PODCAST

Incarcerating Palestine in Life and Death with Randa Wahbe

By: Al-Shabaka: The Palestinian Policy Network, Randa Wahbe · September, 2021

The transcript below has been lightly edited for brevity and clarity.

Randa Wahbe 0:00

So we see how quickly Israel employs mass incarceration as a way to try to suppress Palestinians, especially in moments of mass unity, when we saw Palestinians were uprising in '48, in the West Bank, in Gaza, and in the diaspora as well.

Yara Hawari 0:26

This is Rethinking Palestine, a podcast from Al-Shabaka, the Palestinian Policy Network. We are a virtual think tank that aims to foster public debate on Palestinian human rights and self-determination. We draw upon the vast knowledge and experience of the Palestinian people, whether in Palestine or in exile, to put forward strong and diverse Palestinian policy voices. In this podcast, we will be bringing these voices to you so that you can listen to Palestinians sharing their analysis wherever you are in the world.

Over the last few weeks, Israel's incarceration regime has been in the spotlight because of several stories. The first is that of Anhar al-Deek, a young Palestinian woman who was incarcerated by the Israeli regime whilst heavily pregnant. A huge campaign ensued to have her released before she gave birth, because

otherwise she would have literally been shackled to the birthing table and would have had to face terrible prison conditions postpartum. She has since been released on bail and on condition of house arrest, and she has had her baby.

The other story is that of six Palestinian political prisoners who tunneled their way out of the heavily fortified Gilboa prison and escaped to freedom. Palestinians everywhere were celebrating. And despite the fact that four out of the six have been recaptured, it has still become a story of great heroism and determination.

But these stories are bittersweet when placed in the full context of Israel's incarceration regime. Since 1948, it's estimated that one in five Palestinians have been incarcerated. And the figure since 1967 in the West Bank and Gaza alone has reached 800,000 individuals. Today, there are 4,650 political prisoners, 200 of which are children.

Those with West Bank or Gazan IDs are subject to a military court system with a 99% conviction rate. And so incarceration and prison is something that most Palestinians know very well. Whether they themselves, their parents, or their friends have seen the inside walls of a prison — it's cyclical, and it's become a very normalized facet of Palestinian life.

Joining me to discuss this topic today is Randa Wahbe, who is currently an Al-Shabaka policy member, PhD candidate in anthropology at Harvard University. She also works closely with Addameer, the Palestinian prisoner support and human rights association. Randa, thank you for joining me.

Randa Wahbe 2:49

Thank you for having me.

Yara Hawari 2:50

Can you start off by giving us an overview of this incarceration regime?

Randa Wahbe 2:56

Incarceration is used by Israel as one of the main tools of domination and control — to try to break Palestinian resistance and demands for freedom and to try to curtail and derail any political organizing. And for that reason, it's one of the most central issues for Palestinians.

As you mentioned, about one in five Palestinians have been imprisoned, and nearly one million Palestinians have been arrested since the Nakba in 1948. And of course, every Palestinian has had some experience with imprisonment, whether it was themselves or whether it was the arrest of a family member or a colleague or a friend or a classmate.

And Israel uses incarceration not only to dominate Palestinians but also to enter the most intimate spaces of Palestinian life. For example, almost all of the arrests of Palestinians are conducted in the middle of the night during midnight raids, in which convoys of Israeli soldiers enter the community, enter the village or the town — sometimes even barricading the town — in which they come into the home unannounced, without a warrant, sometimes blowing up the front door, waking the entire family.

And in many cases, we've documented at Addameer, ransacking the home, taking items from the home, terrorizing some of the family members by putting them in other rooms, attacking or brutally beating the person they will arrest in front of the family members.

So this is also an attack on Palestinian life more largely, and a way to convey to Palestinians that the Israeli army has the ability to enter the Palestinian home in the middle of the night. I want to also point out that this happens even in areas that are considered Area A — so that are under Palestinian control — in which the army comes in. And it kind of breaks the concept that there are areas in which the Palestinian leadership has control, because the Israeli army is able to so easily

penetrate and enter the homes of Palestinians in those areas.

So Israel uses over 1,600 military codes to criminalize every part of Palestinian life and base arrests on them. And this includes, for example, some of the most basic civic engagement that we can think of. Participation in a demonstration is considered "disruption of public order" and is a punishable offense. Affiliation with an "unlawful organization" is a punishable offense. Over 400 Palestinian organizations are considered unlawful and illegal, and people have been subject to arrest based on that.

For example, al-Kutla al-Tulabiyya is a student organization that has been more recently targeted since it was designated as unlawful in October 2020, and has resulted in the arrest of many university students based on very normal student activity.

