

PALESTINIAN POLITICAL PRISONERS



Since the occupation of the Palestinian territories in 1967, Israel has systematically used arrest and detention as a political instrument to control the population and quell and punish resistance. As a result, Palestinians have been subjected to one of the highest incarceration rates in the world in flagrant violation of international and humanitarian law. The release of these prisoners is vital to the achievement of a just and durable solution to the Israeli-Palestinian conflict.

According to the PA Ministry of Detainees' Affairs, Israel has detained and imprisoned over 750,000 Palestinians since 1967, the vast majority of them political prisoners. Approximately 420,000 were arrested in the period between 1967 and the beginning of the first Intifada in 1987, 210,000 during the first Intifada (December 1987-1994), and over 70,000 since the outbreak of the second Intifada in September 2000. During the Oslo years (1994-September 2000), the number of arrests fell considerably.

Most Palestinian detainees are considered to be 'security prisoners', but, since redefining Gaza as an 'enemy entity', Israel also applies the 2002 Illegal Combatants Act to seize Palestinians engaged in acts of hostility against Israel, which includes membership in 'terrorist' organizations. Israel is currently holding three 'illegal combatants' (rather than 'security detainees'), who are therefore not entitled to prisoner of war status.

The aim of this bulletin is to raise awareness about the issue of Palestinian political prisoners and provide up-to-date information and statistics about their arrest, interrogation and imprisonment, in addition to Israeli violations of international law.



PALESTINIAN POLITICAL PRISONERS

The Israeli military judicial system imposed on the occupied Palestinian Territories (OPT) criminalizes every aspect of Palestinian life and the fear of imprisonment is omnipresent; not a single day passes without new reports of Israeli arrest operations. The **number of detainees** therefore varies not only between sources but also from day to day, ranging in recent years from between 6,000 and 10,000. Ironically, the plight of these thousands of Palestinian prisoners is widely ignored, while the capture of one Israeli soldier - Gilad Shalit - is given worldwide attention.

Statistics provided by **Addameer** Prisoner Support and Human Rights Association show a total of 5,777 prisoners as of 1 March 2011 (for details see box).

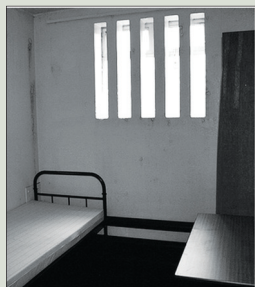
According to **B'Tselem** (based on figures provided by the government authorities) about 5,550 Palestinians were held in Israel as of 28 February 2011, of which 4,540 were serving a sentence. Some 214 of the prisoners were held in administrative detention and 216 were minors (up to 18 years), including 45 under 16 years of age. (For monthly updates see: http://www.btselem.org/English/Statistics/Detainees_and_Prisoners.asp)

Detainees Nael Al-Barghouthi, Fakhri Al-Barghouthi, and Akram Mansour have been imprisoned for more than 30 years, with the former being the **longest serving political prisoner** not only in Israel but in the world (entering his 33rd year in prison).

Current Statistics Palestinian Political Prisoners	
West Bank: 5,108	5,777
Gaza: 669	
East Jerusalem: 191	
Palestinians from Israel: 187	
Administrative Detainees: 221 (incl. 3 women)	
'Illegal combatants': 3	
PLC members : 12	
Female: 37	
Children (up to 18 years): 216 (incl. 45 under 16)	
Life sentences: 798	
Sentence above 20 years: 589	
Serving already over 25 years: 30	
Serving already over 20 years: 136	
Source: Addameer; 1 March 2011 (for monthly updates see: http://addameer.info/?cat=18)	

