

## Special Report: Israel's Treatment of Americans

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Ms. Bird is also the author of numerous articles on the role of women in the Muslim world and on the Israeli-Palestinian conflict. She wrote the chapter "Revolution for Children in Saudi Arabia" in the book *Children in the Muslim Middle East*.

IF AMERICANS KNEW

## Special Report: Israel's Treatment of Americans



*This exposé written by **Jerri Bird**, the founder of Partners for Peace, was originally published in the June 2002 issue of Foreign Service Journal.*



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## IF AMERICANS KNEW MISSION STATEMENT

In a democracy, the ultimate responsibility for a nation's actions rests with its citizens. The top rung of government - the entity with the ultimate power of governance - is the asserted will of the people. Therefore, in any democracy, it is essential that its citizens be fully and accurately informed.

In the United States, currently the most powerful nation on earth, it is even more essential that its citizens receive complete and undistorted information on topics of importance, so that they may wield their extraordinary power with wisdom and intelligence.

Unfortunately, such information is not always forthcoming.

The mission of If Americans Knew is to inform and educate the American public on issues of major significance that are unreported, underreported, or misrepresented in the American media.

It is our belief that when Americans know the facts on a subject, they will, in the final analysis, act in accordance with morality, justice, and the best interests of their nation, and of the world. With insufficient information, or distorted information, they may do the precise opposite.

It is the mission of If Americans Knew to ensure that this does not happen - that the information on which Americans base their actions is complete, accurate, and undistorted by conscious or unconscious bias, by lies of either commission or omission, or by pressures exerted by powerful special interest groups. It is our goal to supply the information essential to those responsible for the actions of the strongest nation on earth - the American people.

# Special Report: Israel's Treatment of Americans

By Jerri Bird, *Foreign Service Journal*, June 2002

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The Department of State's annual human rights reports have documented for many years a depressing litany of extra-legal human rights abuses perpetrated against the Palestinian people by Israel: countless home demolitions, land confiscations, arbitrary arrests, and widespread torture. Similar practices have also been reported in detail by numerous Israeli, Palestinian and international human rights organizations for years.

But it may come as an unpleasant surprise for the American public to learn that for over 30 years, Israel has also repeatedly detained, tortured and incarcerated Americans of Arab origin, without suffering any sanctions or even a public reprimand from Washington.

Responding to a question in the April 2, 2002, press briefing, a State Department spokesman confirmed that Israel was holding at least 18 American citizens on "security" charges, and had detained at least 22 more since "the current violence began last fall." He also noted that "we have no way of knowing for certain the numbers of American citizens who may have been detained for short periods and released." Since it is a legal obligation of every host government to notify the local diplomatic mission within 48 hours of the detention of a foreign national, this is an alarming admission.

In addition, Israeli and international human rights organizations have gathered evidence that such prisoners are routinely denied family visits for long periods and deprived of access to legal counsel. Their interrogations routinely include torture. Such cases are heard by one military officer at a hearing conducted in a settlement on the West Bank, which enables authorities to deny the detainee a civil trial. The detainee is not allowed to challenge the charges or offer a real defense.

I first learned of the detention and torture of American citizens in 1998, when the case of Hashem Mufleh was brought to my attention. He was an 18-year-old, third-generation American born in Albuquerque, New Mexico. After attending high school in the West Bank village where his grandmother lives, he went to Ben Gurion Airport together with his mother and brother to return to Albuquerque to attend university. There Israeli authorities seized him. Partners for Peace launched a nationwide effort to bring the facts of his

situation to public attention. Sadly, he was severely tortured and was jailed for more than a year before he was expelled from the country. Other cases were soon referred to me and I have since been able to document a total of 13, two of whom remain in prison.

