PODCAST

The Challenges of Fighting for Palestinian Prisoners' Freedom

By: Al-Shabaka: The Palestinian Policy Network · September, 2022

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

Milena 0:00

We are all still working. None of the employees of the six organizations — none of them — left their job or retired or wanted to quit, because this designation aims to silence Palestinian voices and we didn't want to give the Israeli occupation what they needed, basically. And it only made us stronger to know that the work that we do is actually making a difference. So we need to continue stronger.

Yara Hawari 0:32

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.

Fighting for the freedom of Palestinian prisoners in Israeli regime jails has never been so hard. Indeed, one of the organizations fighting for that freedom is Addameer, the Palestinian Prisoner Support and Human Rights Association. This

NGO was one of the six leading human rights and civil society groups that was criminalized by the Israeli regime last year.

They work in the service of over 4,650 Palestinian political prisoners, among them 180 children who are being unjustly held and, by international law standards, illegally in Israeli jails. Now, in the last few months alone, we've seen some of these cases hit headline news, including the case of Ahmad Manasra, who was arrested as a 13-year-old child and has spent the last seven years of his imprisonment in and out of solitary confinement. An international campaign calling for his release because of his worsening mental health situation was ignored by the Israeli regime prison authorities.

We also saw the case of Khalil Awawdeh, who went on a hunger strike for 172 days in protest of his administrative detention. More on that practice a bit later in the episode.

So joining us to discuss what it means to fight for the freedom of Palestinian prisoners at a time like this is Milena, the international advocacy coordinator for Addameer. Milena is also a lawyer registered with the Palestinian Bar Association. Her work focuses on submitting appeals, complaints, and reports on behalf of Palestinian prisoners to the United Nations and relevant actors, while also building international solidarity campaigns. Milena, thank you so much for joining me on Rethinking Palestine.

Milena 2:49

Thank you for having me. It's a pleasure.

Yara Hawari 2:51

Can you tell us about what your work has looked like since the Israeli regime criminalized Addameer? What has it meant for you and those that you work with on a day-to-day basis?

Milena 3:03

So first, to begin with, it will be almost a year since the designation and the outlawing next month. So we have been living under this axe that is above our heads for almost a year now, and I can clearly say that it has some physical implications — negative implications — and as well, of course, we can't deny or ignore the psychological or the mental aspect of it.

Following the designation in late October, and the outlawing by an Israeli military order at the beginning of November, our first concern was the people that we serve. Because Addameer provides free legal services to Palestinian political prisoners, we provide consultation as well to their families, and we do workshops and trainings for our community under workshops called "Know Your Rights." So we were basically worried first about the people we serve — so the Israeli occupation wouldn't retaliate against us as an organization through the people we serve, the detainees and prisoners.

So on that note, our legal services did halt for a while, where our lawyers have become private lawyers, not part of Addameer — they don't have a direct connection or relations with Addameer. And so this was difficult to work around, because we also document the systematic violations of Palestinian prisoners' and detainees' rights in order to advocate on their behalf on an international level as well. So it was a bit difficult to follow up on the reporting and testimonies and legal procedures, because there was some kind of a disconnect between the legal unit and the lawyers and the work that we do. Mainly, we stopped getting any families or prisoners to the offices, because we know that we'll directly put them under attack by the Israeli occupation.

On an international level, regarding our advocacy work, we have proudly continued the work — and if I might add, even more strongly — because of course the designation had a very negative impact on the work that we do, shifting our

work from defending the prisoners and the detainees to trying to defend the legitimate work that we do under international law. But the designation also provided us with a wider platform. We saw many organizations and people who weren't usually supporting us understand what was going on and see it in the headlines in the news. So it did provide us some kind of a bigger platform to use our voices to advocate on behalf of prisoners and detainees, and that was the case. We tried as much as possible to shift the attention from the six organizations to the people we actually serve.

