

Detention of Palestinian political prisoners

By Shazia Arshad

As candidates prepared for elections to the Palestinian Legislative Council (PLC) in 2006, the Israeli authorities began a campaign of detention and imprisonment to thwart the growing move towards democracy in the Occupied Palestinian Territories. The Israeli authorities began to arrest members of Hamas: 450 were detained in 2005 to prevent their participation in the election the following year; many were held in administrative detention, without trial or charge. Despite this the elections took place and a number of the candidates in prison were elected to the PLC.

The 2006 Palestinian elections were overseen by international observers, who declared them to be free and fair (more open, it has been said, than the 2004 re-election of George W Bush). Hamas ended up as the democratically-elected Palestinian government. A number of PLC members under the Change and Reform List (including Hamas members and supporters) were also chosen by the electorate and became the target of the Israeli authorities' constant campaign of arrest and detention.

There are, at the moment, 27 PLC members and 2 Ministers being detained by the Israeli authorities.

The Palestinian Legislative Council

- The PLC members were elected to represent the residents of the Occupied West Bank and East Jerusalem, in the first democratic elections held for the Council.
- The Israeli authorities were concerned by the growth in popularity and support for Hamas in the run-up to the 2006 elections.
- Though Hamas won the 2006 elections, a power struggle ensued between Fatah, the dominant faction until then, and Hamas.
- Following the struggle between Hamas and Fatah post-election, Hamas pre-empted a US/Israel-funded coup by a group within Fatah and seized control of the Gaza Strip in 2007; it has ruled the territory ever since despite an Israeli blockade backed by the West.
- Since the assumption of power by Hamas in 2007, the PLC in the West Bank has not sat as a ruling body.
- Though the PLC members continue to remain elected officials and have a physical presence in Ramallah in the West Bank, they have no ruling authority or capacity to govern or fulfil their mandate.



2006 Elections

- The Israeli authorities wanted to thwart the rise of Hamas, so not only arrested large numbers of candidates but also attempted to interfere in the conduct of the elections.
- The Israeli authorities prohibited any political campaigning in Jerusalem and banned rallies, public meetings and any other form of pre-election activity in the city.
- A Jerusalemite candidate on the Change and Reform List, Wael Hussein, was arrested and detained, but still went on to be elected whilst in prison.
- One notable detainee was Dr Mustafa Barghouti, an independent candidate (and head of the Palestinian National Initiative party), who was arrested whilst on a tour of the Old City as part of his campaign in East Jerusalem.
- Alongside the restrictions on campaigning, the Israeli authorities controlled the conduct of the elections in East Jerusalem on Election Day; ballot boxes were only available in Israeli post offices and Israeli police officers were present at the polling stations acting as poll monitors.
- The Change and Reform List candidates were the winning majority in the PLC vote.
- The Change and Reform List members were not declared “illegal” by the Israeli authorities until 2007, a year after their successful election.
- When, in June 2006, a Palestinian group captured Israeli soldier Gilad Shalit on active duty, the Israeli campaign against the PLC was stepped up; 8 ministers and 26 PLC members were detained within a few days.

Who is on the Change and Reform List?

- The Israeli authorities argued that the candidates on the Change and Reform List were all members of Hamas, an illegal party, and were therefore liable to arrest.
- As well as Muslims, the list included a number of non-affiliated members and non-Muslims.
- As the occupying force, Israel has ruled the OPTs under military rule. Within this framework it has classed certain organisations as “unauthorised” and ruled that association with such organisations is illegal. Hamas fell into this group even though this contravenes international law by obstructing freedom of association and conscience.
- Prior to the 2006 elections the Israeli authorities did not oppose the Change and Reform List and did not declare the list illegal until 2007.



- Following a successful election, a number of the PLC members were able to work and serve as politicians during 2006 when the PLC sat as an elected body. Once the Change and Reform List was declared illegal the PLC did not sit. Significantly, it should be noted that the 2006 elections were “allowed” by Israel and were not opposed by the occupying power.

Arrests and Detentions

- Arrests were widespread and most detainees found themselves in different detention (and interrogation) centres across the West Bank.
- Initially, some PLC members were kept for a period of one or two months, but the detention periods have varied; in addition, a large number of PLC members have found themselves under administrative detention, the period of which is determined by the Israel Defence Forces and changed on the whim of the military court.
- “Administrative detention” is the detention of an individual without a conviction for any crime; it is based on evidence which remains secret and unavailable to the detainee.