More recently, there have been attacks on Palestinian female students who are part of the student union, and their charges have been that they are members of al-Kutla al-Tulabiyya. And if you read the charge sheets, they show the explanation or evidence for why they have been arrested has been that they walked around the university talking about political issues, they were attending meetings at the university. There was one case of a student whose trial is still ongoing — so I won't mention the name — who joined an emergency committee for al-Kutla al-Tulabiyya that was organized during coronavirus, which was to help give assistance to students so that they could continue their studies. And that was considered evidence of being a member of an unlawful organization.

Many Palestinian youth and children are arrested under the premise of throwing stones, which is punishable for up to 20 years for each offense. And the evidence that is used in these cases is often an Israeli soldier who is the witness to the child throwing the stone.

Even this summer, Palestinians in Jerusalem were arrested for giving the middle

finger to Israeli police, under the basis of "threatening a public servant," for example. So this just shows that any part of Palestinian life is controlled by the Israeli military.

And I also want to point out that under military law, Israel can try Palestinians in military courts for traffic violations. And this often happens because the Israeli military is patrolling the roads in between major Palestinian cities and uses this as a way to racially profile cars, because Palestinians have a different license plate, and pull them over and give them high fines or arrest them for, for example, speeding or not having a blinker light.

So this is also used as a way to economically exploit Palestinians through the Israeli military court system. In 2018, for example, Palestinians were collectively fined 22 million shekels — which is about $6 million — for traffic violations in the military court.

Yara Hawari 8:06

So Randa, you mentioned the military law that Israel has imposed on Palestinians, which is of course recognized as illegal under international law. And within that is this military court system, which is incredibly draconian and really used to control every aspect of Palestinian life in the West Bank and Gaza. Could you talk to us a bit about what the military courts actually look like, and what it looks like for a Palestinian facing the military court system?

Randa Wahbe 8:38

So there are two military courts located on military bases inside the Occupied Palestinian Territory. One of them is called Ofer military base, and it's based in Beitunia, just outside of Ramallah. And the other one is called Salem, in the northern West Bank.

And it goes without saying that these military tribunals that happen in these

military courts do not fall within the required international standards of a fair trial. And they're also guilty of grave violations of international human rights law, especially those that pertain to torture and ill-treatment.

Palestinians who are arrested under military code are usually interrogated when they are first arrested. And under military law, they can be interrogated for up to 75 days — which can be renewed by a military judge — during which the law permits them to be denied a lawyer for up to 60 days. So they are often incommunicado for the first days of their arrest. And this is the period when we see the most amounts of abuse and torture that happen against the recently detained Palestinian.

There's a lot of psychological and physical torture that happens to them from the moment that they are taken from their home — often starting in the military jeep — where they are subjected to brutal beatings, sleep deprivation. They are put in stress positions. There are threats against the lives of their family members. They're not allowed to use the bathroom. They're not given food. They're put in solitary confinement. And it's a very, very cruel period for the prisoner. And this period is an attempt to try to break their will and to try to break any form of resistance that they have.

And since we've talked so much about the Israeli apartheid regime lately, I want to point out that Israelis who are detained for security reasons are detained for an initial period of 35 days — not 60 days, as it is for Palestinians — and are denied from meeting lawyers for 21 days, not 60 days that can be renewed at the judge's discretion as it is for Palestinians.

So we see, even in these cases where Israel is arresting people for political reasons, that there is a huge discrepancy between the treatment of Palestinians and the treatment of Israelis. And of course, incarceration is used very widespread against Palestinians, and it's only in very rare cases that Israelis are detained for security

reasons.

There's also a policy of administrative detention, where Palestinians can be detained without charge or trial for a period of six months that can be renewed indefinitely. They are detained under the premise of "secret information," which neither they nor their lawyers are ever allowed to see. And this is oftentimes used in cases against academics, against students, against political organizers and activists, as a way to remove them from the Palestinian public and to try to break any kind of political activity.

Yara Hawari 11:33

And this obviously has various ramifications on Palestinian political organizing. As you mentioned, hundreds of organizations are considered illegal under Israeli military law, and even gathering in a group of friends can be classified as a political event if the Israelis want it to be.

So what we see really is that being political within the West Bank, Gaza, and even in the '48 territories comes at a high cost for Palestinians. And this is directly exactly what the Israeli regime wants. It wants to criminalize Palestinian political activity and punish it. And we see that reflected in the people that they detain and incarcerate: the political prisoners. And many of them, as you mentioned, include university students, civil society figures, human rights defenders.

