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DIRECTORATE B

- POLICY DEPARTMENT -

Note on the Palestinian territories



Abstract:

This note summarises the situation concerning the political landscape in Palestine including issues such as the relations between Fatah and Hamas and the upcoming Palestinian elections. It also delineates the status of the economy placing particular emphasis on the issue of foreign aid. It further gives a general idea about the humanitarian situation in the Palestinian territories. It finally focuses on the issue of Palestinian prisoners of Israel describing aspects such as the process of arrest and interrogation as well as the prison conditions, followed by a table with the list of detained Palestinian Legislative Council members.

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The political landscape in Palestine

Interfactual conflict between Fatah and Hamas

Mid-2008 saw potential for progress as Hamas and Fatah discussed possible reconciliation. On June 4, President Abbas announced the formation of a committee of senior Palestinian officials to prepare for “national dialogue” with Hamas. **Later that month, Israel and Hamas agreed to a six-month ceasefire after indirect negotiations brokered by Egypt and encouraged by the US.** The truce, which went into effect on June 19, requires Israel to cease military operations in Gaza and gradually lift the border closures in return for Hamas’s commitment to halt rocket fire from Gaza, end weapons smuggling into the territory, and take steps to free captured Israeli soldier Gilad Shalit. **However, both sides had failed fully to respect the truce, with Israel shooting at Palestinian farmers trying to access their land in Gaza near the security fence and Hamas failing to stop armed groups from shooting rockets at civilian targets in Israel.**

Tensions between Fatah and Hamas during the last two months have not ceased to poison their relations despite the Egyptian efforts for interfactual conciliation between the two parties. Although there have been several positive statements of officials on the necessity of the dialogue, battles over procedural issues may derail reconciliation talks before the parties even sit down at the negotiating table. Fatah, in particular, rejected a request by Hamas to meet face to face before Egyptian-backed unity talks begin next month in Cairo.

The new influence of an old political actor

Apart from the Fatah-Hamas struggle for power during the last two years, there has been also another aspect of the political reality in Palestine: **the growing influence of Hizb al-Tahrir (Party of Liberation)¹.**

Hizb al-Tahrir adopts a fundamentalist "back-to-base" return to the religious values and practices of the “righteous ancestors” as the way to overcome the bitter present and build a prosperous future.

In August 2007 Hizb al-Tahrir organised a demonstration in which about 10,000 supporters participated in a festival in Ramallah commemorating the fall of the caliphate. Hizb al-Tahrir has also been helped by Palestinians’ gradual loss of faith over negotiations, and held angry marches in most Palestinian cities in November 2007 under the slogan “Palestine Will be Freed by the March of Armies, not the March of Negotiations,” protesting against the Annapolis peace conference.

Its social base has also expanded from the traditional merchant class mainly originating from Hebron (the most conservative Palestinian area) to thousands of the poor and farmers, many of them young, bringing along their wives wearing the head coverings or face veils.

The significance of its growing influence consists in the fact that its ideology rejects the Palestinian national project, that is, the foundation of a Palestinian national home. In turn, by doing so Hizb al-Tahrir clearly differentiates itself from the Palestinian nationalist movement part of which is **both Fatah and Hamas.**

¹ <https://www.carnegieendowment.org/publications/index.cfm?fa=view&id=20462>

Fatah and Hamas may differ in that the former has a more secular while the latter a more Islam-oriented ideology. Fatah may be less eager to use violence, while Hamas has not renounced violence, **but nonetheless Hamas too aims at the creation of a national state, a goal historically shared by all nationalist movements originated from Modernity.** Hizb al-Tahrir, unlike Hamas, rejects the prospect of a Palestinian national state and favours the rediscovery of the Islamic caliphate.

Since Palestinian elections are in sight, accurate distinctions that correspond to the real political cleavages of the region are crucial for effective policy-making as well as for the avoidance of unpleasant surprises similar to that of the Palestinian parliamentary elections in 2006.

Life in Gaza under Hamas Rule

Since Hamas won parliamentary elections in January 2006, and even more so since last year's takeover, Israel has tightened its siege of Gaza.

Israel has restricted supplies of gasoline, diesel and electricity to Gaza, limited the amount of food and other goods entering the strip, and made it virtually impossible for manufacturers and farmers in Gaza to export anything to the outside world.

