

# UNITED NATIONS INTERNATIONAL MEETING ON THE QUESTION OF PALESTINE

*The question of Palestinian political prisoners in Israeli prisons and detention facilities:  
legal and political implications*

Geneva, 3 and 4 April 2012

---

CHECK AGAINST DELIVERY

## OPENING SESSION

Keynote presentation

**The issue of Palestinian political prisoners  
and the Israeli-Palestinian political process**

Paper presented by

**H.E. Mr. Issa Qaraqe**  
Minister for Prisoners' Affairs  
Palestinian Authority

CPR/IMQP/2012/12

GE.

## **Statement of the Minister for Prisoners and Former Prisoners**

First of all, I should like to extend the greetings to you of Mr. Mahmoud Abbas, Abu Mazen, President of the Executive Committee of the Palestine Liberation Organization, and his appreciation and sincere gratitude for convening this important meeting under the auspices of the United Nations. I wish you every success on the road to love, peace, justice for humanity, bringing an end to the longest occupation in modern history and allowing our Arab Palestinian people to live in dignity and freedom in an independent State, like any other people on Earth.

I also extend the greetings and the gratitude of the Palestinian Prime Minister, Dr. Salam Fayyad who, like you, looks forward to the day when justice will be done and our Palestinian people will realize its right to self-determination and freedom.

Greetings from the Palestinian people in the homeland and around the world, from the families of prisoners, and from the men and women imprisoned by the Israeli occupation. The prisoners look to this meeting with interest. They hope to see an end to their cruel treatment, the provision of legal and humanitarian protection, and support in their quest for freedom from the prisons of the occupation.

I should like to sincerely thank the Chairman and members of the Committee on the Exercise of the Inalienable Rights of the Palestinian People for organizing this meeting and providing an opportunity to raise the issue of detainees in Israeli prisons. The topic is not new to the Committee, which has long taken a clear stand for justice and the legitimate rights of our Palestinian people.

Ladies and gentlemen,

This meeting takes place at a time when Palestinian prisoners in Israeli jails are protesting peacefully against their harsh conditions. They are taking a stand against laws which, through constant and calculated pressure, have created an unbearable situation that could explode at any moment. They are defending their human dignity and pressing for decent living conditions in accordance with international law and humanitarian conventions.

A number of administrative detainees have taken non-violent action. The first was Khader Adnan, who went on hunger strike for 66 days in protest against his arbitrary administrative detention. He was followed by Hana Al-Shalabi, whose 43-day hunger strike culminated — after her deteriorating health was exploited through coercion and extortion — in her recent deportation to the Gaza Strip for three years. To date, 37 prisoners remain on hunger strike. Two of them, Bilal Diyab and Tha'ir Halahila, have been transferred to Israeli hospitals owing to ill health.

The occupation authorities committed four humanitarian crimes against the prisoner Hana Al-Shalabi. First, they placed her under renewed administrative detention; she had been freed in the recent prisoner exchange after two and a half years' imprisonment. Second, she was tortured, abused

and strip-searched by occupation soldiers on 16 February 2012 while in detention at the Salem army camp. Third, the Israeli occupation authorities disdainfully ignored her attempts to overturn her administrative detention, which was without legal basis. Fourth, she was deported from her place of residence, taking advantage of her fragile physical and psychological condition after 43 days of hunger strike.

Since 2000, some 21,000 administrative detention orders have been served on Palestinian citizens. There are now 330 administrative detainees, up from 309 in 2011; the recent increase was the first since 2008. Of that number, 28 per cent have seen their administrative detention renewed for one to two years. Sixteen have been in administrative detention for between two years and four and a half years; one, Ayid Dudin, for five years.

Administrative detention has become a routine part of Israeli policy, rather than an anomaly or a last resort. As the Fourth Geneva Convention states clearly, it is an extremely harsh form of treatment. The Israeli occupation authorities have adopted it as a ready and straightforward alternative to judicial proceedings, particularly when there is no evidence for the prosecution. The use of classified evidence has become the rule, not the exception, a situation that reflects the prosecutors' high degree of trust in the Israeli security services.

Ladies and gentlemen,

Arbitrary administrative detention is one aspect of the appalling plight of prisoners in Israeli jails. The ongoing individual hunger strikes and collective protests are merely sparks, warnings of a powerful blaze. They show how far the prisoners' conditions have deteriorated in every respect.