So the designation targeted organizations that work with women, that work with prisoners, children, farmers and peasants in Area C, researchers, and like Al-Haq, an organization that focuses on the systematic violations of human rights on different levels, like businesses or whatnot. So we tried as much as possible to focus the platform that was given to us — by, sadly, the designation — to highlight the work that we do. But of course, many times organizations or the international community wanted to know more about how we are being affected and what's going on. So these are the restrictions. We try to change the nature of the work that we do in order to bear in mind that we are not putting any of the people who take services from us at risk.

We continued prison visits, of course, and we are continuing with international advocacy. But the workshops that we do under "Know Your Rights" with students, either in universities or schools or Palestinian culture centers — we have halted, to be honest, because according to the Israeli Counter-Terrorism Law of 2016 that we are designated by, any person who takes services from us or provides us with services could be held criminally liable. And we already know student groups and universities are already targeted by the Israeli occupation, so we did not want to add more to that. But basically, all the information we provide and the workshops are online on our website. So they're still available, but there's no direct communication.

Maybe that's a bit more on the people-that-we-serve level. But on the employees' level and staff — the daily life of staff — I would maybe focus more on the psychological aspect. Usually in Palestine, we don't really talk about mental health or the psychological stability of a person. But as you can imagine, we are all still working. None of the employees of the six organizations — none of them — left their job or retired or wanted to quit, because this designation aims to silence Palestinian voices, and we didn't want to give the Israeli occupation what they needed, basically. And it only made us stronger to know that the work that we do is actually making a difference on an international level. So we need to continue stronger.

But we can't ignore the personal risk we are putting ourselves under to continue the work that we do in our offices and use our names to speak up and report on the systematic violations. Of course, there's also the financial aspect of it, because the designation does target our assets or financial accounts. They could be seized at any moment. But thankfully, most donors and sponsors have continued their support. But that doesn't mean that banks won't seize our assets or stop our accounts, because as you know, banks care more about money and businesses than human rights. So the moment they feel a threat from the Israeli occupation — that you have bank accounts for these organizations — they will target them and hold them accountable. And we do fear that our assets could be seized at any moment.

As I mentioned, employees work at their own personal threat. You can't help but wonder: will I ever be arrested when crossing checkpoints? When speaking in webinars or panels — will there be arrests happening? Will there not be?

And of course, this is not Palestinian paranoia. I hope we do focus on that. The Israeli occupation has the policy of arresting students and civil society actors, either based on a list of charges or they don't even provide charges, and they arrest them under administrative detention. The director of the Health Work

Committee, which was also outlawed by the Israeli military orders, was arrested and served nearly a year in harsh conditions in Israeli prisons. And she is the director of the Health Work Committee — a 60-year-old civil society actor, Ms. Shatha Odeh.

So we do fear retaliation on a personal level, but we prioritize the work that we do and how much we serve the people in Palestine. And it's important for us to always keep a voice for Palestinians on an international level, especially for prisoners, because they tend to be a bit isolated away from any contact with the outside world.

Yara Hawari 10:30

It is impressive how Addameer and other organizations have managed to continue their work and adapt their work in this incredibly repressive atmosphere. And thank you for being so candid and talking about the strain on the mental health of Palestinians who work in these organizations and other civil society spaces, because I think that's something that's sometimes overlooked by even international allies and partners.

But I wanted to ask you: why would the Israeli regime do this? As you mentioned, the Israeli regime doesn't need an excuse to arrest people, to raid NGO offices. So why this designation? To what end?

Milena 11:10

So the designation, to be honest, wasn't a complete surprise to Palestinian civil society. Maybe the only shock factor that was there during the designation is that they designated six prominent — and I'm humbly saying this — prominent and leading civil society organizations in Palestine.

So the brutality and the evilness of this designation come from the fact that they target six different organizations that work in different fields and different aspects

of Palestinian life. But why I say we weren't very much surprised is because for the past years — and even more, if I could say that — the Israeli occupation has enforced a campaign, a wide-scale campaign that's still ongoing, targeting Palestinian civil society and human rights defenders.