As a result, almost all of Gaza's factories have shut down and thousands of workers have lost their jobs.

Israeli officials say these measures are intended to pressure Hamas, which is on the U.S. government list of terrorist groups, to stop its members and other factions from firing mortars and rockets into Israel.

Between 70 and 80 percent of the population is dependent on food supplied by the United Nations Refugee Works Agency, set up after more than 700,000 Palestinians became refugees after the war that resulted in Israel's creation in 1948.

Life in Gaza in the last year has become a grinding daily struggle to make ends meet. **For the vast majority of Gazans, it means they must spend much of their time trying to secure basic commodities.**

Upcoming Palestinian elections

There is an ongoing discussion about the legality of a potential postponement of the presidential election for one year. The election law clearly states that presidential and legislative elections should be held together, while the Basic Law limits the president's term to four years.

After the initial announcement that elections would be postponed until January 2010 met with opposition, President Mahmoud Abbas revised his decision, saying that legal procedures would be examined and that all options were under consideration. In other words, the president left the door open for elections either in January 2009 or 2010.

As Hamas has made it clear that after January 2009 the president will lose his legitimacy, any postponement would play into Hamas's interest in claiming to be the only legitimate party. That's why there is a desire at the moment to hold elections as planned, so as not to give Hamas the opportunity to act as if everyone is equally without legitimacy.

Hamas is not enthusiastic about holding elections, whether in the West Bank or Gaza, but it is still unclear at the moment whether Hamas would take part. Hamas wants to

clarify certain matters such as who would be on the election commission, which government would run day-to-day affairs until then, which security apparatus would maintain order during polling, etc.

Without Hamas's involvement in preparations, it would be impossible to hold elections in Gaza, which means that only Palestinians in the West Bank would be able to vote for their president. That would deepen an already serious divide between the West Bank and Gaza.

This leaves Palestinians with difficult choices. On the one hand if elections are not held on time, the legitimacy of the president, the government, and the Palestinian National Authority is risked. On the other hand, if elections are held in January 2009, they might be held without cooperation among all parties. For this reason the reconciliation between Fatah and Hamas is absolutely crucial before the elections.

The Annapolis process: one year later

The Annapolis meeting in November 2007 opened a window of opportunity for the resolution of "all outstanding issues" connected with the two-state solution on the basis of the Middle East Quartet's road map and before the end of 2008. However, one year later numerous problems of implementation seem to be involved: a lack of time, weak leadership in both Israel and the West Bank, the split of the Palestinian territories, the ongoing Israeli settlement activities, a lack of determination in the Arab world to enact its Beirut Declaration (Arab Peace Initiative) to enable a sustainable peace, and a deterioration of the living conditions in the Palestinian territories (thus, a failure in creating a viable Palestinian state).

Commenting on the degree of progress of the Annapolis process in **the meeting of the Security Council in 26 September 2008 France's Minister for Foreign Affairs Bernard Kouchner said that his country, along with the other member States of the European Union, took the position that the settlement activity was illegal and harmed the peace process, as well as the future viability of a Palestinian State.** For France, there could be no peace without an immediate and unconditional end to settlement activity. At the same time, he called on the Palestinian Authority to work to end terrorism. He welcomed the reform of the Palestinian security services and hoped that recent developments in Gaza would result in progress. He urged the two parties to take bold steps towards peace.

Leadership crisis in Israel

There has been a dramatic change in the Israeli leadership since former Prime Minister Ariel Sharon withdrew from politics. Since then there hasn't been a politician with a strong character and a clear vision to lead Israel and its government. Former Prime Minister Ehud Olmert is in a weak position, and now he is leaving office without a clear successor.

Competition among Tzipi Livni from the Kadima party, Ehud Barak from Labor, and Benjamin Netanyahu from Likud will probably dominate the political scene until the next elections. So far, there are indications that each one of the three Israeli politicians is focused on winning elections and thus there is the possibility that any progress in the peace process will be minimal, if any. This would mean more expansion of Israeli settlements, wavering in negotiations, making peace talks a bargaining chip, and using them to score political points without achieving tangible results.