INTERNATIONAL LAW

Arbitrary arrest and detention are explicitly prohibited under international law, specifically under Article 55 of the 2002 **Rome Statute of the International Criminal Court** (“Rights of persons during an investigation”) and Article 9 of the 1948 **Universal Declaration of Human Rights** (“no one shall be subjected to arbitrary arrest or detention”). Under the **Fourth Geneva Convention (1949)**, Israel, as an occupying power, has responsibilities towards the occupied population. Article 49 states that: “...forcible transfers, as well as deportations of protected persons (including prisoners) from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.” Common Article 3 applying to the four Geneva Conventions requires “humane treatment for all persons in enemy hands, specifically prohibit(ing) murder, mutilation, torture, cruel, humiliating and degrading treatment, (and) unfair trial(s).” Treatment of ‘protected persons’ also forbids:



• torture or “physical or moral coercion... in particular to obtain information from them or from third parties” (Art. 31 and 32).

• punishment “for an offence he or she has not personally committed” as well as “collective penalties” (Art. 33).

• sentencing without a “regular trial” (i.e., right to present evidence, call witnesses, and be represented by a lawyer, “who shall be able to visit them freely and shall enjoy the necessary facilities for preparing a defense”) (Art. 71 and 72).

• detention or imprisonment outside the OPT and insufficient food, hygiene, and health conditions (Art. 76).

• detaining them at the end of the period of occupation instead of handing them over “to the authorities of the liberated territories” (Art. 77).

• internment without trial except for “imperative reasons of security” (Art. 78).

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Israel not only ignores this body of law but also fails to apply other instruments of international law relevant to the treatment of prisoners to which it is a signatory, such as the **UN International Covenant on Civil and Political Rights (1966)** that calls, *inter alia*, for a “fair and public hearing by a competent, independent and impartial tribunal established by law,” and the **Convention against Torture and other Cruel, Inhuman and Degrading Treatment (1984)**.

Moreover, international law requires that **juveniles** are not merely punished but should be given educational and training opportunities. Article 37b, **UN Convention of the Rights of the Child** states that: “No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the



law and shall be used only as a measure of last resort and for the shortest appropriate period of time.” Israel abides by these norms with regard to Israeli children and juveniles but fails to apply them to juveniles from the OPT.

While a **child** is defined in the UN Convention as someone below 18 years of age, a Palestinian over the age of 16 may be considered as an adult. In practice, even children between the ages of 12-14 years can be sentenced for up to 6 months and from 14 years on, they are tried as adults; (there are no juvenile courts). Since September 2000, some 7,000 Palestinian children have been arrested and detained in Israeli detention facilities for various periods.

Furthermore, international law stipulates that: “The **education** of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside” (Art. 94, Fourth Geneva Convention). Also, “Every juvenile of compulsory school age has the right to education (...) to prepare him or her for return to society. Such education should be provided ... by qualified teachers ... so that, after release, juveniles may continue their education without difficulty” (UN Rules for the Protection of Juveniles Deprived of their Liberty, Rule 38). Palestinian children held in Megiddo and Ketziot prisons have absolutely no access to education, while those at Telmond prison receive daily instruction based on an Israeli curriculum.



Child Prisoners

As of 19 March 2011, **221 children** under 18 years, including two girls and 45 aged 12-15, were detained in Israel under appalling conditions. In 2010, the monthly average number of Palestinian children held in Israeli detention was 304 (DCI Palestine).

According to the PA Ministry of Detainees’ Affairs, nearly 1,100 Palestinian children were arrested by Israeli troops in 2010. DCI Palestine estimates that each year approximately 700 children from the West Bank are prosecuted in the Israeli military court system.



Photo: DCI-Palestine.

ARREST, INTERROGATION, COURTS AND TORTURE

Palestinians are routinely **arrested** at checkpoints, off the street and, most commonly, from their homes during the night. Arrestees, often including children, are handcuffed, blindfolded, and are not told why they are arrested, nor where they will be taken. Physical abuse, threats, and humiliation during the arrest are common and well documented; (prisoners' testimonies and affidavits can be found at www.btselem.org, www.dci-pal.org, www.stoptorture.org.il, www.alhaq.org, http://addameer.info, www.hamoked.org, among others). Detainees are then taken to a temporary detention center for registration, initial screening and medical examination before being transferred to an Internal Security Agency (ISA) interrogation facility. **Interrogations** often take place without a lawyer and for lengthy periods (up to three months) before charges are brought. If a **confession** has been secured, the arrestee must sign it (although it is written in Hebrew which most Palestinians cannot read) so it can be used as 'evidence' by the courts.