### JAMIL SARSOUR

Jamil Sarsour, now 51, was naturalized as an American citizen in 1983. He lives in Wisconsin where he has extensive business interests. He is married and has eight children. In October 1998, Sarsour was detained upon arrival at the Ben Gurion Airport and taken to Moscobiya Prison (two blocks from the U.S. consulate general) where he alleges he was subjected to interrogation



and torture, including "shabah," a standard Israeli procedure for dehumanizing prisoners. After being handcuffed and having their feet chained, they are forced to sit in a tilted small chair tied to the ground, leaving them totally unable to move. They are then hooded with a filthy small bag which is very hard to breathe through. Meanwhile, very loud music blasts overhead. Sarsour was also denied the use of a toilet or shower for long periods.

The questioning centered on alleged transfers of funds to "illegal organizations" such as Hamas. Sarsour denies making such transfers but admits that he has helped to support a widow with four children who is a member of his extended family. He also acknowledges that he had \$10,000 in cash on him when he arrived in Israel, but it is not uncommon for Palestinian-Americans to travel with large quantities of cash when returning to their ancestral homeland where they will share their good fortune with gifts for family and friends.

Sarsour's brother Emad says the family notified the consulate of the detention 10 days after he was first detained, but he did not receive a consular or family visit until after 101 days of incarceration, when an American consul finally came. His wife was allowed to see him two weeks after that, but only on a non-contact basis.

It was 60 days more before Sarsour's attorney visited him, and the two men were never allowed to meet in private. When the attorney visited him again, he was accompanied by a delegation of four American officials: a female U.S. district attorney from Chicago, a male DA from Milwaukee, an FBI or CIA agent, and a counterterrorism official. They interrogated Sarsour and wanted him to sign an agreement to cooperate with them by telling about a terrorist network in the U.S., saying that would help his case. When he

more than two decades, no effective action has been taken by the United States to halt this practice. Furthermore, the United States took great care to avoid any public admission that Americans had been tortured.

The special relationship offers the United States the opportunity to have enormous influence on the state of Israel. In addition to giving enormous amounts of aid to Israel, the U.S. has provided military resources that have helped make it the fourth most powerful fighting force in the world.

Yet rather than using this special relationship in a constructive way, U.S. policy has become "Israel, right or wrong." Even when the lives of American citizens are at stake the U.S. does not intervene effectively to safeguard them. How can this disregard for our citizens be justified? This is not a question of guilt or innocence of the individual detained. The issue is torture.

Israel was founded on the premise that it would be the "light of the world," a tiny democracy thriving through hard work in the midst of "a desert." Israel has, instead, become a country that tortures. That is, however, only the worst of its many human rights abuses, acknowledged and detailed in the Department of State's Human Rights Reports for years.

And now we see a ferocious, brutal attack on Palestinian civilians by the massive Israeli military, supposedly to root out terrorists. Let me be clear: Nothing can possibly justify suicide bombings carried out against innocent civilians in pizza parlors, hotels or bus stops. But nor can anything justify the brute force Israel has used to maintain its occupation of the West Bank and Gaza.

Israel has attempted to hijack the U.S.-led war on terrorism by claiming that Palestinians resisting occupation are equivalent to al-Qaida, and asserting that it is merely doing what the U.S. is doing in Afghanistan: protecting its citizens. But the differences are self-evident. The U.S. has not been occupying Afghanistan for 35 years. We have no American settlements in Afghanistan.

And so I ask: Who are the terrorists in the Middle East? Don't decades of torture practiced on a wide scale by an occupying power qualify as being terrorist? Are the Israeli government demolitions of homes not terrorist actions? Do the attacks on civilians in the Jenin operation mean there will be fewer Palestinian terrorists? How long can moderate governments in the region continue as American partners in the "war on terrorism?"

We share Israel's guilt in the commission of human rights abuses over a long period of time because we have allowed our friend to commit them. We are enablers. For the sake of our future and our national honor, and for the sake of peace, our "special relationship" must change. The torture must stop.

Cruel, Inhuman or Degrading Treatment or Punishment, which prohibits and denounces actions deliberately causing "suffering or severe pain."

According to Miftah (an Arab NGO headed by Hanan Ashrawi), since 1967 the Israelis have carried out over 600,000 arrests or detentions. Both Miftah and B'Tselem concur that between 90 and 94 percent of those arrestees have been tortured. Even if we halve that number, that still means that some 270,000 individuals have been tortured. Or to put it another way: if that proportion were applied to the U.S. population, it would mean that more than 25 million cases of torture had occurred in the past 35 years.

