

Palestinian political prisoners



Currently nearly 5000 Palestinian political prisoners are being held in Israeli jails. The numbers peaked, during both the first and second Intifadas, at about 12,000. Since 1967 about 750,000 Palestinians have been detained, so that nearly all families have experienced the imprisonment of at least one male relative.

International law

As the occupying power, and a signatory to the 4th Geneva Convention, Israel is under a number of legal obligations with regards to prisoners. These include:

- Not detaining prisoners outside the territory under occupation
- Not subjecting prisoners to torture or to “physical or moral coercion ... in particular to obtain information from them or from third parties”
- Not sentencing prisoners without a proper trial, which includes the right to present evidence and call witnesses, to be represented by a lawyer “who shall be able to visit them freely and shall enjoy the necessary facilities for preparing a defence”

Israel violates these legal strictures on a daily basis.

All prisoners are held in jails in Israel, which means that, given the extreme difficulty of obtaining a permit to enter Israel, family members and even lawyers often have very little contact with their relative or client. In some cases prisoners have been denied visits for years.

‘Administrative detention’

Since 1967 tens of thousands of Palestinians have been jailed without charge or trial. Detention is based on secret evidence, provided by the security services and not disclosed

either to the detainee or his lawyers, and which therefore cannot be investigated or challenged. It may be extended indefinitely, always on the basis of classified information.

Israel claims administrative detention is limited to cases where it is necessary “for imperative reasons of security”, but in practice it is often used to restrict peaceful political activities. For example, Palestinians engaged in non-violent actions against the Wall in the village of Budrus have been placed under administrative detention.

The General Security Service attempts to recruit prisoners as informers and collaborators (see www.hamoked.org and www.btselem.org), using both threats and inducements. E.g. they may promise early release or parole to visit a gravely ill relative or funding for higher education, or use threats against family members, the demolition of the family home or the extension of the period of incarceration.

Arrest, interrogation and torture

The majority of arrests of Palestinians in the Occupied Territories, even of those accused of such minor offences as stone throwing, are carried out by Israeli soldiers removing people from their homes in the early hours of the morning. The person arrested is painfully handcuffed with plastic ties, blindfolded and taken away in a military jeep while family members look on. The detained person is made to sit or lie on the floor at the feet of the arresting soldiers and is often kicked

and hit as well as verbally abused during the journey to the detention centre.

Interrogation, often without access to a lawyer, can continue for lengthy periods before charges are brought. A prisoner can be interrogated for 90 days and be denied access to a lawyer for the first 60 days.

In the 1990s, through litigation in the Israeli High Court, it was proved that Israeli security services had routinely used interrogation methods amounting to torture, as defined in international law. Following a ruling of the High Court in 1999 certain techniques



Women demonstrate for the release of their relatives.
Photo: Raquel Rivas.

were outlawed. These included violent shaking, exposure to extremely loud and constant music and the use of stress positions such as the 'Shabeh' when a detainee is tied to a small tilted chair, with wrists shackled to ankles.



The 'shabeh' position.

However, since the start of the second Intifada in September 2000, research by the Public Committee against Torture in Israel and by B'tselem has shown that Israeli security service agents who interrogate Palestinian detainees continue to torture, degrade and otherwise ill-treat them routinely, in violation of international law. (See www.btselem.org/video/2007/05/torture-cellars-isa for the videoed testimony of a prisoner whose back was broken under interrogation.)

The most common forms of abuse are still beating, kicking, stepping on shackles, forcing the detainee into painful positions, placing a urine-soaked bag over his head, violent shaking, sleep deprivation, prolonged shackling behind the back, cursing, threats (for example to set dogs onto the arrested person or to electrocute him or to harm his family), humiliations such as strip searches and depriving the detainee of essential needs.

Female prisoners, although relatively few in number, also report degrading treatment amounting to torture, including enforced nakedness and threats of rape.

The ostensible purpose of the routine use of such methods, over and above their supposedly deterrent effect, is to induce those under interrogation to implicate others and to extract confessions, which can then be used in court. When a confession has been secured it is written out in Hebrew – a language which most Palestinians cannot read – for the arrested person to sign. Confessions obtained in this way are the most common form of evidence relied on by the military courts in convicting and sentencing Palestinians.

Israeli doctors have been accused of monitoring torture and ill-treatment, but the Israeli Medical Association has so far resisted all efforts to investigate such cases (see www.phr.org.il).

