

Crimes against Humanity: The Plight Of Palestinian Prisoners in Israeli Jails

Inaction and Indifference of International Human Rights Organizations

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Recent developments serve to highlight the dire state of human rights within Israeli detention centres. Only yesterday (Tuesday 2nd April 2013) allegations were rife that the death of Maisara Abu Hamdiyeh, who was serving a life-sentence in an Israeli prison, occurred as a result of being denied the proper medical treatment his throat cancer required. Two-months ago, Arafat Jaradat, another Palestinian prisoner died as a result of the torture he had endured whilst held captive in an Israeli prison and less than a week after his arrest. His death threatened to ignite a third Palestinian uprising but the Palestinian Authority was able to manage the understandable outpouring of emotion.

Another example concerns Samer Al-Issawi, whom began a hunger-strike approximately 250 days ago, despite doctors warning of the possibility of death at any moment. Akin to many other Palestinian prisoners who have gone on hunger-strike the motivation for Al-Issawi's actions can be seen as a form of protest in opposition to the suffering encountered by Palestinians within Israeli prisons. What happened to Jaradat is now happening to Samer al-Issawi is representative of the daily suffering encountered by the 4,700 Palestinian prisoners languishing in Israeli prisons – some of whom have been imprisoned for more than twenty-five years. Statistics reveal that the number of Palestinians detained by Israel since 1967 has risen to approximately 800,000. Many Palestinian prisoners have been arrested and subsequently held 'without charge or trial that is authorized by administrative order rather than by judicial decree' [\[1\]](#) as well being subjected to physical and psychological torture, which violates international humanitarian law.

Israel is the only country in the world where the use of torture is seemingly openly legitimized by its judiciary, up to and including the Israeli Supreme Court – the highest judicial authority in Israel. For example, Israeli interrogators and various security services are licensed to continue torturing prisoners and detainees as they are safe in the knowledge that they are unlikely to be held accountable for their actions. The various forms of torture that Palestinian prisoners have been forced to endure has been well-documented within various Palestinian human rights groups' reports. Some of the 56 types of torture will be covered within this Report.

It is noticeable that the torture of Palestinian prisoners begins upon the moment of their arrest until their arrival at the Israeli detention centres: through a brutal beating by batons, rifle butts etc. often accompanied by a traditional shoe-stomping. The renunciation of detainees access to their family, or even a lawyer is immediately enforced, a policy which is clearly in contravention of principle (16) of the United Nations Principles for the Treatment

of Prisoners as approved in 1990.

No part of the body is left untouched when these customary beatings are carried out en route to the detention centres, with particular attention being paid to the upper parts of body and the head. The Palestinian prisoners are also regularly burnt with cigarette butts and have their hands and feet tied together, as well as being blindfolded. Another method of torture that the Palestinian prisoners are subjected to is electrocution. All of these crimes against humanity violate Article (33) of the minimum procedures system for the treatment of prisoners, as adopted by United Nations in 1955.

During detention, captives face several methods of torture, such as instances in which detainees: hands and feet are tied together; they are deprived of food and sleep whilst being kept in isolation and solitary confinement; threats are made against the safety of captives family members; cold water is poured on detainees in the winter; and they are thrown in torture rooms, in order to extract confessions deceptively. All these crimes are contrary to Article (12) in the minimum procedures system for the treatment of prisoners cited above. The religious rights of Palestinian prisoners are also restricted within Israeli prisons. Prisoners are also notably denied adequate medical care – a cause of great concern for those prisoners suffering from fatal illnesses such as cancer, as was the case with Maisara Abu Hamdiyeh, as well as those suffering from heart, lung, kidney and spinal diseases. Moreover, there are numerous cases in which the condition of detainees suffering with neurological and psychological diseases has subsequently deteriorated as result of the absence of adequate medical provisions. Reports have even gone as far to accuse Israel of conducting biological and medical tests against inmates.

There are other means of torture that Israel has long being accused of, prompting the conclusion that the wide use of torture within Israeli prisons effectively sentences the Palestinian prisoners to their death beds!! Again let me reiterate the point that the death of Arafat Jaradat was a result of physical torture which he suffered at the hands of Israelis on 24/2/2013 less than one week after his detention. His death is only one of the more recent cases in which Palestinian prisoners have died as a result of dubious Israeli actions that commonly occur within the prisons. Put simply, as estimated by Palestinian statistics: there have been approximately 180 Palestinian prisoners that have died at the hands of Israeli brutality since 1967 until 2010.

In return for this tragic reality shouldered by Palestinian prisoners and even the Palestinian people as whole, Israel considers itself exempt from the jurisdiction of international law and the guidance of international conventions. For a number of reasons Israel is able to shield itself from human-rights defenders across the international community whom should be seeking to hold Israeli officials accountable for the level of suffering the Palestinian people encounter at the hands of a brutal occupying force. Israel is arguably exempt from strong condemnation over its treatment of the Palestinian people as a result of certain international human rights organizations ability to ignore Israeli violations against the Palestinians. It would appear that so-called defenders of human rights across the globe overlook the abuses in Israeli prisons, which range from: the killing of Palestinians; the unlawful arrest detention, torture and displacement of Palestinians; the “Judaization” of Occupied Palestinian Territories, as illustrated by the illegal construction of Israeli settlements and the prevention of Palestinian prisoners from practicing their religious beliefs.