Economic situation

The Palestinian Authority's 2008 budget, approved on March 31st, envisions total spending of \$3.338 billion and a financing gap of over US\$2 billion that must be filled by external aid. This is in sharp contrast with the surplus budgets that prevailed in 1999 when the economy was growing. The PA has announced a Palestinian Reform and Development Plan (PRDP) to increase revenues reduce expenditures and introduce sector reforms to enhance efficiency. But even with these measures and assuming resumed economic growth, the fiscal gap for recurrent expenditures alone is projected to remain high, at around \$1.63 billion in 2008.

The current status of the economy is a result of the need for concrete PA reforms, matched with an immediate resolution of the movement and access restrictions related to Israeli security concerns and settlement growth which have fragmented the economy into disconnected cantons. While the PA has moved ahead with its economic reforms, albeit slowly, there has been little progress on relaxing movement and access constraints. In the West Bank, the number of checkpoints increased from 376 in August 2005 to over 600 by mid-2008. There are currently 149 settlements in the West Bank, including East Jerusalem, and roughly 110 outposts many of which are regarded as illegal by the Israeli Government. Since the 1993 Oslo Accords, the Settlement population has risen 63% to approximately 450,000. Some 38% of the West Bank has been confiscated for current or future settlements, outposts, closed military areas, municipal boundaries and settlement regional jurisdiction. Palestinians without special permits are restricted from important agricultural areas in the Jordan valley and producers are cut off from the East Jerusalem market. The GoI has established five crossing points to transfer commercial goods between Israel and the West Bank. The crossing points use a back-to-back cargo transfer system similar to the one for crossing into Gaza, however the system is unlikely to accommodate the expected volume of traffic. Over 95% of Palestinian trade is undertaken with or through Israel.

Erez and Rafah crossings remained restricted during September; Erez continued to be open only for the movement of some diplomats, humanitarian workers, businessmen and critical medical cases with special coordination arrangements. A reported number of 2,122 Palestinians, 638 of whom were medical cases and 296 Palestinian businessmen, crossed to Israel and the West Bank during the month. The number of patients that crossed Erez during the first four weeks of September decreased by 38%, compared to the first four weeks of August. The Egyptian authorities reopened Rafah crossing in both directions on three days only during September. Approximately 2,676 Palestinians crossed to Egypt and 781 Palestinian patients returned to Gaza. Some 800 students who had been registered to leave for study abroad were stranded in Gaza when the crossing was shut early on 21 September.

Update on the Gaza Strip

The continued closure policy on Gaza since the events of June 14th, 2007 has considerably eroded whatever private sector backbone remained in the economy, and in a manner that is progressively more difficult to reverse. As mentioned earlier, the percentage of Gazans who live in deep poverty has risen to nearly 35% in 2006, and is expected to have increased further in 2007 and 2008. If revised to exclude remittances and food aid, this poverty rate is closer to 67%.

Over 53% of employment in Gaza is private sector-driven, representing more than 100,000 jobs. Recent data on Gaza's GDP are not readily available, but Gaza contributed \$1.3 billion to Palestinian GDP in 2003 (44%), of which the private sector is the main economic driver. The impacts of the closures will become less reversible with time. Most Gazan industries are export-oriented and have purchase and supply contracts with Israeli and other firms. Gazan manufacturers rely almost entirely on imports for their inputs and until recently, about 76% of their furniture products, 90% of their garments and 20% of their food products were exported to Israel, and some to the West Bank. **According to business associations in Gaza, the current restrictions have led to the suspension of 96% of Gaza's industrial operations,** including domestic and export-oriented manufacturing and agriculture, and services. They could access neither the inputs for production nor any export markets, transforming Gaza into a consumer economy driven primarily by public sector salaries and humanitarian assistance. During 2007, the furniture and garment sectors lost potential export sales of approximately \$17 million and \$24 million, respectively. In June 2007, about 6,500 worked in the furniture sector, and 25,000 in the garment sector. As of January 2008, these numbers dropped to 75 and zero, respectively. According to the Palestinian Contractors Union, the number of construction establishments dropped from 120 in January 2007 to almost zero in January 2008. All the construction and development projects, including those for UNDP and UNRWA which are valued at more than \$116 million, have been halted to the absence of construction materials. As a result of the closure imposed on Gaza since June 2007, the halted construction projects are estimated at \$240 million and 42,000 workers were laid off. The scarcity of construction materials has resulted in a considerable rise in construction materials cost.