And so I think it's very clear why the Israeli regime goes after people like this. It does it to disrupt Palestinian political organizing.

Randa Wahbe 12:33

I just want to talk a little bit about what you were just discussing, and just say that in terms of the membership in Palestinian organizations and how they're all illegal, it forces us to think about what the incarceration regime does for Israel. It's one of the most crucial and central elements in the settler colonial regime — to control

the population.

So for example, this summer, during the Unity Intifada, when there were mass protests amongst Palestinians in the '48 territories, Israel quickly launched Operation "Law and Order," and within a matter of weeks had arrested over 2,000 people simply for protesting. And hundreds are still being indicted and face criminal charges today.

So we see how quickly Israel employs mass incarceration as a way to try to suppress Palestinians, especially in moments of mass unity — when we saw Palestinians were uprising in the '48 territories, in the West Bank, in Gaza, and in the diaspora as well.

So this is really crucial to note as well: how both it is normalized for Israel to incarcerate Palestinians, but also they use this policy in moments of unrest to arrest as many Palestinians as possible and to put them through the bureaucratic measures of the judicial system, which can be very crippling for them as well. Many of the families today are trying to hire lawyers and gather enough money for bail to release these prisoners or those detained from the '48 territories.

And also, you mentioned that Palestinians detained in these prisons are recognized as political prisoners. And I just want to say that we often use the language of "political prisoner" to define those who are imprisoned for political activity versus those who are in prison for criminal activity — for example, robberies or something of that sort. But I would say that we also need to remember that all prisoners are political.

And when I said earlier that Israel criminalizes Palestinian life, I mean that Israel uses the law to continue to try to extinguish Palestinian livelihoods, customs, and traditions.

For example, right now there's a lawyer named Rabea Eghbariah working on a

really interesting case about how Israel has declared some Palestinian herbs as protected species. So, for example, za'atar, 'akkoub, and maramiyya are now considered protected herbs. And these are used in Palestinian cuisine and harvested by many Palestinians. So when Israel declared them as protected herbs, this gave the police the green light to enforce and penalize Palestinians in the '48 territories for picking them. And this was both a threat to their livelihoods for the farmers and also to the culinary traditions of Palestinians who have used these herbs for centuries in cooking.

So similarly, when I mentioned Palestinians who are arrested for traffic violations, I think we should consider their targeting and racial profiling on the road as politically motivated also, and really think about all arrests as being politically motivated.

And I raise both of these points to show how the strangulation of Palestinian life — in which movement between cities or cooking using Palestinian herbs are targeted and criminalized by the Israeli regime as part of the settler colonial project — to try to eliminate Palestinians from the land.

Yara Hawari 16:00

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Randa, I wanted to go on to talk about the Gilboa prison break. Of course, this has dominated the news among Palestinians for quite some time now. And I wanted to ask you: how significant was this prison break for Palestinian society?

Randa Wahbe 16:34

I think this week has been a moment where Palestinians have felt very uplifted and inspired by these six prisoners who were able to liberate themselves. As you know,

over a period of about nine or 10 months, since December 2020, they had been slowly excavating a tunnel using one small metal spoon that they had managed to hide in their cell. And that is how they freed themselves. And Gilboa is one of the most notoriously secure Israeli prisons. Israel has often used this prison as an example of their surveillance and intelligence.

So for these six prisoners to be able to liberate themselves and taste freedom for five days has greatly opened up, I think, for Palestinians everywhere, the ability to dream about how we might see freedom one day — and how this dream is really planted in us by these prisoners, who have reminded us of the power of will and determination.

And this morning, I was reading a communication from one of the lawyers of Mohammed al-Arda. He's one of the four who were captured a few days ago and finally was able to see a lawyer today. And Mohammed told him — which he relayed to the public — that during these days of freedom, he had wandered around the orchards of Marj Ibn Amer, and he ate cactus fruit — *sabr* — for the first time in 22 years. And that for that moment, he forgot the bitterness of prison.

And I think for us, this really gives inspiration and also shows how much Palestinians, no matter the hardships of imprisonment, can really still continue to see liberation and freedom. So this moment has been particularly important for Palestinians everywhere — to really see that the fortified Israeli system of incarceration has holes and can be penetrated. That has been crucial, when the system has been built to monitor Palestinians and to keep Palestinians feeling that they are always under the eye of Israeli surveillance.

Yara Hawari 18:38

One of the other interesting things in that communication by Mohammed to his lawyer was that he actually dispelled the Israeli narrative that Palestinians in the '48 territories were refusing to help the prisoners.

