

MOHAMMAD MAHMOUD DAWOUD HALABIYEH

Date of birth: 22 October 1993 (16)
Place of residence: Abu Dis, occupied East Jerusalem
Occupation: Student
Date of arrest: 6 February 2010
Place of detention: Ofer Prison

Postal address:

Ofer Prison
Givat Zeev, P.O. Box 3007
via Israel



On 6 February 2010 Mohammad Halabiyeh, a 16 year-old Palestinian boy was arrested by the Israeli Border Police, in his hometown of Abu Dis. During the arrest operation, Mohammad broke his left leg, just above the ankle. Nonetheless, the soldiers beat him all over his body and intentionally kicked his injured leg. Torture and ill-treatment continued for five consecutive days following his arrest and reached its peak at the Hadassah hospital, where the Israeli soldiers pushed syringes into the boy's hand and leg multiple times, covered his mouth with adhesive tape, punched Mohammad in the face, hit him in the abdomen with a stick and deprived him of sleep in an attempt to deter the boy from reporting the ill-treatment to the Israeli police. Mohammad was undeterred and made an official statement to his interrogator in which he attempted to describe the abuse and torture he was subjected to, even after the other interrogators threatened him with killing and sexual abuse. Mohammad is currently tried before the Israeli military courts on five charges related to throwing Molotov cocktails. He remains in Ofer prison in a section with adult prisoners. The next hearing in Mohammad's trial is scheduled for 6 September 2010.

TORTURE AND ILL-TREATMENT DURING ARREST AND INTERROGATION

On the evening of 6 February 2010, **Mohammad Mahmoud Dawoud Halabiyeh** was walking with his friends Anas and Ayyad in their hometown of Abu Dis, an East Jerusalem neighborhood cut off from Jerusalem by the Annexation Wall. As they walked past the Israeli military camp near their town, they were surprised by an Israeli Border Police patrol coming from behind a nearby stand of olive trees. The soldiers kept their guns trained threateningly at the boys as they advanced towards Mohammad and his friends. When they reached the boys, the soldiers first seized Anas, who raised his arms in surrender. Petrified at their sight, Mohammad started running in the direction of his home. In the process, he jumped off an unfinished house and fell

face first into a ditch approximately four to five meters deep, fracturing the tibia and fibula bones of his left leg, just above the ankle.

Soon after, one of the soldiers threw his steel helmet from above at Mohammad who lay injured on the ground and then worked his way down. When Mohammad told the soldier that he broke his leg, he did not believe him and instead started laughing and threw a sound bomb at him. Mohammad recalls, *“I heard some laughing, and one of the soldiers looked at me, laughed and threw a sound bomb at me...The bomb landed almost one meter away from me.”* The soldier then started beating Mohammad on his face and kicking him on his body as a group of other soldiers witnessed the scenes. Mohammad states in an affidavit given to Addameer, *“When I cried out from the pain in my [injured] leg, one of them, with a dark complexion and black hair, twisted my leg in a painful way.”*

The soldiers then forced Mohammad to stand, but as he was visibly limping, two soldiers assented to carrying the injured Mohammad. However, as they carried him, blows from the other soldiers and sexually degrading insults against Mohammad’s mother and sisters continued to rain down. Israeli soldiers and interrogators often psychologically abuse Palestinian detainees and deliberately exploit Palestinian society norms where women are traditionally given more protection and special status, while the preservation of their honor is of utmost importance.

After they arrived at the Israeli military base, the soldiers lay Mohammad on the ground and started shaking his leg while questioning him about his family and friends. They then reverted back to beating the boy until they forced him to sit on the ground, blindfolded him and handcuffed his hands to the front with plastic cuffs, which they tightened painfully.

The unrelenting physical and verbal abuse lasted about half an hour until a white private car arrived to take Mohammad to the Hadassah hospital, located in Mount Scopus in East Jerusalem. During the 40-minute drive, a soldier continued to punch Mohammad in the face and kick at his broken leg. Mohammad’s right eye became swollen from these punches.