The military court system

Military law applies to Palestinians throughout the Occupied Territories. Simply belonging to an "unauthorised" organisation, political or non-political, challenging the actions of police or soldiers or organising a peaceful protest, are sufficient grounds for arrest and detention. Since the subsequent legal processes are largely opaque the individual has little means of defence.

Theoretically, a detainee has the right to be represented by a lawyer, but in most cases there is either no legal representation or it is of poor quality. This is

In 2011, 1027 Palestinian prisoners, some of whom had been held for decades, were released in two phases in exchange for the release of Gilad Shalit, the sole Israeli prisoner, held in Gaza for five years.

Although much publicity surrounded the prisoner swap, many of those released were coming to the end of their sentence. About 200 were not reunited with their families but deported abroad or to the Gaza Strip, still in a state of siege. Since then Israel has arrested or re-arrested several hundred Palestinians.

largely attributable to Israeli restrictions on movement and other obstacles to non-Israeli lawyers visiting Palestinian clients in prison.

In the great majority of cases the accused person confesses to a crime. While it is open to the defendant to ask the court to rule that the confession is inadmissible evidence because it was obtained by threats or by the use of force, in practice military courts will always accept the evidence of the security services about their interrogation practices. Moreover, sentencing is based on a plea bargain, whereby in exchange for a guilty plea the prosecution agrees to reduce the charges or to ask for a lighter sentence.

Military laws are frequently introduced or changed, with immediate effect, but are often not published till much later (in Hebrew). This means that the inhabitants of the Occupied Territories and their lawyers cannot know what laws are supposed to be in force at any one time.

In the recent documentary *The Law in These Parts* military judges speak openly about the system they have helped to create and administer.

An apartheid legal system

By contrast, Jewish residents of the illegal settlements in the Occupied Territories are subject to Israeli civil law, which means they have full rights to legal representation, a public trial and so on. When accused of the same offence as a Palestinian, an Israeli is almost invariably treated with much greater leniency, due in part to the different legal regimes to which they have been subject.

The criminal investigation of soldiers and members of the security forces who commit offences in the Occupied Territories, ranging from killing to looting, is extremely rare. According to Yesh Din, an Israeli human rights organisation which monitors such cases, 90 percent of the files are closed without any measures being taken against the perpetrators. Settlers themselves are becoming increasingly lawless and violent, safe in the knowledge that they risk little in the way of punishment. Rather, Palestinians are often jailed if they seek to resist or retaliate.

Children bear the brunt

About 700 children, some as young as 12, are detained annually by the Israeli authorities. Almost all of them are charged with throwing stones at Israeli soldiers or armoured vehicles in the



Children being arrested.

Occupied Territories. The sentences typically handed down for stone throwing are between one and four months' imprisonment for those aged between 14 and 17, with substantially longer sentences in some cases. Children, like adults, are often arrested in the small hours of the morning, handcuffed and subjected to rough treatment and verbal abuse. They are not allowed to be accompanied by a family member during arrest or interrogation; the first contact with their family is usually on the day of their trial. Like adults, they may be held in solitary confinement for periods ranging from 48 hours up to 65 days, in one case. The detrimental psychological and physical effects are well documented and include: acute anxiety; disorientation; depression; insomnia; psychosis; self-mutilation; and suicide attempts.

The UN Convention of the Rights of the Child states that:

“The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.”

International law also requires states to have systems of juvenile justice which are not merely punitive but provide opportunities for education and training. However, Israel generally fails to make the necessary distinctions between juvenile and adult prisoners, if they are Palestinian. Like adults, children are coerced into signing confessions, in the knowledge that if they fail to do so they risk harsher punishment.

Defence for Children International, Palestine Section (www.dci-pal.org) seeks to defend Palestinian children in the courts, take sworn testimonies, monitor and document their treatment and bring their cases to the attention of the international community. Gerard Horton, an Australian lawyer who has worked for DCI says: **“Regardless of what they’re accused of, they should not be arrested in the middle of the night in terrifying raids, they should not be painfully tied up and blindfolded sometimes for hours on end, they should be informed of the right to silence and they should be entitled to have a parent present during questioning.”**

The 2012 FCO-backed legal report ‘Children in Military Custody’ also heavily criticised Israel’s treatment of child prisoners.

