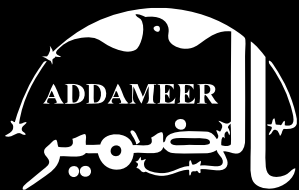
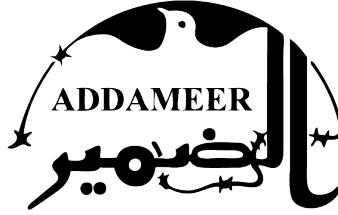




# The **Economic Exploitation** of Palestinian Political Prisoners



Addameer  
Prisoner Support and Human Rights Association  
2016



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# Economic Exploitation of Palestinian Political Prisoners

## Executive Summary

Economic exploitation is a key facet to entrenching military occupation and administering a colonial regime to control, exploit and quell rebellion among the subjects. The Israeli regime is no different in this regard and economic exploitation pervades all facets of the occupation. Palestinian families whose homes are given demolition orders are required to pay for their demolishment. The family of an extrajudicial executed Palestinian is required to pay a bail in order to have the his or her body returned for burial. In this regard, arrest and detention of Palestinians is further central to the systematic economic exploitation of Palestinians.

This report addresses to the economic aspects of the imprisonment of over 800,000 Palestinians since the occupation of the West Bank and Gaza in 1967, with a particular focus on the role that prisons play in the maintenance of the regime of occupation, from 1985 until the present.<sup>1</sup> The historical period covered here is marked by many important events relevant to the issue of Palestinian prisoners. These include the two Intifadas (each leading to mass arrests), the privatization of prison canteens and the establishment of the Palestinian Authority (PA), which also holds Palestinian prisoners (some of whom might have been imprisoned by Israel had the Palestinian Authority not been founded). Although historically, Palestinian political prisoners have been imprisoned in military as well as IPS facilities, following the year 2000, the vast majority of facilities, barring a small number of interrogation facilities, were brought under the control of the IPS, which currently oversees almost all of Palestinian political prisoners (No Legal Frontiers, 2012). After the prisoner exchange of 2011, dozens of the released prisoners were re-arrested by Israeli forces

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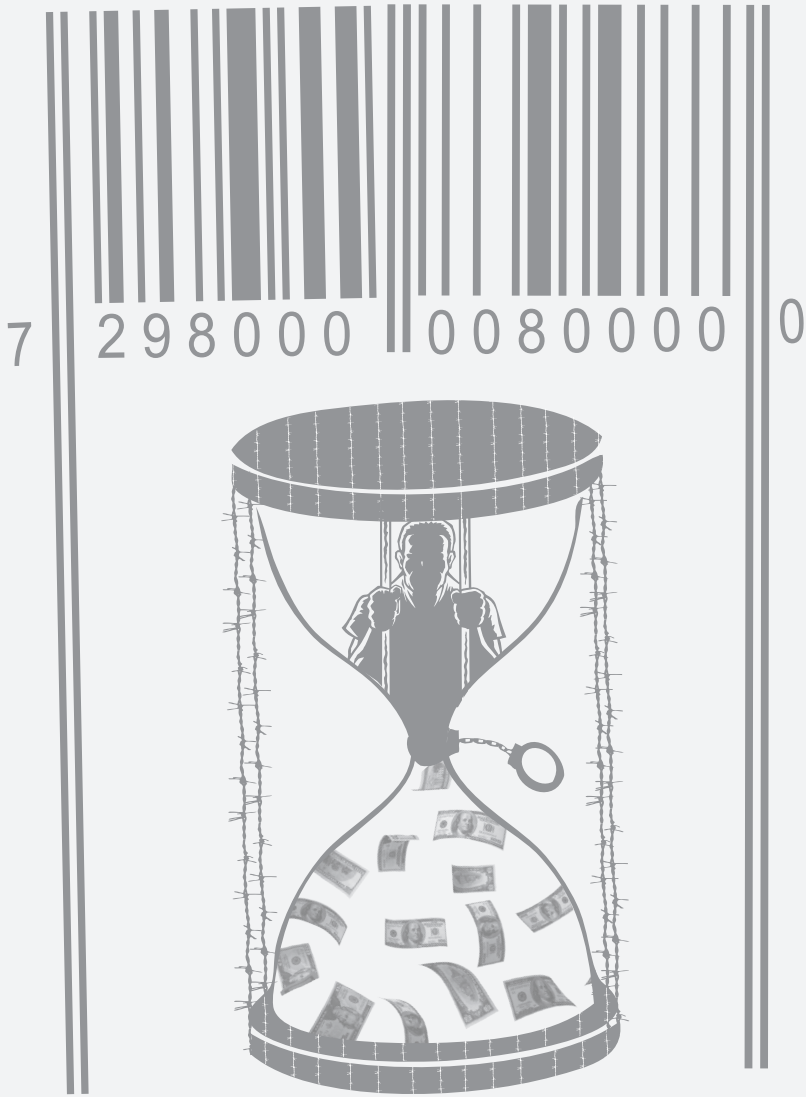
<sup>1</sup> The use of prisons to control the Palestinian population inside the 1948 borders, the imprisonment of Egyptian, Jordanian, Lebanese and Syrian soldiers and civilians, as well as the prisons holding prisoners from the Sinai peninsula until Israel withdrew from it in 1982 and imprisonment practices in the Syrian Golan Heights will not be covered here.

and continue to be. Mass hunger strikes by Palestinian prisoners in the years 2012 and 2013 against administrative detention, ill-treatment, solitary confinement, and restrictions on family visitation also sparked protests throughout the West Bank and the Gaza Strip, drawing the attention of international media to prisoners' issues.