So this campaign includes arbitrary arrests, raids on offices, travel bans on employees, Pegasus spyware on phones of employees and staff as well, and different retaliation methods or harassment methods. Like, for example, a lot of NGOs that are affiliated with the Israeli occupation — I do want to name one of them — NGO Monitor, has systematically discredited our reporting and our attendance to the Human Rights Council at the United Nations. Every time we would submit a report or even submit oral interventions to the Human Rights Council, they would prepare a counter-report that targets the employees of the organization. They would go through the social media accounts of the employees and say, "Look, these are the employees of the organization," so you can only discredit the reporting that you do.

So for a long while, Addameer has faced a lot of these. We were raided in 2012 and 2019. In 2019, we were literally documenting the systematic use of torture and ill-treatment in al-Moscobiyeh interrogation center. And when they raided our offices, three laptops were taken, also computers, hard discs, and memory cards, and legal files as well. So these legal files held inside of them testimonies of Palestinian prisoners and detainees stating that this is what they were subjected to and the different torture methods. And we never got these files back or we never heard about anything regarding the raid. So we've been through this, sadly.

So this campaign mainly aims for — if I note them down, they will be more than three points — but mainly three main points. The goal is for the Israeli occupation to silence any Palestinian organization that exposes their war crimes and crimes against humanity on the ground. It also aims to isolate Palestinian civil society, because sadly, whenever Israel uses the word "terrorism," the international

community somehow closes its eyes and turns its face to the other side, and they don't challenge the Israeli narrative of what terrorism is. They don't challenge these designations. I don't know why. But we can only imagine political pressure and political powers play a huge favor. So it's for isolating and silencing Palestinian civil society.

And also, we could note that the second aim is to evade accountability. Most of the six organizations constantly report on systematic violations. As I mentioned, DCIP — Defence for Children International–Palestine — Al-Haq, and Addameer are three organizations that closely work with the International Criminal Court, where we file reports to the Office of the Prosecutor, asking for genuine justice and accountability for the Palestinian people against what the Israeli occupation applies in Palestine, all across Palestine. So our organizations are calling on the Office of the Prosecutor to hold the Israeli Minister of Defense accountable for these violations and war crimes and crimes against humanity. And this same person, the Minister of Defense, is now calling us terrorist organizations for the work that we do.

We definitely understand that every time Israel feels like the international community is somehow moving to hold them accountable, either with the ICC or different UN resolutions, we see them fighting back with discrediting campaigns. It's really important to note that the six organizations play a really important part in changing the narrative or the power dynamics on an international level, where we use international law standards, international human rights law, humanitarian law, and legal analysis to provide all the proper reporting regarding why we say what's going on the ground is an apartheid regime, why we say it's a settler colonial and occupation regime that constantly violates the basic rights of Palestinians.

And going back to the three points, this campaign targeting civil society also aims at defunding the organizations. Because as much as we can say that we are

resilient, we will continue our work — if there's no financial support, there are no partners and organizations that also finance these projects that we do and the work that we do, I can honestly say this: I'm not sure we can continue our work, even with our resistance and resilience to continue.

We've been doing a lot of diplomatic briefings, a lot of meetings with diplomats or parliamentarians, and we hear a lot that the Israeli lobby is targeting the states that do donations or sponsor these organizations, and they immediately ask them: "Why are you still financing these terrorist organizations?" So we understand that the defunding aspect of this campaign is very important for Israel, and this is what they really focus on — discrediting the organizations, portraying them as evil villains up to military activities and whatnot, in order to scare the international community from continuing to support our organizations.

The Israeli occupation, as you mentioned, doesn't really need proper evidence or proper procedures or due process rights. This designation itself is left at the discretion of the Israeli Minister of Defense — the person who we are calling a war criminal, and we want him to be held accountable for what this regime has been establishing for the past 70-plus years. From this sense, we understand that this targeting comes to really try to affect the voices on the international community.