During interrogation

Once the interrogation phase has been completed, Palestinian detainees from the West Bank are processed for trial, sentencing and imprisonment in one of two Israeli **military courts** (Military Court of Judea in the Ofer military base near Ramallah and the Military Court of Samaria in a base near Salem village in the northern West Bank), while those from Gaza are tried in Israeli **domestic courts** since the Israeli 'disengagement' in 2005.



At a Military Court hearing

Most **trials** before military courts, which are made up of judges, prosecutors, and translators appointed by the Israeli military commander, take place with no or poor legal representation. At the hearing, confidential evidence is submitted to the court by the security services that neither the detainee nor their lawyer is privy to. This is in violation of international law (Article 71 of the 4th Geneva Convention), as is the fact that the hearing is closed to the public. In most cases, the accused will confess as there is a prospect of a lighter sentence for a defendant pleading guilty (regardless of whether or not the confession was extracted by force) and the courts will, in any case, accept the evidence of the security services. It is estimated that each year an average of 9,000 Palestinians are prosecuted in Israeli military courts operating in the West Bank, including 700 children (DCI Report, June 2009). Most are charged with 'offenses' such as at-

tending protest marches or meetings, distributing political articles and pictures with 'political connotations' (prohibited under Military Order 101), "supporting a hostile organization by holding a flag or listening to a nationalist song" (Military Order 938), or other forms of public activity which pose 'security threats' to Israel. Sentences handed down by the military courts cannot be subject to appeal by courts outside the military court system.

Throughout these procedures, **Palestinian lawyers** are treated with disrespect and are routinely humiliated and harassed by Israeli authorities, including beatings and arrests. To practice in the Israeli High Court, they must be members of the Israeli Bar Association. A recent study asserted that as many as 90% of Palestinian prisoners interrogated by the Shin Bet are prevented from consulting with a lawyer (Public Committee Against Torture and Palestinian Prisoners' Society, *When the Exception Becomes the Rule*, November 2010).

Evidence documented by numerous human rights reports indicates the systematic use of **torture** against Palestinians in Israeli custody. Methods include violent shaking, exposure to loud and constant noise, beating, stepping on shackles, binding into painful positions, sleep deprivation, cursing, threats, isolation, electro shocks, confinement in small cells, blows to the genitals, hanging by the hands or feet, exposure to extreme temperatures, and psychological humiliation (e.g., being forced to masturbate, talk to a wall, or be on all fours while ridden by an interrogator).



Sleep deprivation



Pulling and beating



Binding in the "Banana" position

On 6 September 1999, the Israeli High Court outlawed the use of arbitrary torture ('physical means') as a method of interrogation (although it stopped short of an absolute ban as required by international law and exempted 'ticking bomb' situations from the rule). However, Israel still practices certain forms of physical punishment, in addition to other means of **ill-treatment**, such as denial of access to lawyers and family members, prolonged interrogation sessions, use of collaborators to threaten detainees, as well as threats and intimidation of family members for the purpose of deterrence and extracting confessions. Not only are these practices illegal, but in a democracy it is absolutely necessary to investigate allegations of abuse by the state. Yet of 600 complaints of torture or ill-treatment filed from 2001 to 2006, none were pursued (*Ha'aretz*, 'UN questions Israelis on Palestinian torture allegations by Reuters', 5 May 2009).

