

July 78

- Applicant No. 1 : Aïmad Nasha'at Kamal Ya'ish, from Nablus,
now imprisoned in the Beer-Sheba prison.
- Applicant No. 2 : B'his Mahmud Naji, from Yatta village near Hebron,
now imprisoned in the Tul-Karem prison.
- Applicant No. 3 : Ahmad Jaber Suleiman, from Turmus A'ya village,
now imprisoned in the Ramallah prison.

All three applicants were sentenced for offences according to the Defence (Emergency) Regulation 1945. They are represented by advocates Felicia Langer and/or Abed el-Assali of 14 Koresh Street, Jerusalem.

AGAINST

The respondent : The Minister of the Interior and the Police.

THE APPLICATION

The honourable court is requested to order the respondent to answer as to why he would not instruct that the imprisoned applicants, in Beer-Sheba Tul-Karem and Ramallah prison, be held under suitable human conditions, such as:

- Allowing more living space than the actual unbearable congestion level
- Allocating sufficient clothing in winter and summer, which are present-ly not supplied
- Improving the sanitary conditions which are presently at an unaccept-able level.
- Supplying the applicants with equal quantities and qualities of food as is served to Jewish criminal prisoners, and terminating their discriminatory treatment, when compared with Jewish prisoners.
- Terminating the degrading and provoking treatments by prison-wardens.
- Allowing for suitable and specialised medical treatment.

We also request the the cost of this application be paid by the respondent.

The arguments of the application

1. Applicant No. 1 was sentenced for 15 years, he has already served 3 1/2 years of his sentence.
2. The above applicant claims that he is imprisoned under unbearable conditions, and he complains of the degrading and provoking treatment by the prison wardens against him and his fellow Arab prisoners.
3. Applicant No. 1 is imprisoned together with 2 other prisoners in a cell called " X " measuring only 1 x 1,5 meters, for over 6 months. For long weeks he had not been allowed a warm shower and he gets insufficient quantities of soap. The latrine is part of the same cell and the smell is unbearable. The applicant also complains of inadequate medical care.
4. The applicant claims that he gets only rag-like clothing which is insufficient; the food is likewise insufficient and of low quality. Every verbal exchange with prisoners from other cells is punishable,

with the exception of an hour's daily walk in the prison's courtyard, which is his only access to fresh air. As to medical treatment, the applicant claims that it is inadequate, and he quotes one of the prison-managers who replied the applicant's complaint by saying: "If you will behave you will be given medical treatment"...

4. Appeals by the applicant and his fellow Arab prisoners to the prison management demanding the improvement of conditions were fruitless. Furthermore, many prolonged protest actions by the prisoners of this prison, in which the applicant also took part, in order to receive human conditions of imprisonment were answered by revenge, punishment and intimidation of the prisoners instead of a response to the claims and demands raised by the applicant and the other Arab prisoners.

5. Applicant No. 2 has served over 10 years of his sentence. The applicant, together with dozens of other prisoners were transferred from the Beer-Sheba prison to the Tul-Karem prison on March 3rd 1978, following protest actions in this prison, as described above. The applicant claims that congestion in this prison is very high. A cell measuring some 27 sq. meters houses some 20 prisoners, all sleeping on the floor. The latrine and the washing tap are within the cell, and the small windows are insufficient. As in Beer-Sheba, also here the cell serves for dining, sleeping, praying etc. The prisoners are permitted to have fresh-air and sun light for an hour daily only. For the remaining 23 hours they are in a filthy, bad-smelling cell. The applicant claims that clothing received is insufficient both in winter and in summer, and that he is not entitled to obtain additional clothing from his family.

Even complaints addressed to the High Commissioner of Prisons brought no improvement. His answer was: "This is no hotel. You are terrorists so what (treatment) do you expect?"

7. Applicant No. 3 was sentenced for 2 years which he has been serving since June 26th 1978 in the Ramallah prison. This prison suffers from serious congestion, each prisoner sleeping on the floor has a living area smaller than his very body. Under these conditions the prisoners dine and 'exist' in their cells for most of the day, except for their daily walk of an hour and a half. The prison wardens provoke and beat the prisoners, passing arbitrary rules and prohibiting activities such as:

Prohibition of gymnastic exercises

- prohibition of talking to a prisoner in a neighbouring cell.

The applicant also complains on the quality and quantity of food served to the prisoners, on the inadequate medical service, and says that for over a month the prisoners had not received warm water. The prisoners have protested repeatedly against this situation during more than 5 months, but with no avail. On the contrary, the situation is worsening. There are frequent searches, confiscations of books and copybooks which the prisoners hold legally; these are returned a month later and occasionally re-confiscated a few days later.

8. All the applicants claim that their conditions in prison and even their food are worse than those given to Jewish criminal prisoners. The public is well aware as to the difficult conditions under which Jewish prisoners are detained; one could therefore but imagine the conditions of the applicants who are discriminated against and may not 'enjoy' so called 'normal prison conditions'.

9. On July 30th 1978, the undersigned, representing applicants 2 and 3 and two other Arab prisoners, addressed a letter describing in detail grievances in the above prisons, and requesting improvements. This letter is attached hereby as appendix A.

0. No reply to my above letter was received either by myself or by the applicants to this very date. This very fact shows the lack of interest and contempt shown by the respondent towards grievances of such content coming from behind the bars, which requests human conditions for human beings under imprisonment.
1. Furthermore: The respondent acted in defiance of the law. According to § 2 (a) of the Act Amending Administrative Orders (Resolutions and Arguments) 1958, which compels him to respond to the applicants no later than 90 days after receiving their communication.
12. Summing up the applicants state that added to suffering the punishment of denial of their liberty, they are subjected to unbearable conditions for years, within the prisons. They regard this as planned maltreatment and degradation of their human dignity.
13. The applicants consider themselves as political prisoners according to world-wide acceptable standards and definitions. Having been told that the respondent refuses to recognise them as such they demand to enjoy as a right granted to human beings, at least certain minimal conditions according to accepted human scale, such as the right to suitable sanitary conditions, to acceptable medical treatment, to a larger living space to decrease unnecessary suffering, to terminating the degrading and provoking attitude of the prison wardens, to sufficient clothing and food, and to have the right to breathe fresh-air beyond the one hour daily walk .
14. The applicants claim that the behaviour of those representing the respondent is in defiance of the 4th Geneva Convention, which in §3a prohibits acts of humiliation and degradation towards those protected by the convention, such as my applicants are. The behaviour of the respondent constitutes an infringement of the basic human rights of the applicants.
15. Since the applicants have for years requested, appealed, called and demanded for an improvement, and have not been answered, they now appeal to the honourable court and request its intervention, to issue the Interim Order making it an Order Nisi, and putting all cost upon the respondent.

For the applicants

F. LANGER, advocate