

# The Prisoners of the non-violent popular struggle



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## Some characteristics of the repression against non-violent popular struggle

Prisoners of non-violent popular struggle are not treated differently in the courts than other prisoners. However villages which resist peacefully against occupation and colonization are facing an ever harsher repression.

- An increasingly violent response to non-violent demonstrations: since 2003, there were 22 death, 10 of whom were minors\* and many injuries, some serious;
- Night raids are repeatedly taking place in zone A, which is under Palestinian rule, according to the Oslo Accords;
- The will to weaken and dismember the Popular Committees by methodically arresting targeted leaders and condemning them to lengthy prison terms in violation of international law;
- Increasing battle against young people; their rights are continuously violated.

\* SOURCE: Popular Struggle Coordination Committee, December 2011.

“Israeli authorities qualified this demonstration as peaceful terrorism. Not bad... You have to be an Israeli to qualify non violence as terrorism.”

**Stéphane Hessel**, *Indignez-vous*, 2010.

Since 2003, the popular struggle movement<sup>1</sup>, which gathers all political parties and groups against the occupation and colonization in Palestine has not ceased to gather momentum. The prisoners of the popular struggle are being arrested because of their fight against occupation and colonization. Their actions are motivated by the will to implement their right to resist illegal and unfair measures, i.e. the peaceful exercise of their right to demonstrate, to freedom of expression and of association. Therefore, they should be considered as Human Rights Defenders<sup>2</sup>.

Between 2003 and mid-2009, at least 292 Palestinians were arrested and put in jail, among them many children who were not older than 12 because of their peaceful protests. Between January 1st and June 1st, 2011, they have been at least 186 arrests, 118 of which were youths less than 18 years old. Those figures include the arrests of people demonstrating against the Wall and settlements, residents of East Jerusalem protesting against the expansionist policy of Israel in the city and those of Palestinians who had taken part in demonstrations commemorating the Nakba, on May 15, 2011<sup>3</sup>.

1 Palestinians talk about popular struggle (“*moukawama cha'biya*” in Arabic) which is an unarmed resistance by definition and therefore interpreted as peaceful, more loosely than it would be in the Western World. Also see documents from AFPS (France Palestine Solidarity Association): *La résistance populaire non-violente* Training booklet n° 23, June 2009 and *Résistance populaire non-violente en Palestine*, Symposium Document, June 25th, 2010, Palais du Luxembourg, Paris.

2 This qualification relies on the declaration adopted by the General Assembly of United Nations on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms – A/RES/53/144 – December 9th, 1998

3 Source: Addameer, prisoners' support and human rights Palestinian association, July 10th, 2011.

# Violations of international law and human rights

During arrests, cross-examinations and custody explicit and blatant violations of the international humanitarian law and human rights occur; similar to those noticed for other prisoners despite Israel's adherence to the 1948 Universal Declaration of Human Rights. Israel also signed the following international agreements: 1949 Geneva Conventions, the 1966 International Covenant on Civil and Political Rights, the 1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the 1989 United Nations Convention on the Rights of the Child.

## Threats and arrests

The arrest of two young protesters in Ni'lin, Sabti Khawaja and Mahmoud Nafa came up after several weeks of harassment and threat on their families. During the third attack, the soldiers sacked the house, damaging walls and furniture.

## Cross-examinations and torture

Sabti Khawaja from Ni'lin states that he went through three cross-examination sessions during the month following his arrest. His hands and feet were tied up during cross-examinations; he was subjected to psychological pressures last up to 11 hours. He tells he was locked for 6 hours in a very cold room to make him to talk.

*Psychological torture techniques represent a violation of the 1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*

Torture is commonly used and can reach unbearable proportions. So, during previous arrests, Mousa Abumaria from Beit Ommar and Bassem Tamimi from Nabi Saleh collapsed and had to be evacuated to a hospital where they laid unconscious for one week.

## Custody conditions

Ofer, where Palestinians prisoners are kept in custody is an Israeli military base, close to Ramallah, in the colonized Palestinian territory used as a jail and a military tribunal.

The prison is made up of tents surrounded by barbwire and an electrical fence. Each unit comprises 4 tents and each tent 22 prisoners. In the summer, the heat is suffocating and in the winter, the humidity caused by the wind and the rain makes the detention unbearable.

Abdallah Abu Rahma in Bi'llin emphasizes that he was allowed only one visit of his wife over 16 months.