I stand here before you, as a citizen of the Earth, with a message from approximately 4,600 Palestinian men and women who are being held in 17 prisons and army camps inside the State of Israel under an official and deliberate policy of reprisals. In June 2011, the Head of Government of Israel authorized a series of violations and inhuman practices against prisoners. This was a fresh onslaught, a bitter but silent war on their bodies and minds.

I stand here before you to insist that the Charter and resolutions of the United Nations must prevail. Those resolutions uphold the rights of peoples and call for the burden of colonialism, oppression and injustice to be lifted.

I stand here before you to insist that the United Nations must use its international status and influence to defend justice, self-determination and dignity, and to protect our prisoners: the torture victims, the children, the elected representatives, the sick, the wounded, the disabled, the cancer patients, those in solitary confinement, and those who have been denied family members' visits for over five years.

I stand here before you to ask how long the State of Israel will be above the law, free to treat our prisoners as fair game and deny their national, political and human rights. Israel, a Member State of the United Nations, deploys special forces which violently clamp down on prisoners. It detains and tortures children, uses threats and force to extract confessions, then places them under house arrest or deports them from the areas where they live. It imposes solitary confinement; some,

such as Muhsin Salama, Ahmad al-Maghrabi, Abdullah Barghouthi and Ahmad Saadat, have been in solitary confinement for ten years.

I stand here before you to ask how the world can find it acceptable that heavily armed soldiers with dogs carry out lethal attacks in prisoners' rooms and living quarters. The prisoner Muhammad Al-Ashqar was killed in the Negev Prison in 2007. The family home of Ma'zuz Masalha in the village of Hijja, in Qalqiliya, was raided. The same fate befell the prisoners of Kafr Qaddum, where a raid with police dogs inflicted serious casualties. A week ago, the prisoner Abbas Al-Sayyid was assaulted in his cell and critically injured.

I am here to urge you to help the prisoners, whose only crime is to struggle for freedom and independence, by putting an end to the war crimes committed in the dark silence of the prisons. I urge you to stand up to a State that treats prisoners as though they were not humans, as though they were merely numbers. The prisoners are denied the right to education and family visits; to read or obtain books; to obtain adequate medical care and a fair trial. Their families are humiliated at inspection posts and forcibly subjected to DNA testing.

I stand here before you in order to ensure that you hear them before they perish in cold prisons or their bodies are held for many years, as in the case of Anis Dawla, whose remains have lain for 32 years in a secret, numbered Israeli grave. I have come here to tell you that to defend the prisoners and their rights is to defend human values and culture and international justice. Triumph, therefore, for your principles, conventions and resolutions. Banish the jailer from our lives and bedrooms and break open the shackles that bind our people and deprive it of the right to live in freedom and dignity.

It is my right to ask the legal experts and those who love peace and defend human rights why they stand by doing nothing as a child is tortured with electrical shocks and sexually harassed. How can you accept that the Israeli courts should sentence an Israeli settler, David Mizrahi, to a term of only three months for attempting to kill a prisoner, Wasim Masuda, by running him over four times with his vehicle? How can you accept the discrimination and racism of the Israeli justice system? How can you remain silent while investigators are given legal immunity instead of being prosecuted for committing torture during questioning?

How can you accept that the Israeli Knesset, using the case of Gilad Shalit as a pretext, is now in the process of enacting six laws that violate the prisoners' rights and international law, bearing in mind that violations of the prisoners' rights increased even more after Shalit was released?

How can you accept the language of militarization, instigation and ultranationalism that characterizes the statements and positions of Israel's politicians, media, rabbis and educators, such as the call by Israeli Knesset member Michael Ben Ari for the imposition of the death penalty on prisoners; the call by Israeli journalist Eyal Geffen that the prisoners should be gassed and exterminated; the declaration by the former Israeli military prosecutor, Avichai Mandelblit, that committing a massacre in which 20 children are killed is legally acceptable; and the declaration by Israeli Defence Minister Ehud Barak that the prisoners can

rot in jail? How can you accept the call that was made on 16 January 2011 by the Chief Rabbi of Israel for the establishment extermination camps for the Palestinians?