This paper concerns itself with the economic exploitation of Palestinian political prisoners. It relates how Israeli authorities and private companies economically exploit Palestinians in Israeli detention and traces the social impacts of direct and indirect exploitation on prisoners and their families. The report is based on research conducted over several years that includes extensive interviews and the implementation of surveys.

This paper will also detail Israel's legal obligations towards the imprisoned population under international human rights and humanitarian law. One implication of Israel's failure to meet these obligations is that the prisoners, their families and political organizations in the OPT have been to provide funding to prisoners to help them survive. Israel's negligence of the rights of the prisoners puts extreme pressure on individual prisoners with particular needs to look for a solution to their specific problem, rather than to see their individual problem within the context of the collective plight of all Palestinian prisoners. This reality threatens to transform the economic needs of the prisoners from a collective issue into an individual problem, through which the systematic damage to the Palestinian economy is obscured. This is part of Israel's sophisticated system of control put in place in order to break apart Palestinian resistance.

The paper includes a historical overview of economic exploitation in the prisons, including the trajectory of privatization of the prisons, forced labor of Palestinians, and the establishment of prison canteens as a way to exploit prisoners. Through our interviews with prisoners regarding money paid for food and hygiene products, disciplinary fines, medical care and education, our research finds that the Israeli authorities systematically economically exploit Palestinian prisoners.



**SECTION 1**  
**RESEARCH ON ECONOMIC**  
**EXPLOITATION OF**  
**PALESTINIAN PRISONERS**





# RESEARCH ON ECONOMIC EXPLOITATION OF PALESTINIAN PRISONERS

## Survey Methodology

This study is based on years of data collection from first-hand accounts with prisoners, interviews with family members, price comparison analysis and meetings with key stakeholders, most notably the Palestinian Authority’s Ministry of Prisoners Affairs. A follow-up survey conducted in September 2016 indicated that the prices of food and hygiene products sold in the prison canteens continue have not varied significantly since 2011 survey. Generally, these products continue to be sold at prices higher than the Palestinian market value.

The majority of the findings in this report derive from interviews conducted with current prisoners, ex-prisoners and their close family members regarding the “cost of living” inside the prisons. In 2011,<sup>2</sup> 190 formal interviews were conducted in total. 49 family members were interviewed about an imprisoned family member; 43 current and ex-prisoners were interviewed regarding the disciplinary fines that they paid during imprisonment; 72 current prisoners were interviewed by their lawyers about payments to the canteen; and 26 ex-prisoners were interviewed about their payments to the canteen during their imprisonment (Table 1). Prisoners surveyed are from Gaza, the West Bank, Jerusalem, and the 1948 Territories. Addameer lawyers and researchers used standardized questionnaires to interview all of the participants. Answers were self-reported in the surveys.

Table 1. Survey Breakdown

	Prisoners	Ex-Prisoners	Familymembers
Disciplinary Fines	43		N/A
Canteen	72	26	N/A
General Questionnaire	N/A	N/A	49
<b>TOTAL INTERVIEWS CONDUCTED: 190</b>			

<sup>2</sup> Interviews with family members were conducted between May and August 2011; interviews with current prisoners were conducted between July and September 2011; and interviews with ex-prisoners were conducted between October and December 2011.

Supplementary data on price lists and allocated budgets for prisoners was collected from the IPS (Israeli Prison Service) and from the Palestinian Authority (PA) Ministry of Prisoners Affairs between 2010 and 2012.

To analyze the economic exploitation through the purchase of food and hygiene products from the canteen, Addameer compared canteen price lists provided by the Israeli Prison Service with prices of the same products from Palestinian markets.

By request, three prisons (Naqab, Damon and Ofer) provided canteen price lists to Addameer's lawyers. While the canteen supplier Dadash is required to have uniform prices across all prisons, we found that there were discrepancies in cost of the same item in different prisons. Furthermore, the lists were incomplete, and certain products were only available in certain prisons but not in others. A simple average was taken in the case of price discrepancies between the canteens. In cases where the brand could not be matched, the prices were compared with a similar product. This is to reflect the fact that prisoners have no choice but to purchase the items available in the canteen (even if their prices are high), while non-incarcerated people may select among brands and choose a cheaper or preferred option.

Addameer staff collected prices for the products from shops in Beit Sahour, Jenin, Sarta, and Tulkarem. The same products were matched for brand name when possible and for quantity, although the brand names are omitted from the list below.

Addameer's lawyers and researchers faced many obstacles in collection of data, which will be detailed in the limitations section below. The figures used in this study are not meant to be decisive or conclusive, and should not in any way deviate from the intrinsic descriptive and qualitative analysis. Rather, these estimations are meant to provide some indication of certain types of economic exploitation faced by Palestinian prisoners, families of prisoners, the Palestinian society, and the PA.

