

**BRING THEM
HOME TOO:**

**THE PALESTINIAN
HOSTAGES IN
ISRAELI PRISONS
THE WORLD
DOES NOT
CARE ABOUT**





People gather with the pictures of Palestinian prisoners held in Israeli custody. (File: Jaafar Ashtiyeh/AFP)

MEND can reveal that of the 300 Palestinians ‘prisoners’, about 80% had never been convicted of a single crime.

Amidst the resumption of Israeli attacks on war-ravaged Gaza, MEND has collated data on the 300 Palestinian ‘prisoners’ who were eligible for release during the recent temporary ceasefire, revealing that the vast majority were incarcerated by Israel without ever being convicted of a crime, and with children making up a significant percentage. Much of the world’s media has given scant attention to the plight of Palestinian hostages in Israeli captivity, instead focusing almost entirely on those Israelis taken by Hamas. While MEND condemns the taking of hostages by Hamas, the number of Palestinian hostages taken by Israel is in the multiple thousands, and therefore surely deserves more attention than is currently given.

MEND’s research shows that of the 300 Palestinian prisoners who were due to be released, about 80% had never been convicted of a single crime. Unfortunately, this is not surprising, considering Israel’s long record of showing complete contempt for international legal by detaining Palestinians without charge or trial, in a practice known as administrative detention¹. Such conduct is in complete violation of international law which asserts that all people are entitled to a fair and public hearing, carried out by an independent and impartial tribunal². In what could only be described by reasonable people as state-sanctioned kidnapping, Israeli forces often abduct Palestinians, regularly from their homes at night, without revealing to them the reason for their incarceration, instead simply citing

¹ Omar Shakir, Human Rights Watch, ‘Why Does Israel Have So Many Palestinians in Detention and Available to Swap?’ November 29, 2023, accessed December 3, 2023: <https://www.hrw.org/news/2023/11/29/why-does-israel-have-so-many-palestinians-detention-and-available-swap>

² For example, Article 10 of the Universal Declaration of Human Rights says that, “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.” See the Universal Declaration of Human Rights, accessed December 2, 2023: <https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%2010,any%20criminal%20charge%20against%20him.>

“secret information,” as human rights investigations, including by Israeli organisations critical of the occupation, have shown ³. Considering this, “hostages” would be a more suitable term to describe the status of these Palestinians than calling them “prisoners.” Such framing undermines and exposes as a farce the widespread narrative that during the 24-30 November ceasefire Israel was making a sacrifice by releasing “criminal” Palestinian hostages. In fact, since the early 2000s, Israel has stood accused of detaining multiple thousands of Palestinians under administrative detention ⁴. Indeed, since since 1967, Israeli occupation forces have detained more than 800,000 Palestinians, although not all of them under administrative detention ⁵.

Around one third of those Palestinian hostages judged for release were under the age of 18, which would categorise them as children under the definitional standards set by international law, namely the United Nations Convention on the Rights of the Child ⁶. Shockingly, MEND found that 78% those children had never been convicted of a single crime. MEND’s dataset, which drew largely from the Israeli government’s own information, provides a disturbing insight into the profiles of the many Palestinians minors essentially held hostage by the Israeli state on spurious and unproven charges⁷. Most children were imprisoned for the crime of throwing stones at the soldiers occupying their lands, who are themselves usually heavily armed with the weapons of warfare, such as sub-machine guns and armoured vehicles. For example, 15-year-old Salah Al-Din Muhammad Salah Hadra, had by November 1st spent 193 days in Israeli captivity for throwing stones. Similarly, 16-year-old Ahmed Grib Ahmed Khalil spent 206 days in Israel’s dungeons for the crime of “stone spraying” those soldiers illegally occupying and policing his homeland.