The State of Israel is becoming an apartheid State, an extremist religious State that scorns and deceives you as it consolidates its occupation of our people and turns it into a nation lost in place and time through the use of force, control, violence and imprisonment. If international legal experts and those responsible for maintaining international peace and justice in this world were to read the book “The King’s Torah” by the Israeli rabbi Yosef Elitzur, in which he calls for the killing of non-Jews, or the book “Breaking the Silence” by General Yehuda Shaul, in which soldiers attest that they practiced exemplary punishment and torture against prisoners, and forced children to drink soldiers’ urine and hot water; if they had witnessed the use of sound bombs and gas during the raid of Ashkelon prison on 12 March 2012, an action in which prisoners 16 were seriously injured; if they had heard the pain and anguish of Ahmad Nabhan Saqar, the longest-serving administrative detainee, who has been in administrative detention for four and a half years; if they were to listen to the dreams of Karim Yunis, the longest-serving prisoner in the world, who has been imprisoned for 30 years; if they were read the testimonies of the female prisoners and mothers who, according to the 7 March 2012 issue of *Haaretz*, were detained and, after having their honour violated in a shameless manner, subjected to extortion during interrogation, they would understand that Israel is waging a war of ethnic cleansing against all humanity, and that the principles of human rights had not yet had an effect on the brutal conflict being waged behind the bars of the prisons and occupation camps.

According to experts in education and sociology, we are a depressed people. They say our children, the victims of psychological trauma, do not smile and that imprisoned youth make up a large proportion of Palestinian society. They leave prison in pain and feeling alienated. They to be trained and integrated so that they can return to normal life. The experts also believe that imprisonment has decimated Palestinian society and destroyed its future generations. The spectre of prison haunts Palestinians after their release because of the paucity of sincere humanitarian assistance efforts aimed at helping them overcome the social, psychological and economic challenges created by the prison experience.

Ladies and gentlemen,

It is the duty of all to end the isolation of the Palestinian prisoners and internationalize their plight by creating mechanisms that would define their legal status and specify their rights under international law and international humanitarian law. They must not be left prey to the dictates of Israel and its internal laws, which are based on the denial of the Palestinian people’s legitimate right to resist occupation.

United Nations resolutions, whether they concern the right to self-determination of people in general or the Palestinian people in particular, have sanctioned the lawfulness of the Palestinian people’s struggle against occupation. Accordingly, any person who resists occupation acquires the status of lawful combatant and, when seized by the occupying Power, should be considered a prisoner of war.

I should therefore like to call on the Conference to:

1. To form an international fact-finding mission under the auspices of the United Nations about the humanitarian conditions, under which the Palestinian detainees live, and what they suffer from the violations committed by the Israeli occupation authorities.
2. Lay the legal groundwork for the adoption by the General Assembly of a resolution requesting the International Court of Justice to give an advisory opinion concerning the legal status of Palestinian prisoners and detainees in Israeli prisons, as well as the legal obligation of Israel, the occupying Power.
3. Clarify the role and the responsibilities of the international community in confronting Israel's violation of the rights of the detainees, in accordance with the rules and principles of international law.
4. Call on States to review any bilateral cultural, trade and academic agreements concluded with Israel because of its failure to comply with United Nations resolutions and refusal to respect the human rights of Palestinians.
5. Launch an international legal and humanitarian campaign and form an international coalition of human rights organizations, with a view to ending the policy of arbitrary administrative detention practiced by the Israeli occupation forces against the Palestinian prisoners.
6. Bring pressure to bear on the Parties to the Geneva Conventions to hold a conference aimed at obliging Israel to acknowledge the validity of those Conventions in respect of the Occupied Palestinian Territory.
7. Call on the International Committee of the Red Cross to shoulder its legal and humanitarian responsibility towards the prisoners by intensifying its contact with the Israeli occupation authorities in order to prevent violations of detainees' rights.

Ladies and gentlemen,

The Palestinian people has chosen the path of peace based on justice, equality and mutual coexistence, as provided for in international resolutions and terms of reference. It wants to live in its own nation, a fully-fledged State with its own identity. Palestinians have no wish to be abject slaves, fugitives or exiles. The international community must not shrink from its legal responsibilities; to do so would encourage Israel to persist with its crimes against the Palestinian people.

I appeal to you, in the name of humanity, on behalf of all those who are suffering, and on the basis of the international humanitarian law, to fling open the doors of the prisons, tear down their walls, let the beacon of freedom shine on our men and women prisoners, and let the torturers be gone forever from our lives.

I thank you again, Ladies and Gentlemen, and wish the conference every success on the road to freedom, justice and the independence of peoples. Allow me to end by quoting the prisoner and leader, representative Marwan Barghouti: "The first day of peace will be the last day of occupation".

\*\*\*\*\*