Day One: Ill-Treatment by Israeli Soldiers at Hadassah Hospital

The abuse from the soldiers continued even after their arrival at the hospital where Israeli soldiers accompanied Mohammad during every stage of the medical examinations. After medical staff examined Mohammad, they took him in a wheelchair for X-rays of his leg. The soldiers continued to hit Mohammad whenever the doctor and other medical staff were away, in the X-room and in the patient room where they hid their actions behind a privacy curtain that they placed around Mohammad’s bed.

Mohammad recalls that the beatings, administered at this point with an “iron stick” by two Israeli soldiers from the Abu Dis base, one heavy and fair with a buzz cut and the other thin with dark hair, according to Mohammad’s description, were an attempt to coerce him to remain quiet about the torture he’d endured at the hands of the Israeli soldiers following the injury of his leg.



However, when Mohammad told the soldiers that he would disclose everything that was happening and tried to shout for the doctor, the soldiers covered his mouth with adhesive tape and handcuffed his hands to either side of the bed.

Later, when Mohammad was taken to have a plaster cast applied to his leg without the soldiers present, he told the doctor what was happening to him. The doctor told Mohammad to call him when the soldiers tried to abuse him again. Mohammad was then returned to a patient room and put in a hospital bed behind a curtain.

At that point, the two soldiers again put the adhesive tape on Mohammad's mouth, repeated their threats not to tell anyone what had happened, and beat him with the iron baton, smeared a tomato they'd brought over his face and pushed syringes into his hand and leg multiple times.

Mohammad's father Mahmoud arrived at the hospital around 11:00 p.m. that night after he received a phone call from the hospital. Before letting Mahmoud in to see Mohammad, the soldiers removed the adhesive on Mohammad's mouth and covered him with a blanket. Mohammad told his father that the soldiers were beating him, and when the father asked the soldiers why they were doing this, they yelled at him and told him to leave and closed the curtain once again. Intimidated and scared that his intervention would only increase the abuse, Mahmoud left to bring Mohammad clean clothes. However, before he left the hospital, Mahmoud, used a visitor's mobile phone, and called the Israeli police three times, asking their intervention with the soldiers so that they would stop beating his son. The police never came and the abuse continued.

Throughout the rest of the night, the soldiers remained in the hospital with Mohammad, twisting his injured leg and pressuring on the cast that had not fully dried by that point, hitting him with the iron stick in his abdomen and hands and punching the left side of his face, all while telling Mohammad they were going to deform his face and break his other leg. They refused to let Mohammad sleep and would hit him whenever he dozed off. The abuse and torture was intended to inflict so much pain and fear in Mohammad so that he would not complain to anyone about his experience.

Mohammad recalls that, *"For long hours throughout the night, the soldiers used to ask me what I will tell the interrogator, if I would tell about what they did to me. I'd answer that I'd tell everyone about what they did. The beatings intensified all night long [...]"*

Day Two: Torture During Transfer to the Police Station and During Interrogation

The following morning, on 7 February 2010, Mohammad was in severe pain, in particular in his injured left leg and the left side of his chin where he'd been punched repeatedly during the night. When Mohammad's father returned with clean clothes for his son, he noticed how swollen Mohammad's face had become from the sustained beatings. Mahmoud again approached the soldiers about the abuse against his son, but they told him *"Go away ['Hijj' in Arabic], or we will beat you too"*.

Mahmoud helped Mohammad put on the clean clothes and then helped him walk outside, as he had no cane. While waiting for the military vehicle that would take Mohammad for interrogation, he told his father about the previous night's abuses. The father was however refused to accompany his son to the interrogation center. Mohammad was then shuttled into the Israeli military vehicle where the soldiers tied his hands and covered his eyes with a cap, which they tightened around his face.

During the drive to the Ma'ale Adumim police station where Mohammad was to be interrogated, the police officers in the car continued to assault Mohammad and pressure him not to tell anyone the truth of how he'd sustained his injuries. At one point in the car, Mohammad vomited from the ongoing beating, though he'd not been given anything to eat since his arrest the previous day.

