

הקליניקה המשפטית לזכויות אסירים

برنامج حقوق الأسرى والسجناء

## **NEWS UPDATE** **24 November 2009**

### **Adalah, PHR-I and Haifa University's Prisoners' Rights Clinic:**

#### **Despite State Claims, the Conditions in "Posta Vehicles" for the Transport of Prisoners Remain Inhuman and Degrading**

On 1 November 2009, Adalah, Physicians for Human Rights-Israel (PHR-I) and Haifa University's Prisoners' Rights Clinic submitted an updated motion to the Supreme Court of Israel on a petition submitted by the organizations on 14 February 2008 demanding an improvement in the conditions in which prisoners are transported in Israel Prison Service's (IPS) "posta" vehicles. In the motion, the petitioners presented the Supreme Court with new facts that demonstrate that **the conditions in which prisoners are transported remain inhuman and degrading**, despite the state's claims that significant changes have been made in the system of prisoner transport since 2007. The petitioners argued that the IPS continues to violate its duty to protect the rights of prisoners and to provide them with minimal standards that do not affront their right to human dignity. Adalah Attorney Abeer Baker, who is also a legal advisor to the Haifa University's Prisoners' Rights Clinic, submitted the motion.

The petitioners attached to the motion a detailed affidavit by Mr. Niv Michaeli, an Intervention Coordinator for PHR-I's Prisoners and Detainees Project. Mr. Michaeli described some of the complaints he had received during the past year from Palestinian and Israeli prisoners regarding the conditions in which they are transported. According to Mr. Michaeli, the prisoners continue to wait for hours on end in prison vehicles in stifling heat or severe cold; the journeys still take many hours; there is still no consistent provision of a daily main meal and water during transport; there is no consistent toilet access; there is no consideration of the needs of ill prisoners, including those who require a wheelchair; prisoners are shackled to each other by their hands and feet during journeys; and the lack of upholstery in the vehicles causes great physical suffering to the prisoners.

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Prisoners from the Ma'asiyahu Prison have also complained about the conditions in which they were transported to court hearings. The conditions included shackling for extended periods of time, lengthy journeys and lengthy periods of sitting on metal seats, severe cold, and the denial of access to toilet facilities.

The joint motion submitted to the Supreme Court is also based on complaints presented by the Public Defender's Office on this matter. Attorneys in the Public Defender's Office, who investigated conditions at the Jerusalem Magistrates' Court compound and previously sent a compelling complaint to the Prisons' Commissioner and the President of the Jerusalem Magistrates' Court, described the shameful way in which prisoners are held in the vehicles used for transporting prisoners while awaiting trial. It was found that the prisoners, including a pregnant woman, were held in a vehicle for many hours in oppressive heat without ventilation, with shackles on their legs, sweating and cramped in a confined space.

The petitioners' motion also included updated data published in a report by the Women for Female Political Prisoners and Detainees organization in June 2009. The authors of the report focused on the conditions in which female Palestinian prisoners were transported to courts. Female prisoners brought to court hearings were led into the transport vehicles in the early hours of the morning. At stops along the way, they were often forced to remain in the vehicle for many consecutive hours without ventilation, and in some cases without food, water or toilet access. One of the prisoners had a 17-month-old infant with her during the entire journey to court.

“The lack of consistency in the policy announced by the respondents and the ongoing violation of the prisoners' constitutional rights stem, inter alia, from the absence of clear directives to govern transportation in a thorough and detailed manner,” Attorney Baker contended in the statement.

Some 1,800 detainees and sentenced prisoners are transported daily in the IPS's postal vehicles to various destinations in Israel, including between prisons, to court hearings and to receive medical treatment outside prison.

The petitioners further argued that the inhuman and degrading conditions of transportation have a chilling effect on the prisoners, discouraging them from fully exercising their constitutional rights – such as the right to appeal or the right to receive medical treatment – in order to avoid the suffering and humiliation entailed in traveling from the prison. “The exhausting transport conditions have become a hurdle for exercising other rights as the prisoners prefer not to experience them,” as the petition argues.

Case Citation: H.C. 1482/08, *Adalah et al. v. The Israel Prison Service, et al.* (case pending)

The Motion (Hebrew), The Petition (Hebrew)