

## **‘Israel’s Internal Matter’: The Palestinian Prisoners of Zion**

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A year has passed since we last marked Prisoners’ Day. Throughout this period, we have ostensibly witnessed the most intensive media coverage with regards to Palestinian prisoners. Speculation about an impending deal to swap a large number of prisoners for the Israeli soldier Gilad Shalit (captured in Gaza in 2006) stirred waves of rumors, including details of the brewing deal and the obstacles it faced, as well as countless discussions about the “price” Israel should pay for the soldier – that is, the number of Palestinian prisoners, their identities and on what conditions they would be released. However, despite the media deluge, several elements were conspicuously missing and almost never mentioned or discussed. In general, the Palestinian prisoners continued to be an anonymous mass, divided into two groups: prisoners with or without “blood on their hands.” The handful of articles that tried to focus on individuals within this mass did so while adhering to these stereotypes, while others relegated the story to tiny letters on the margins of the chronicle.

Again, this year the public in Israel has not been exposed to truly important data: a statistical distribution of prisoners' ages and the terms of imprisonment imposed on them for the various crimes for which they were sentenced; an in-depth analysis of the extent of involvement by the various types of released prisoners in the armed struggle after their release; the way the courts function (particularly the military courts) and their deference to the political and security establishment; the falsehoods of the General Security Service (GSS) and the ways in which it places the prisoners in impossible situations that force them to sign plea bargains for offenses they did not commit; the violations of international law in Israel’s treatment of the Palestinian prisoners; and the conditions of the prisoners categorized as “security” prisoners, which are sometimes erroneously described in the non-investigative media as “luxurious” and accordingly should be denied to them. Even the fact that the Gazan prisoners have had no direct connection with their family members, neither through visits or even by telephone, for two and a half years, and particularly during the offensive against Gaza, was scarcely noted.

I would like to take this opportunity to devote a few words to one of these hidden subjects that do not find their way into mainstream Israeli media and the various arenas of discourse: the Palestinian political prisoners who are citizens of Israel. This subject has been addressed a few times in Adalah's newsletter. For example, the prisoners Walid Daka<sup>2</sup> and Mukhles Bural have raised the subject. Daka and Bural are two of the 15 citizens of the state who have been in prison for over 20 years. (Of these, three have already been incarcerated for over 25 years; in addition to these 15 prisoners, another five have been imprisoned for over 15 years. In total, there are currently 370 Palestinian prisoners in Israeli prisons who are citizens of the state and categorized as “security” prisoners.)

A year and a half ago, some of the longest-serving of these prisoners wrote to the commissioner of the Israel Prison Service (IPS) and asked that he re-evaluate the policy toward them. Nothing was done. The main contention of these prisoners is that their treatment “falls between the cracks.” They are categorized by the IPS as security prisoners and receive the same harsh conditions as the Palestinian prisoners from the occupied

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<sup>2</sup> Walid Daka, “Security Prisoners or Political Prisoners,” *Adalah's Newsletter*, Volume 24, April 2006. Available at: <<http://www.adalah.org/newsletter/eng/apr06/come1.pdf>>

Palestinian territory (OPT), despite being held separately for reasons of principle that I will immediately address. Furthermore, the courts adopt a “non-discriminatory” approach toward them and thus, contrary to the practices for criminal prisoners, there are only a few isolated cases in which a life sentence for a Palestinian prisoner who is a citizen of Israel has been commuted and set to a reasonable number of years, when the term of imprisonment has been shortened, when furloughs have been approved, and so on. However, when Palestinian Authority officials or those involved in negotiations on behalf of Hamas seek to include the long-serving prisoners from among this group in prisoner swaps, the Israeli authorities immediately reject it. They claim that any discussion would constitute a flagrant violation of Israeli sovereignty, a meddling in the internal affairs of Israel because, after all, it involves Israel's citizens.

This dual attitude reflects two aspects of Zionism and its racist categorization of Arabs. One aspect is the inculcation of fear. The Palestinians in general, and those who are citizens of Israel in particular, are always suspected, hostile, frightening, threatening to upset the fragile equilibrium of the building by exposing the underlying fault in its foundations. From this perspective, there is no point in distinguishing among the population of Palestinian prisoners classified as “security”; there is no reason to treat some of them – those bearing Israeli IDs – differently than their brethren. The IDs create a distinction that is purely technical. The other aspect is the patronizing arrogance that generates a view of the Palestinian citizens of Israel as objects in the hands of their masters; as subjects and never as human beings possessing a national memory and aspiration for freedom, as citizens in the full sense of the word. In this respect, their situation is “Israel's internal matter” because their national-political struggle is denied and the sovereign determines their identity. The ID here is important because it is seen as a formal confirmation of ownership.

This dynamic is clearly a profound contradiction that derives, as noted, from the essence of Zionism. Indeed, even liberal Zionists, seekers of peace and opponents of the occupation, react with intolerance to the demand to regard Palestinian prisoners who are citizens of Israel as an integral part of the group of Palestinian prisoners eligible for release in the framework of a political move. For example, Yochanan Tzoref, a senior researcher at the Interdisciplinary Center at Herzliya, and Ilan Paz, formerly the head of the Civil Administration, have, for some years, called for a sweeping release of political prisoners – and they indeed recognize them as political – in the framework of a peace process, as a motivating and essential measure. Both of them have developed detailed plans for the release of prisoners and both emphasize the need to understand the issue of prisoners as a political issue. However, when the discussion turns to the prisoners who are citizens of Israel, the initiatives come to a halt, and despite the recognition of the importance of these prisoners to Palestinian negotiators, the refusal prevails.

There is no peace process and any talk of it in the present or near future is nothing but an illusion. The refusal of honest, open and political people such as Tzoref and Paz to include the Palestinian prisoners who are citizens of Israel among the Palestinian prisoners who are subjects of the occupation troubles me; but not because it undermines the imaginary peace process. It troubles me because it exposes another facet, a very painful facet, of Zionism. I have no doubt that these two people support fair and non-discriminatory treatment of “security” prisoners who are citizens of Israel; individual treatment, as is customary in the case of criminal prisoners. After all, excluding the occupation, it is a democratic and properly administered state! It is precisely this view of the democratic and civilized nature of Israel that exposes the complete blindness with regards to the fear and patronizing arrogance that

are so fundamental to Zionism and which underlie the refusal to recognize the Palestinianness of the prisoners we are discussing. The required re-evaluation of Palestinian prisoners who are citizens of Israel is much more radical than that which is cited in the letter of the prisoners to the IPS commissioner. It is no wonder that their letter received no attention. The State of Israel is incapable, at this stage, of relating to them as citizens with equal rights or as members of the Palestinian people, just as it is unable to regard all of its Arab citizens in these ways.