Total number of PLC members in detention Jan 2009 – Dec 2011 (Statistics are based on documentation by Addameer)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2009	34	34	37	37	37	36	35	35	25	24	18	18
2010	-	-	15	14	12	12	12	12	9	9	9	9
2011	10	11	12	13	14	15	19	18	21	22	23	23

Detention of East Jerusalemites

- Though election campaigning in East Jerusalem was banned by the Israeli authorities, elections still took place and a number of PLC candidates were elected to represent East Jerusalem.
- The Israelis did not recognise the results in East Jerusalem; they claim that all of Jerusalem is part of Israel
- PLC members Ahmad Attoun, Muhammad Abu Tir and Mohammed Totah, along with the former Minister of Jerusalem Affairs, Khaled Abu Arafah, were all residents of East Jerusalem. In June 2010, the four elected representatives were served with deportation orders for “disloyalty” to the state of Israel and have had their East Jerusalem residency permits revoked.



- Though their homes and constituencies are in East Jerusalem they were threatened with deportation to the West Bank, which would mean separation from their families, who, as residents of East Jerusalem, are unable to enter the West Bank.
- Whilst appealing against the deportation orders through the Israeli courts, they sought refuge at the International Red Cross compound in East Jerusalem. Muhammad Abu Tir was arrested and deported shortly afterwards in July 2010.
- Ahmad Attoun was arrested and deported to the West Bank in September 2011.
- Mohammed Totah and Khaled Abu Arafah were arrested and deported on 23 January 2012, after over 560 days at the Red Cross.
- The arrest and deportation of the PLC members was particularly ominous, raising concerns that it could pave the way for the deportation of “ordinary” Palestinians from East Jerusalem in the ongoing process of ethnic cleansing of the occupied city by Israel.

Recent Arrests

- The most recent arrests of the remaining two PLC members seeking refuge in the Red Cross compound came as the Israeli authorities stepped up their campaign of arrests across the occupied West Bank.
- The Israeli authorities also arrested Aziz Dweik, the speaker of the Palestinian Legislative Council; he is now facing 6 months under administrative detention.
- Following this, another PLC member, Abdul Jaber Fuqaha, was arrested and the following day PLC member Khaled Tafesh was also arrested and detained.
- In five days, five PLC members were arrested by the Israeli authorities.
- Of the 27 PLC members arrested, 24 were from the Change and Reform List, 2 were from Fatah and 1 was from the Popular Front for the Liberation of Palestine.
- 19 PLC members are being held in administrative detention.
- Over 300 Palestinians are being held in administrative detention without charge or trial, for “security reasons”.



The Detainees

Name	Position	Date of Arrest	Type of Detention
Aziz Dweik	Speaker of the PLC	19 th January 2012	Administrative Detention
Dr Azzam Salhab	PLC Member	3 rd February 2011 29 th June 2011 25 th October 2011	Administrative Detention
Khalid Ibrahim Tafesh Dhuwaib	PLC Member	20 th January 2012	
Ayman Daraghme	PLC Member	14 th December 2011	
Abdulrahman Zeidan	PLC Member	2 nd June 2011 1 st December 2011	Administrative Detention Extended A/D
Ahmed Al Haj Ali	Deputy of the PLC	6 th June 2011 6 th December 2011	Administrative Detention Extended A/D
Samir Al Qadi	PLC Member	16 th June 2011 14 th December 2011	Administrative Detention Extended A/D
Nasser Abdul Jawad	PLC Member	28 th June 2011	Administrative Detention Extended A/D
Mahmoud Al Ramahi	PLC Member	11 th October 2010	Administrative Detention Extended A/D (repeatedly)
Nayef Rajoub	PLC Member	1 st December 2010	Administrative Detention Extended A/D (rept.)
Muhammad Al Tal	PLC Member	27 th December 2010 June 2011 25 th December 2011	Administrative Detention Extended A/D Extended A/D
Khalil Rubi'i	PLC Member	30 th December 2010 28 th December 2011	Administrative Detention Extended A/D
Omar Abdul Raziq	PLC Member	January 2011 9 th January 2012	Administrative Detention Extended A/D
Muhammad Maher Badr	PLC Member	31 st March 2011 1 st August 2011 24 th November	Administrative Detention Extended A/D Extended A/D