For some of these children, the nightmare of captivity only grew more horrifying as their impending release approached. Stories proliferated alleging that Israeli authorities subject Palestinian minors to egregious abuse in the days leading up to being released. For example, 16-year-old Muhammad Nezzal from the West Bank town of Jenin was so harshly beaten before his release that his body was covered with fractures, and could be seen

³ Hamoked Center for the Defence of the Individual, ‘On Flimsy Grounds: Israel’s Pervasive Night Arrests of Palestinian Children,’ January, 2023, accessed 9 November, 2023: https://hamoked.org/files/2023/1666020_eng.pdf

⁴ B’Tselem, ‘Statistics on administrative detention in the Occupied Territories,’ November 20, 2023: https://www.btselem.org/administrative_detention/statistics

⁵ United Nations Human Rights Council, ‘Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, Francesca Albanese,’ p.2, July 2023, accessed 9 November, 2023: https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session53/advance-versions/A_HRC_53_59_AdvanceUneditedVersion.pdf

⁶ The UN Convention on the Rights of the Child stipulates that, “a child means every human being below the age of 18 years. See UN Convention on the Rights of the Child, accessed December 2, 2023: <https://www.unicef.org.uk/wp-content/uploads/2016/08/unicef-convention-rights-child-uncrc.pdf>

⁷ Israeli government’s own information” - Government of Israel, accessed 3 December 2023: <https://www.gov.il/he/departments/dynamiccollectors/is-db?skip=34>



Mohammed Nazzal, 16, was severely beaten by Israeli soldiers while he was held in an Israeli prison.

in photos with bandages on both hands ⁸. Such state-sponsored barbarism echoes the findings of major human rights organisations, who in recent years have investigated Israel's treatment of its Palestinian child captives. Research carried out this summer by Save the Children found that 86% of Palestinian children in Israeli custody are beaten, 69% strip-searched and 42% "are injured at the point of arrest, including gunshot wounds and broken bones" ⁹. As the above information makes clear, Israel is in violation of nearly all, *if not*

all, of its obligations under international law when it comes to the treatment of Palestinian children in its custody; namely, the right to a fair and impartial trial, the right to impartial legal assistance, the use of imprisonment against children as a "last resort and for the shortest appropriate period of time," and of course, the prohibition against inhuman or degrading treatment against children ¹⁰. Israel has simply trodden over all such principles, often with total impunity.

MEND can also reveal that a meagre 1/5 of the 300 Palestinians set to be released were given a conviction, including 23 of the total 109 child hostages released. However, the majority of those Palestinians, including minors, who are given a trial are usually subject to the rulings of closed-door military courts, once again in violation of international law which says civilians must not be tried in military courts. Human Rights groups have also found that often Palestinians are forced



to sign confession statements written in Hebrew by Israeli authorities, but most cannot understand Hebrew and therefore do not know what it is that they are signing ¹¹. The notion that a court belonging to the same occupation force that is massively violating the basic human rights of Palestinians will respect their right to a fair trial, is an obvious absurdity. In the end, the purpose of Israel's penal machine is not to respect the rights of Palestinians, but methodically deny them of those rights in service to the broader project of erasing the Palestinian national identity. Indeed, as one group of United Nations experts said in May 2023, Israel's "cruel and inhuman detention policy ... [cannot be separated] from the colonial nature of its occupation, intended to control and subjugate all Palestinians in the territory Israel wants to control" ¹².

⁸ Qais Omar Darwesh & Zeynep Hill Karyagdi Duran, Anadolu News, 'Palestinian Child Prisoner Details Brutal Beatings by Israeli Forces,' November 28, 2023, accessed December 3, 2023: <https://www.aa.com.tr/en/middle-east/palestinian-child-prisoner-details-brutal-beatings-by-israeli-forces/3067150>

⁹ Save the Children, 'Stripped, Beaten and Blindfolded: New Research Reveals Ongoing Violence and Abuse of Palestinian Children Detained by Israeli Military,' 10 July 2023, accessed 14 November, 2023: <https://www.savethechildren.org.uk/news/media-centre/press-releases/new-research-reveals-ongoing-violence-on-palestinian-children-#:~:text=Save%20the%20Children%27s%20new%20consultation,place%20in%20the%20children%27s%20home.>

¹⁰ The UN Convention on the Rights of the Child stipulates that, "a child means every human being below the age of 18 years. See UN Convention on the Rights of the Child, accessed December 2, 2023: <https://www.unicef.org.uk/wp-content/uploads/2016/08/unicef-convention-rights-child-uncrc.pdf>

¹¹ Addameer, 'The Israeli Military Court System,' July 2017, accessed December 3, 2023, available at: https://www.addameer.org/israeli_military_judicial_system/military_courts#:~:text=The%20military%20court%20system%20grants,below%20Israeli%20civil%20law%20standards.

