while being in the Israeli Soroka Hospital. He was sentenced to life imprisonment for allegedly killing a settler. In November 2018, he underwent a liver excision as a result of the medical negligence and denial of adequate treatment resulting in his death.¹

On January 21, 2019, Israeli occupying forces raided a number of sections of Ofer Prison and assaulted detainees inside the prison. They used rubber bullets, gas, stun grenades and dogs. Three rooms were completely burned and more than 100 prisoners were injured inside the prison. This is a violation of all international laws, conventions and humanitarian principles. According to the Third and Fourth Geneva Conventions, the detaining power is prohibited from hazing detainees and prisoners and should provide them good health care, food and clothing, and shall not risk their lives through torture or death or making them vulnerable to extreme weather conditions².

On March 7, 2018, (Omar al-Kiswani) a student from the campus of "Bir Zeit" University in Ramallah was arrested by the Israeli occupation forces. From the moment of his arrest, he was severely beaten by hands and legs on various parts of his body. The physical torture did not stop at the time of his arrest, but went beyond the investigation process in which the messages of physical and psychological pressure were used. The interrogators at the "Al-Maskoubiya" detention center exerted psychological pressure on him by continuing to interrogate him for long hours and reached 18 continuous hours for consecutive days. In addition to exerting psychological pressure by calling for his mother to present for interrogation, depriving him of sleep and exercising physical pressure in conjunction with the psychological, he was forced to sit on a chair made of iron and handcuffed and feet tied, in order to oblige him to confess. This led him to declare a Food strike for 14 days in protest against torture³.

In November 2018, the Israeli High Court of Justice issued a decision allowing GSS interrogators to use torture against Palestinian detainees by practicing so-called "special means" such as preventing the detainee from sleeping and forcing him to remain in a difficult position for long periods of time. The Court's decision stated that this type of torture can be used as a means of investigating in "exceptional cases". This contradicts the Convention

¹ See more on: <https://bit.ly/2DYib4k>

² See more on: <https://bit.ly/2Ddb2f3>

³ See more on: <http://mezan.org/uploads/files/15233369021653.pdf>

against Torture, which prohibits and criminalizes all forms of torture signed by Israel in 1991⁴.

Although the Israeli authorities have expanded the use of torture and other ill-treatment of detainees held in Israeli detention centers for security reasons, the Israeli authorities have not opened any investigation into suspected torture and ill-treatment by Israeli intelligence agents. As well; there have been hundreds of complaints of use of torture and no indictments have been filed as a result of these complaints to the courts, despite hundreds of complaints. This is a clear violation of articles 12 and 14 of the Convention against Torture, which the Committee against Torture interpreted as including guarantees of non-repetition. Israel also lacks preventive mechanisms to prevent torture, as well as the absence of regular and undisclosed visits to Shabak detention centers. Israel has not yet ratified the Optional Protocol to the UN Convention against Torture, which came into force on 22 June 2006, and aims at strengthening the protection of persons deprived of their liberty, activating the complete prohibition of torture and regular visits to places of detention. The Israeli law lacks articles on crime of torture as defined in international conventions and covenants.

Secondly: Torture in Houthis' Military prisons

Maat for Peace has noted that torture and ill-treatment continued in official and unofficial detention centers controlled by al-Houthi militias. Political activist "Jamal al-Maamari" was subjected to the worst forms of torture by al-Houthi militias. He was paralyzed. Al-Ma'amari, who was released in March 2018, by a prisoner exchange deal after more than three years imprisonment by the Houthi militia in Sana'a, mentioned that as soon as he arrived at the detention center, he was severely beaten with the butts of guns on different parts of his body, and was pulled on ground of the building till he has lost his consciousness. They continued to torture him with sharp instruments, burning with direct fire and electric shocks in his mouth. His left foot was also burned, and he bled for several days. He was also stabbed with cigarette butts and hot incinerator, and deprived him of sleep for eight continuous days. The Houthi prison guards also tied him on chair, clasped his hands and legs backwards for long periods of time, and continued to beat him, causing a rupture of his peripheral nerves that paralyzed him⁵.

Al-Ma'amari said that he witnessed the death of a number of kidnapped persons inside the prison. He saw from a small hole in the door of his cell how Houthis attacked an American detainee in his chest, even though he was suffering from a heart disease, and he waited for hours till his last breath. At then they alleged that he committed suicide⁶.

"The Union of the Mothers of the Kidnapped", a women's association of relatives of detainees by the Houthi militias, has documented more than 18,000 detainees over the past four years, including 1,000 cases of severe torture in the secret network of Houthi prisons, and 126 detainees at least died of severe torture since the Houthi militias took control of the Yemeni capital of Sana'a in late 2014⁷.

Recommendations:

- Urge the State Parties to the Fourth Geneva Convention to fulfill their legal obligations to pressure the Israeli Government to ensure that it complies with its legal obligations under international law and international humanitarian law and to cease its policy of degrading the dignity of detainees and abide by all international standards governing the status, location and conditions of detention.
- The need for pressure from the international community, especially the United Nations, to establish an independent investigating committee to investigate the torture and ill-treatment committed by the occupation authorities against Palestinian

⁴ See more on: <https://bit.ly/2TxFvz>

⁵ See more on: <https://bit.ly/2GfUXJv>

⁶ See more on: <https://bit.ly/2GfUXJv>

⁷ See more on: <https://bit.ly/2GepMOK>

detainees, and follow up cases of torture and ill-treatment and bring these cases to the competent authorities.

- Investigate all cases of torture in the prisons of the Houthi militias in accordance with international standards, take immediate measures to hold those responsible accountable and provide remedies to the victims.
