

Prisoners from the Gaza Strip Special report

36% of all arrests targeted prisoners from the Gaza Strip

18% of prisoners from the Gaza Strip are condemned to life imprisonment or more.

The occupation allocates additional violations against Gazan prisoners such as depriving them from receiving visits and subjecting them to the 'Unlawful Combatant' law.



Introduction

The Israeli occupation arrested since 1967, more than three-quarters of a million Palestinians, 270 thousand of whom were residents of the Gaza Strip making up 36% of all arrests, a very high percentage considering the small size of the Strip, and the small population compared to the number of Palestinians in the West Bank and 1948 occupied Palestine.



The numbers today

As of mid-2011, occupation forces still detained 685 Gazan prisoners, amongst whom are prisoner Generals (who have been arrested for over 25 years), prisoners who are of ill health, in isolation, under administrative sentences, and/or have life sentences, as well as other prisoners who although their sentences have ended, the occupation authorities refuse to release them. Among the prisoners is also a woman.

What is noteworthy is that the Israeli occupation adds to the total systematic violations against Palestinian prisoners, three additional violations specific and dedicated against prisoners from the Gaza Strip.

Gazan detainees have been prevented from receiving visits from family members for over four years. They also face insistence that they be treated according to 'Unlawful Combatant' laws. In addition, tens of Gazans are abducted monthly and detained without charge under the pretext of crossing the borders of the land and sea blockade imposed upon the Strip five years ago.



Wafaa Al-Biss was detained seven years ago and is serving her sentence in solitary confinement in Hasharon prison.

Collective punishment and evidence of failure

Since the capture of the Israeli soldier Gilad Shalit by Palestinian factions, and due to the inability of the Israeli intelligence to detect the whereabouts of the captured soldier and in order to hide their failure, the occupation imposed collective punishment against Palestinian prisoners. Gazan prisoners were victims of this targeting as the occupation approved in July 2007 legislation that would ban prisoners from the Gaza Strip from receiving any visits from their relatives and loved ones.

More than two thousand Gazan prisoners were affected since the enforcement of this racist legislation four years ago, while 700 of them still suffer this ban.

This Israeli move has seen a lot of condemnation and denunciation from Palestinian and International organisations and bodies which all called for real pressure to be exerted upon Israel to end such blatant violations of prisoner rights. Such violations contradict entirely with the Fourth Geneva Convention where it is clearly stated in Article number (116) that prisoners have the right to be periodically and routinely visited at least once every two months.

Human rights activists also regarded the Israeli occupation's insistence to impose collective punishment policies as ones that would further establish Israel's image as a racist entity which still employs martial laws.



Israeli occupation prohibits visits to 700 prisoners from Gaza, as well as prohibiting visits to Palestinian prisoners from the 1948 occupied territories for periods between 5-17 years.

The 'Unlawful Combatant' Law is an Illegitimate Law

In 2002, the Israeli occupation authorities enacted the 'Unlawful Combatant' law in an attempt to give false legitimacy to its repressive practices against prisoners, and to evade any legal accountability for stripping them of their legal and humanitarian rights.

The law defines unlawful combatants as 'persons acting against the security of Israel', a loose definition which the occupation authorities made to be used as a pretext against Palestinian prisoners whenever it wanted.

The law gives the Israeli army broad powers to arrest and indict Palestinian citizens for indefinite periods without filing an indictment or presenting evidence of conviction before the courts, and of course without the detainee or his lawyers knowing the reason for the arrest.



Human rights activists regard this law as an evasion of International human rights laws and in clear contradiction with the Fourth Geneva Convention and its specific provisions for the rights of war prisoners.



The Israeli occupation had stepped up the use of this law against the people of the Gaza Strip since 2005, when it named the Strip a 'hostile entity', and started treating detainees on the basis of this law and not as 'prisoners of war'. This is a fact that human rights activists consider an evasion of international humanitarian laws where the occupation escapes from legal accountabilities with respect to the rights of these detainees. This presents clear evidence of Israeli violation of the Fourth Geneva Convention.