Administrative Detention

Administrative detention is a procedure that allows for detainees to be **held without charge** or trial. In most cases, prisoners are not informed of the alleged charges against them and detention is based on confidential materials not available to the detainee or their lawyer. Administrative detention was officially brought into effect in 1970 under Article 87 of **Military Order 378** (and its various amendments), which authorizes a military commander to detain suspects on essentially the same basis and using the same procedure as under the **1945 British Defense (Emergency) Regulations**, i.e., without bringing them before a judge.

Currently, administrative detention in the West Bank, excluding East Jerusalem, is carried out pursuant to the **Order Regarding Administrative Detention No. 1591** (2007) that replaced **Military Order 1226** (1988), which authorized military commanders to detain an individual for up to six months if there is “a reasonable basis for believing that the security of the region or public security” requires it. Detention orders are often renewed on or just before their expiration date - a process that can be continued indefinitely.

As of March 2011, there are 214 detained under administrative detention orders, including 4 women and 8 PLC members (Addameer, *Monthly Detention Report*, March 2011).



Imprisonment of Political Leaders

Throughout the occupation, Israel has imprisoned Palestinian political leaders as bargaining chips to damage the political process in the OPT and/or undermine Palestinian democracy. In 2004, the popular Fateh leader in the West Bank, Marwan Barghouti, was captured and given five life sentences. In September 2005, Israel launched an extensive arrest campaign and detained 450 members of Hamas, most of whom were either campaigning for the 2006 PLC elections or the various municipal elections in the West Bank. Among the 132 PLC members who were elected in the January 2006 elections, 15 were prisoners (11 from Hamas, 3 from Fateh, and one from the PFLP – for details see <http://www.labournet.net/world/0602/palpris1.html>).

Following the capture of Israeli corporal Gilad Shalit in June 2006, Israel announced that PLC members and PA cabinet ministers no longer had immunity from arrest and imprisonment and subsequently detained eight ministers, 26 PLC members, and various Hamas political leaders. The ‘political’ arrest of Hamas members has continued unabated for the past three years and culminated with the detention of a number of Hamas politicians in March 2009, following the collapse of the indirect ceasefire and prisoner exchange talks between Israel and Hamas after the war on Gaza. As of March 2011, there were still 12 PLC members, including Marwan Barghouti, and PFLP leader Ahmad Sa’adat in Israeli jails.



Jailed PLC members



Ahmad Sa'adat

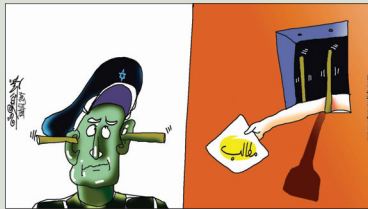


Marwan Barghouti

PRISONS AND PRISON CONDITIONS

There are 19 permanent **prisons** governed by the Israeli General Prisons' Administration (sometimes the number rises to 21 as there are some buildings which occasionally function as prisons), four interrogation centers, and three military detention camps. In addition, there is at least one secret interrogation facility, known as Facility 1391, the continued use of which was recently endorsed by the Israeli High Court (*Ha'aretz*, 21 January 2011). Contrary to Article 76 of the Fourth Geneva Convention, most of the prisons and detention centers are located outside the OPT, making family visits extremely difficult, if not impossible.

Palestinian political prisoners are held under **unacceptable conditions**, including severe overcrowding, inadequate clothing, insufficient and poor quality food, poor sanitation and (personal) hygiene, inadequate medical services, humiliating body searches, physical and verbal abuse, and frequent raids of cells during which the property of prisoners is destroyed or confiscated. At the Negev Ketziot military detention camp, prisoners are housed in tents and are exposed to extreme heat in summer or cold in winter as well as snakes, rats, scorpions, and insects.



Khalil Abu Arafah, Al-Quds, 8/17/2004

Political prisoners are **punished** further by being forced to buy their own food and water for extremely high prices from the prison canteen and pay for the water and electricity they consume through high fines imposed on prisoners for trivial reasons such as leaving the bathroom one minute later than decided by the jailor. In addition, the families of prisoners are often punished as well: they have their property, including homes, destroyed and are often taken as hostages to extract confessions (Alhelsi, Reham, *A Nation Behind Bars*, 2010, see <http://www.countercurrents.org/alhelsi120810.htm>).

