

Al-Haq Action Alert: Human Rights Defender Arbitrarily Detained and Tortured by Israeli Occupation Forces

AL-HAQ ACTION ALERT FOR IMMEDIATE RELEASE

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On 15 March 2010, ‘Umar Mousa Muhammad ‘Ala’-al-Din, a 25 year old Palestinian student from the village of al-Ma’sara, near Bethlehem, was taken by Israeli Border Police and detained for seven days, until 22 March 2010. ‘Ala’-al-Din is a member of the Popular Resistance Committee of al-Ma’sara village and an organizer of non-violent protests against the Annexation Wall. Whilst in custody, ‘Ala’-al-Din was verbally and physically assaulted, causing serious injury and was denied necessary medical treatment.

According to his sworn affidavit given to Al-Haq, on 15 March 2010 at about 16:00, ‘Ala’-al-Din, was on a bus with classmates and teachers returning to Hebron University after a trip to Ramallah. Border policemen boarded the bus at al-Sawahra al-Sharqiyya (Container) checkpoint. A policeman asked the passengers to produce their IDs. He asked a female student who was sitting next to ‘Ala’-al-Din, to produce her ID in Hebrew. She could not understand him, so ‘Ala’-al-Din explained to the officer in Hebrew that the student only had with her a university ID. The policeman began to curse. ‘Ala’-al-Din asked him to stop cursing and to treat the female student with respect.

The policeman told ‘Ala’-al-Din to shut up. He took ‘Ala’-al-Din off the bus and beat his leg with the wooden handle of a broken shovel. ‘Ala’-al-Din started bleeding and the policeman dragged him to a small cement room used to hold detainees at the checkpoint. He continued to beat ‘Ala’-al-Din, particularly around his head. A second policeman came to the room and also beat ‘Ala’-al-Din, kicking him repeatedly.

The two policemen beat ‘Ala’-al-Din for about thirty minutes. They repeatedly pushed him against barbed wire, which tore into his back and shoulders, and he eventually lost consciousness. He awoke to find that cold water had been poured over him, and the two policemen at the door, banging it with sticks to make noise.





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‘Ala’-al-Din's requests for a drink of water were refused. At one stage his request for water was acceded to, but when he asked again, he was brought a cup of urine.

The policemen then handcuffed ‘Ala’-al-Din’s wrists in front of his body, tied his legs together, and blindfolded him. He was kept in the room for about seven hours in total. At around midnight the two policemen took ‘Ala’-al-Din from the room and removed his blindfold. A border police officer, who spoke Arabic, asked ‘Ala’-al-Din where he was from.



The officer cursed in Hebrew, saying that ‘Ala’-al-Din was a security problem and that he was one of the 'scum' of al-Ma’sara. ‘Ala’-al-Din recognised the officer and the policemen that had taken him from the bus as having participated in the Israeli occupation forces’ repression of protests against the Wall at al-Ma’sara. The officer claimed that he had seen ‘Ala’-al-Din throwing stones during the demonstrations, which ‘Ala’-al-Din denied.

The officer ordered the two policemen to blindfold ‘Ala’-al-Din and place him in an Israeli military Armoured Personnel Vehicle (APV). ‘Ala’-al-Din was thrown to the floor of the vehicle. The two policemen who had beaten him earlier were present with him.

‘Ala’-al-Din continued to be beaten and kicked during the journey in the vehicle. At the end of the journey he was taken to an office, which he was informed was a police station in the Ma’ale Adumim settlement. There, a police officer interrogated him as to what had happened at the Container checkpoint. The two policemen that had beaten ‘Ala’-al-Din at the checkpoint and in the APV, claimed that ‘Ala’-al-Din had attempted to hit them with a stick, and that they wished to file a complaint against him. ‘Ala’-al-Din told the officer that it was in fact the policemen who had hit him with a stick.

When the police officer asked ‘Ala’-al-Din who had beaten him, he replied that it was the policemen present. He pointed to the policeman who had taken him from the bus, reading his name, Yanoun Hava, from his uniform, and he pointed at the other pale-skinned policemen, but he did not know his name. The police officer ordered the same two policemen that ‘Ala’-al-Din had identified as being responsible for his beating to blindfold ‘Ala’-al-Din and bring him to a military doctor. The policemen took him in a car for a journey of approximately 30 minutes, during which time they recommenced their beatings and assault.



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An Israeli military doctor examined 'Ala'-al-Din and took an x-ray of his leg. Despite obvious bruises and cuts to his body, the doctor stated there was nothing wrong with him. The policemen returned 'Ala'-al-Din to the Ma'ale Adumin police station. His blindfold was removed and he was told that it was 08:30 in the morning. He slept in a cell for two hours.

'Ala'-al-Din was then transferred to the al-Mascobiya (the 'Russian Compound') Interrogation and Detention Centre in West Jerusalem by soldiers of the *Nachshon* battalion¹. They also assaulted 'Ala'-al-Din, punching and kicking him repeatedly. At the Russian Compound, Israeli police interrogated 'Ala'-al-Din about the incident at the Container checkpoint. They asked him why he had attempted to strike the border police, and about his participation in village demonstrations against the Wall.

