



# PALESTINIAN PRISONERS IN THE OCCUPATION'S PRISONS

A report issued by  
the League of Parliamentarians for al-Quds



# PALESTINIAN PRISONERS

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# Introduction

The Israeli occupation forces have arrested thousands of Palestinians over their years of occupation; detaining them in inhumane conditions and in violation of international laws and procedures. They have been subjected to cruel extortion techniques in addition to physical and psychological torture. The parliamentarians of the Palestinian Legislative Council have also been targeted in order to reduce the role of parliamentarians in the face of the crimes of the Israeli Occupation and to keep them from participating in political activity. This constitutes a flagrant violation of international law and human rights principles.

This report, issued by the League of Parliamentarians for Al Quds, reviews the most important key areas and information on the issue of Palestinian prisoners in the Israeli occupation prisons.



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### Abstract

- The Palestinian Captive Movement is the collective group of Palestinian prisoners, both men and women, who have been detained since the beginning of the Israeli occupation in 1948, and the occupation of the West Bank and the Gaza Strip in 1967, to date. They include thousands of women "mothers, minors and the elderly", and parliamentarians of the Palestinian Legislative Council.
- The Israeli occupation authorities, since they began using imprisonment as a means of punishing Palestinian fighters, have ensured that they are kept in base conditions of detainment that fail to keep up with the basic human rights and needs.
- Prisoners in the prisons of the Israeli Occupation currently number 4,700 and are spread across 23 prisons, camps, and detention and investigation centres.
- The Israeli occupation authorities have adopted the policy of administrative detention in violation of international law to punish Palestinians. This is the detention and imprisonment of a person without trial on the grounds that he intended to violate the law in a premeditated manner, without actually committing any violation, for an indefinite period of time and based on confidential and undeclared evidence.
- The Israeli occupation authorities have detained eight parliamentarians of the Palestinian Legislative Council, some of whom are subject to arrest without trial, and two are subject to lengthy sentences, while other parliamentarians continue to be arrested from time to time as part of the policy of administrative detention.



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### Statistics of the Prisoners in the Occupation's Prisons:

Prisoners in the prisons of the Israeli Occupation currently number 4,700 Palestinians spread across 23 prisons, camps, and detention and investigation centres, including:

- 225 prisoners from the Gaza Strip
- 390 prisoners from Al Quds
- 90 prisoners of war from the 1948 lands
- 20 Arab prisoners of Jordanian nationality
- the rest are from the occupied West Bank.

#### Distribution of prisoners according to legal status:

- 2,650 convicted prisoners convicted under various sentences
- 530 administrative prisoners
- 1,470 arrested.

#### Distribution of prisoners by category:

##### 1- Female Prisoners

There are 35 female prisoners in the prisons of the Israeli Occupation, including the oldest prisoner Amal Jihad Taqataqa, who has been detained by the occupation authorities since December 2014. The prisoner with the longest sentence is Shorouk Doyat, who is sentenced to 16 years in prison and has been detained since 2015.

##### 2- Children

The Israeli occupation authorities are holding 180 Palestinian children under the age of eighteen, including 105 who have received sentences while the rest await trial, and three children are under administrative detention.

##### 3- Parliamentarians

The Israeli occupation authorities have detained eight parliamentarians of the Palestinian Legislative Council, six of whom are subject to administrative detention, and two are subject to lengthy sentences.

##### 4- Patients

The Israeli occupation authorities are holding 750 sick prisoners, including:

- 130 suffering from serious and critical diseases
- 15 prisoners suffering from cancer
- 23 with motor and psychological disabilities
- 4 prisoners with paraplegia.

##### 5- Deans of Prisoners:

A term reserved for those who have spent more than 20 years in a row in the Occupation's prisons. The number of prisoners for whom this term is used is 102, including:

- 14 prisoners over the age of 30 in captivity; the oldest of them is "Karim Younis" from the territories occupied in 1948, and "Nael Barghouthi", who is considered to be the oldest prisoner in the prisons of the Occupation and the world, with a total of 42 years of detention. Both his parents passed away while he was in prison. The Israeli Occupation continues to detain him despite his inclusion in the "Wafa al-Ahrar" deal.