The agriculture export sector, with more than 40,000 workers, has been particularly affected as it is entirely dependent on the export market and on the imports of fertilizers, pesticides, packaging materials, and other inputs. To illustrate, as a result of border crossings closure, Gaza's carnation farmers were able to export only 10 million flowers out of at least 45 million flowers produced which resulted in \$6.5 million loss, and thus resorted to selling flowers as animal feed. It is worth mentioning that carnations and strawberries are the two largest agricultural exports from Gaza. Both carnations and strawberries can generate up to \$20 million in income (\$10 million each). The estimated lost income from strawberry sales during 2007/2008 season is approximately \$7 million.

The reduction in fuel imports into Gaza has impacted both private sector activities and donor projects. The Israeli policy of reduction of fuel supplies as a response to continued attacks on Israel began on October 28th, 2007. Between January and September 2007, approximately 18 million liters of fuel were imported per month. This dropped by about 25% in November 2007, 14% in December, 20% in January 2008, 38% in February, and 25% in March. In February 2008, gasoline (diesel) dropped by approximately 67% and benzene steeply dropped by about 80%.

Financial aid to the Palestinians

Paris Donors' Conference

On 17 December 2007, France co-hosted a major conference for international donors, at which over \$7.7 billion of assistance was pledged.

- The EU (Member States and Commission) **pledged a total of \$3.4 billion** to be committed over the next three years (2008 - 2010).
- Further pledges: US: \$555 million in 2008, Japan: \$150 million, South Korea \$13 million in three years
- The **money is earmarked for the creation of a viable Palestinian state.**
- 68 states and organisations participated.
- Hamas was not invited to the conference (which it called a "declaration of war" on it) and rejected the package.
- The two dominating themes were the need for donors to shore up the PA and the need for Israel to change Palestinian lives for the better.
- The conference **followed the Middle East conference in Annapolis** which launched negotiations aimed at creating a Palestinian state within one year.

Palestine Investment Conference (PIC Palestine), 21-23 May 2008. Bethlehem

The main objective of the conference was to improve the economic and social living standards in Palestine through increased investment in the Palestinian economy.

Further objectives included:

- **Showcasing business opportunities** and projects ready for launching (109 projects worth \$2 billion);
- Educating and informing potential investors regarding the local investment climate;
- Creating **linkages** between Palestinian and international businesses;
- Building momentum for the removal of barriers that hinder partnership between Palestinian businesses and the international business community.

The conference was **private sector** run and overseen by the PA through a steering committee. Several international groups helped preparing the conference such as the International Coordination Committee, consisting of the Executive Manager and Representatives from France, Britain, the USA, and the Quartet Envoy Tony Blair.

The target audience explicitly included the Arab business community: About 1.200 business leaders were participating, most of them from the United Arab Emirates and Jordan. There were also official delegations from the US, the UK, France, Sweden, China, Japan and Russia. The Israeli government was not present but several Israeli business executives attended. Israel stated that it supported the conference, issuing hundreds of visas and permits to those attending. A strong backing of the conference came from the US with major US companies Intel and Cisco among the sponsors of the conference. Results:

- The conference **raised around \$1.4 billion** (investments into a second Palestinian mobile phone company: \$650 million, real estate: \$530 million, industry: \$100 million, ICT: \$65 million, insurance: \$20 million, food processing: \$12 million).
- **35.000 jobs are expected to be created in the private sector.**

Berlin conference, 24 June 2008

The Berlin conference was designed to **promote and coordinate donor assistance, in particular in the area of justice sector reform**. It gives the PA and the international community the chance to **bring all reform plans** (security sector reform, civil police reform, wider justice reform) **together into a coherent set of proposals** for the radical upgrading of Palestinian security capability and performance.

- It was organised by the German government in **cooperation with the Representative of the Middle East Quartet, Tony Blair**.
- In addition to EU Member States, Israel and PA have participated as well as Arab states. The US, Russia and the United Nations were also invited to participate.
- Head of **EUPOL COPPS** Colin Smith announced that his mission will **request** at the conference the provision of **€150 million** for training, equipment and construction of **detention** centres in the West Bank.