'Ala'-al-Din was detained for three days at the Russian Compound. He was then taken to al-Ramla prison, and held for four more days. On 22 March he had a hearing at the court at 'Ofar prison. He was denied the opportunity to contact a lawyer, but by chance, Naser al-Nubani, a lawyer for the Prisoners' Club, was present in court and able to represent him. The judge ordered that bail be set at 1000 shekels, having found no evidence to support any of the allegations that the police made against 'Ala'-al-Din with respect to stone throwing or attempting to strike the policemen at the checkpoint.

'Ala'-al-Din was taken back to al-Ramla Prison. At 19.00 that evening, after his family had paid bail, he was taken by four Israeli soldiers in a civilian car to the Beit Sira checkpoint, near Ramallah. Soldiers threw 'Ala'-al-Din to the ground, and before removing his cuffs, gave him a final beating. 'Ala'-al-Din's personal belongings, including his ID card, driver's licence, university textbooks, health insurance card, bank cards, and cash were never returned to him.

As a result of the assaults in custody, 'Ala'-al-Din had sustained bruises and contusions all over his body. He still has difficulty concentrating as a result of the repeated blows to his head. 'Ala'-al-Din's case is a reminder of the brutality of the Israeli occupation. As an unarmed student, who dared request that an Israeli official not insult a female student, he was detained for several days, severely beaten, and accused of being a security threat.



¹ The Nachshon Battalion was named after Nachshon Ben Aminadav. In 1998, the IDF resolved to create a "unique" battalion whose job is to fight in the territories. Source: <http://dover.idf.il/IDF/English/units/forces/ground/infantry/kfir/Structure/default.htm>

Legal Analysis

Breaches of international humanitarian and human rights law

Under international human rights law, everyone has the right to dignity, to freedom of association, to security of the person, and to freedom from torture. These fundamental rights have been violated in the case of ‘Ala’-al-Din.

Article 9 of the International Covenant on Civil and Political Rights (ICCPR) provides for the right to liberty and security of person and the right not to be subjected to arbitrary arrest or detention. ‘Ala’-al-Din’s treatment by the Israeli authorities, including his detention without charge, his beatings, and the failure of the military doctor to treat his injuries, falls squarely within this prohibition. In addition, ‘Ala’-al-Din’s denial by the Israeli authorities of access to a lawyer before his court hearing, breaches the right to legal assistance, enshrined in Article 14 of the ICCPR.

At no stage did ‘Ala’-al-Din pose any threat to the Israeli occupation forces, and he was under their full control from the moment he was taken from the bus. The force used against him and the injuries caused cannot therefore be justified on the basis of concerns for ‘security’ or the need to execute an effective arrest.

The prohibition on torture, cruel or inhuman treatment and outrages upon personal dignity is a principle of customary international law, as codified in numerous human rights instruments, and the Geneva Conventions. The systematic and repetitive nature of the beatings, humiliation and verbal abuse to which ‘Ala’-al-Din was subjected, from the moment of his detention until his release, constitutes torture and cruel and inhuman treatment, and must be condemned as such. The fact that such treatment is also a grave breach of the Fourth Geneva Convention means that the abuse of ‘Ala’-al-Din is criminal and its perpetrators should be held criminally responsible for their acts.

Attacks against human rights defenders

It is obvious from the statements of the border police, the interrogators at the Russian Compound, and statements before the court in ‘Ofar prison, that Ala'deen's ill-treatment was motivated largely by his participation in non-violent demonstrations against the Annexation Wall. The case appears to be part of an ongoing campaign by the Israeli authorities to repress non-violent activism in the OPT. This campaign has coincided with the release of the Goldstone Report in September 2009, and has entailed frequent dawn raids in villages affected by the Wall, arrests of youth and children to extract confessions about community leaders, the intimidation, arrest and deportation of activists, and a sustained targeting of the grassroots “Stop the Wall” Campaign. In its latest phase, two teenage boys were shot dead by Israeli occupation forces near Nablus on 20 March 2010 in the context of a demonstration against settlement activity.



These practices by Israel violate the UN Declaration on Human Rights Defenders which provides for the right of persons to freely participate in peaceful activities against violations of human rights to express their concern about policies that violate human rights. The Declaration requires Israel to desist in measures which repress human rights defenders and to protect human rights defenders and their right to peaceful protest.

Conclusion

Al-Haq condemns the detention and treatment of 'Ala'-al-Din which constitutes a blatant disregard of his human rights and an attempt to suppress the activities of human rights defenders. The individuals who participated in or were complicit in his treatment, including the border police, the civil police officer at the Ma'ale Adumim station, the *Nachshon* brigade soldiers, and the military doctor who returned him to his tormentors without providing him the necessary treatment, must be held to account.

Al-Haq calls upon the international community, including diplomatic missions in the occupied Palestinian territory and the International Committee of the Red Cross (ICRC) to intervene with Israel to ensure:

- that Israel abides by its obligations under international law, including its obligations under the ICCPR and the Fourth Geneva Convention, which apply to the Palestinian population in the OPT;
- That a full investigation is launched into the circumstances of 'Ala'-al-Din's arbitrary arrest, detention, and torture, and that the individuals responsible are brought to justice; and
- That the Israeli occupation authorities cease practices - such as harassment, torture, and arbitrary arrest and detention - that are intended to intimidate human rights defenders working to promote awareness of violations in the OPT.