The Fourth Geneva Convention confirms under articles 66, 71, 72, 73 and 74 the right of a detainee to receive a fair trial before an independent body, as well as his/her rights to be informed of the charges against him/her and to defend or assign a lawyer to defend him/her. Israel absolutely violates this through its enforcement of the 'Unlawful Combatant' law.

Through monitoring of these violations under the pretext of the new law, it was found that 15 prisoners were arrested and dealt with according to this law during the recent war on Gaza in late 2008. It should be noted that this figure is that of documented cases only and that the occupation often conceals the true figures for such cases.

By mid-2011, 6 prisoners from the Gaza Strip had completed their sentences but remained imprisoned under the excuse that they were unlawful combatants, another violation of the Fourth Geneva Convention which states in articles 132 and 134 that prisoners have the right to be freed immediately after his/her sentence expires.

The frequent kidnapping of fishermen

The Oslo Peace agreement that was signed between the Palestinian Authority and the Israel's states that Palestinian fishermen are permitted to sail to a depth of 20 miles from the shores of Gaza. The Israeli occupation did not commit to this agreement, and ever since the agreement was signed began reducing the sailing distance stipulated by the agreement.

Today, Israeli forces do not permit Gazan fishermen from sailing a distance of more than 3 miles, although the minimum distance to make fishing possible is no less than 10 miles into the sea.

Gaza's fishermen now constantly face shooting, shelling, raids on their boats and arrests from the Israeli naval forces. Nine fishermen were kidnapped by the occupation during January 2011 alone.



The generals of patience

These are the old prisoners who have spent long years in prisons. Some of whom have faced long sentences, some have been convicted to life imprisonment, and others have completed their sentences yet the occupation refuses to release them.

According to statistics from the current year of 2011, there are 120 prisoners from the Gaza Strip who were arrested before the Oslo Accords between the Palestinian Authority and the Israeli side, and still remain in detention till now.

Statistical figures show that 34% of 'the Generals of Patience' are prisoners from the Gaza Strip (Generals are those who have spent more than 20 years in Israeli prisons). There are 47 Gazan prisoners from a total of 138 who are listed in the list of prisoner Generals, 7 of whom have spent over a quarter of a century under arrest. The seven are:

- Saleem Ali Al-Kayyal (57 – married) sentenced to life imprisonment since 30-05-1983
- Nafiz Ahmad Haraz (55 – married) sentenced to life imprisonment since 25-11-1985

- Fayez Mutawwa' Al-Khoor (48 – bachelor) sentenced to life imprisonment since 29-11 1985
 - Ghazi Jumua Al-Nims (51 – bachelor) sentenced to life imprisonment since 30-11-1985
 - Ahmad AbdulRahman Abu Haseerah (57 – married) sentenced to 35 years since 18-02-1986
 - Muhammad AbdulHadi Al-Husni (50 – married) sentenced to 30 years since 04-03-1986
- Ibrahim Mustafa Barood (47 – bachelor) sentenced to 27 years since 04-1986

Prisoners AbdulRahman Al-Qeeq and Khalid Al-Je'aidi will finish their 25th year of imprisonment at the end of the year 2011.

It is noted that most of those on the list of prisoner 'Generals' have been given life sentences, and there are more prisoners who have been sentenced to life imprisonment who risk their names being added to this list, as long as the world is deaf to the suffering of Palestinian prisoners in Israeli prisons, and to the complaints of international organisations.

In the same context; we find that 18% (122 prisoners) of all prisoners from the Gaza Strip have been condemned to life imprisonment or more.



Saleem Al-Kayyal. The oldest Gazan prisoner in Israeli occupation prisons



A Palestinian child looks for her fathers' photo amongst a mural of Palestinian prisoner photos.



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