When they arrived at the Ma'ale Adumim police station, in the early afternoon, Mohammad was questioned for several hours by an Israeli interrogator. The interrogator accused Mohammad of throwing Molotov cocktails at Israeli military patrols and told him that his friend Anas had already confessed. He further mentioned that Anas told them that the three boys were on their way to throw Molotov cocktails when they were arrested the previous day in Abu Dis. The interrogator also said that Anas told them that Mohammad had thrown Molotov cocktails 15 times in the past. Mohammad denied the interrogator's accusations.

The interrogator then began to write down a false statement himself, writing that Mohammad said he threw the Molotov cocktails, and tried to force Mohammad to sign the statement. Mohammad refused to sign. The Israeli officer began to threaten to beat and kill him. Then he told Mohammad that he would do 'sexual things' to him and that "he liked doing that to young boys".

At 6 p.m. that day, more than 24 hours after Mohammad was arrested, he was finally given something to eat by officers at the Ma'ale Adumim police station. Mohammad gave a statement to his interrogators, reiterating his earlier denial of any involvement in throwing Molotov cocktails and seeking action for the torture he'd undergone at the hands of the Israeli soldiers since his arrest. No copy of this statement was recorded or provided during pretrial disclosure by military prosecutors.

Forced Confession

At 8:30 p.m. that night, after more than a day with little food and no sleep, Mohammad signed a confession claiming that he'd thrown Molotov cocktails. He later told his lawyer, Addameer attorney Mahmoud Hassan, that he had made this confession out of fear after numerous threats by his interrogators that he would be subjected to further torture if he did not. A video of the interrogation at this point shows the Israeli interrogator drafting the written statement of Mohammad's confession, prompting a tired and fearful Mohammad, asking leading questions and feeding him the words the interrogator wanted him to say.



An additional problem demonstrated by the video is language. It is obvious from viewing the recording that the interrogator, called Avi Teveoni, did not have sufficient Arabic skills to question the boy and understand his version of events. On many occasions, the interrogator asked Mohammad to repeat his statement as he hadn't fully understood the boy's account. It is thus likely, that the interrogator made mistakes in the statement that he wrote, and by doing so, altered Mohammad's statement. This is even more problematic when one considers that this statement serves as the primary evidence against Mohammad in his trial before the military courts.

Further, the written statement taken at this time was drafted by the interrogator in Hebrew, a language that Mohammad does not understand. The interrogation video, obtained by Adv. Hassan only after military prosecutors accidentally exposed its existence to him, reveals that the written statement omits most of Mohammad's repeated references to the torture he endured at the hands of the Israeli soldiers in Abu Dis and at the hospital. The video also reveals that, although the interrogator indicated in the written statement that he'd read it aloud to Mohammad before Mohammad signed it, he did not.

Moreover, Addameer submits that even a cursory analysis of the written statement reveals the coercive role of the Israeli interrogators. At one point in the forced confession, for example, Mohammad says he threw Molotov cocktails with a friend in late 2009; that friend, however, has been detained by Israel since December 2008, so this could not possibly have happened. As Adv. Hassan notes when discussing the coerced confession, "When you're afraid for your life, you will say anything, give any name to make the pain, or the fear of pain, stop".

Day three: Transfer from Etzion Detention Center to Ofer Prison and Back to Etzion

That night, after seven or eight hours of interrogation, Mohammad was taken to Etzion Detention Center south of Bethlehem, to a cell holding a number of other detainees who were already sleeping. Mohammad recalls that the room was extremely cold, but the guards refused to give him a blanket when he asked. In the afternoon of the next day, on 8 February 2010, a doctor came, gave Mohammad a cursory medical examination and gave him a paracetamol tablet with a glass of water for his pain.

Afterwards, two Nahshon officers took Mohammad for transfer to Ofer Prison, housed in Ofer Military Base near Ramallah. Mohammad at this point was shackled at the wrists and had no cane, hopping painfully on his one good leg. Mohammad arrived at Ofer at around 7 p.m., but was made to wait inside the Nahshon transfer vehicle until midnight before the Nahshon officers came to move him into the facility. However, **when the prison officer at Ofer saw Mohammad and the state of his injuries, he refused to admit Mohammad to the prison there, instead instructing the Nahshon officers that he should go first to a hospital.**

Instead, however, the Nahshon officers returned Mohammad to Etzion, where the boy spent another cold night.

