

INTERNATIONAL CONFERENCE OF LOCAL GOVERNMENTS AND CIVIL SOCIETY ORGANIZATIONS IN SUPPORT OF PALESTINIAN RIGHTS

Seville, Parliament of Andalusia, 2 and 3 December 2014

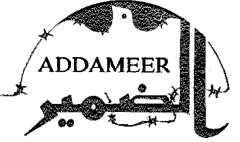
CHECK AGAINST DELIVERY

SESSION III

Campaigning for peace and justice for the Palestinian people

Paper presented by

Mr. Gavan Kelly
Coordinator of Advocacy Unit
Addameer Prisoner Support and Human Rights Association
Ramallah



Palestinian political prisoners and detainees continue to face a wide range of violations against them. 2014 has witnessed a sharp increase in the number of arrests all across Palestine, particularly in Jerusalem, as Israel continues to use its policy of mass arrests and detention to suppress any resistance to its occupation and continued colonization. Also, in 2014 we witnessed the mass hunger strike of Palestinian administrative detainees who went 62 days without food in protest of their continued detention without charge or trial. Israel immediately responded to the strike with a number of punitive measures, including the proposal to bring into law force-feeding, which effectively would legalize torture on an industrial scale.

Since the Israeli occupation of Palestinian territory in 1967, more than 800,000 Palestinians have been detained under Israeli military orders in the occupied Palestinian territory (oPt). This number constitutes approximately 20 percent of the total Palestinian population in the oPt and as much as 40 percent of the total male Palestinian population. It also includes approximately 10,000 women jailed since 1967, as well as 8,000 Palestinian children arrested since 2000.

As of 1 of October 2014 the number of Palestinian political prisoners and detainees is 6,500, spread around 17 prisons, four interrogation centers and four detention centers. All but one of the prisons are located inside Israel, in direct contravention of Article 76 of the Fourth Geneva Convention, which states that an Occupying Power must detain residents of occupied territory in prisons inside the occupied territory. The practical consequence of this system is that many prisoners have difficulty meeting with Palestinian defense counsel and do not receive family visits as their relatives are denied permits to enter Israel on “security grounds”. Out of the total number of political prisoners detained in Israel, 19 are female and 182 are children (19 of whom are from the age of 16). This figure also includes 28 Palestinian Legislative Council members, 500 administrative detainees, held without charge or trial and 381 prisoners from the Gaza Strip.

The arrest and detention of Palestinians living in the oPt is governed by a wide-ranging set of military regulations that govern every aspect of Palestinian civilian life. These military orders provide for a wide range of offenses divided into five categories: “Hostile Terrorist Activity”; disturbance of public order; “classic” criminal offenses; illegal presence in Israel; and traffic offenses committed in the oPt. The practical implication of these broadly-defined offenses is the criminalization of many aspects of Palestinian civic life.

A Palestinian detainee can be interrogated for a total period of 90 days, during which he/she can also be denied lawyer visits for a period of 60 days. During the interrogation period, a detainee is often subjected to some form of cruel, inhuman or degrading treatment, whether physical or psychological, and ranging in extremity.

The forms of torture and ill treatment employed against Palestinian prisoners include the following: beatings, tying prisoners in “stress positions”, interrogation sessions that last up to 12 consecutive hours, depriving prisoners of sleep and other sensory deprivation, isolation and solitary confinement, and threats against the lives of their relatives. Since 1967, 72 detainees have died while in custody as a result of torture. Confessions extracted through such practices are admissible in court

Palestinians from the West Bank who are arrested by the Israeli military and charged with security violations (as defined by Israel) and other crimes are prosecuted by two Israeli military courts located in the oPt. Not all Palestinians who are arrested are prosecuted in the military courts; some are released while others are administratively detained without trial. Of those who are charged, approximately 99 percent are convicted, and of these convictions, the vast majority is the result of plea bargains.

Administrative detention is a procedure that allows the Israeli military to hold detainees indefinitely on “secret information” without charging them or allowing them to stand trial. In the occupied Palestinian West Bank, the Israeli army is authorized to issue administrative detention orders against Palestinian civilians on the basis of Military Order 1651. This order empowers military commanders to detain an individual for up to six-month renewable periods if they have “reasonable grounds to presume that the security of the area or public security require the detention.” On or just before the expiry date, the detention order is frequently renewed. This process can be continued indefinitely. As of 1 October 2014, there were approximately 500 Palestinians held in administrative detention by Israel including 18 members of the Palestinian Legislative Council.

In many of the legal cases pursued by Addameer, administrative detainees spent years in prison after being sentenced for committing violations, in accordance with military orders. When the period ended, however, rather than be released they were placed under administrative detention under the pretext that they still posed a threat to security. Palestinian detainees have spent up to eight years in prison without charge or trial under administrative detention orders.