Further meetings

On 2 May 2008, the **Ad Hoc Liaison Committee** (AHLC) members met in London. For the first time ministers outside the AHLC participated (including PM Fayyad and Foreign Minister Livni). Results:

- For 2008, the amounts disbursed or confirmed are adequate to cover financing needs for the first half of the year. However, without additional assistance, **a shortfall of \$400 million is projected in the second half of 2008**.
- **Donors are urged to reallocate part of their development commitments** (which **exceed** the amount foreseen in the PDRP) **to budget support** to be provided through direct **transfer** to the PA Central Treasury Account.
- The AHLC **commended the reform steps undertaken by the PA** (strict government employment policy, reduction of utility subsidies, strengthening of public financial management).
- The ALHC welcomed Israel's announcement to reduce the number of obstacles in the West Bank but emphasised that a **more substantial relaxation of restrictions is needed in 2008**.

The AHLC was set up in 1993 as the principal policy-level coordination mechanism for development assistance to the Palestinian people and reviews donor/aid policies and strategies. The AHLC is chaired by Norway and co-sponsored by the EU and US.

PEGASE (European Commission Financing Mechanism in Support of the Palestinian Authority)

PEGASE is the French acronym for "Mecanisme Palestino-Europeen de Gestion d'Aide Socio-Economique" chosen by Commissioner Ferrero-Waldner as an acknowledgement of the Paris Donors Conference results.

PEGASE officially began on 1 February 2008 as the new European Mechanism to support the three year (2008-2010) Palestinian Reform and Development Plan (PRDP) which was presented by the PA Prime Minister Salam Fayyad at the Paris Donor Conference of 17 December 2007. Being a long-term development instrument,

PEGASE offers a greater predictability of funds for the PA. In contrast to TIM, PEGASE does not bypass the PA but is implemented in full partnership with the PA.

PEGASE has two main areas of operations:

One is directed to the budget (covering of recurrent costs) and managed by EuropeAid and a team of experts in place.

Various deconcentrated development operations are run locally under Head Quarter's supervision. These development projects are gaining importance now as they are directly linked to the PRDP:

PEGASE will sustain the PA's efforts in the four key sectors that form the backbone of the PRDP: governance, social affairs, economic and private sector development and infrastructure.

Possible interventions in the four sectors may include for example:

- Governance: fiscal reform, rule of law, justice, accountability, security;
- Social affairs: social protection, health, education (including vocational education and training), employment schemes as well as the provision of basic supplies like fuel;
- Economic and private sector development: trade facilitation, Small and Medium Enterprises guarantee and financing, business centres, quick impact projects such as those proposed by the Quartet Special Representative Tony Blair, as well as payment of private sector arrears;
- Public Infrastructure Development: in the areas of water, environment, energy, basic infrastructure necessary to improve the daily life of the population as well as infrastructure that will enhance the business environment and offer employment opportunities.

The future objective is to progressively finance less recurrent costs and to do more in terms of development.

Funding:

- At the December 2007 Paris donors conference, the Commission pledged 440 million EUR for 2008 which is the most important donor contribution to the new PA for financing its administration (EU Member States pledged 664 million EUR).
- It is planned that most of the EU support is gradually shifted to the Single Treasury Account (STA). However, contributions remain earmarked to ensure that funds are used for the intended purpose.

Monitoring:

- Like TIM, PEGASE offers a comprehensive monitoring, verification and control system to provide reassurance over the use of donor funds, and the efficient and effective provision of support. Individual beneficiaries will be uniformly checked against international sanctions lists.
- PEGASE projects and actions will be included in the regular reports of the IMF and World Bank on public finance oversight and the implementation of PA reforms.
- PEGASE support of the PRDP will be complemented by the EU programmes devoted to Palestinian refugees through UNRWA and Non State Actors including International NGOs as well as by the humanitarian and food aid programmes of ECHO.