Mohammed actually said to the lawyer that they had actually been very apprehensive about entering any Palestinian areas or villages because they didn't want to put anyone at risk, and they certainly hadn't been knocking on any doors asking for help. And that was the official Israeli narrative.

And I think one of the reasons that Israel put out that story — that the prisoners were knocking on doors and being refused everywhere by Israel's "Arab citizens" — was because they're still trying to disrupt and destroy the unity that occurred earlier this year with the Unity Intifada.

And I thought that was very significant that he talked about that. And he even mentioned that their spirits were uplifted when they saw the crowds of protesters outside of the court in Nazareth and that he saluted the people of Nazareth. And I thought that is something that we have to highlight and to remember — that the Palestinian people can be unified around stories like this.

Randa Wahbe 19:54

Yeah, absolutely. I'm so glad you raised that, because there were a lot of rumors going around at the very moment of the recaptures on Friday regarding how this could have possibly happened. And of course, we had no idea whether they had help from the outside or not. And now it's becoming a bit clearer that they did not have much help from the outside in their escape and in their liberation.

And absolutely, the Israeli army and the Israeli narrative is constantly trying to divide and fragment Palestinians and to try to make each Palestinian community feel isolated. This is also part of the incarceration regime — whether it is incarcerating political activists, or even to the point of putting prisoners in isolation to keep them from other prisoners.

So I agree with you that this was really uplifting — that they had mentioned that they were so uplifted by the people of Nazareth, and also that the prisoners

themselves knew how serious it was, that they would be caught if they had entered a Palestinian community, and what the consequences would be for that community had they entered it. And so this in itself shows Palestinian unity and the fact that we are protecting one another — not, as the Israeli narrative says, that we are throwing each other under the bus or collaborating with the Israeli regime to that level.

Also, I want to mention that there was an incredible amount of collective punishment against the families of these prisoners and against the entire prison population as Israel was searching for them. Many of the family members of these prisoners were detained. Some of them are still in detention until today, and they were likely interrogated to try to find any information.

As well, there were a lot of attacks on the prisoners themselves. The prisoners were being moved into different prisons. They were put on lockdown. There was a lot of tension within the prisons themselves, as they had increased punishment against the entire Palestinian prisoner population as a whole.

And for the last few days, there have been rumors floating around that there will be a collective hunger strike that over 1,300 prisoners have pledged to be a part of — which is nearly one-third of the prisoner population right now — in demand of the end of all of this collective punishment and so that they can realize their rights.

Yara Hawari 22:23

Randa, I want to zoom out now a little bit and ask about the international response to Israel's incarceration regime.

Randa Wahbe 22:33

So unfortunately, everywhere in the world, when someone hears that someone is detained, the first question is: what did that person do to get arrested? And I think this is very problematic, because it always puts the blame on the individual rather

than questions the regime of incarceration itself.

If we trace the lineages of incarceration practices — whether in Israel, whether in the United States, or elsewhere — we know that they are forms of social control and a way to contain and dominate the population.

So oftentimes, while we are asking the international community to uphold international law and to demand that Israel release Palestinian prisoners — especially those that are detained for affiliation or for student activism or under administrative detention — it is often that the international community, particularly governments and diplomats, demand that Palestinians prove that these are indeed human rights defenders or that they are "innocent." And in this way, they don't actually look at the larger picture of Palestinian resistance as the reason for the arrest of Palestinians.

On the other hand, if you look at the grassroots movement, the prisoners' movement is where we often share and build upon our ties with some of our closest international allies. For example, the strength of the Black-Palestine solidarity movement derives a lot from shared experiences, and the strongest of those is incarceration practices that are used both against Palestinians and against Black communities in the United States.

So not only is it the criminalization of our bodies, but it's also about the treatment and the conditions within the prisons and how families are treated when they have a family member who's in prison. For example, we share a lot in terms of how the conditions inside the prisons are — the prisons are often overcrowded, there are a lot of punishments against prisoners for the most basic things.

So I think that this shows that we should put our time and efforts into building connections with other prisoners' movements that understand the experience of detention and incarceration.

Yara Hawari 24:44

Randa, I think it's really important how you described the different levels of the international response. Certainly on the more diplomatic and donor community level, the response to Israeli incarceration is pretty poor at best. But then on the other hand, with grassroots communities and activists, we've seen in recent years a lot of renewed solidarity and links, especially surrounding the question of abolition and the abolition movement. And I think that's definitely a space to watch as those ties deepen and those connections grow stronger.