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## Statistical Analysis Methods

Through the data collected, we attempted to analyze both the collective and individual costs of imprisonment. For estimating individual expenses, all individual responses were weighted equally, but for estimating collective expenses, weights were given to the answers based on the number of prisoners in the cell. This method was used to account for the differences in the distribution of prisoners in each cell, which could affect overall spending costs in certain cases, such as the efficiency in the prisoner's kitchenette.<sup>3</sup>

We anticipated discrepancies regarding expense and canteen costs due to various reasons, including changes in canteen prices over time or a lapse in the prisoners' memory of the costs and expenses. We tried to account for this by interviewing prisoners serving various lengths of time in the prison and in different prisons, and fact-checking the interviews with canteen price lists obtained by the Israeli Prison Service. In the event of a discrepancy in the responses in the questionnaires, the median was selected. Overall, basic quantitative statistics were used to calculate the information.

## Limitations and Reporting Errors

Some discrepancies are evident in the questionnaire responses due to confusion over the nature of the various sources of the money and its expenditure. Another limitation arose from the fact that some prisoners did not mention money spent on food, nor did they mention whether or not they had used funds that they received from a political party. We speculate that this may be due to the fact that prisoners did not consider money received from the PA or political parties to belong to them, and therefore neglected to mention it.

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<sup>3</sup> Palestinian prisoners have small, limited and controlled "kitchenettes" in the cell where the purchase and prepare food collectively. This process developed over the years as the quantity and quality of the prison-supplied meals degraded, forcing the prisoners to purchase and prepare their own meals.

The majority of this research is based on the responses of prisoners and may be subject to bias due to self-reporting. We can tease out the possible nature of these inaccuracies by examining the difference between the sum of the expenditures calculated from the surveys with the prisoner's own estimation of their total expenditure from the interview. Upon examination of potential discrepancies, several possible scenarios were noted:

1. The prisoner's estimation of their total expenditure was higher than the tallied sum of the expenditures on canteen items listed in the survey. Many items purchased at the canteen by prisoners were not included in the survey, for example: clothing, medical items, recreational items and educational materials. Prisoners may have included their expenses on these items when reporting their total expenditures.
2. Prisoners participating in the survey did not include their expenditures on items not explicitly included in the survey. It is likely that most respondents did have other expenses from excluded items, and thus their total expenses were likely to be higher than the total reported.
3. The prisoner's estimation of their total expenditure was lower than the tallied sum of the expenditures on items listed in the survey. This could indicate that the prisoner did not include in the total expenditure items that were paid for by external actors (i.e. families, the PA, political parties). For example, if the prisoner's family bought the prisoner cigarettes, the prisoner did not buy the cigarettes from his or her own canteen account, and therefore may not have included the expenditure in the total monthly expenses. Items purchased with money from the PA or political parties may also fall into this category. In these cases, the total expenditure reported was probably underestimated.
4. The prisoners' estimation of their total expenditure was inflated, or higher than what they actually spent due to recollection error.