Implementation:

- local coordination with full use being made of the existing local coordination groups

already in place in liaison with the PA administration, the Office of the Quartet Special Representative, the Member States and the International Financial Organisations

- local implementation by an international team of EC officials and Member States officials, supported by European and local experts and agents

EU Assistance to the Palestinians

- The European Commission is the lead donor to the Palestinians. Its assistance has increased to €550 million in 2007 (2006: €340 million, 2005: €270 million).
- This was linked to higher emergency and humanitarian needs due to the deterioration of the political and economic situation, especially in the Gaza Strip.
- The EU assistance (European Commission + Member States cumulated) has increased to around €1 billion in 2007 (2006: €688 million, 2005: €500 million).
- In December 2007, the Commission co-chaired the Paris donors' conference for the Palestinians and pledged €440 million for 2008. This includes substantial support for the Palestinian Reform and Development Plan 2008:2010, support to UNRWA for Palestine refugees, as well as humanitarian and food aid. EU Member States pledged €664 million for 2008.

Humanitarian situation

Internal tensions between authorities in Gaza and Ramallah are having an increasing humanitarian impact on Gazans' access to basic services, while Israel's closure of Gaza crossing points continues, with only a slight increase in the number of truckloads allowed entry. The ongoing closure has resulted in the proliferation of tunnels linking Rafah and Egypt, as Palestinians search for alternative means to import goods. However, more Palestinians were killed in tunnels collapses and related incidents in September, as a result of Israeli military activity in the oPt. In the West Bank, IDF restrictions on Palestinian movement are being further entrenched. The IDF resumed demolition of structures in Area C this month after a four-month lull and anti-Barrier demonstrations and related Israeli military activity again resulted in the majority of West Bank injuries.

Protection

Intense clashes between Hamas-affiliated security forces and the Dugmush family resulted in the death of 13 people, including three children, and the injury of 43 others. An additional 13 Palestinians were killed and ten injured in tunnel-related incidents in Rafah in the Gaza Strip. In the West Bank, five unarmed civilians were killed, including two children, and 130 others were injured, including 75 children, more than half of them in Barrier-related incidents. The number of attacks by Israeli settlers against Palestinians and their property continued, but in smaller numbers. However, given the intensity of recent attacks, along with previous annual trends, there are concerns for the safety of Palestinian farmers about to embark on this year's olive harvest.

In the West Bank, 36 structures, including 17 used as seasonal residences, were demolished during the implementation of evacuation orders by the Israeli military. The structures belonged to herders living in four small hamlets in the Mu'arrajat area of the eastern Ramallah governorate. These were the first of their kind since April 2008. Concern exists for the future of an additional eight families of herders who

received verbal and written evacuation orders against 38 structures, including at least eight residences. If carried out, 97 people, including 51 children, will be displaced.

The Palestinian prisoners of Israel

Introduction

Since the beginning of the Israeli occupation of Palestinian territories in 1967, over 700,000 Palestinians have been detained by Israel. This forms approximately 20% of the total Palestinian population in the Occupied Palestinian Territories (OPT). Considering the fact that the majority of those detained are male, the number of Palestinians detained forms approximately 40% of the total male Palestinian population in the OPT.

As of August 2008, there are approximately, 9,493 Palestinian political prisoners being held in Israeli prisons and detention centers. 750 of these are administrative detainees, held without charge or trial for indefinite periods of time. 349 of the political prisoners are aged 18 and under. There are 75 Palestinian female political prisoners, 1 of whom is a mother who gave birth in prison.

Process of Arrest

The arrest and detention of Palestinians living within the OPT is governed by a wide-ranging set of military regulations that govern every aspect of Palestinian civilian life. There are approximately more than 1500 **military regulations governing the West Bank and up until the Israeli withdrawal from Gaza in 2005 there were over 1400 military regulations governing the Gaza Strip**. The military commander may issue new military regulations at any moment. Thus the issuance of new orders often remains unknown and become apparent only when they are implemented.

Palestinians are tried within Israeli military courts located within Israeli military centers in the OPT. These military tribunals are presided over by a panel of three judges appointed by the military. Most of the judges do not have long term judicial training and as such, the court procedures rarely fall within the required international standards of fair trial.

Israeli prisons and military detention camps are primarily located within the 1948 borders of Israel. There are a total of **4** interrogation centers, as well as **secret interrogation facilities**, **5** detention/holding centers, and about **21** prisons in which Palestinians from the OPT are held. **The location of prisons within Israel and the transfer of detainees to locations within the occupying power's territory are illegal** under international law and constitute a war crime. The Fourth Geneva Convention explicitly states that "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein." (Article 76) Most of the Palestinian Prisoners are being held in detention facilities located outside the OPT.