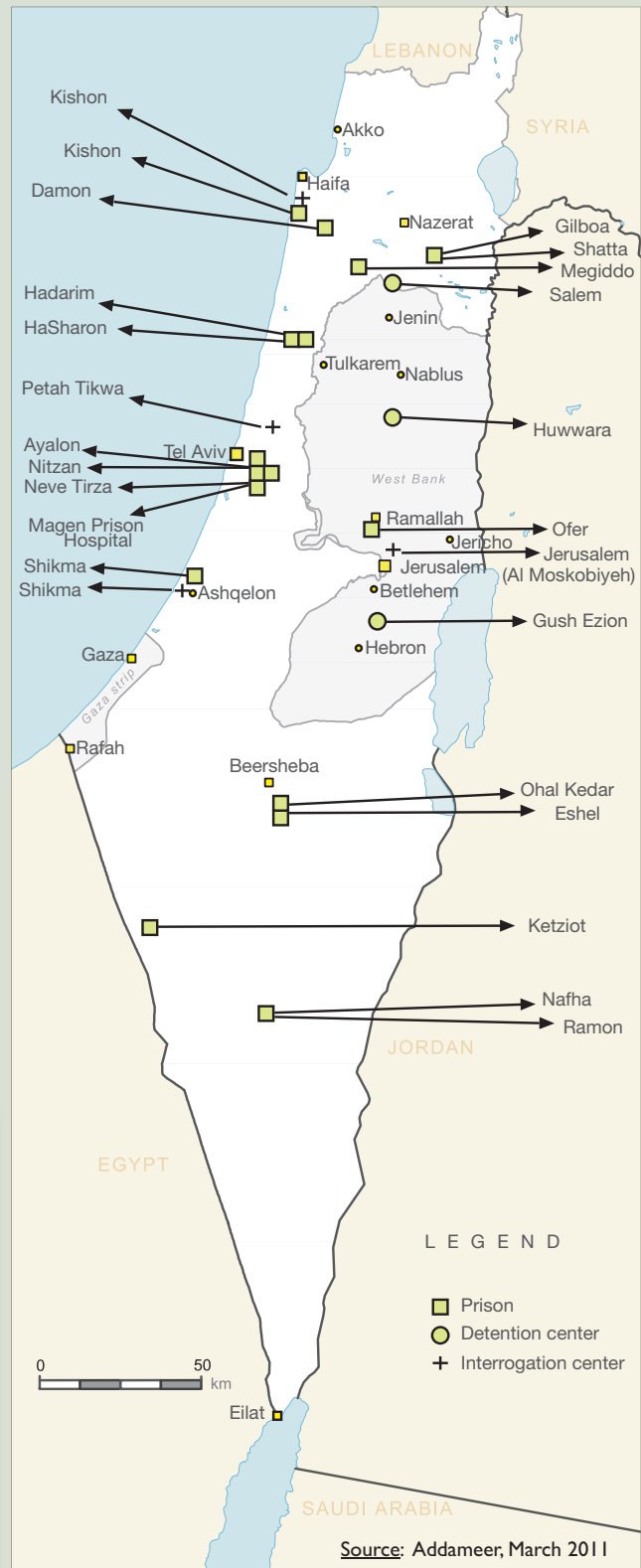
If Palestinians protest against the inhumane conditions in the prisons, through **hunger strikes** for example, they may be punished by **solitary confinement**, where prisoners are kept in tiny, poorly-ventilated confinement without visitation rights or any social contact. A classified report by the Israel Bar Association, the first external review of the prison service published in December 2010, stated that the isolation wings at the Ayalon and Shikma prisons are not fit for human habitation and "look more like a dungeon," while most