Randa, I wanted to ask a final question. And this particularly is about your research, which focuses on the withholding of Palestinian dead bodies by the Israeli regime and how Israel's incarceration regime extends even into death. I was wondering if you could tell us a bit more about this, because I think it's a topic that doesn't often get heard.

Randa Wahbe 25:43

Thank you for asking this question, because you're right that this topic has not made it into the mainstream, although it is a growing policy by Israel.

So basically, since about the 1960s, Israel has had a policy — which was initially informal but has recently been formalized — which is to withhold the bodies of Palestinians and inter them in undisclosed military zones, where they are not allowed to be visited by their families.

And the basis of this policy is rooted in emergency regulations that are adopted from the British. But in recent years, with the resurgence of this, the Israeli Supreme Court has ruled in 2019 that bodies of Palestinians can be withheld and not returned to their families for burial, because even though it may be in contravention of the sanctity of the dead, "the security of the state is more important" — and the bodies can be used as bargaining chips for future prisoner

exchanges.

So basically, what we see is that Palestinian bodies are being held as ransom by the Israeli state in order to make political gains. So right now, since 1967 until about 2015, there are about 254 Palestinian martyrs who are being interred in military-patrolled gravesites, which Palestinians call the "cemeteries of numbers," because each martyr is marked with a number that is only disclosed to the Israeli military.

And since 2015, with the resurgence of more resistance against Israel, particularly in Jerusalem, this policy has re-emerged, and there are 81 Palestinians whose bodies have been held in Israeli police morgues since 2015 and who have been denied from being buried by their families. And many of these families refer to them as *mahjouzeen* — as detained — which really draws the link between imprisonment in life and in death.

And something that I want to just point out at the end of this podcast, because it relates to what we've been talking about, is that there are seven Palestinian prisoners who died while they were incarcerated and Israel has kept their bodies in undisclosed locations to complete the remainder of their sentence.

So the earliest known case of this is that of Anis Dawla, who was a prisoner in Naf'ha and who died in 1980 during a hunger strike. And the Israeli Prison Service has kept his body to serve the remainder of his sentence. And 40 years later, he has still not been returned to his family, despite numerous attempts in which they have tried to go to the courts to try to repatriate him and bury him in his village.

And so this is used as a form of punishment against Palestinian families and as a form of cosmological warfare, in which they're not able to bury their family members according to tradition.

There are several other cases, more recently, of Palestinians who have died and

have not been returned to their families and continue to be incarcerated in their death. For example, Aziz Awaisat in 2018 — he was serving a 30-year sentence and suffered a heart attack, and his body has been kept.

Fares Baroud, who was arrested before Oslo in 1991, died from medical negligence. He had liver disease for years and was only transferred to the hospital hours before his death. And he has not been returned to his family either.

And I highlight this case specifically because Fares Baroud was part of a list of pre-Oslo prisoners who were supposed to be released in 2013 during a resurgence of political negotiations between the Palestinian Authority and Israel, and Israel reneged on releasing these prisoners during that negotiations process. And he remained in prison, was medically neglected for years, and ended up dying — and is still imprisoned in death.

And I want to talk about imprisonment in life and death in tandem, because having worked on advocacy campaigns on both of these cases — on prisoners and with the families of martyrs who have been demanding to return the bodies for burial — the demands of the international community are very parallel and they mirror each other.

For both campaigns, they're asking the international community — particularly international bodies such as the United Nations, the European Union — to fulfill their basic responsibility to put pressure on Israel to uphold international law. And this has been the demand for decades, and not much has changed for the prisoners or for the families of martyrs. And we've actually seen increased repression against both of them.

So we have to ask ourselves really: how do we hold the international community accountable for being complicit in Israel's carceral regime? And what are the ways that we move forward to advocate for Palestinian prisoners' release and to advocate for the families of martyrs to have the bodies returned and to be buried

by their families and to uphold the dignity of the dead?

So these are the questions that we really face going forward as a movement: how do we protect our prisoners? How do we liberate our prisoners when the international community has turned their backs on them for so long?

Yara Hawari 30:48

It's a particularly cruel aspect of the Israeli regime — one that seeks to inflict a form of psychological torture and collective punishment on Palestinian communities. And I think it's something that not many people are aware of. You also gave us some food for thought about international accountability and ways forward in seeking justice for Palestinian detainees and their families, which I think is very crucial for many of us working on Palestinian rights.

This has been a difficult and emotional topic that you've really explained so insightfully. So thank you so much for joining me on this episode of Rethinking Palestine.

Randa Wahbe 31:32

Thank you for having me.

Yara Hawari 31:38

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