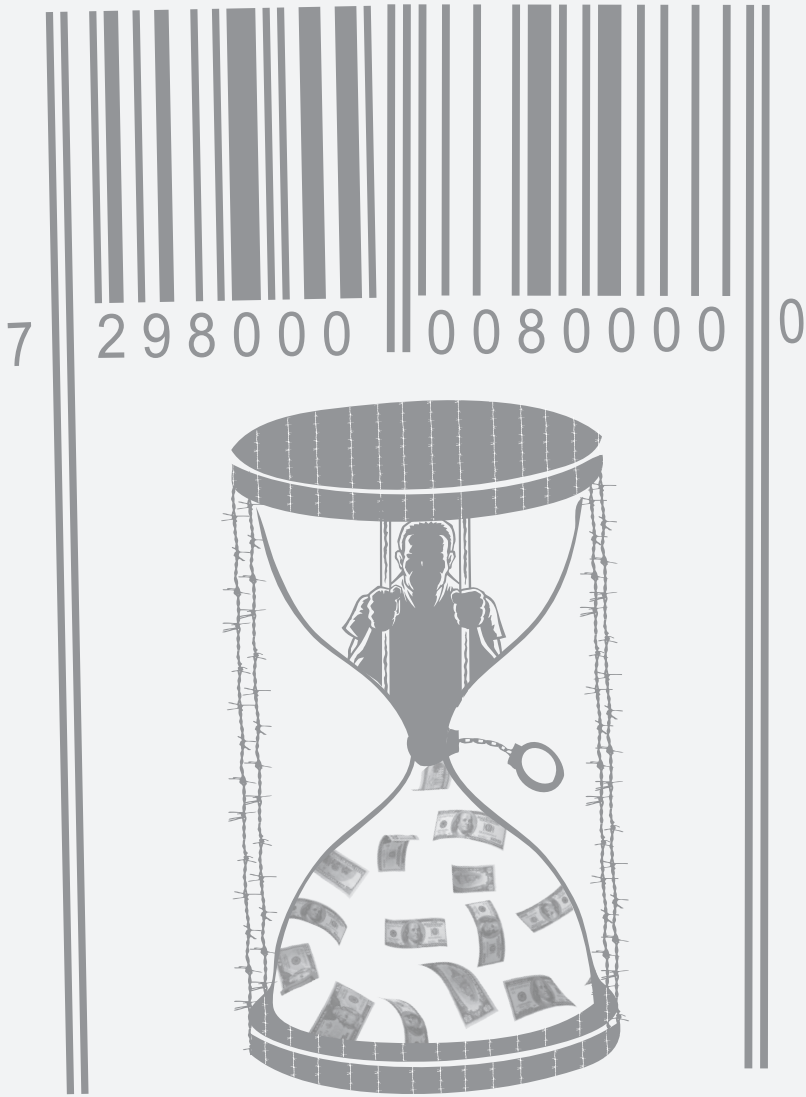
## **A Note on Inflation**

The data has been adjusted for inflation in the Israeli and Palestinian Authority economies. The Israeli economy has witnessed an average 2% increase in Consumer Price Index (CPI) (inflation) during the last 10 years, compared to an average 4% for Palestinian inflation. (Annex-Graph 1)

Data from the questionnaire involves expenditures on food, personal hygiene products, fines by the Israel Prison Service and other expenses over long periods of time, in some cases years, as many of the prisoners have long prison sentences. The prices and costs cited in this report are calculated using December 2012 prices, in US dollars converted from New Israeli Shekels (NIS). Prices from previous years were adjusted based on the Israeli official CPI published by the Israeli Central Bureau of Statistics.

Adjusting for inflation in relation to the Palestinian Authority economy was not necessary as the Palestinian prisoners are considered to be purchasing in the Israeli economy during their imprisonment. In questions that required the prisoner to estimate expenditures over a range of years, it was assumed that the amounts were distributed evenly over the years for purpose of calculating the inflation adjustments.





**SECTION 2**  
**ECONOMIC EXPLOITATION**  
**IN ISRAELI PRISONS**





## ECONOMIC EXPLOITATION IN ISRAELI PRISONS

### A HISTORY OF PALESTINIAN LABOR IN ISRAELI PRISONS

Beginning in 1948, approximately 9,000 Palestinians and Arabs were placed in internment camps. These camps were set up by Zionist militias in ethnically cleansed Palestinian villages and military camps left over from the British Mandate, and were then largely filled with Palestinian civilians who had been expelled from their villages. Prisoners held in these camps were used as a source of forced labor for the military, working, for instance, in factories that manufactured products for the Israeli army.<sup>4</sup> In some cases, prisoners were forced to demolish Palestinian homes, remove debris from already demolished houses, and transport salvaged items from these sites to Jewish homes.<sup>5</sup> In most cases, work was uncompensated or, on rare cases when there was compensation, extremely minimal<sup>6</sup>

From 1967 to 1972, Palestinian prisoners in Israeli custody were forced to work without wages as part of a system of forced labor responsible for the production of heavy equipment for the Israeli military, including tanks. They were also 'employed' in the construction of prisons and in other maintenance work for the prisons in which they were held. During work, inmates were forced to refer to the warden as "seedi" (Arabic for "my master") and were subject to other forms of cruel and inhumane treatment and other techniques amounting to torture.

In 1972, prisoners undertook a hunger strike calling for an end to this system of forced labor, after which the prison administration instituted an 'optional' labor system where working prisoners would be offered minimal wages in the form of credit to their canteen accounts.<sup>7</sup> (The

4 Commission of Detainees and Ex-Detainees Affairs. Available at <http://www.freedom.ps/showRep.php?tbl=news&id=466>

5 Badil. "Israeli Military Government" Available at <http://www.badil.org/youth-education-a-activation-project/item/1374-israeli-military-government-19491966#-ix>

6 Correspondence with Shira Robinson, Professor of History and International Affairs at George Washington University, Washington DC, USA

7 An Addameer interview with a former prisoner (Abu Atwan 2006) indicates that forced labor ceased in 1972. An interview with another prisoner claims that forced labor in Ramle Prison ended between 1967 and 1977 after a

canteen system will be discussed in detail in the coming chapters.) Working prisoners were also accorded a series of other ‘privileges,’ including extra cigarettes, time to play sports, increased time for family visits, more food rations, and time in the sun. Although technically ‘optional,’ prisoners were often coerced into work by way of physical or psychological pressure. For instance, female Palestinian prisoners in Neve Tertza Prison opted to work in fear of retaliatory attacks from Israeli criminal prisoners collaborating with the prison administration.

Though some prisons specialized in the production of consumer goods, for instance plastic cups destined for export to Asia (such as in Nablus Prison), prison labor continued to be channeled toward prison and military upkeep. For example, Palestinian prisoners in Beer Sheva Prison were employed in the construction of new prison units. Similarly, female Palestinian prisoners in Neve Tertza Prison manufactured woolen hats for soldiers, as well as foldable wound dressings designed for use by Israeli soldiers in battle.