Sadly certain international human rights organizations appear to have fallen into the trap of selectively interpreting whether certain instances of human rights abuses are deemed

worthy of a response; leaving themselves susceptible to the accusation that they are in fact guilty of “double standards” when it comes to defending human-rights across the globe. This glum reality has been exemplified by the significant amount of attention to cast to human-rights standards across the Arab World whilst appearing to turn a blind-eye to Israel’s inglorious treatment of the Palestinian people. International human rights organizations often seem to compete with each other in their efforts to condemn and criticize Arab countries, as illustrated by the rallying of support for messages to be sent to world leaders asking them to intervene to stop these violations in certain Arab countries. Whereas, when it comes to Israel and its violations against the Palestinian people, as it turns out, tongues are gagged and the crying and wailing of humanitarian organizations turns to grave silence!!

If international human rights organisations were sincere in their desire to defend individual human rights objectively, one would assume that the Israeli Prime Minister and the Israeli Government would be widely condemned for Israel’s ruthless suppression of the Palestinian people. However, this has not been the case, as illustrated by the contrasting position adopted by international human rights organisations towards the Palestinian prisoners in particular, and the Israeli violations against the Palestinians rights in general.

In terms of quantity, we finds that organizations such as: Amnesty International, Human Rights First and Human Rights Watch, have releases several publications against Bahrain, Saudi Arabia, Kuwait, Israel and Palestine, distributed in numbers between those countries. The following table reveals the number of publications to have been published by each human-rights organisation on the Palestinian prisoners during the period from January 2011 to March 2013:

Organization	Amnesty International	Human Rights First	Human Rights Watch
State			
Bahrain	69	182	85
Saudi Arabia	43	5	67
Kuwait	6	5	22
Israel and Palestine	27	0	30

This table shows the following:

- Human Rights First is the organization which has issued the highest number of publications against any state. Furthermore, it has issued 182 publications against Bahrain; while by contrast, it has not issued one single publication was issued against Israel in a two-year period, as cited above, from 2011-2013.
- Among the 204 publications issued by Human Rights Watch against the four states, only 30 were issued against Israel.
- Among the 145 publications issued by Amnesty International against the four states, only 27 were issued against Israel.

In terms of content, all publications issued by these organizations are remarkably biased when they related to Israel. It is worth mentioning that although Human Rights Watch’s

annual report for 2013 pointed to the various Israeli violations committed during its military campaign on the Gaza Strip in November 2012, the annual report blurred the lines between the true victim (Palestinians) and the criminal (Israel).

According to “Tom Porteous,” deputy program director for the Middle East: “Both the Israeli and the Palestinian authorities have committed gross violations to human rights”. The implication is that Israel somehow has the right to kill hundreds of Palestinian citizens on the grounds of national security, but the Palestinian people must be silent and submissive to the occupation. This particular report released by Human Rights Watch is clearly biased in favour of Israel when it claims that the Palestinian resistance is guilty of having breached the laws of war by launching missiles against the Israeli civilians. This is to say that the report gives Israel the grounds to justify committing more massacres and crimes against the Palestinians, rather than pressing Israel to stop such abuses and put an end to its occupation and its blockade on the Gaza Strip that has had such a devastating effect on those Palestinians being denied access to vital medicines, nutrition and other life necessities.

If ever any of these publications actually called for the ending of Israeli violations, there were scant attempts to directly or indeed indirectly condemn any Israeli official. The lack of dynamism exerted towards holding Israeli officials to account for the crimes being committed against the Palestinians is sharply contrasted by the energy given towards tackling the status of human rights in the Arab states. There has been a growing momentum with regards to the number of the messages and statements issued and delivered by the organizations to the head of the state and the ministers in the Arab States mentioned above. Messages of intent were even sent to some of world leaders and the Secretary-General of the United Nations - urging them to put pressure on the leaders of these Arab States to improve their human rights records.

These above mentioned facts raise a significant question: On what basis have these organizations decided to issue a larger number of reports against the three Arab States? It is puzzling that only one fifth of these reports have focused on Israel and the need to condemn the catastrophic humanitarian situation in the Occupied Palestinian Territories (OPT). How Human Rights First can disregard Israeli violations altogether is even more alarming.

These troubling dilemmas underline some important arguments; namely, these organizations are not totally concerned with the rights of all Arabs. This underlying conclusion highlights the general performance flaws that these organizations are guilty of, including the “double standards” adopted by these organizations concerning human rights issues on the international level in general, and the regional level in particular. These organisations have often tried to cast doubt upon the credibility of the improvements in human rights in the Arab region, particularly, the gulf region; in addition to defending those who violate the rights of others under the pretext of protecting their liberties. Perhaps, the Israeli model in Palestine is best proof of that.

Although it is assumed that the focus of these organizations is geared towards strengthening peace and human rights in an objective manner. However, on occasion these organisations have exercised a degree of bias towards certain actors operating within the Gulf, elevating certain opposition activists’ political agendas above others, which in turn inflames internal and regional political tensions. This error of judgment undermines the credibility of the work being produced - as the basis of their investigative research is arguably somewhat one-sided. As revealed within their published material, the

aforementioned international human-rights organisations have an overriding concern with political aspects rather than concentrating on the humanitarian aspect. Instead of working on calming things down by focusing on humanitarian violations, the prioritization of selective political aspects has the undesirable impact of inflaming tensions on the ground.

In conclusion, the information provided sheds clear day-light on certain non-governmental, human-rights organizations' efforts to develop specific systems on a regional, country-by-country basis. This ignores the basic pretext of what these organizations should base their work around - i.e. the conventions and treaties of international humanitarian law. Thus, action should be taken regardless of whom the perpetrator is. In light of the aforementioned international human rights organisation's shortcomings, with Israel to some extent bizarrely let off the hook, these organizations should change their mechanisms so as not to deviate from their supposed objectives (i.e. defending human rights across the globe).

[1] B'Tselem (2013) 'Administrative Detention.' (online) Available: http://www.btselem.org/topic/administrative_detention (accessed 2.4.13)

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