## Sentences and evidence

Many examples illustrate the biased accusations against the leaders of the peaceful resistance by the Israeli who go as far as forging evidence. Mohamed Khatib, leader of the Popular Struggle Coordination Committee was discharged on January 3rd, 2011, by a military judge who ruled that the evidence against him was forged and called for his liberation.

He was abroad at the time of the Army claimed to have photographed him throwing stones. He was freed under caution (2 000 €) on February, 3rd 2010.

*Arbitrary custody represents a violation of the International Covenant on Civil and Political Rights.*

## Administrative detention

Many prisoners are jailed without any charges nor trial for an unlimited amount of time which can be prolonged indefinitely. Prisoners and lawyers do not have any knowledge about the grounds on which they are being charged.

*Administrative detention can be compared to a form of torture according to the International Convention against Torture... Ignoring the grounds for detention entails very serious psychological damage.*

That's how Mousa Abu Maria, 33, co-founder of Palestine Solidarity Project and member of the Popular Committee in Beit Ommar was arrested by agents of the Israeli Security and Defense Forces, who stormed his house at 2 in the morning in April 2008. He spent 14 months in detention, with no trial.

He unsuccessfully protested against his detention up to the Israeli Supreme Court, as his arrest and detention triggered international outrage and a solidarity movement from Human Rights associations.

## The specific case of young prisoners

Arrests of young people are increasing in all villages with the aim both to discourage the leaders of the popular resistance because of the risks of children arrests and to get "confessions" which could be used as charges against demonstrators.

Threats and cross-examination for young people are identical than those used for adults.

Among those children, we may mention Islam, 14, who was arrested during a night raid on January 23rd 2011 in Nabi Saleh. During his cross-examination, he was subjected to psychological torture techniques in order to get a witness account concerning the demonstrations, which could be used against the inhabitants of Nabi Saleh. His cross-examination violates the rights as stipulated in the Convention on the Rights of the Child: Despite being a minor, he was questioned in the morning following his arrest, having been denied sleep; he was denied legal counsel, although his lawyer appeared at the police station requesting to see him; he was denied his right to have a parent present during his questioning.

He was not informed of his right to remain silent, and was even told by his interrogators that he is "expected to tell the truth"; only one of four interrogators present was a qualified youth interrogator.

*Young Palestinians from the West Bank and Gaza are under Israeli military law, under which terms a child reaches legal majority at the age of 16. Moreover, Palestinian children are not sentenced according to their age as at the time of offence, but as at the time of judgment.*

*In 2010, the United Nations Committee on the Rights of the Child highlighted the discrepancies in legal majority age between Palestinian children from the occupied territories and Israeli children. He recommended not to sue children in military courts and not to put them in administrative detention. This Committee asked Israel to modify this legislation.*

*The legal majority age should have gone from 16 to 18 years old, in September 2011.*

# Three representatives of prisoners of the popular resistance

## Abdallah Abu Rahma

coordinator of the Popular Committee in Bil'in

Abdallah Abu Rahma, 39, was arrested in the middle of the night in Ramallah, on December 10th, 2009, in order to put an end to the demonstrations against the Wall.

*In 2004, the International Court of Justice released a document stating that the all separation wall which had been built inside the West Bank was illegal and should be demolished. Moreover, in 2007, the Israeli Supreme Court ordered the State to move the barrier that divides Bil'in within a reasonable delay. This order was implemented in June 2011 allowing the village to get 55 hectares of its lands back.*



Photo: Haim Zack

Abdallah Abu Rahma (on the right) with Ela Bhatt, Desmond Tutu, Jimmy Carter, Fernando Cardoso, Mary Robinson and Gro Brundtland (summer 2009) at the Memorial dedicated to Bassem Abu Rahma, built by demonstrators during the demonstration on the Friday following his death, at the very side near the barrier.

During the trial no material evidence was brought forward. The military judge accepted the arguments of the prosecution which claimed that Abu Rahma possessed weapons and threw stones against Israeli soldiers. Abu Rahma was declared innocent on both but he was declared guilty of incitement to illegal demonstrations.

The Military Court of Ofer sentenced him to one-year imprisonment on October 11th, 2010. He was to be freed on November 18th, 2010 but was kept in detention after a request from the Military Court and saw his sentence extended from 12 months to 16 months. This sentence was given on appeal on January 11th, 2011, after a claim by the Army that his initial sentence was too lenient. He was freed on March 14th, 2011, one day after the due date.

