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UNITED NATIONS INTERNATIONAL MEETING ON QUESTION OF PALESTINE, IN OUTCOME TEXT, STRESSES NEED TO 'INTERNATIONALIZE' ISSUE OF PALESTINIAN POLITICAL PRISONERS

Exploring Link between Prisoners and Status of Political Process, Meeting Told Emphasis on Security Disadvantages Palestinians

(Received from a UN Information Officer.)

VIENNA, 8 March — The notion that delivering security would ultimately yield a Palestinian State actually excluded Palestinians from the political process, the International Meeting on the Question of Palestine heard today as it concluded its work with an examination of the link between the political prisoners and the broader Israeli-Palestinian political process, and adoption of an [outcome document](#).

Wrapping up two days of deliberations in Vienna on the urgency of addressing the plight of Palestinian political prisoners in Israeli prisons and detention facilities, the Meeting's organizers shared the assessment of the Palestinian Authority's Minister of Prisoners' Affairs, Issa Qaraqe, of the need to "internationalize" the issue of the prisoners and to treat them as prisoners of war, when applicable.

They emphasized that the security argument put forward by Israel, the occupying Power, was no justification for routine violations of international humanitarian and human rights law, and they expressed concern at Israel's continued practice of torture and other forms of mistreatment against Palestinian detainees, noting the devastating effect of detention on the prisoners and their families. In that, they stressed the urgent need for reintegration of former prisoners into society.

In another of the outcome's several provisions, the organizers called on Israel to release without precondition Palestinian prisoners arrested in relation to their activities opposing the occupation, including women and children, and called for a proper international inspection of the current conditions of their detention. They pointed out that the Committee on the Inalienable Right of the Palestinian People had on several occasions called for the release of captured Israeli Staff Sergeant Gilad Shalit.

Prior to the text's issuance this evening, a final panel was held to consider the question of the political prisoners in the context of the wider peace process. Panellist Aisling Byrne, Project Coordinator, Conflicts Forum, Beirut, asserted that militarization had displaced politics, which necessarily demanded security collaboration to clamp down on opposition. Palestinians in the Occupied Palestinian Territory who differed were dehumanized, labelled terrorists and "emptied" of political significance — a process that continued even in detention.

Disguised as State-building and good governance, what was occurring in the West Bank was the "assiduous construction of a police State", she said. Statehood no longer signified independence or a just solution to the conflict, but rather "alleviated occupation", which was essentially a management strategy of containment. That basis of State-building was Israel's self-definition of its own security needs, and by extension, its definition of the requirements for Palestinian security collaboration — a principle to which the United States, European Union and the diplomatic Quartet on the Middle East peace process more broadly had acquiesced.

Because of that "securitization" of the political process, the number of Palestinian prisoners was growing, she continued, adding that the current political process was focused on creating a State where statehood no longer meant an end to occupation but veiled a move towards benign occupation. The Oslo Agreements from the beginning had implied the primacy of Israel's security needs over self-determination. Inevitably, such a premise implied detention and imprisonment of political opponents.

Against the backdrop of failed diplomacy, Europe and the other Quartet partners essentially acquiesced to a United States-led counter-insurgency doctrine. So-called moderates, including the elite who were partners in the implementation of the State of neo-occupation, were supported, she asserted, while "extremists", or those opposed to that political project and who continued to resist occupation, were marginalized, targeted and labelled terrorists. That included Palestinian political prisoners.

She said that Palestinian political prisoners had chosen struggle and resistance to the occupation as an expression of being — a way of asserting their dignity, their self-respect and their rights.

Ann Clwyd, President, Committee on the Middle East Questions, Inter-Parliamentary Union (IPU), and Member of British Parliament, said that thanks to the work of the Committee on the Human Rights of Parliamentarians on the individual cases of members of the Palestinian legislature, IPU had become fully aware of the plight of Palestinian prisoners. The cases being examined had similar features: the concerned individuals had been seized by the Israel Defense Forces in their homes in the Occupied Palestinian Territory and taken to Israeli detention facilities, subjected to unfair trials, which, apart from that of Marwan Barghout, had been held before military tribunals, and they all suffered the same treatment in prison.