The exploitation of Palestinian prisoner labor gradually ceased in most prisons beginning in 1976. This labor system continued to exist until 1980 in Asqalan Prison, at which point forced labor ceased altogether. An overview of Israeli exploitation of Palestinian prison labor until 1980 reveals the use of a number of strategies by the Israeli prison authorities:

1. **An attempt to cause divisions and a feeling of isolation between prisoners and the rest of Palestinian society:** It has been argued that forced labor in Israeli prisons, especially forced labor in the military industry, was designed to chip away at the prisoner’s sense of national identity and loyalties by forcing him or her to work against the interest of his or her communities (Al-Qimri 1981: 61, Abu Atwan 2006: 910-).

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strike undertaken by the prisoners. The forced labor could have continued in this location 5 years after the 1972 strike at which point an ‘optional’ working system was established.

2. **An attempt to cause divisions within prisoner society:** The institution of an 'optional' labor system effectively created two classes of Palestinian prisoners with different interests and prison conditions: those receiving 'privileges' in exchange for labor, and those refusing to offer their labor in exchange for better conditions of imprisonment.
3. **An attempt to redefine Palestinian prisoners' rights as privileges granted by prison authorities:** Prison authorities described compensation for work as a 'privilege,' although this compensation took the form of better conditions of imprisonment to which prisoners likely had a right to under international humanitarian and human rights law.
4. **An attempt to decrease the cost of Israeli imprisonment practices and military activity,** as evidenced by the employment of low-cost (or free) Palestinian prisoner labor in the construction of new prison units and in the military industry.

## HISTORY OF PRIVATIZATION IN ISRAELI PRISON SYSTEM

In the early 1990s, the Israeli state privatized most government companies and subsidiaries, and the public company that ran prison canteens was also privatized. In 2004, the Knesset enacted the Prisons Ordinance Amendment Law (no. 28), 2004, which legalized the establishment of a privately-run prison in the 1948 Territories to hold 800 prisoners. In November 2005, Israeli company ALA Management and Operation (2005) Ltd. (ALA), which is jointly owned by Africa-Israel and Minrav Engineering and Construction Ltd., won a tender for the construction of this private prison in Beer Sheva.<sup>8</sup> In 2005, a petition

<sup>8</sup> The tender also stipulated that the company would operate the prison for a period of 25 years, during which time it was estimated that the Israeli state would save approximately 350 million NIS (around 100 million USD) by virtue of the move to privatize. The tender was worth approximately 1.4 billion USD, 250 million of which was designated for construction. The ALA had completed the construction of the prison at the time of the judicial review. The prison was completely equipped and included all systems (water, sewage, electricity, surveillance, etc.) and facilities (medical clinic, cafeteria, etc.). In March 2010, Israel agreed to pay ALA 279 million NIS in order to cover both the construction and partial compensation for the loss of income after the tender was annulled.

was filed in the Israeli Supreme Court challenging the constitutionality of the amendment law allowing for prison privatization in Israel. Four years later in November 2009, the Court ruled that the amendment was unconstitutional, and a process began to transfer the prison to the control of the IPS.

The Court's decision, which was justified based on the logic that Israeli government employees would have greater respect for the human rights of prisoners than corporate employees, has been described as instituting a "right against privatization" in Israeli law.<sup>9</sup> However, Israel's well-documented track record of violating the rights of prisoners (of which the labor history described above provides merely a snapshot), as well as its general historical position vis-à-vis the Palestinian population, calls into question the fundamental logic of this decision, i.e. that the Israeli government is an apt guardian of prisoners' rights.

Despite this court decision, many aspects of life in Israeli prisons remain privatized and a profitable market for prison services still exists. For instance, Israeli company Bynet Communications has a ten-year contract with the IPS to operate a wiretapping phone system in Israeli prisons. It is estimated that the contract will garner tens of millions of shekels in profit for Bynet.<sup>10</sup> Similarly, in 2012, the IPS received an exempt from a public tender and signed a 70 million NIS contract with Motorola for the provision of communication systems to the IPS and Israeli police. There are at least seventeen private companies that have had contracts with the IPS and/or have been involved in Israeli prison maintenance and services, including at least fourteen companies currently involved in providing these services. Of these, five are multinational corporations headquartered abroad: London-based Group4Securicor (G4S), American company 3M, Motorola, Hewlett-Packard (HP), and Volvo (through Israeli company Merkavim, in which Volvo holds a 26.5 percent share, and which is jointly owned by Mayer's Cars and Trucks, Volvo's exclusive representative in Israel).