Effects on family life

Apart from the pain of separation and sense of helplessness experienced, the imprisonment of a husband, son or brother can have major economic repercussions for the family. A woman may find herself the sole breadwinner and lone parent responsible for the family, in a community already suffering the disastrous economic effects of a prolonged military occupation. Child prisoners often have their education badly disrupted, and may return to their families in an emotionally disturbed state.

When a prisoner dies in jail the family is not told where he or she has been buried (usually a numbered plot somewhere on Israeli territory). In a society where the rituals attending death are of great importance, this is an added emotional burden for family and friends amounting to a form of collective punishment.



Palestinian boys re-enacting arrest by Israeli soldiers.

Prison conditions

Prolonged solitary confinement is a common means of punishment or coercion of a detainee, who is kept in a small cell containing only a mattress and a blanket.

Addameer (www.addameer.org) reports that a ‘policy of medical negligence’ is systematic in Israeli jails, so that medical conditions are poorly treated and on occasions prisoners die of treatable illnesses, like Maisarah Abu Hamdiah, who died in March.

Because of restrictions on Palestinians entering Israel, family visits are infrequent, if not impossible.

Since it is particularly difficult for Palestinian males between the ages of 16 and 40 to get a permit most Palestinian child detainees cannot be visited by their father or older brothers. Even if another male relative such as an uncle was able to obtain an Israeli entry permit, he would not be able to visit the child in prison, as Israel

refuses to permit family visits to Palestinian detainees by anyone who is not a relative of the first degree.

Visitors are separated from the prisoners by a thick pane of wire-reinforced glass, through which small holes have been drilled. There is no privacy and often the visitors' room is filled with families, all trying to talk through the glass barrier, making normal conversation impossible.

Resistance within jails

Over the years, Palestinian prisoners have developed strategies of psychological survival and mutual support. They campaign to improve their living conditions and to assert their rights, according to international law. At the same time the more educated prisoners set up classes for fellow inmates; many take full degrees, some even produce doctoral dissertations. Political education is high on the agenda. One prisoner said:

“Before being in prison, I was connected emotionally to the national struggle, but in jail I connected to it intellectually and ideologically. It was in prison that I read the theory. Love of the homeland became more rooted, for two reasons: my discussions with other people and my reading of pamphlets and books.” (See Rosenfeld, p232.)

Female prisoners have also reported on the transformational as well as the negative effects of their prison experience, developing a deeper political understanding and often assuming a public or leadership role on their release (Baker and Matar, Chapter 17).

On numerous occasions Palestinian prisoners, both men and women, individually and collectively, have gone on hunger strike in protest against the conditions of their incarceration, and most specifically against the system of administrative detention. Such actions are generally punished, e.g. by long periods of solitary confinement, but have sometimes been successful when campaigning organisations have brought the situation to the attention of the international community.



Hana Shalabi, who was deported to Gaza after 44 days on hunger strike.

Imprisonment of political leaders

As well as carrying out numerous political assassinations, Israel has throughout its occupation of Palestinian territory imprisoned political leaders such as Marwan Barghouti, who in 2004 was given five life sentences. After the 2006 elections, judged fair and democratic by international observers, 39 elected members of the Palestinian parliament, including ministers, were abducted and imprisoned. 15 are still in jail, 8 of them in administrative detention. This can only be seen as part of Israel's sustained attempt to undermine Palestinian democracy.

Israel's treatment of prisoners reflects its approach to the Palestinian population as a whole: it is collective, 'pre-emptive' and contemptuous of international law. Assassinations which result in the deaths of dozens of innocent bystanders, the seizure of land and homes, the extended bombing raids on Gaza, with many hundreds of civilian deaths and the destruction of its urban infrastructure – these are all essential elements in Israel's tightening control and creeping annexation of the Occupied Palestinian Territories.

Sources:

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www.btselem.org
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www.stoptorture.org.il
Threat: Palestinian Political Prisoners in Israel; Eds. Abeer Baker and Anat Matar; Pluto Press 2011
Confronting the Occupation: Work, Education and Political Activism of Palestinian Families in a Refugee Camp; M. Rosenfeld; Stanford University Press 2004

WHAT YOU CAN DO

- **Write** to the Israeli Ambassador demanding the release of all political prisoners:
Israeli Embassy, 2 Palace Green, London W8 4QB.
- **Lobby** your MP and MEP, asking them to raise these issues in our Parliament and in the European Parliament.
- **Join** PSC to campaign for prisoners' rights and for the implementation of international law, so that the illegal occupation can be brought to an end.

Join PSC



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