“They can strike for a day, a month, until death. We will overcome this strike and it will be as if it never happened”

Then Israeli Public Security Minister Tzahi Hanegbi in response to a hunger strike in 2004. He later ordered a barbecue to grill food and bake bread outside the prison to torture prisoners with the smells, encouraged prison guards to eat in front of fasting prisoners, and announced that, as far as he was concerned, the prisoners could "starve to death".

solitary cells in prisons across the country are "crammed, rancid with smells of sewer and mold, and infested with insects." There are currently 12 Palestinian prisoners in **isolation**. PFLP leader Ahmad Sa'adat, who was kidnapped in 2006 by Israeli forces from Jericho prison where he had been held since 2002, has been in isolation since 19 March 2009. In October 2010, he was sentenced to an additional six months in isolation, an extension that will last until 21 April 2011.

Map of Israeli Prisons



Denial of **visits** from family, aid agencies, and lawyers is also common. Family visits (only immediate relatives and a maximum of three visitors at a time) take place only once a fortnight for 45 minutes but many families do not receive the necessary permits to enter Israel on 'security grounds'. Since June 2007, the Israeli authorities have placed a total ban on visits by family members from Gaza to their relatives incarcerated in Israel. (For details see: http://www.old-adalah.org/newsletter/eng/jan10/Grietje_Article_Prison_Visits_English_FINAL.pdf).



Many prisoners are denied the treatment, diet, surgery, or medication needed for their **medical problems**, which range from cancer, heart, respiratory and kidney diseases, to diabetes, inflammations, bone and skin diseases, paralysis, vision loss, and others. The prisoners' ailments – some injuries incurring during arrest or interrogation – often deteriorate due to the poor hygienic, nutritional and psychological conditions and the lack of equipment, supplies, and specialized personnel in the prison clinics or the Ramleh prison 'hospital'.



Torture, medical negligence, and assault have resulted in the **death in detention** of 202 Palestinians since 1967. The latest victim was Raed Abu Hammad, 30, from Al-Izzariyya, killed on 16 April 2010 due to medical negligence. (For a list of prisoners who died in detention see <http://poppiesofpalestine.wordpress.com/zionist-crimes/prison-martyrs/>).

PRISONERS AND THE PEACE PROCESS

In negotiated peace accords **prisoner releases** are often a necessary condition for bringing an end to a conflict and a key indicator of the seriousness of the peace process. Furthermore, former prisoners often play a crucial and integral part in post-conflict politics, as the examples of South Africa and Northern Ireland have shown. However, Israel remains unwilling to consider the political dimension of the Palestinian prisoner issue and insists on the term 'security detainee'.

The **Declaration of Principles** signed between the PLO and Israel on 13 September 1993 failed to include any commitment by Israel to release prisoners and failed to make any reference whatsoever to the prisoners, although there were some 12,000 Palestinians incarcerated at the time. The subsequent Oslo Accords signed in 1994 and 1995 outlined the release of Palestinian prisoners as part of a series of 'confidence-building measures' but did not include a clause prohibiting further arrests. It is estimated that during the years of the Oslo Process (1993-2000) an additional 13,000 Palestinians were arrested by Israeli forces.



Emad Hajjaj, Alquds Alarabi, 7/12/03

The **1994 Gaza-Jericho (or Oslo I) Agreement** required Israel to release 5,000 Palestinian prisoners within five weeks of signing the document (*Article XX: Confidence Building Measures*). By late July 1994, 4,450 prisoners were freed, including 550 who were transferred into the custody of the PA. The release of the remaining prisoners became an issue that was then renegotiated. (These and the following numbers and dates for releases are taken from Addameer, *Reaching the 'No-Peace' Agreement: The Role of Palestinian Prisoner Releases in Permanent Status Negotiations*. 2009).