Yara Hawari 17:55

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Milena, perhaps if you could briefly tell us what the international response has been and what it should be. What is it lacking?

Milena 18:18

So in the beginning, before the raid — because the six organizations, in addition to

one other organization, the Health Work Committee, were raided three weeks ago, where the Israeli occupation during a dawn raid, from 4:00 AM in the morning until 6:00 AM, entered Area A, which is under the Palestinian Authority and sovereignty in a way, and they raided the offices. Some offices had their equipment completely taken and confiscated. We are not sure what they did in there, whether they left anything for us as spyware or whatnot. But other offices didn't have many files confiscated or material, but all six organizations were sealed and closed forcibly by the Israeli occupation.

So before this raid, the work of the international community was basically just statements of solidarity. Nine EU member states submitted a statement saying that the Israeli occupation hasn't yet provided us any substantial evidence regarding the designation or the outlawing, and hence we will not take this designation into accordance or into account.

But then the statement from the nine EU member states, in the second paragraph, says — sadly, and it's very unfortunate that it continues like this — it says, "Should Israel provide us with additional information, we will act accordingly." And why I say it is unfortunate is because the continuation of this sentence entails that we are giving Israel the green light to provide whatever information they need or evidence.

And why I say this is problematic: because Addameer has been working in the Israeli judicial system for the past 30 years. We have seen students being prosecuted and arrested based on very bogus charges. We have seen children being detained for years under secret files and the use of administrative detention. So we understand that when Israel talks about evidence, they even talk about arresting people and subjecting them to torture and ill-treatment during the interrogation, to try to gain whatever testimonies or evidence they can.

I comfortably say about evidence and mention it because we are almost positive

that there is no evidence against the organizations. But how the international community keeps on tiptoeing and walking on eggshells around Israel — not to try to piss it off or try to go against its laws — it's completely ridiculous, and it could be taken as a double standard. I don't believe anywhere in the world a government can designate six prominent civil society organizations as terrorist organizations without providing any justification at all. And the international community till now is allowing to hear some arguments from the Israeli occupation.

Like recently we heard that an Israeli delegation is back again in the US to put pressure on the Biden administration to take action and to confirm this designation, although the US has been saying there's no substantial evidence.

So we've seen more solidarity and more words following the raid. And during our meetings with diplomats and whatnot, they kept asking us: "Did any of your staff — were any of your staff arrested? Or did any of the raids happen?" And we would say, till now, no one was arrested from the employees. There wasn't any forcible closure of the organizations. And we felt like this fed into the argument that's in their own head — that the designation is just a minor threat, there wouldn't be following acts by the Israeli occupation like arrests or closure. Although we made sure that they understand that the threat is real, the threat is imminent, and it could happen at any moment.

So the raid from three weeks ago, I think, definitely was a message to the diplomats, the international community, that a designation — it's not a designation for the words only, but there will be action against the organizations to follow. I believe most of the international community did not believe Israel would actually come to the Palestinian Territories and forcibly close the organizations. So the raid was a message that this threat is real. Forcible closure could happen at any moment. The arrest of employees could happen.

And so following the raid, we are seeing more — maybe genuine — support and solidarity from the international community. So far, there haven't been any actual acts. It's still solidarity statements. But following the raid, 16 European countries, with the Palestinian Prime Minister, came to Addameer's offices to reopen the offices as a sign of defiance. And most of the 16 representatives were in the offices at that time, and the EU representative had a statement saying that we continue the support, we understand this is an arbitrary attack.

But of course, still, that's not enough. As I mentioned, we're still seeing this narrative of waiting for the Israeli occupation to provide more evidence. And sadly, it's a disappointment to hear these things, because I feel like the international community sometimes neglects to remember that the Palestinian people are under an occupying regime — an occupation. Israel is the occupying power. We are the occupied people. So when something like this happens, power dynamics need to be taken into consideration.