##### 6- Martyrs of the Captive Movement

The number of martyrs of the Captive Movement is 226 martyrs since 1967, including:

- 73 prisoners who died as a result of torture.
- 71 prisoners who died of medical negligence.
- 75 prisoners who died of murder following arrest.
- 7 prisoners who were shot while inside the detention facilities.



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## Administrative Detention

This is to imprison a person without trial on the grounds that they intend to violate the law in the future despite having not carried out any violation, for an indefinite period and based on confidential and undeclared evidence. The Israeli occupation authorities use this means in a rough and routine manner, so much so that over the years thousands of Palestinians have been imprisoned for long durations.

The administrative detention procedures applied in the occupied Palestinian territories are based on Article 111 of the State of Emergency Defence Regulations, which were imposed by the British Mandate authorities on the Palestinians in September 1945. The Minister of Defence issues administrative detention orders in the territories occupied in 1948 and in East Al Quds, while military commanders issue such orders in the rest of the Palestinian territories occupied in 1967.

The detention is carried out without trial based on an order issued by the commander of the military region, on the grounds of secret evidence that the detainee does not see, and this procedure makes the detainee stand helpless in the face of allegations that they do not know and therefore have no way to refute them. This is carried out without any indictment, trial, bail, conviction, and without knowing when they will be released.





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### Administrative Detention and International Law

The policy of the Israeli Occupation towards administrative detainees clearly violates international law on the following grounds:

1- The occupying power does not abide by the general principles or judicial guarantees and fair procedures relating to administrative detention in accordance with international laws and the Geneva Convention.

2- The Israeli Occupation does not provide administrative detainees with any of the stipulated rights, such as the right to medical treatment and communication with family members.

3- The Israeli occupation authorities resort to administrative detention as a form of punishment, relying on a confidential file. They implement it as a collective punishment against Palestinians for long periods of time that extend to several years.

4- The Israeli Supreme Court has given the Israeli intelligence services the right not to disclose the charges against the detainee, even to the detainee himself or his lawyer, which is in violation of Article 92 of the "International Covenant on Civil and Political Rights".

5- The 4th Geneva Convention of 1949, especially Articles 70 and 71 thereof on fair trial, requires that the accused be notified with a clear indictment and in a language he understands showing the reasons for his arrest, so that he can defend himself. On the contrary, administrative detention is based on a secret and undisclosed file.

6- Administrative detention is a war crime in accordance with Articles 130 and 131 of the Third Geneva Convention, as well as in accordance with Articles 147 and 148 of the Fourth Geneva Convention.

#### Statistics

The Israeli occupation authorities have made nearly 57,000 administrative arrests against Palestinians during their occupation of the Palestinian territories, while 530 Palestinian prisoners continue to be subject to administrative detention in Israeli prisons.



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### Targeting the Parliamentarians of the Palestinian Legislative Council

The abduction of ministers and deputies of the Palestinian people constituted a dangerous historical precedent and a new political crime, and was considered a flagrant violation of the most basic international norms and conventions, a blatant aggression against Palestinian legitimate institutions and their beliefs, and a serious violation of their granted immunity, with the aim of undermining the authority and the work of the Legislative Council and weakening the Palestinian political system.

International law asserts that individuals may not be arrested on the basis of their political views. Article 2 of the International Covenant on Political Civil Rights states that "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." (UN General Assembly 2200 A (D-21) dated December 16, 1966).

However, Palestinian political leaders are periodically arrested as part of the ongoing policies of the Israeli Occupation to suppress the Palestinian political process, and to suppress the Palestinians' right to self-determination. In recent years, this policy has been targeted towards the parliamentarians of the Legislative Council, where the Israeli occupying forces launched a large-scale wave during the 2006 council elections, arresting around 450 members and supporters of the "Change and Reform" Bloc that had participated in the elections, both because of their participation in the electoral propaganda activities of the Bloc and their involvement in the municipal elections in the various areas of the West Bank. The majority of detainees were transferred to administrative detention for various periods, some of whom were released on the election day.