As a result of an arbitrary permit system which governs Palestinians movement within the Occupied Palestinian Territories, including East Jerusalem, and to and from the 1948 borders of Israel, family visits to detainees are often not possible, extremely infrequent, or impossible. Since the beginning of the current Intifada in September 2000, family visits have been prevented repeatedly and for long periods at a time. Moreover, since the Hamas takeover of Gaza in 2007, Israel has **stopped all family visits for Gaza residents** wishing to visit their relatives in Israeli jails. Its principal stated reason was that, "Since Hamas' military takeover of the Strip, there is no

Palestinian entity with which it is possible to coordinate the security of movement through the crossings, which are now controlled by terrorist entities.”

Interrogation

Under Israeli military regulations a Palestinian can be detained for up to 8 days without the Israeli military informing the detainee of the reason for his/her arrest and without being brought before a judge. Between April and June 2002, this period of time was increased by Israeli military order 1500 to 18 days. Following or during the 8 days of detention, a detainee is sent to an interrogation center, charged with an offense, given an administrative detention order, or released.

A Palestinian detainee can be interrogated for a total period of 180 days, during which he/she can also be denied lawyer visits for a period of **up to 90 days**. During the interrogation period, a detainee is often subjected to some form of cruel, inhuman and degrading treatment ranging in extremity, whether physical or psychological. The use of practices that constitute torture during interrogation has been outlawed within the Israeli judicial system; however, it is permitted in individual cases in which the Israeli Security Agency (ISA) deems a detainee a threat to state security or a "ticking bomb". In some instances, detainees have died while in custody as a result of torture. Confessions extracted through torture are admissible in court and/or military tribunal.

Administrative Detention

Administrative detention, arrest without charge or trial, has been used as a form of collective punishment by the Israeli military against Palestinians, illegal in this form under international law. For example, during the period of March 2002 to October 2002, Israeli occupying forces arrested over 15,000 Palestinians during mass arrest campaigns, rounding up males in cities and villages between the ages of 15 to 45. In October 2002, there were over 1,050 Palestinians in administrative detention. By the beginning of March 2003, Israel held more than one thousand Palestinians in administrative detention. In 2007, Israel held a monthly average of 830 administrative detainees, which was one hundred higher than in 2006.

Administrative detention is **indefinitely renewable under military regulations**. A detainee may be given an administrative detention order for a period of between 1 to 6 months, after which the order may be renewed again. Administrative detention is based on secret evidence brought forward during military tribunals, to which neither the detainee nor his/her lawyer have access to. One of the longest Palestinian administrative detainees remained in custody for over 8 years, without being charged with a crime.

Child Prisoners

Under military regulations in force in the OPT, a child over the age of 16 is considered an adult, contrary to the defined age of a child as under 18 in the UN Convention of the Rights of the Child, to which Israel is a signatory. In practice, Palestinian children may be charged and sentenced in military courts from the age of 12. Between the ages of 12-14, children can be sentenced for offences for a period of up to six months. For example, a child who is charged for throwing a stone can be sentenced to six months imprisonment. After the age of 14, Palestinian children are tried as adults. There are no juvenile courts and children are often held and serve their sentences in cells with criminal prisoners that often are not separated from adults. Article 37 (c) of the UN Convention on the Rights of the Child states that children

should be separated from adult prisoners except in situations where it is in the best interest of the child to be placed in joint living arrangements.

Prison Conditions

Prison conditions in Israeli military detention camps are appalling. Detainees are held in overcrowded prison tents that are often threadbare and do not provide for adequate shelter against extreme weather in the winter or summer. Hygiene facilities are dire. Toilets are located inside prison cells with sewage often coming through the drains.

Prisoners are not provided adequate food rations, neither in quantity nor quality, nor are they provided with clean clothes or adequate cleaning supplies.

Testimonies from former prisoners indicate that if it were not for the prison canteen, most prisoners would not be able to satisfy even the basic nutritional standards.