### THE ISRAELI RESPONSE

Even though it is well documented that the practice of torture began soon after Israeli occupation of the West Bank and Gaza, the Israelis deny any use of torture at all. With the creation of Israel as an independent state in 1948, the Israeli Knesset adopted the 1945 Defense Emergency Regulations of the British. In the Occupied Territories this law allows detention without trial. The Fourth Geneva Convention permits such detentions on a limited basis, but with clear stipulations limiting the use of the power and calls for the safeguarding of basic human rights. Israel asserts that both detention and "moderate physical pressure" are justified since the country remains on a wartime footing and use of any and all means necessary to extract information and save Israeli lives is required.

After the press conference in September 1999 in Washington, D.C. featuring the three American victims of torture, an Israeli Embassy spokesman was quoted as saying, "We don't do torture." But a few days later, the High Court of Israel (comparable to the U.S. Supreme Court) acknowledged that torture was a tool that had been routinely used by the state and ruled that certain forms of "moderate physical pressure" must be abandoned since these actually constituted "torture." This was a great victory for Israelis who had been fighting for years in court for such a ruling, and for a few months there were no new reports of torture. However, within six months, credible reports of a continuation of the operations of the General Security Services were surfacing, including interrogation methods explicitly outlawed by the High Court.

### TIME TO REASSESS OUR POLICY

There is clear evidence that the United States government has known for at least 24 years that Israel uses torture during interrogations of Palestinians and that the practice was widespread. Furthermore, the U.S. had evidence that American children were also subjected to this abuse. Yet, over

refused, the delegation warned him that if he did not confess to providing money to Hamas he would be jailed "forever." He says they also showed him pictures of his home and those of his relatives back in the States, indicating they knew how to implicate them with the same charges.

Although the physical torture stopped once he received a consular visit, Sarsour was then moved from solitary confinement to a cell with Palestinians who he says tried to get him to incriminate himself and beat him when he refused.

After many postponements over a period of almost three years, his trial was finally held on Aug. 8, 2001, and he was convicted of channeling funds to Adel Awadallah, a top Hamas fugitive and mastermind of past suicide bombings in Israel. (Awadallah was killed in an Israeli raid.) Sarsour was sentenced and imprisoned at Ashkelon Prison, but his family hopes he may be home by Feb. 11, 2003. However, he missed the wedding of his oldest daughter last September, and neither his wife nor any other family member has been allowed to visit him since September 2000. Consulate General Jerusalem routinely sends a local staff person to visit American prisoners approximately once per month.

### AMJAD AHMAD FARAH KUR'AN

Amjad Ahmad Farah Kur'an, a 21-year-old who was attending Bir Zeit University and living with his father who had retired to the family home in Al Bireh, adjacent to Ramallah, is also still in prison. Amjad was picked up in June 1998 as he was on his way to Bir Zeit University and alleges he was tortured for a week in the Moscobiya Prison before anyone from the consulate was able to visit him.

Amjad was charged with "stone-throwing, an act against public order, providing chemicals for explosives and seven different materials, conspiring to break prisoners out of prison and membership in an illegal organization," according to the official charge sheet. He signed a confession obtained during torture.

Mr. Farah, his father, claims the charges against his son, based on Amjad's purchase of kerosene for the space heater for the family home, were ridiculous. He points out that there is no way Amjad could reach a prison to assist in any breakout.

When he asked his son why he had confessed to things he claims he did not do, Amjad reluctantly told him it was because he couldn't endure any more torture. In addition to subjecting him to shabah, the interrogators had thrown hot water on him, pulled his hair, deprived him of food and threat-

ened to pull out his fingernails. His family has told me he is in fragile condition; he only weighed 155 pounds at the time of his detention and lost 15 pounds in the first month of detention.

Amjad was transferred to Megiddo Prison, an extremely overcrowded tent prison located between Haifa and the Lebanese border, far from his West Bank home. It is a common practice of the Israeli security establishment to jail Palestinians outside their home area, a flagrant violation of the Geneva Convention.