Day Four: Transfer Back to Ofer Prison

The following day, on 9 February, Mohammad was transferred back to Ofer, where he was held in a room with an iron grid, referred to as ‘the cage’. Later that day, Mohammad saw a prison doctor who promised to bring him a cane. That evening, prison officials brought Mohammad a pair of crutches, which he used for two days before obtaining a pair previously used by a friend from Abu Dis named Wael Younis who was also being held at Ofer.

Day Five: Mohammad Finally Receives Medical Treatment

On the fifth day following his arrest, Mohammad was taken to Hadassah Ein Karem, a hospital located in the southwest of Jerusalem. The physicians there took X-rays of Mohammad’s injured jaw and gave him medication for the pain and to promote healthy repair to the injured bone.

Mohammad was then returned to Ofer, where he remains at present. All motions to release him on bail were so far denied.

CHARGES AND TRIAL

On 16 February 2010, Israeli military prosecutors filed charges against Mohammad under the Israeli military orders that govern the OPT. Mohammad is accused of five offenses related to throwing Molotov cocktails in Abu Dis on a number of occasions between November 2009 and the date of his arrest in February.

Mohammad’s military court trial began on 12 April 2010 with the reading of charges and the entering of Mohammad’s plea and is currently underway at Ofer Military Court inside a military base near Ramallah. Mohammad’s defense counsel, Adv. Hassan, estimates his trial will take about two months. On 26 August 2010, Adv. Hassan filed a request to the Military Court to release Mohammad on bail until the conclusion of the legal proceedings. The next hearing in Mohammad’s trial is scheduled for 6 September 2010, where the prosecution’s third witness, a police officer, is expected to testify before the court.

POLICE INVESTIGATION INITIATED INTO ABU DIS SOLDIERS

The Israeli police initiated an investigation into the soldiers who arrested Mohammad based on the boy’s statement given on 7 February 2010, before Avi Teveoni, one of the interrogator at Ma’ale Adumim police station. In this statement, Mohammad mentions several times the type of abuse and ill-treatment he was subjected from the Israeli soldiers. This information was however concealed from Adv. Hassan who learned about the police investigation accidentally, on 9 August 2010, when he questioned a police officer, who testified before the court as a military prosecution’s witness at Mohammad’s last hearing. Subsequently, Adv. Hassan requested from the military prosecution and the military court to see the investigation materials. The request was noted in the hearing’s protocol and the judge promised to make these documents available “as



soon as possible”. More than two weeks later, the information related to the police investigation has not been disclosed to Adv. Hassan.

Importantly, Addameer also requested Mohammad’s medical file by submitting an official letter to the Israeli Prison Service, on 17 July 2010. The full report, including reports from the Hadassah hospital were only disclosed to Addameer attorneys on 29 August 2010, approximately 40 days following the request. Although the report confirms the tibia and fibula bone fractures in Mohammad’s lower left leg, as well as swelling and bruising around Mohammad’s right eye, there is no mention, however, of other marks, bruises or wounds following the beating, punches, kicking and pain administered by pushing syringes into the boy’s body. Further, there is no mention on the cause of Mohammad’s injuries. Addameer strongly condemns the concealing of any information that would constitute evidence in the investigation against the Israeli Border Police guards who abused and ill-treated Mohammad.

FAMILY/PERSONAL INFORMATION

Mohammad is one of nine children. During the first four months following Mohammad’s arrest, he did not receive a single visit from a family member. This situation is not unusual, given that Israeli authorities seek to isolate prisoners during the initial period of detention and, for this reason, typically do not issue visit permits. As the use of telephones is also not permitted for Palestinian “security” detainees, Mohammad had virtually no contact with the outside world apart from meetings with his attorney. He was able to see his parents at court hearings only, but not speak with them, given that the Israeli authorities forbid any form of contact between the detainee and his family inside the military court.