The right of the Palestinian people to resist this ongoing occupation with whatever means provided for them is always neglected in these scenarios. And we put the pressure and the work on the Palestinians to try to prove this baseless designation wrong. And this is the most nerve-wracking thing about the international community — that they don't immediately challenge Israel, which is the occupying power, but they challenge the Palestinians to try to prove that this is part of a harassment campaign and ongoing targeting of the Palestinian people.

So if I have the ability to tell the international community what kind of actions need to be taken exactly, I would just sum them up with two main points. One is to immediately put pressure on the Israeli occupation to revoke the designation, because as I mentioned over and over again in this podcast, as long as the designation is there, we are all at imminent risk of all the arbitrary procedures and measures that the Israeli occupation can and will hold against us. We will continue to live in this anxiety and state of instability and unknowing about what the future

holds for us. It's not about, for example, the UK saying, "This is Israel's designation, we won't follow. So what Israel does, we won't abide by it." It can't be like that. It needs a clear message that this designation needs to be revoked.

And the other message is to always continue to support Palestinian civil society — and not by statements, and I also would like to say not by financial support, but by holding the Israeli occupation accountable. This nature of impunity that the international community keeps on granting Israel only provides Israel the green light to grow bigger and do more violations of human rights, because they know the international community won't say anything.

In the past, they started with a few settlements, and everyone in the international community is saying settlements are illegal, but we are seeing the expansion of settlements day by day. And European countries answer this by saying they will only identify the Israeli settlement products in our supermarkets, but we can't completely boycott Israeli settlements. So this is also part of the impunity that is granted by the international community to Israel.

A prominent journalist like Shireen Abu Akleh was murdered by the Israeli occupation. And after months of them actually admitting that they are the ones who actually killed her, they still said, "We won't hold anyone accountable." So this culture of impunity does need to end.

Yara Hawari 26:59

Milena, I want to turn our attention to the Palestinian prisoners and the situation inside Israeli regime prisons at the moment. Now, the Gilboa prison break happened over a year ago. What has happened inside Israeli prisons since then?

Milena 27:17

So since the Gilboa escape in 2021, the Israeli Prison Services instituted a series of collective punishment measures against all Palestinian prisoners, all across the

different prisons. Most of the Islamic Jihad prisoners, or those affiliated with Islamic Jihad, were put in solitary isolation for weeks and even months. So there was a complete closure of all Israeli prisons where family visits or lawyer visits were halted.

Soon after the Gilboa escape, a few of these measures were lifted, like the closure of prisons, but many other important retaliatory measures were kept. For example, a lot of the Islamic Jihad prisoners were kept in isolation. But the most important collective punishment method that the Israeli Prison Services implemented is that they started to initiate this procedure where the detainees and prisoners with long sentences will be transferred from their prison cells every three months and from their prison as a whole every six months. And of course, that's completely arbitrary against the Palestinian prisoners, because it affects their social life inside prison and also subjects them to instability.

So the prisoners' movement collectively announced a collective open hunger strike at the beginning of September, where their demands were very clear: we want the Israeli Prison Services to completely revoke their policy of transferring prisoners from their cells or prisons, and to also free the Palestinian prisoners who were still in isolation.

Of course, if you know anything about the history of prisons, we know that hunger strikes have historically been the only method where prisoners and detainees protest the harsh detention conditions and their administrative detention specifically. So before going through the hunger strike on the 1st of September, the Israeli Prison Services bowed down to the demands of the prisoners and they removed the policy of forcibly transferring prisoners every three months and six months.