Abu Rahma's condemnation triggered indignation of the international community. It was denounced by the European Union which considered Abu Rahma as a Human Rights Defender. France called for the Israeli authorities to abide by the legitimate right of Palestinians to peaceful demonstrations.

## Jonathan Pollak

spokesman of the Popular Struggle Coordination Committee

Jonathan Pollack, a 28 year old Israeli and one of the founders of the Anarchists against the Wall, has taken part in non-violent demonstrations to protest against the building of the Wall since 2004.

He was sentenced on December 25th, 2010, to a 3 month prison sentence by the police tribunal of Tel Aviv for taking part in a peaceful bicycle demonstration on January 31st, 2008, organized in order to protest against the blockade of the Gaza strip. He was recognized by plain clothes policemen during the demonstration and above all suspected of being the leader of the march. He was arrested and declared guilty of illegal gathering.

Jonathan Pollack was granted a shorter sentence for good behavior. He was freed on February 24th, 2011.

*He denounced the political aspect of his sentencing and considered that by taking part in the march, he was only exercising his right to demonstrate and the right to freedom of expression given to the Jewish citizens of Israel*



Photo: Oren Ziv

## Bassem Tamimi

coordinator of the Popular Committee at Nabi Saleh

Bassem Tamimi, 44, led the fight against expropriations. To this day, more than half the land in the village of Nabi Saleh and as well as a fresh-water spring have been seized in order to benefit the expansion of the Halamish settlement.

*The expropriation of land and colonization are forbidden by the Fourth Geneva Convention, signed by Israel.*

Bassem Tamimi was arrested on March 24th, 2011 in his home, in front of his children and his wife who was beaten by the soldiers when she tried to intervene. His wife was arrested twice; he has been arrested 11 times and each time recognized innocent; two of their children, 14 and 8 years old, were wounded.

On March 31st, Bassem Tamimi was indicted by the Military Court of Ofer. He was accused of organizing unauthorized demonstrations, urging people to throw stones at the Israeli army, disobeying the obligation to answer questions asked and obstruction of justice by advising young people on how to act during cross-examinations if they were arrested.

At the opening of his trial on June 5th, Tamimi pleaded "not guilty" and said proudly "I organized these peaceful demonstrations to defend our land and our people".

He also challenged the legitimacy of the system which tries him, saying that "Despite claiming to be the only democracy in the Middle East, you are trying me under military laws that are enacted by authorities which I have not elected and do not represent me".

On June 14th, the European Union, through the voice of its representative at the UN Human Rights Council expressed, its worries about the fact that Palestinians Human Rights Defenders were being arrested for their peaceful demonstrations, the name of Bassem Tamimi being specially mentioned.

The next hearing of Bassem Tamimi, who remains in jail, was postponed four times to August 28th. During that hearing, the Commander of the Defense Forces recognized violently dispersing the demonstrations even when they are not violent.

The hearings have been again postponed since that date due to the negligence of the Court to have auditions of witnesses. Auditions resumed but Tamimi has been in jail for more than nine months.

On November 25th, in a letter to the President of France Palestine Solidarity Association, the French Minister of Foreign Affairs, Alain Juppe wrote "Tamimi's situation is just as much of a concern to me as it is to you. The European Union has taken this case and considers



Photo: Oren Ziv

Mr. Tamimi a human rights defender and a non-violent demonstrator. He added that, An official demarche has recently been delivered on his behalf to the Israeli authorities by the chief representative of the European Union delegation in Tel Aviv. The aforementioned intervention also denoted the European support for the right to demonstrate non-violently in the Palestinian territories."

## Mobilization and actions

Confronted with such violations of international law and the scandalous impunity which reinforces Israel's policy of oppression towards Palestinians and especially towards the prisoners of popular struggle, we must act:

1. **Mobilize Members of Parliament (MPs):** National Assembly, Senate, French members of European Parliament.
2. **Set up a "network of urgent alert" during the arrests and trials of popular struggle activists so that citizens can intervene with:**
  - Israeli Authorities,
  - French Ministry of Foreign Affairs,
  - their MPs and local elected representatives,
  - European Parliament and the High Representative of the Union for Foreign Affairs and Security Policy.
3. **Ask the towns that are linked with popular struggle villages – but also other town councils – to nominate those prisoners as citizens of honor.**
4. **Establish a regular lasting correspondence with prisoners of popular struggle.**