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Palestinian prisoners

Providing a Voice

Background

Israel's seizure and occupation of Palestinian land after the 1967 war, drove thousands of Palestinians of all backgrounds, professions and beliefs to resist that occupation resulting in their arrest and imprisonment. They have had to endure horrendous conditions and violations of their human rights in prison (some 85% have been tortured) without recourse to a fair trial. A report by the Palestinian Ministry of Detainees states that more than 700,000 Palestinians (about one-fifth of the population) have been imprisoned since the beginning of the 1967 occupation which means that most Palestinian families have had at least one family member in jail inside Israel. In fact, every Palestinian is at risk of becoming an administrative detainee and this severely affects the population's physical and emotional security.

Today, there are **over 5,200 Palestinians imprisoned** in 30 Israeli prisons, detention facilities and camps. Of those, there are **34 women prisoners** (including minors, pregnant women and mothers) and **164 child prisoners** under 18 because Israel regards Palestinian children as adults from the age of 12 which breaches even Israeli juvenile law. The vast majority of prisoners do not have "blood on their hands", but rather are political dissidents whose imprisonment is contrary to international law.

Not only must the Palestinians live under an illegal occupation, but they are also subjected to an unstable system of law that is incredibly unjust. The more than half million illegal Israeli settlers who live amongst them have the protection of Israeli domestic law whilst the Palestinians come under Israel's military jurisdiction. Contrary to the international standards of due process, the mass detention of Palestinian civilians is used as an instrument of domination and control. Those who have dared to voice any opposition to this discriminatory practice, whether they are elected Palestinian legislators or human rights defenders, have been increasingly targeted for administrative detention. Such punitive practices are clearly indicative of Israel's apartheid regime.

Political prisoners

Any form of opposition to Israel's occupation is considered a criminal act and arrests are carried out under military orders. Israeli military tribunals try prisoners without due process while others are held in administrative detention without charge or trial.

Administrative Detention

Contrary to international law and conventions, Israel has enacted legislation, which allows the administrative detention of Palestinians without charges being laid. There is no trial and only a periodical review of the case by a review board. Detainees can be imprisoned for up to 6 months and the time can be extended without reason or limitation. Some detainees have spent years under administrative detention orders. It is used as a form of punishment and appears to be linked to any political protest against the occupation. Military judges make their rulings based on confidential material unavailable to the detainee or attorney and their rulings are usually dictated by the Israeli General Security Services (GSS), their justification being the greater interest of the security of Israel. There are currently over **270 Palestinians** in administrative detention, including **20 elected legislators**. More than two-thirds of the Palestinian Legislative Council's members were kidnapped without charge; most served their sentences before being kidnapped again.

Military procedures

According to *Addameer*, a prisoners' support and human rights organization, there are some 1,500 military regulations governing the West Bank and over 1,400 in Gaza. These regulations permit a Palestinian to be held for up to 18 days without charge and without the family being informed of the arrest. If sent to an interrogation centre, the person can be held for questioning for up to 180 days, alternatively, they will be placed in administrative detention. The military regulations also take precedence over Israeli and international law leaving the Palestinians without legal rights to protect them from the daily abuses of military occupation.

Child prisoners

Of particular concern are the child prisoners. Each year some 700 Palestinian children as young as **12 years** are prosecuted in Israeli military courts. Israel does not have juvenile prisons for Palestinians and children often serve their sentences in the same cells as adults. There are currently **164 children** between the ages of 12 and 17 still incarcerated. **The majority of these children are charged with throwing stones.** Torture and/or ill treatment within the system are “widespread and institutionalised”. The children are terrorised from the moment of their arrest, which usually occurs in night-time raids and they are then blindfolded, handcuffed and routinely abused both physically and verbally.

Of the 164 child prisoners -

- **35 are between the ages 12-15 years**
- **76 children have been sentenced**
- **88 are being held in pre-trial detention**
- **93% were denied bail**
- **100% of those tried were convicted**
- **98% received custodial sentences**

Conditions, deprivations and punishments

Interrogation, beatings, killings, sleep and food deprivation, strip searches, position abuse (Shabeh), torture, sexual harassment, use of dogs to force confessions, exposure to loud music and screaming sounds, denial of food and water, refusal to allow use of toilet, placing urine-soaked heavy sacks or sacks smeared with faeces on prisoners' heads, isolation, denial of medical treatment, banning of family visits, overcrowded cells, confiscation of personal property, firing of tear gas into cells, unventilated cells, mice and cockroach-infested cells, stale and mouldy food. Family homes of prisoners are often demolished as illegal collective punishment and lawyers are obstructed from defending prisoners, with many subjected to humiliating treatment when they arrive at the prisons. Some 200 Palestinian inmates have so far died in Israeli confinement either under torture or due to medical negligence. The Israeli Information Center for Human Rights in the Occupied Territories, B'Tselem, said earlier in the year that at least 40 Palestinian prisoners had suffered chronic illnesses like cancer, renal failure, and strokes.

Defence for Children International – Palestine Section – *In their own Words: A report on the situation facing Palestinian children detained in the Israeli military court system*, July 2011

No Legal Frontiers (Israeli group) – *All Guilty! Observations in the Military Juvenile Court*, 2010-2011

Amnesty International Annual Report 2011 – Israel and the Occupied Palestinian Territories

Abeer Baker & Anat Matar, *Threat – Palestinian Political Prisoners in Israel*, Pluto Press, May 2011

Hunger strikes

Palestinian prisoners have often resorted to hunger strikes to protest against the harshness of the detention conditions. This year some 500 prisoners went on a hunger strike on 27 September and Israeli authorities responded with collective punishment – night raids, cell searches and individual strip searches, solitary confinement, diet restrictions, severe cut-backs in family visits and telephone calls and cancellation of access to university education and educational materials. The strike marked the largest such collective protest action by Palestinian prisoners since 2004. Following the prisoner swap deal, the Israeli Prison Service (IPS) promised to end the policy of isolation in its jails and in response the Palestinian prisoners suspended their actions.

Prisoner Exchange deals

There is a history of prisoner swaps. The first prisoner swap took place with Israel on 17 April 1974 and led to the Palestinian National Council declaring **17 April as Prisoners' Day** when freedom is sought universally for those Palestinian prisoners who have defended their lands and resisted the occupation. Many of the prisoners released in such deals only have days of their prison terms left to serve and some are re-arrested after their release. The latest prisoner swap (19 October 2011) saw **477** Palestinian prisoners released in exchange for Israeli soldier Gilad Shalit with another **550** to be released in 2 months. Of great concern are the child prisoners: it is not clear if they will be released in the second phase of the swap deal. What is not mentioned is that **205** of the prisoners released will be deported or transferred. **154** West Bank Palestinians and Jerusalemites will be transferred to Gaza – **18** for 3 years and **146** on a permanent basis. Because Gaza is under siege, their families are prohibited from visiting them. **41** prisoners will be deported to various surrounding countries and they too will be unable to see their families. Such deportations contravene Article 49 of the Fourth Geneva Convention, which prohibits the forcible removal of protected persons outside the Occupied territories. In other words, Israel continues to punish Palestinian prisoners even when they are released.

Campaigns for the release of prisoners should focus on the political, undemocratic character of the arrest, trial and detention of Palestinian political prisoners.

Israel's breaches and obligations

- **Article 49 of the Fourth Geneva Convention (1949)**
- **Articles 47-78 of the Fourth Geneva Convention which sets out the duties of an occupying power**
- **Breaches of the UN Convention against Torture**
- **Breaches of the UN Convention on the Rights of the Child.**