She said the cases all revealed grave breaches of international humanitarian law, in particular the Fourth Geneva Convention, international human rights law, especially regarding international fair trial standards and the right to liberty, as well as failure to respect international standards on detention of prisoners. In all cases, IPU had called for the release of the Palestinian Legislative Council members. Ms. Clwyd then provided details of cases under examination by the Committee.

Bana Shoughry-Badame, Director, Legal Department, Public Committee against Torture in Israel, Jerusalem, focused her remarks on the long-term Israeli policy that had allowed the use of torture by investigators and those active in intelligence work. Torture underpinned and supported the occupation, she asserted, and was intended to prevent Palestinians from achieving self-determination. In 1999, certain methods of torture had been banned, such as flogging, handcuffing of prisoners, covering their heads with wet bags, compelling them to sit in uncomfortable positions for long periods and sleep deprivation.

She said all methods of violence had been employed, despite a total ban on torture enshrined in human rights treaties and covenants to which Israel had acceded. Violation of those standards was a serious matter, and even a war crime; it was unacceptable that torture was still used in cases of "necessity".

Moreover, she said, not only had the security authorities in Israel used such banned methods, but they had developed new physical and mental tortures, adhering to a policy of impunity. More than 200 visits to prisons by her Committee, including to minors, had borne witness to such torture and ill-treatment. Additionally, the denial of Palestinians' right to legal counsel was not the exception, but the rule. She provided details of specific cases.

Saleh Hijazi, Researcher, Human Rights Watch, Ramallah, explained that he was Palestinian, living in the West Bank. He had never been arrested or detained, but he had long been aware of cases of arbitrary detention by Israeli forces. When he was 8 years old, his father had been arrested; when the Israeli military could not find an activist neighbour in the building where his family had lived, they took his father instead. When Mr. Hijazi was older, in school, he had heard stories of older students being chased and caught by Israeli forces, almost daily. The effect made the students think that detention was something that happened not if you broke the law, but merely because you were Palestinian.

In his intervention, he highlighted the need for protection of Palestinian non-violent activists. The international community could make a direct and effective impact by supporting those Palestinian individuals and communities who — often joined by internationals and even Israeli activists — were defending their rights. The international community could focus on targeted arrests and detention in communities involved in protests against home demolitions, land confiscation and settlements.

He went on to provide examples where such interventions would be helpful, saying that the evidence collected by Israeli and Palestinian human rights organizations, and by international groups like Human Rights Watch, showed that in communities that were taking an active role in protecting and promoting their human rights, the Israeli military had repeatedly arbitrarily detained leading advocates for non-violent protests, as well as women and children. It was very important that the international community pay special attention to arbitrary arrests and detentions in those communities.

Human rights organizations would continue to document those violations impartially, and try to raise their profile in the media and with Governments, he said. There was much that the international community could do as well. In addition to monitoring the situation, and raising the matter in proper forums, it could visit non-violent activists and threatened communities when in the Occupied Territory, to show them, as well as the Israeli authorities, that there was international support for those struggling to protect human rights in the Occupied Palestinian Territory.

During the ensuing discussion, Issa Qaraq, Minister for Prisoners' Affairs, Palestinian Authority, said 65 per cent of detainees in Israeli jails were prisoners from the Palestine Liberation Organization (PLO), including 1,200 military personnel who had used to work with the Palestinian Authority, arrested by Israel during various attacks that had taken place in the Occupied Territory while they were performing their duties.

Responding to a comment by one of the panellists, he asked how it was possible that the Palestinian Authority was a "branch or an arm of the occupation". If that was the case, "why did we come here?" he asked. If the Authority was cooperating with the United States, "why did we go to the Security Council in order to elicit a resolution against settlements and suffered the pressures exerted upon us?" Some 600 Palestinians had been arrested since the start of the year, throughout towns and villages in Palestine. He did not wish the Authority to be termed a police State or an arm of the occupier, who had "stolen the lives of our people and mistreated them in the prisons". The statement was perverse and out of place, and should be reconsidered.

Indonesia's representative called for a restoration of the prisoners' civil rights and material compensation for their losses during their years of detention. He called as well on members of the international community to continue to lend their support to the Palestinian people to enable them to regain their seat among the community of nations — a place that had been denied them for more than half a century.