So the prisoners, since they got their first demand successfully, did not initiate the open hunger strike. And we are seeing more of the Palestinian prisoners who were

in isolation following the Gilboa escape be released. So in a way, it was very successful for the collective Palestinian prisoners' movement. But the restrictions on prisoners are still there regarding more head counting during the day — so if it was only during the morning and evening, now it's even more regular regarding the count. But it was extremely difficult for the prisoners following the Gilboa escape, I might add. But we're slowly seeing them gaining some kind of rights back because they were threatening with this collective open hunger strike.

Yara Hawari 30:23

And Milena, can you tell us about the new administrative detainee hunger strike?

Milena 30:29

Before going into the new hunger strike for the administrative detainees, I do want to give some time to focus on administrative detention. Because with the advocacy work that I do, when there's a hunger-striking detainee facing an imminent threat to life, we get a lot of media interviews and a lot of coverage, because this person is at imminent threat to life. But I think the international community or people around the world only begin to stand in solidarity with Palestinians when they are at imminent risk of death or deteriorating health conditions.

And I do want to emphasize that our focus should be on the use of administrative detention as a policy, and not how Palestinians choose to protest this administrative detention. Because for the past two years, the Israeli occupation has increased, in a very unprecedented way, the use of administrative detention — which is detention without trial, without charge, based on secret evidence or a secret file, and for an indefinite time. So there's no specific duration for this detention and no charges are presented.

When I first started with Addameer, I was talking about 300 administrative

detainees. And now I'm talking about 743 administrative detainees, where four of them are children, two female prisoners, and three Palestinian Legislative Council members.

So 30 detainees do want to use their own bodies as a medium where they change the power dynamics between the prison guard and themselves. They use hunger strikes in order to shed light on the arbitrariness of their detention. They decided to go through this collective hunger strike because at the beginning of this year, from the 1st of January till the end of June, the Palestinian administrative detainees, as a collective decision, boycotted Israeli military courts, because they understood there's an integral role for the Israeli military judicial system in feeding and sustaining this policy of administrative detention.

But sadly, during this time, the Israeli occupation only continued to increase the issuance of administrative detention orders and renew more orders. And on the other hand, we've seen that the Israeli military courts haven't given any slight of understanding regarding the hunger-striking detainees, where we've seen most of the hunger-striking detainees the past year have reached 100 days trying to protest their arbitrary detention. And on the other hand, the Israeli High Court or the Israeli military court wouldn't shed any attention to the deteriorating health conditions of the prisoners, but they would just reaffirm the order from the Israeli occupation, or the executive system, or even the legislative system. They are part of this system of maintaining control.

I would mention that Israeli legislation approves the use of force-feeding. And in the past, three Palestinians who were undergoing a hunger strike were subjected to this policy of force-feeding, and they sadly passed away because the Israeli occupation medical staff inserted the feeding tube into their lungs and not directly through their stomach. This does entail that the Israeli occupation doesn't really care about Palestinian life, and they would prioritize detaining them in harsh conditions without charges, without evidence. But to release them — this is the

policy that needs to completely end.

We need to tackle administrative detention as a widespread policy, because recently, as I mentioned, the increased numbers of administrative detention are targeting former prisoners — and that is systematic harassment for former prisoners. It also targets the elderly Palestinian generation, where you have someone like Bashir Khairi , who's 90 years old, being held under administrative detention for more than a year without providing any evidence. And you have children who are also subjected to this same policy.

And if I want to talk about the international community — how the Israeli occupation uses administrative detention: it's an expansion from the British Mandate era in Palestine. They are the expansion of procedures taken during the British Mandate on Palestine. So this is where we see that there isn't an integral role for the international community to stop this policy, because it's taken from similar settler colonial projects and governments who wanted to maintain control over the people, the native people, and the indigenous people.

Yara Hawari 35:16

Milena, I think we'll have to stop there, but thank you so much. You've given really a comprehensive overview of what it's like fighting for the freedom of Palestinian prisoners at this very moment. So thank you very much for joining me on Rethinking Palestine.

Milena 35:32

Thank you for the opportunity and the platform.

Yara Hawari 35:38

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