Many of the detainees currently being held in Israeli prisons and detention centers were injured during their arrest and have not been provided the necessary medical attention. In addition, those who suffer from chronic illnesses are often treated with nothing but a painkiller. Prisoners are not permitted to go to the hospital unless in absolute urgent cases. In this event, prisoners must wait for a permit which can take from one to six months to acquire.

Collective punishment is practiced against all prisoners. Examples of the type of punishment used range from putting the prisoner in isolation, ransacking the prisoners' rooms in the middle of the night and prohibiting family visits.

Lawyers

Palestinian lawyers from the OPT are not permitted any special travel privileges in order to defend their clients. They are subjected to the same travel restrictions as all Palestinians in the OPT. Those lawyers who are able to access detainees are often subjected to strip searches and humiliated when visiting their clients. Many must wait a couple of hours before being allowed access to their clients. In addition the Israeli Prison Authority often transfers the detainee without informing the lawyer in advance of his/her visit.

Annex: List of Detained PLC members updated 16\10\2008

Member	Party Affiliation	Status
Mahmud al-Khatib	 Hamas 1	Detained in Israel
<u>Nayif Rajub</u>	 Hamas 2	Detained in Israel
<u>Samir al-Kadi</u>	 Hamas 3	Detained in Israel
<u>Aziz Dwayk</u>	 Hamas 4	Detained in Israel
<u>Muhammad Abu Jhesheh</u>	 Hamas 5	Detained in Israel
<u>Nizar Ramadan</u>	 Hamas 6	Detained in Israel
<u>Hatim Kafishe</u>	 Hamas 7	Detained in Israel
<u>Muhammad al-Til</u>	 Hamas 8	Detained in Israel
Khalid Yahya	 Hamas 9	Detained in Israel
Khalid Abu Hasan	 Hamas 10	Detained in Israel
Ibrahim Abu Salim	 Hamas 11	Detained in Israel
Muhammad Tutah	 Hamas 12	Detained in Israel
Wa'il al-Husayni	 Hamas 13	Detained in Israel
Ahmad Attun	 Hamas 14	Detained in Israel
Riyad 'Amla	 Hamas 15	Detained in Israel
Husni Burini Yasin	 Hamas 16	Detained in Israel
Dawud Abu Sayr	 Hamas 17	Free in 16 Oct.2008
Hasan Yousef	 Hamas 18	Detained in Israel
Fadil Fadil Hamdan	 Hamas 19	Detained in Israel
Ahmad Mubarak	 Hamas 20	Detained in Israel
Mahmud Muslih	 Hamas 21	Detained in Israel
Nasir 'Abd al-Jawwad	 Hamas 22	Detained in Israel
'Abd al-Rahman Zaydan	 Hamas 23	Detained in Israel
Riyad Raddad	 Hamas 24	Detained in Israel
Muhammad Jamal Alnatshah	 Hamas 25	Detained in Israel
Yasir Da'ud Sulayman Mansur	 Hamas 26	Detained in Israel
Khalil Musa Khalil Raba'i	 Hamas 27	Detained in Israel

Mahmud Ahmad 'Abd al-Rahman Ramahi	 Hamas 	28	Detained in Israel
Miryam Mahmud Hasan Salih	 Hamas 	29	Free in July 2008
Fathi Muhammad Ali Qar'awi	 Hamas 	30	Detained in Israel
Anwar Muhammad 'Abd al-Rahman al-Zbun	 Hamas 	31	Detained in Israel
Imad Mahmud Rajih Nufal	 Hamas 	32	Detained in Israel
Muhammad Mahir Yusif Badr	 Hamas 	33	Detained in Israel
Ali Salim Romanin	 Hamas 	34	Detained in Israel
Mohamad abu Tiar	 Hamas 	35	Detained in Israel
Ibrahim Dahbour	 Hamas 	36	Detained in Israel
 Marwan Hasib Husayn al-Barghuthi 	 Fatah 	1	Detained in Israel
Muhammad Ibrahim Abu Ali Yata	 Fatah 	2	Free on August 25th 2008
Jamal 'Abd al-Hamid Muhammad al-Haj	 Fatah 	3	Detained in Israel
Jamal Mustafa Issa Hwail	 Fatah 	4	Detained in Israel
Ahmad Sa'adat Yusif 'Abd al-Rasul	 Martyr Abu Ali Mustafa 	1	Detained in Israel