A representative of the London-based Palestinian Return Centre said there was so much talk of peace and the peace process, but to no avail. The "swords of occupation" had gone deeper into Palestinian hearts. Everything about the issue was interlinked and related to the occupation, the colonization and expropriation of Palestinian land. He thanked Ms. Byrne for her contribution.

Next, the representative of the League of Arab States reminded participants that settlement by Israel in Occupied Palestinian Territory was "completely prohibited" under international law, and all measures to consolidate and preserve such settlements should be halted, especially in occupied East Jerusalem. Additionally, all efforts aimed at obliging Palestinians to depart from their cities and the policy of cancelling residents' permits must also cease. The policy of impunity led to even more violations, which only increased the anger and hindered the peace process. That lack of accountability for Israeli officials and security and army personnel was of grave concern.

Ms. Byrne, responding to some of the comments, said she looked at the issue of prisoners in the context of the peace process. She had presented a critical analysis of what she saw coming out of the peace process, and she looked at the role of the international community, as well as that of the United States, Europe, the United Nations and the Quartet. All of her information came from reputable groups, such as from the Carnegie Fund, International Crisis Group and the United States Congressional Research Service. The creation of Palestinian detention centres in the West Bank was an inevitable consequence of the takeover from the Israelis of much of the security and policing by the Palestinian security forces. So it was inevitable that there would be Palestinian prisoners inside Palestinian jails.

Also participating in the afternoon discussion were delegates from El Salvador and Chile, as well as Qadura Fares, Head of the Palestinian Prisoners' Club, Ramallah, and Roberto Garretón, Human Rights Lawyer, United Nations Working Group on Arbitrary Detentions, Santiago.

Following the discussion, Saviour Borg (Malta), Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, presented the Concluding Statement of the Organizers.

Riyad Mansour, Permanent Observer of Palestine to the United Nations, thanked the organizers for tackling an issue so close to the hearts and minds of all Palestinians, noting that it was the first time in 35 years of the Palestinian Rights Committee's history that a conference was exclusively organized around the issue of prisoners. In every cell, in every corner of every Israeli jail, a prisoner wanted to have his or her story told, to regain their freedom and to "internationalize" their story so as to contribute to building Palestinian society and a Palestinian State.

The Palestinian story was multifaceted — it was not only the story of prisoners and the right of return, or of removing the settlements or the wall, or of putting an end to the Gaza blockade; it was the story of a struggle to attain the inalienable right to self-determination and an independent State for its people to live in freedom and dignity like all other people. "And every one of us," he added, "is involved in the struggle as normal human beings." Thus, Palestinians should not be judged "on the scale of angels, but on the scale of people living under this miserable occupation".

"Trust us," he said, "we are the people who gave to the struggle tens of thousands of martyrs, hundreds of thousand of people that went to jails." They were the people of the First Intifada — before it became "fashionable" in the Middle East to topple dictatorship in a matter of weeks. "We are the Palestinian people [...] and we beg you to trust us." He beseeched the Meeting to study the lessons of what was happening in the Middle East, saying "we are the inventors of the collective will of all social forces in our society", the leaders of the First Intifada — the entire Palestinian people.

In closing remarks, Abdou Salam Diallo (Senegal), in his capacity as Chair of the Palestinian Rights Committee, said there were few things as emotionally charged and politically sensitive as the prisoners, but the issue had to be broached in the context of the work needed to achieve a sustainable peace and ensure that Israel was going to cease committing those grave violations of human rights.

As to what could be done, he noted that the Meeting had heard calls for concerted diplomatic action supported by civil society campaigns. In starting up negotiations with Israel, Palestinian leaders had indicated that the prisoner issue would be an important part of the global package agreement, considered as a seventh final-status issue.

He said that in order to enable all Palestinian political prisoners languishing in Israeli jails to finally be released, efforts must be pursued to end the conflict and support the two-State solution, with international law the available benchmark; it was clearly defined and could guide action on the question of the Palestinian prisoners and settlements. Resolving the conflict must be underpinned by sound international legitimacy. He noted the tension surrounding the veto last month in the Security Council of a resolution calling for the end to settlement activities; so international law provided the only path to peace.

Concluding, he said the Committee on Palestinian Rights could be counted on to continue to work towards a negotiated settlement. He called on all present to participate in upcoming meetings and conferences on the matter.

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