After two years of imprisonment without any trial he was sentenced in July 2000 by an Israeli military officer to 52 months at a hearing held in an Israeli settlement on the West Bank. He was also ordered to pay a \$2,000 fine.

Initially, Amjad's mother and a sister were allowed to visit him by making arrangements with the Red Crescent Society, but now they have not seen him in almost two years. His father has been allowed to visit only once (before the beginning of the September 2000 intifada). On his way to the prison, Mr. Farah says he was stopped at a checkpoint where the guard took his American passport and stomped on it. The guard said, "I could kill your wife and son and the U.S. government couldn't do anything." He was held at this checkpoint for five hours of harassment and taunting. (Keep in mind that this is a man who earned a B.A. degree and an MBA in the United States, then ran his own business in Youngstown, Ohio, before selling it and moving to the West Bank.) And when he and his family reached the prison, the guard required Mr. Farah and other Palestinian visitors to clean the latrines before they were allowed to see the detainees.

When Mr. Farah complained to a consular representative about conditions in the tent prison and the fact that his son was being bitten by rats, he was told there was nothing the American officials could do. He also visited the consulate in Jerusalem and the embassy in Tel Aviv in the early days of his imprisonment seeking help for his son, but never managed to talk to an American officer. (In interviewing other detainees and family members, I have found it is a general practice of the American consulate to refer Arab-Americans to local employees when they make inquiries of any kind.) At the embassy, FSNs who identified themselves only as "Sandra" and "George" blamed Mr. Farah for his son's situation because he had sent him to a Palestinian university.

#### **40 DAYS IN HELL**

aide to Secretary of State Cyrus Vance; Pat Derian, Assistant Secretary of the Bureau of Human Rights and Humanitarian Affairs, and Deputy Secretary of State Warren Christopher, but was denied tenure in 1979 and left the Foreign Service. (I have been unable to locate her.)

The report dated Nov. 30, 1978, was approved by both the consul general and his deputy, with the following note appended: "The post fully understands Israel's legitimate concern over security on the West Bank and accepts the premise that a military occupation regime may necessarily supercede the basic civil and human rights which are expected in a free democratic state living in a state of peace."

#### **EVIDENCE FROM OTHER OBSERVERS**

It should perhaps come as no surprise that Israel treats Arab-American prisoners so brutally given the way it treats Palestinian detainees. A number of NGOs, including some in Israel itself, have documented these abuses. For example, B'Tselem (the Israeli Information Center for Human Rights in the Occupied Territories) reports the following:

"Since 1987, the General Security Service (GSS) interrogators have tortured thousands of detainees, intentionally inflicting severe pain and suffering. The torture was neither extraordinary nor limited to 'ticking bombs.' Quite the opposite: torture was a bureaucratic routine; there was standard equipment for inflicting torture, and careful recording of the times the pain and suffering were inflicted. Even the state's response in petitions against torture repeated, paragraph after paragraph, the routine justification for what were supposedly extraordinary acts. Supervision of the GSS did not succeed in preventing torture in Israel from becoming routine, systematic and institutionalized."

A report by the Public Committee Against Torture in Israel defines the issue this way: "Israel's 32-year occupation of the West Bank and Gaza has given rise to patterns of legal proceedings that undermine the rule of law and the democratic values of the state of Israel. According to the latest official estimate, during the Intifada period alone (1987-1993), 30,000 Palestinians were interrogated by the GSS. Those mass arrests led to illegal interrogation, which usually included submitting the detainees to physical and mental pressure and torture and which, from the start, contradicted the Israeli Penal Code and the Israeli Basic Law of Freedom and Dignity. Moreover, this behavior has continued to take place with total disregard to the fact that in August 1991, Israel ratified the United Nations Convention Against Torture and Other

### THE SPECIAL RELATIONSHIP

The origin of the unwritten policy permitting these abuses -- commonly called the "special relationship" -- cannot be pinpointed. But after the Israeli occupation of the West Bank and Gaza in 1967, following the Six Days War, there was a subtle but clear shift in U.S. policy, particularly with regard to the reporting from the consulate general in Jerusalem. That post has had a unique independent status since official U.S. policy deems Jerusalem an international city, not the capital of Israel. Initially, this status provided the basis for offering a different voice to Washington, one that reflected American officials' unique opportunity to observe both sides of the conflict on a day-to-day basis. But by the end of the first decade of occupation, Israeli sensitivities were already increasingly reflected.