9 Barak Medina, "Constitutional Limits to Privatisation" Available at <http://law.huji.ac.il/upload/PrisonPrivatization.pdf>, p. 3

10 Haaretz. "Ultimate Cell Phone: Tapping of Israeli Prisoners' Phone Calls Stirs Debate", 21 April 2013. Available at <http://www.haaretz.com/news/features/ultimate-cell-phone-tapping-of-israeli-prisoners-phone-calls-stirs-debate.premium-1.51664>

The remainder are Israeli companies: Bio-sense, MYFORM, MIRS Communications Ltd, Afcon Holdings, Contact International (exclusive Israeli distributor of American company Taser International), Shamrad Electronics, B.G. Ilanit Gates & Urban Elements, and DadashHadarom Distribution. Together, these companies provide the following services: communication systems (Motorola), security gates (B.G. Ilanit Gates and Urban Elements), security systems (G4S, Shamrad Electronics), wiretapping phone systems (Bynet Communications), buses for transporting prisoners (Volvo), the canteen (Dadash), systems for interpreting the barks of guard dogs (Bio-sense), 'anti-stabbing' vests (MYFORM), central servers and e-mail storage systems (HP), network combining systems (3M), and visitation systems (G4S). The three Israeli companies who have a record of working in the Israeli prison system but who do not appear to currently have contracts with them are: 1) Ashtrom, which was contracted to build Hasharon Prison and which supplied construction materials to Ofer Prison and Ramon Prison; 2) ALA Management and Operation (cancelled tender for Beer Sheva prison); 3) Shekem, which ran the canteen as a private entity from 1994-2002.<sup>11</sup>

<sup>11</sup> See Who Profits research on more information for corporations complicit in Israeli prisons at: <http://whoprofits.org/content/corporations-provide-services-israeli-prisons>

\*Chart information from Who Profits

Company Name	Characteristics of Contract	End of Contract	Comments	Financial Scope
<b>G4S</b>	Maintaining supporting management systems, magnetometer gates, scanning machines and ankle monitors	During the fiscal year 2015	According to an IPS tender	Tens of millions of shekels
<b>3M</b>			Based on occasional bids	
<b>MOTOROLA SOLUTIONS ISRAEL</b>	Maintaining wireless systems and lighting bridges Repairing wireless devices	During the fiscal year 2016	According to an IPS tender	Tens of millions of shekels
<b>HEWLETT- PACKARD (HP)</b>	Printers Maintaining HP systems and central servers	During the fiscal year 2016	Tenders by the Accountant General + tenders by the IPS	Tens of millions of shekels
<b>MERKAVIM TRANSPORTATION TECHNOLOGIES</b>			Based on occasional bids	
<b>MAYER'S CARS AND TRUCKS</b>			Based on occasional bids	
<b>VOLVO GROUP</b>			Based on occasional bids	
<b>Biosense</b>	Supplying and maintaining a dog-bark identification system	During the fiscal year 2014	According to an IPS tender	Hundreds of thousands of shekels
<b>Myform</b>			Based on occasional bids	

Company Name	Characteristics of Contract	End of Contract	Comments	Financial Scope
<b>MIRS COMMUNICATIONS</b>	Purchase of battery services Providing wireless services	During the fiscal year 2016	Tenders by the Accountant General + Tenders by the IPS	Hundreds of thousands of shekels
<b>AFCON HOLDINGS</b>	Installing, providing year-round service and maintaining fire detection systems	During the fiscal year 2015	According to an IPS tender	Tens of millions of shekels
<b>Contact</b>			Based on occasional bids	
<b>SHAMRAD ELECTRONICS</b>	Relocating communication infrastructure Supplying electronic equipment Repairing sound system	During the fiscal year 2015	According to an IPS tender	Tens of millions of shekels
<b>B.G. ILANIT GATES AND URBAN ELEMENTS</b>			Based on occasional bids	
<b>Dadash Hadarom Distribution</b>	Purchase of canteen products	31 / 07 / 14	According to a tender	
<b>Shekem</b>			Based on occasional bids	
<b>Shiran</b>			Based on occasional bids	
<b>S.I.R.N.</b>			Based on occasional bids	
<b>Shekel</b>			Based on occasional bids	
<b>ASHTROM GROUP</b>			Based on occasional bids	
<b>Lymtech</b>			Based on occasional bids	



## ESTABLISHMENT OF THE CANTEEN SYSTEM

Initially, the International Committee of the Red Cross (ICRC) was responsible for providing prisoners and detainees with basic goods such as biscuits, coffee, tea, and cigarettes. Although there is no official documentation, according to prisoner testimonies, the prison administration established the canteen around 1973, through which prisoners would begin to purchase these products at their own expense. The ICRC ceased providing these items.<sup>12</sup> As a result of these developments prisoners were forced to begin working in the ‘optional’ prison labor system to purchase goods.

The canteen thus began as a way for the prison administration to ‘compensate’ working prisoners who received credit to purchase the items they had previously received for free. The ICRC essentially shirked its responsibility to the prisoners, giving way for the development of an exploitative system to keep prisoners dependent on the Israeli authorities for basic necessities.

When the canteen was first founded, it sold food and hygienic items as supplements to those provided by the prison service. Ostensibly, throughout the 1970s and most of the 1980s, the basic needs of Palestinian political prisoners were provided by prison authorities free of charge. Beginning in the 1990s, reliance on canteen purchases for alimentary and hygiene-related needs gradually increased.<sup>13</sup> Currently, prisoners rely completely on canteen purchases for their needs.

Four main factors contributed to the development of this total reliance on the canteen:

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<sup>12</sup> Only imprisoned PLC militants from outside of the OPT continued to receive products from the ICRC after 1973.