¹² United Nations Office of the High Commissioner of Human Rights, 'Israel: UN Experts Demand Accountability for Death of Khader Adnan and Mass Arbitrary Detention of Palestinians,' 3 May, 2023, accessed 9 November, 2023: [https://www.ohchr.org/en/press-releases/2023/05/israel-un-experts-demand-accountability-death-khader-adnan-and-mass-38-Defence-for-Children-International,-Number-of-Palestinian-Children-\(12-17\)-in-Israeli-Military-Detention,](https://www.ohchr.org/en/press-releases/2023/05/israel-un-experts-demand-accountability-death-khader-adnan-and-mass-38-Defence-for-Children-International,-Number-of-Palestinian-Children-(12-17)-in-Israeli-Military-Detention,) 11 August, 2023, accessed 9 November, 2023: https://www.dci-pal-estine.org/children_in_israeli_detention

So far, only 240 of the original 300 Palestinian hostages slated for release by the beginning of December have been freed. At the same time, the UN has said that between October 7 and the opening days of December, Israel arrested around 3,000 Palestinians in the West Bank and East Jerusalem¹³, with many of them held under administrative detention. Following its ground incursion into Gaza on the evening of October 27, Israel has arrested thousands of Palestinians in the strip, including many who were fleeing for what they thought would be refuge Gaza's south away from the main fighting in the north. Many families of those arrested along this perilous route have said they have not heard from their relatives, that they have simply "disappeared"¹⁴. What this shows is that Israel has taken more Palestinian hostages than it has released. In effect, this means that the idea that Israel has released any hostages is an illusion; it has simply released some, and then detained a far greater number than that number released. Therefore in light of its findings, MEND demands that Israel immediately release from its captivity the remaining 60 of the initial 300 hostages slated for release. It is estimated that there are at least 2,070 Palestinian administrative detainees - that is, those being held without charge or trial - are languishing in Israel's network of prisons¹⁵. MEND demands that these prisoners also be released immediately. Clearly, the lack of a trial or conviction suggests there is no legitimate grounds for holding such people, especially the minors. If Israeli authorities are convinced that certain individuals pose a genuine danger to its civilian population, then trials must be speedily held that are in line with the standards of international law; meaning that they must be fair, impartial, accountable and civilian led. Yet, Israel has made abundantly clear through its behaviour that it has no intention of doing so, and therefore pressure must be applied to force Tel Aviv to do so by relevant bodies, including, but not limited to: the UN General Assembly, the UN Security Council, the people's representatives in the parliaments of states allied with Israel, and the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967. Left unchallenged, Tel Aviv's unjust policies of mass incarceration against the people of occupied Palestine will simply create further resentment, certainly fuelling the conflict for decades to come.



A PALESTINIAN CHILD BEING ARRESTED IN JERUSALEM, BY MASKED ISRAELI POLICE FORCES. (PHOTO: ADDAMEER)

¹³ Reuters News, 'UN Rights Office 'Seriously Concerned' About Israel's Increased Arrest of Palestinians, 1 December, 2023, accessed 10 December, 2023: <https://www.reuters.com/world/middle-east/un-rights-office-seriously-concerned-about-israels-increased-arrest-palestinians-2023-12-01/#:~:text=UN rights office 'seriously concerned' about Israel's increased arrest of Palestinians,-Reuters&text=JERUSALEM>

¹⁴ Mariam Berger & Hajar Harb, The Washington Post, 'Israel is Detaining Civilians in Gaza. Many Have Disappeared, Families Say,' 11 December, 2023, accessed: 10 December, 2023: <https://www.washingtonpost.com/world/2023/12/09/gaza-civilians-detained-israel/>

¹⁵ ReliefWeb, 'UN Human Rights Office - OPT Dramatic Rise in Detention of Palestinians Across Occupied West Bank,' December 1, 2023, accessed December 3, 2023: <https://reliefweb.int/report/occupied-palestinian-territory/un-human-rights-office-opt-dramatic-rise-detention-palestinians-across-occupied-west-bank#:~:text=The%20number%20of%20Palestinians%20in,at%20the%20end%20of%20October.>

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FOR FURTHER HELP ON NAVIGATING DISCUSSIONS AROUND THE CONFLICT IN
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