Oslo II of September 1995 provided for the release of prisoners in three phases, the last of which was to take place during final status negotiations (*Articles XVI–I*). No minimum number was set but the categories of those to be released were established, e.g., females, those who have served over two thirds of their sentence, those charged with offenses not involving fatality or serious injury, those charged with criminal offenses, citizens of Arab countries, etc. (Annex II, 2. and 3).

On 10 October 1995, 882 Palestinians were released, of whom 300 had been imprisoned for criminal rather than political offenses. While all female detainees were to have been included, only one was actually released (the others refused to leave in protest at Israeli failure to release four other women).

Another 800 prisoners were released on 10 January 1996, prior to the Palestinian elections and after signing a pledge of support for the Oslo process. All these detainees had already served at least two-thirds of their sentences for minor offenses. The next day, a further 230 detainees were transferred to PA custody. No more releases were due until the third, final phase of the Oslo II Agreement, which has never been implemented.

In October 1998, the **Wye River Memorandum** for the implementation of Oslo II was signed. The release of prisoners by Israel was not specifically included but it was agreed that 750 prisoners would be released in three phases. However, only 250 prisoners were freed on 20 November 1998, of which only 100 had been jailed for political reasons. Shortly after, negotiations deadlocked and only resumed with the **Sharm el-Sheikh Agreement** of 4 September 1999, an updated version of the Wye River Memorandum (thus also referred to as 'Wye Two'). The agreement called for the two-stage release of 350 prisoners (not 500 as agreed upon under the Wye River Memorandum) and a further release before the next Ramadan, as well as the establishment of a joint committee to follow-up on matters related to the release of prisoners (*Article 3: Release of Prisoners*). Some 199 prisoners were released on 9 September 1999 and another 107 (as well as 42 other Arabs) on 15 October 1999. In a 'goodwill gesture' during Ramadan on 30 December 1999, Israel released 33 more prisoners, including seven from East Jerusalem.

At the **2000 Camp David Summit**, the issue of the pre-Oslo prisoners was discarded by Prime Minister Ehud Barak from the outset in order not to validate the right in advance. Famously, the summit failed and soon after the Al-Aqsa Intifada erupted and tens of thousands of Palestinians were arrested.

The **2003 Road Map to Peace** initiated by the Quartet (the US, Russia, the EU, and the UN) in a bid to restart the peace process and establish a Palestinian state by 2005, included no provisions regarding the release of prisoners. On 7 August 2003, Israel released 331 prisoners (instead of the 540 it had initially pledged to release), including 100 non-political detainees.

“It would be better to drown these prisoners in the Dead Sea if possible, since that’s the lowest point in the world.”

Avigdor Lieberman, then Israeli Transport Minister (now Foreign Minister), briefing a cabinet meeting on US pressure to release some Palestinian prisoners as part of the Road Map. He added that, as Minister for Transport, he would provide buses to carry out the task (*Ha’aretz*, ‘Lieberman blasted for suggesting drowning Palestinian prisoners’, 8 July 2003).

The **Sharm el-Sheikh Summit** on 8 February 2005 was another attempt to revive the peace process; Israel pledged to release another 900 prisoners of the 7,500 being held at the time. Two weeks later, 500 prisoners were released, followed by a further 398 prisoners in early June as a ‘goodwill gesture’ to President Abbas.

The **Annapolis Conference (2007)** aimed to relaunch the permanent status talks but only resulted in a ‘joint understanding’ that did not mention the issue of Palestinian prisoners. On 3 December 2007, Israel released 429 prisoners in order to boost President Abbas in the wake of the takeover of Gaza by Hamas a few months earlier and within the next year, another 770 Palestinian prisoners were freed. However, during the same period, over 4,000 were arrested.

A major release was anticipated in **2008** in return for Israeli soldier Shalit but the deal never materialized because – as the recently published *Palestine Papers* revealed – it was thwarted by the PA out of fear that such a deal would boost Hamas and weaken the PA (<http://english.aljazeera.net/palestinepapers/2011/01/2011126132936232554.html>). Eventually, only 198 prisoners were released in August and an additional 242 in December, both times in an effort to support Mahmoud Abbas.