<sup>13</sup> It should be noted that exorbitant prices for canteen products is not limited to Palestinian prisoners. Despite the fact that the canteens are exempt from VAT, Israeli criminal prisoners have complained about exorbitant prices as well, even compared to the Israeli market. Prices in the Palestinian markets are even lower, and the incomes of Palestinian households in the West Bank and Gaza are significantly lower than the average purchasing power of Israeli households. Therefore, the economic implications of Israel’s violations of IHL are even more severe for Palestinian prisoners from the West Bank and Gaza.

Gradual decrease of prisons' 'hasbaka' provisions in terms of quantity and variety of items. The prison administration provided Palestinian prisoners with a hasbaka, material goods including meals, until 1990. The hasbaka included a significant portion of the prisoners' basic necessities including cleaning materials, personal hygiene products, tea, coffee, and some winter and summer clothes. This hasbaka gradually reduced over time to only include minimal cleaning materials and personal hygiene products, which must be supplemented by canteen purchases. Now, only about 10% of prisoners' needs are covered by the hasbaka.

Gradual prohibition of bringing in 'goods' from outside the prison by families. During the 1970s and 1980s, prisoners could receive clothing, cleaning materials and food from their families. Currently, any delivery of food from outside the prison is forbidden.<sup>14</sup> Although, currently, families are technically permitted to bring their imprisoned relatives clothing, deliveries take place on an extremely limited and non regular basis.

Gradual and systematic worsening of prison meals in terms of quality, nutrition and sufficiency. While meals continue to be provided to Palestinian detainees by the Israeli prison service, according to testimonies from long-serving prisoners the quality of the food and the quantity has decreased dramatically. This degradation is due in part to the IPS employing Israeli criminal prisoners in the prison kitchens<sup>15</sup>, who were either negligent in hygiene or deliberately contaminating the food, rendering it inedible.<sup>16 17</sup>

Facilitating and easing procedures for money transfer from PA banks

14 According to prisoners' testimonies, this was the case as of 1972.

15 By 2006, all prison kitchens were under the control of Israeli criminal prisoners, with the exception of Ofer Prison, where Palestinian prisoners continue to have access to the prison kitchen. Currently, prisoners pool a portion of their canteen allowances to purchase food collectively per cell in order to cook their own meals. In addition to the food, prisoners purchase additional electronic stoves from the canteen in order to prepare these meals.

16 According to a Palestinian prisoner who was incarcerated in Nafha prison in the early 2000's, Israeli criminal prisoners routinely urinated and spit in food and deliberately prepared it with too many spices, rendering the food inedible. This prisoner also claims to have witnessed Israeli criminal prisoners stirring the soup for Palestinian prisoners with a broom that they had previously used to clean the floor.

17 Prior to this, generally speaking, access to the prison kitchen has varied according to political circumstances within and outside the prisons – for instance, kitchen access would often be withdrawn and then returned in response to prisoners' demands during hunger strikes.

accounts to prisoner canteen account. Prices in the canteen have increased since the canteen's foundation, undergoing a particularly sharp rise beginning in 1994. The prohibition on allowing goods in from the families was coupled with an easing in depositing funds into an individual's canteen account. This underwent a particularly sharp rise in 1994, with the establishment of the PA Ministry of Prisoners Affairs and the bolstering of various Palestinian relief organizations who provided funds for the prisoners' canteen.

The combined effect of these four factors – namely, restrictions on family deliveries of food and clothing, the shrinking of the hasbaka, deteriorations in meal quality, and increased access to families and organization to canteen accounts – is that, over time, purchases from the canteen have gradually increased.

### **Privatization of the Canteen**

Between 1973 and 1994, the canteen was owned by a public company established by Ben Gurion in 1948, Shekem, whose initials stand for *sherut kantinot lemegin eiha'am*, catering services for the defenders of the people.” In the 1950's, Shekem was given an exclusive monopoly by the Ministry of Defense to operate army, police, and prison canteens, as well as minimarkets and food machines in military camps.<sup>18</sup> Shekem was also responsible for mobile canteens, which supplied army units on the frontlines during the 1956 and 1967 wars, as well as other special camps. During this period, any profits from the company's operations were channeled into the budget of the Ministry of Defense.

In 1993, as part of a larger wave of Israeli privatization, the Israeli government opted to privatize Shekem. In 1994, the government sold the controlling shares (77 percent) to Israeli company Elko Holdings, retaining 22 percent of regular shares. At the time, the government awarded Shekem a 10-year contract to run the canteens. Because this was done without a public tender, other food supply companies filed a petition with the Israeli Supreme Court, and the contract was

<sup>18</sup> Alan Gladstone, Benjamin Aaron, Zvi H. Bar-Niv, Jean-Maurice Verdier, Tore Sigeman, Manfred Weiss. Martinus Nijhoff Publishers, March 1, 2001

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subsequently reduced to five years. Shekem continued to run the prison canteens until 2002, when Gershon Zerkind, CEO of Elko Holdings, decided to withdraw from all military contracts.<sup>19</sup>

After 2000, Israeli military detention camps and centers holding Palestinian prisoners began to be transferred from the control of the military to the IPS. In 2005, when this transfer was complete, a private Israeli company, Dadash Hadarom Distribution (Dadash), took over the prison canteens. The IPS claims that Dadash only began to operate the canteen in all Israeli prisons – for both Palestinian and Israeli prisoners – in 2009 (IPS, 2009). However, an IPS document from 2006 shows that the same Dadash company provided private canteen services to the prisons beginning in 2005, and possibly earlier (IPS, 2006).