Israeli authorities responsible for prisoners regularly neglect their duties to provide medical support for Palestinian prisoners in their care, as required by the Geneva Conventions. Medical problems are widespread, and range in severity from chest infections and diarrhea to heart problems and kidney failure. Treatment is often inadequate and is delivered after substantial delays. Often medication is limited to over-the-counter pain killers.

Although all prisons include a medical clinic, physicians are on duty irregularly and specialized medical healthcare is generally unavailable. Prisoners are not treated outside the assigned clinic hours and typically must wait for long periods of time before being examined. Once they are examined, however, most prisoners are simply prescribed painkillers without any thorough medical follow-up. Transfers to hospitals for needed treatment may take place only after weeks or months.

Detention conditions have a huge impact on the health of prisoners and detainees. As a result of their imprisonment, released detainees are often faced with chronic health problems such as skin diseases, extreme fatigue, anemia and weakness, kidney problems, rheumatism, problems with their teeth and ulcers. Since 1967, 53 prisoners have died as a result of medical neglect.

Family visits are routinely, and often arbitrarily, restricted or cancelled. Moreover, many Palestinians from 1948 territories, West Bank prisoners and Gaza prisoners are denied their visitation rights completely. This is in complete contradiction with Israel's responsibility, as the Occupying Power, under international law.

Israel detains Palestinians from the oPt in detention centers outside 1967 occupied territory. This practice is illegal under international law and poses significant challenges to Palestinian prisoners' ability to receive family visits as they must acquire permits to enter Israel in order to visit their relatives in prison.

When family visits are able to take place, severe restrictions are placed on them by the Israeli Prison Service. Only first-degree relatives may visit, but any male family member aged between 16 and 35 is typically prevented from visiting. Once at the prison, family members can only expect to communicate with their loved ones from behind glass separation walls or by telephone.

Each year approximately 700 Palestinian children under the age of 18 are prosecuted through Israeli military courts after being arrested, interrogated and detained by the Israeli army. As of 1 October 2014, there were 182 children held in prisons by Israel. Of these, 19 are under the age of 16, a policy that is a violation of the United Nations Convention on the Rights of the Child (CRC), which defines a 'child' as "every human being below the age of eighteen."

The rights of Palestinian children are violated in a number of ways during their arrest, interrogation, detention and trial. Palestinian children are often held for the purposes of interrogation without being accompanied by their attorney or an adult family member, which is a clear violation of Israel's duties under the Fourth Geneva Convention, the CRC, and the ICCPR. Furthermore, torture and ill treatment are routinely used against children to illicit forced confessions. Most worrisome is the prevalence of sexual harassment and sexual abuse directed toward Palestinian children in Israeli detention. In 2010, Defense of Children International-Palestine characterized the use of these methods to obtain confessions as "widespread and systematic". It estimates that close to every affidavit signed by child prisoners contains an aspect of sexual harassment or sexual abuse during the interrogation phase of detention.

In July 2009 the Israeli authorities established a separate military court for the prosecution of Palestinian children under Military Order 1644. Previously the Israeli authorities prosecuted Palestinian children and adults in the same court system. Since its implementation, however, Addameer contends that Military Order 1644 has done little to improve the protection of Palestinian children before the Israeli military legal system since it did not increase the age of majority or stop the practice of sentencing children according to their age at sentencing.

Although according to international law and Israeli courts no one can be detained for their political opinions, in practice Palestinian political leaders are routinely arrested and detained as part of an ongoing Israeli effort to suppress Palestinian political processes – and, as a necessary result, political sovereignty and self-determination.

In recent years, this process has focused particularly on members of the Palestinian Legislative Council. Following the capture of an Israeli soldier on 25 June 2006 by Hamas at the Kerem Shalom

Crossing on the Gaza Strip border, Israeli forces seized dozens of leaders and activists associated with Hamas in coordinated raids across the West Bank, including PLC members. The latter were either placed in administrative detention or charged with offenses based on their membership of the “Change and Reform List”, which the Israeli authorities allege is affiliated with Hamas, an illegal party according to Israeli military legislation. These detentions occurred despite the fact that Israel itself allowed the elections to be held and did not oppose the Change and Reform List’s participation in these elections. In fact, it was only in February 2007 that the Israeli authorities declared the Change and Reform List to be illegal, almost a year after most of the initial arrests.

As recently as 2009, nearly a third of all Palestinian legislators were held in Israeli detention, preventing the PLC from reconvening since mid-2007. As of 1 October 2014, 128 members of the Palestinian Legislative Council (PLC) continued to be held by Israel, the majority of them (18) under administrative detention.

As has been shown Palestinian political prisoners continue to suffer from a huge amount of violations against them. As Israel continues to attempt to sideline the prisoners and use them as political bargaining chips, there is an urgent need to pay more attention to their cause and do what we can to advocate on their behalf. Just like South Africa and Northern Ireland, Palestinian political prisoners have a central role to play in bringing an end to the conflict.

Thank you for your time.