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		2011	
Muhammad Mutlaq Abu Jehisha	PLC Member	21 st August 2011 22 nd December 2011	Administrative Detention Extended A/D
Khaled Abu Tus	PLC Member	29 th July 2011	Administrative Detention
Anwar Zaboun	PLC Member	26 th August 2011	Administrative Detention
Marwan Barghouti	Fatah General Secretary	2002	40 years 5 life sentences
Mohammed Jamal Numan Al Natsheh	PLC Member	31 st January 2011 25 th August 2011	Administrative Detention Extended A/D
Hassan Yousef	PLC Member	1 st November 2011	Administrative Detention
Hatem Qafisha	PLC Member	18 th December 2010 12 th April 2011 10 th December 2011	Administrative Detention Extended A/D Extended A/D
Jamal Tirawi	PLC Member	29 th May 2007	30 years
Ahmed Sa'adat	Secretary General to PFLP	14 th March 2006	30 years
Mohammed Totah	PLC Member	23 rd January 2012	East Jerusalem citizen deported to West Bank
Abdul Jaber Fuqaha	PLC Member	24 th January 2012	
Fadel Hamdan	PLC Member	15 th September 2011	Administrative Detention
Nizar Ramadan	PLC Member	30 th May 2011 2 nd October 2011 4 th January 2012	Administrative Detention Extended A/D Extended A/D
Issa Khayri Al Jabari	Former Minister of Governance (2006-07)	May 4	Administrative Detention 2010
Khaled Abu Arafah	Former Minister of Jerusalem Affairs	23 rd January 2012	East Jerusalem citizen deported to West Bank



Reasons for Israeli actions

- As Hamas and Fatah work towards national reconciliation, the Israeli attempts to block progress have become more desperate.
- Initial arrests and detentions were an attempt by the Israeli authorities to quash growing popular support for Hamas, which had won a significant majority of support in the 2006 elections.
- Despite this, Hamas has continued to govern the Gaza Strip and is working towards national elections, with agreements being worked out with Fatah.
- As progress between Fatah and Hamas was reported to be developing, the recent detentions are being seen as an attempt to prevent Palestinian reconciliation.
- The Israeli authorities have voiced strong opposition to reconciliation, believing that it will increase Hamas's influence over the region; Israel still refuses to accept Hamas as a legitimate political player and government in the Palestinian territories.
- Significantly, Aziz Dweik's had been a strong voice calling for reconciliation between the two main Palestinian factions.

Reactions and responses

- The Israeli detentions have been condemned widely by both Palestinian legislators and their international counterparts.
- Israeli arrest and detention of PLC members under military rule is in direct contravention of international law and a breach of the Geneva Conventions.
- The Geneva Conventions not only prohibit the transfer of populations under occupation (as has happened in the case of the PLC members from East Jerusalem "transferred" to the West Bank), but also expressly declare that under occupation, no one can be detained for their political beliefs.



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- The European Union established a special delegation of MEPs whose role it is to meet and converse with members of the PLC. The MEPs have expressed concern about the actions of the Israeli authorities towards the PLC members and have expressed their discontent at the growing aggression of Israeli tactics and the attempts to deport the democratically-elected members of the PLC.
- The United Nations noted “with concern” the recent arrests of the PLC members at a press conference the day after the arrest of Speaker Aziz Dweik.
- International awareness of the political persecution of the PLC members has increased; the East Jerusalemite PLC members’ case captured widespread attention as they sought refuge at the International Red Cross (which was accepted by the Red Cross, due to the Israeli breach of international law, but the compound did not benefit from diplomatic immunity).
- The PLC members at the Red Cross received numerous international delegations including two from the UK, including MPs Jeremy Corbyn and Andy Slaughter and Peers Lord Ahmed, Baroness Tonge and Lord Hylton.
- Additionally, they participated in a ground-breaking live video conference with the Britain’s Houses of Parliament and, on a separate occasion, with MEPs in Brussels.
- The Inter-Parliamentary Union went on to take up the case of the PLC members and raised it at its Governing Council meeting in Switzerland in October 2011.
- The most recent arrests have attracted widespread criticism, and the Palestinian cabinet condemned the continued detention, demanding the immediate release of those being held by Israel.
- Veteran Palestinian politician Hanan Ashwari said that Israel was, “flagrantly violating international conventions and practises” to “undermine democratic intuitions in Palestine”.
- Chief Palestinian negotiator Saeb Erekat described Israel’s actions as a “flagrant act of aggression”.



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- Figures from all Palestinian factions have criticised Israel's continued harassment of political figures; officials from both Fatah and Hamas have vowed to continue working towards reconciliation regardless of Israel's actions.

Despite the calls for their release, the PLC members and Ministers remain in detention and there are growing concerns that the Israeli authorities will continue with their campaign and continue to arrest and detain more PLC members. Nonetheless, work towards Palestinian national reconciliation continues with a view to democratic elections being held in the near future.

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