In 2009, the occupying forces arrested nearly a third of the parliamentarians of the Legislative Council, preventing the council from convening. During 2017, the occupying forces arrested 14 parliamentarians. The year 2018 saw 6 parliamentarians being arrested, and in 2019, 11 parliamentarians were arrested.

In recent years, several decisions have been taken by international bodies and institutions regarding the imprisoned and detained parliamentarians of the Legislative Council. On 5 July 2012, the European Parliament decided on its policy on the West Bank and the occupied Al Quds, and called for an end to administrative detention without formal charge or trial of Palestinians by the Israeli authorities. This was in order for all Palestinian detainees to have access to a fair trial, and for the release of Palestinian political prisoners, with special attention to the detained parliamentarians of the Palestinian Legislative Council as well as administrative detainees.

The International Parliamentary Union passed a unanimous resolution on 5 April 2012, which stated that the arrest of the members of the Legislative Council was in violation of international law, and demanded their immediate release.



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### The Prisoners and The International Criminal Court

The most important right that Palestine obtained following accession to the Rome Statute is the possibility of referring crimes within the jurisdiction of the Court to the Prosecutor of the Court, hence the State of Palestine must pursue the rights acquired as a result of depositing the Declaration with the Registrar of the International Criminal Court, under which it accepted the court's jurisdiction over crimes committed in the occupied Palestinian territories, including East Jerusalem, since 13 June 2014, and upon accession to the Rome Statute.

Although the Palestinian Supreme National Committee has set national priorities for the criminal court in the cases of settlement and aggression against the Gaza Strip, the case of Palestinian and Arab prisoners held in Israeli prisons is also of great importance and it is necessary to include them in the files to be brought before the Court.



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### Reasons why the prisoners' case is a priority before the International Criminal Court:

- 1- Attempts by the Israeli occupation authorities to strip prisoners of their legal and legitimate status as "freedom fighters" and "prisoners of a national liberation movement" wherein they have combated under a legitimate cause, in accordance with all international laws, legislation and resolutions, by treating them as criminals, whether in their military courts, or through their practices within the prisons.
- 2- Dangerously racist legislation enacted by the occupying government in the Israeli Knesset violates the rights of prisoners and stands in violation of international law and the Geneva Conventions.
- 3- Non-compliance by the Israeli occupation authorities, and their refusal to admit the applicability of the Geneva Conventions to detainees, whether military detainees (under the Third Convention); or civilians (under the Fourth Convention).
- 4- The policy of military justice in Israeli military courts, and the issuance of sentences requiring prisoners to pay compensation to soldiers and settlers; placing the resistance of the Palestinian people in the context of crime; which means that whoever thinks of fighting against the occupation shall be tried in a military court; and thus exposing to the world the Palestinian national struggle against the Israeli Occupation.
- 5- Escalating violations of serious nature that violate the rights and human dignity of prisoners and international norms and conventions, such as torture, detention of children, administrative detention, assault on prisoners inside prisons, denial of visits, solitary confinement, medical neglect, etc.
- 6- Israeli legislation does not contain any laws condemning war crimes or crimes against humanity. We see this by observing how most complaints to the Israeli High Court of Justice about torture, murder or violations committed against prisoners are refused.
- 7- The number of martyrs, whether killed by torture, direct intentional killing or medical negligence, has been rising in the prisons of the Israeli Occupation; no Israeli official has been brought to trial or held accountable. This is because Israeli legislation provides immunity to Israeli investigators and officials.
- 8- Israel used prisoners as human shields, arrested minors in violation of the International Convention on the Rights of the Child, applied administrative detention routinely, and used force and prohibited weapons to suppress prisoners inside prisons. This is in addition to depriving them of their basic rights, such as the right to meet with a lawyer, and education, contrary to the Fourth Geneva Convention.