Since the first visit on 9 June 2010, Mohammad’s mother, Yusra, and father, Mahmoud, have been able to visit him in detention at Ofer three times, as family visits at Ofer prison are allowed only once a month. By comparison, the other Israeli prisons holding Palestinian detainees permit family members to visit every two weeks. None of the boy’s three brothers or five sisters have been able to visit thus far.

At the time of his arrest, Mohammad had completed grade 11 and was working part time in a restaurant in Abu Dis.

ADDAMEER’s STATEMENT

Addameer condemns Mohammad’s torture and ill-treatment at the hands of Israeli authorities as a violation of absolute prohibitions against these measures in international law, violations that are made all the more heinous due to Mohammad’s young age. Moreover, Addameer remains very concerned about the legitimacy of Mohammad’s ongoing trial before the Israeli military courts, as it remains clear that these courts operate in blatant disregard for fundamental international fair trial standards and lack any sort of meaningful protection for child detainees.



Addameer therefore calls for the charges against Mohammad to immediately be dropped, for those responsible for his torture and ill-treatment to be investigated and prosecuted. Addameer also calls the international community, EU member states in particular and relevant UN bodies to pressure Israel to conduct a thorough and impartial criminal investigation into the conduct of the soldiers who tortured and abused Mohammad Halabiyeh and bring the perpetrators to justice. At the same time, Addameer contends that it is very unlikely that such an investigation will be initiated without the needed political and diplomatic pressure given that the Israeli authorities have consistently failed to investigate and indict its soldiers involved in criminal offenses against Palestinian civilians in the OPT.

Criminal investigation of members of the security forces who commit offenses against Palestinians and their property in the West Bank, ranging from manslaughter to abuse to looting, is under the responsibility of the Military Advocate General (MAG), the Military Police Criminal Investigation Department (MPCID) and the Department for the Investigation of Police Officers in the Ministry of Justice. These law enforcement agencies have been under severe criticism for their investigation of suspects and prosecution of members of the security forces accused of committing such offenses. The concealing of the causes of Mohammad's injuries in the medical reports and that of the investigation into the soldiers' conduct from Adv. Hassan only demonstrates this trend. According to Yesh Din, during the years of the second intifada, 90 percent of MPCID investigations ended with the files being closed and without indictments being filed. Addameer therefore urges foreign government officials, including members of foreign representative offices to the Palestinian Authority in Ramallah and foreign Consulates in East Jerusalem, as well as the Office of EU Representative in Israel and the OPT, human rights organizations and United Nations bodies to:

- Raise Mohammad Halabiyeh's case with the Israeli authorities;
- Demand that the Military Police Criminal Investigation Department conducts an impartial and independent investigation into the soldiers actions;
- Demand that the Israeli Ministry of Health conducts an independent and impartial investigation into events that occurred at the Hadassah hospital;
- Raise Mohammad Halabiyeh's case to the attention of the UN Special Rapporteur on Torture and Cruel, Inhuman or Degrading Treatment or Punishment, in accordance with various human rights monitoring guidelines, including the EU Guidelines on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Attend Mohammad Halabiyeh's court hearings at the Israeli Military Court.

In addition, Addameer also urges solidarity groups and human rights organizations to:

- Send Mohammad letters of support to his postal address in prison;
- Write to the Israeli government, military and legal authorities and demand that Mohammad be released immediately, that the charges against him be dropped and that an



independent and impartial investigation of the soldiers who subjected Mohammad to torture and ill-treatment be conducted; or,

- Write to your own elected representatives urging them to pressure Israel to release Mohammad and to call for an independent and impartial investigation of the events surrounding his arrest be immediately conducted.

For more information about Addameer's work to stop the torture and ill-treatment of Palestinian prisoners in Israeli custody, please visit our website www.addameer.info, or contact us directly:

Addameer Prisoner Support and Human Rights Association

Tel: +972 (0)2 296 0446 / 297 0136

Fax: +972 (0)2 296 0447

Email: info@addameer.ps

Website: www.addameer.info