Released prisoners, December 2008

Today, over 17 years after the signing of the Oslo Accords, Israel still holds **330** Palestinian political prisoners who were arrested before that process was set in motion.

To sum up, the Oslo Agreements failed to call for the immediate release of all Palestinian prisoners and allowed them to be used by Israel as ‘bargaining chips’ or ‘confidence-building measures’ to extract further concessions in negotiations. While there have been several releases as ‘goodwill gestures’, statistics show that for every prisoner released there is at least one new arrest. In many cases, those freed were

already on the verge of being released after completing their sentences and Israel refuses to release prisoners who were directly involved in attacks (‘blood on their hands’). Moreover, Israel refuses to include Palestinians from East Jerusalem or those with Israeli citizenship in these Agreements on the grounds that they are subject to Israeli law and therefore the Oslo Agreements do not apply to them.



In addition to the release of prisoners, there have been **prisoner exchanges** between Arab states and Israel ever since 1948, often in the aftermath of wars, or with groups such as Hizbullah (1996, 1998, 2004, 2008), the PFLP (1968), PFLP-GC (1985), and most recently Hamas (2009), which released a video about Gilad Shalit in return for the release of 20 female Palestinian prisoners.

PALESTINIAN PRISONERS UNDER THE PALESTINIAN AUTHORITY

While this bulletin focuses on prisoners in Israeli jails, it should not be ignored that political imprisonment is not limited to Israeli incarceration of Palestinians. In the West Bank and Gaza, hundreds of people are **arbitrarily arrested** and held without charge or trial, many of them for involvement with a rival political party. Accordingly, intra-factional political imprisonment of Hamas and Fateh members has been one of the most significant impediments to the reconciliation and unity government talks in recent years.

After taking over Gaza in 2007 and *de facto* separating from the PA in 2007, Hamas has used alternative prosecutors and judges who often lack the necessary training and qualifications. In the West Bank, there are numerous outstanding court decisions calling for the release of specific detainees. In 2009, a European delegation estimated that 88% of detainees held by the PA were held **without being formally charged**. There are no exact figures about the number of prisoners in Palestinian jails, but the Palestinian Independent Commission for Human Rights (ICHR) received, in 2010 alone, 1,559 complaints of arbitrary arrests by authorities in the West Bank and 321 by the authorities in the Gaza Strip.

Also in 2010, there were at least three cases of **death in custody** by PA security forces in the West Bank and at least four in Gaza at the hands of Hamas security forces. The use of **torture** has been reported repeatedly from prisons in both the West Bank and Gaza but are rarely investigated (Amnesty International Report 2010). The ICHR received 163 and 220 complaints of torture and ill-treatment in the West Bank and Gaza respectively throughout 2010.

PALESTINIAN POLITICAL PRISONERS



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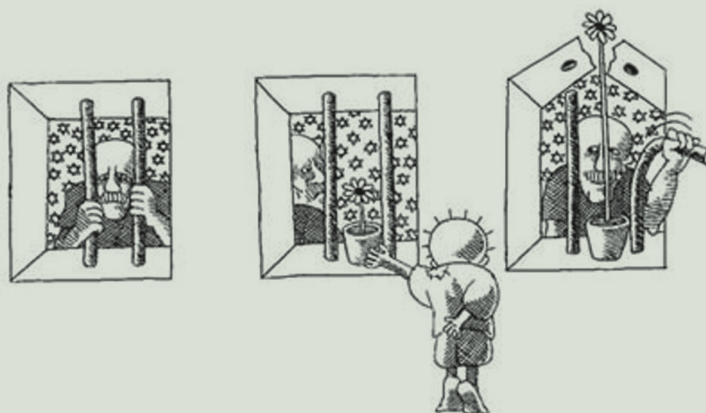
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