This new pattern was "codified" in the handling of a series of reports of Israeli torture, including the torture of two American teenagers as reported in an airgram (Jerusalem A-19, dated Oct. 9, 1978), filed by junior officer Alexandra Johnson in 1978. The brothers, Gamil Khalid, 15, and Gamal Khalid, 16, were subjected to beatings and thrown to the ground. In a written statement Gamil Khalid reported as follows: "They took me to a room and said to me, 'Sign this paper, and if not we will do to you like we did to Munzer [another detainee] and hit you in the eye and swell it up like his. We will bring border police and beat you in front of your father with a stick on any part of your body, and put the stick into your rear.' So I agreed."

The boys were eventually given several hearings (usually called a military court but devoid of any of the usual rules of evidence), and the "trials" were attended by two American consular officers. As Ms. Johnson's airgram reports: "One of the two was present at every session of the trial. It is the opinion of both of these consular officers that the Israeli military authorities made no real effort to investigate the charges of mistreatment. Indeed, both the military judge and the prosecutor made it clear throughout the trial that they considered the questions of mistreatment and coercion to be irrelevant and trivial. They also made it clear from the start that the trial's result was preordained."

According to the airgram, the consular section of the consulate general had sent over 40 reports on Israeli mistreatment of Palestinian political prisoners in Jerusalem and the West Bank to the State Department. In two later cables (Jerusalem 1500 and 3239, sent on June 3, 1978, and Nov. 30, 1978, respectively), Ms. Johnson detailed the treatment of Arab prisoners on the West Bank. She received commendatory letters from Arthur Houghton, an

Among the many other Palestinian-Americans who have suffered similar mistreatment but been released are Anwar Mohamed and Yusif Marei. Since both men returned to the United States immediately following their ordeal, I have had the opportunity to interview them extensively.

Anwar Mohamed's brother, Hassan Mohamed, called me to advise me of his brother's detention. Anwar was born in Silwan to an American citizen, Ahmad Mohamed, now deceased. He grew up in America and was the manager of a pizza restaurant when he decided to go to the West Bank to visit his aunts, the only family members remaining there. His sister is married and lives in Amman. Anwar decided to visit her before returning home and was detained at the border, handcuffed and chained and taken to "another place" where he says the soldiers taunted him when he presented his American passport by saying, "We are all Americans here, but we hate Americans."

A Department of State official in Washington admitted that a Jerusalem employee of the consulate visited Anwar and observed that he had been beaten. After two weeks of torture Anwar refused to sign a confession and was remanded by a "judge" to 16 more days of "interrogation." The following is an excerpt from his detailed account in his own words, tape recorded as soon as he returned to the United States.

"I spent 40 days in hell. There are no words to describe what I went through. All kinds of torture was practiced on me, from food and sleep deprivation, beatings, inhuman confinement in a concrete box of 6-by-4-feet, isolated for 19 days with no windows and a hole in the floor as a toilet; with disgusting odors, spiders and roaches [crawling] over my face. This box is known as 'The Coffin.' Threats of death, deprivation of clean, warm clothing and my medicine (I have a chronic ear condition), psychological mistreatment and torture. The chair where I was handcuffed and chained with my head covered with a filthy bag, stretched into a contorted position for days at a time, caused my hands to swell as a balloon and they lost all sense of feeling. I lost 40 pounds. I was in agony. All of this was going on while the American consulate was located just a few blocks away from me, and our American flag was flying high in the sky on top of it!"

Yousif Marei was born in a village near Jenin in 1955, immigrated to the United States in 1978 and became a U.S. citizen in 1996. On April 26, 1999, after completing the haj (pilgrimage to Mecca), he traveled to Jordan. He and his wife were detained at the Allenby Bridge crossing point to Israel as they were traveling to the home of his parents on the West Bank. They were held in separate areas, and he was extremely agitated about the welfare of his

young bride, who had never been to the Middle East. After 14 hours he was handcuffed and taken to Jalameh Prison near Haifa.

Here is a short excerpt from his detailed account of this experience.

"One interrogator used the method of shabah against me for three hours [at a time] to force me to lie against myself. Many times they kept me for long hours in a small cell between the interrogations. That cell was the size of my body. I called it the living grave cell. The Israelis never charged me with anything. The American consul from Tel Aviv visited me on the second day of my arrest. That was a big relief for me. It was the first time after my arrest that I received news about my wife. The consul was sympathetic. I thought he was going to take me with him and free me and let me go to my family. He told me that the Israeli authorities were concerned about my human rights conditions. He told me that the security issue is "a matter between you and the Israeli authorities," and he couldn't get involved in that. He offered me two magazines together with some printed pages but the guard didn't allow me to have the printed pages. Maybe the papers explained my rights as an American citizen. I appreciated the visit but I wish that he had done more for me than give me a magazine."

Both Yousif Marei and Anwar Mohamed were finally released after 36 to 40 days of detention and torture without any charge ever filed against them, and no explanation or apology. Anwar was required by the Israelis to get a Palestinian passport (which he did not want) and then apply for an exit visa before he was finally allowed to leave. Again, when Anwar sought help from the American consulate, he was told that he had to "follow Israeli rules."

### PRESENTING THEIR CASE

Few Arab-Americans are willing to go public with the details of their torture in Israeli prisons once they gain release and return to America, fearing that they will be targeted by the FBI as so many Arab-Americans have been, or reviled by their fellow citizens as possible security risks. Fear of U.S. reprisal has only increased in the aftermath of Sept. 11. But three men (Anwar Mohamed, Yousif Marei and Bishar Saidi) who endured this experience came

to Washington twice to present their cases to the Department of State, Congress and the public. I regard them as brave because Shin Bet officials told them as they left Israel, "Don't cause us any trouble. We can get you wherever you are."

The State Department refused to give them an appointment when they came to Washington the first time, suggesting that they mail their affidavits. However, the Washington Post ran a story about them and the same day I received a call from the office of Thomas R. Pickering, Under Secretary of State for Political Affairs, offering time for an appointment with staff from Consular Affairs the following day. Those officials expressed concern, but there was never any follow-up to the requests made by the three men which included obtaining the release of the Americans still held in prison by Israel.

They recounted their experiences at a press conference held at the National Press Club and the Washington Post and the Los Angeles Times, among others, published articles. CNN produced a 17-minute documentary about Anwar's experience and aired it worldwide.

Partners for Peace has repeatedly raised this issue with congressional offices, the Department of State and the White House. Congressional offices are largely totally unresponsive. From State, we have received boilerplate replies that express regret but are not

responsive to our requests for action. President Clinton responded with the usual acknowledgment of "an obligation to protect all American citizens, regardless of where they may happen to be," and an assurance that this problem has been raised in the human rights report. He also said that Secretary of State Madeleine Albright had raised the issue at the highest levels, including Prime Minister Ehud Barak, whose response was that Israel had "no intention to humiliate or to intimidate any Arab citizens, be they Israelis, Americans or from other countries." Note that this is not a reply to the charge of torture.

My work during the past four years and the evidence I have compiled suggests that these cases are but the tip of the iceberg. All these young men - - and women -- are extremely proud to be American and have been deeply offended by the official U.S. attitude in the face of their trauma. As Anwar Mohamed said, "I cannot believe that my government was powerless to take action on my behalf. Is it because I have an Arabic name?"

The U.S. has evidence that American children have been subjected to torture by Israeli forces. Yet, no effective action has been taken by the United States to halt this practice. Furthermore, the United States has taken great care to avoid any public admission that Americans have been tortured.