In 2002, the Israeli government began searching for a ‘non-profit’ entity that could take over canteen services for the military and prisons. The government chose Aguda Lemaan Hachayal, the Association for the Wellbeing of Israel’s Soldiers (AWIF), which provides several services to soldiers, including mobile clubs, gyms, synagogues for combat units, scholarships for former combat soldiers, and flights for “lone immigrant soldiers” to visit their families abroad.<sup>20</sup> AWIF created a subsidiary, Shiran, in order to be able to take over the canteen services formerly delivered by Shekem. All profits from Shiran’s operations are channeled back into the provision of AWIF’s services to Israeli soldiers. Shiran continues to provide all canteen services to the Israeli military (including the military court canteen).

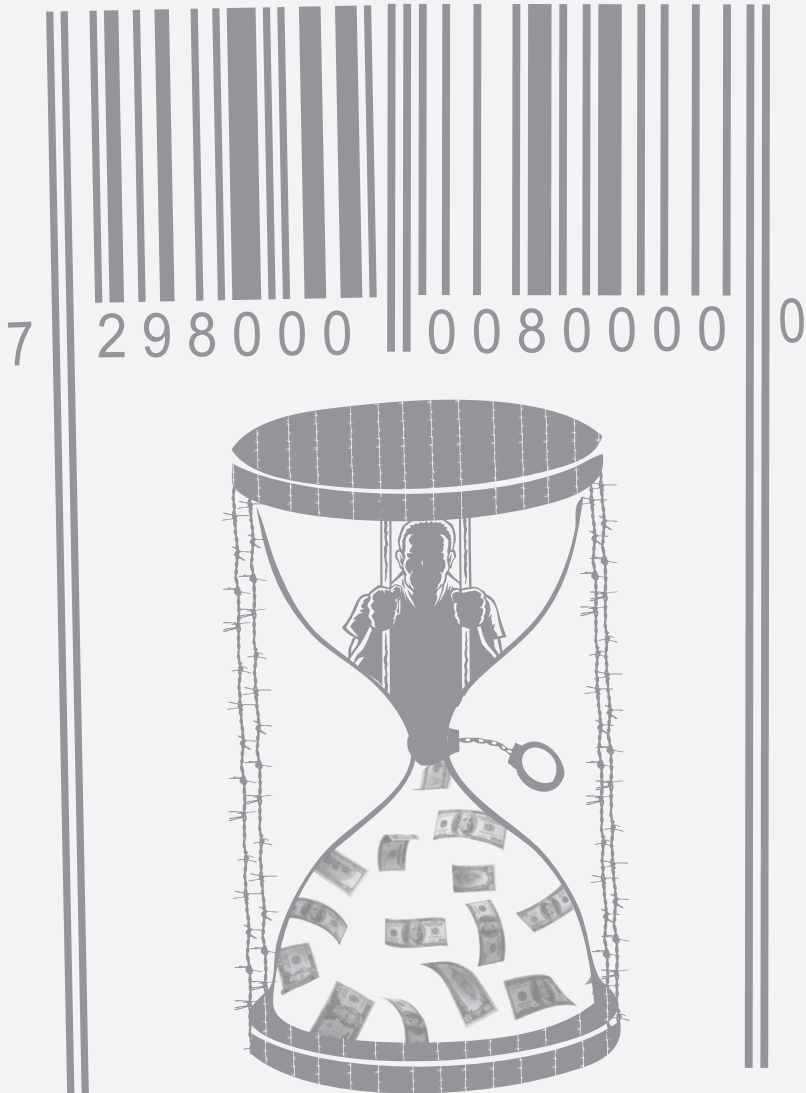
The IPS also receives royalties from Dadash. According to the Israeli government budget, the canteens were estimated to generate US\$33.82 million in income to the IPS every year in the years 2009-2011 (Israeli Ministry of Finance, 2009; Israeli Ministry of Finance, 2010; Israeli Ministry of Finance, 2011). The canteens also generate profits for Dadash, although these profits are not published.

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<sup>19</sup> Shekem continues to exist as an electronics company.

<sup>20</sup> “Ha-aguda Lemaan Hachayal”, Available at [http://www.mirror.upsite.co.il/uploaded/files/1361\\_18a033de58cf35498f21a83b21fd1281.pdf](http://www.mirror.upsite.co.il/uploaded/files/1361_18a033de58cf35498f21a83b21fd1281.pdf)





**SECTION 3**  
**LEGAL ANALYSIS OF**  
**ECONOMIC EXPLOITATION**



## LEGAL ANALYSIS OF ECONOMIC EXPLOITATION

### Legal Framework for Analysis (IHL, IHRL)

Several provisions within IHL and IHRL enshrine the basic rights of prisoners and detainees in order to protect them from exploitation. IHL and IHRL does not specify what forms of exploitation are included under this proscription. International human rights conventions are applicable to the OPT and include broad provisions concerning the right to food, physical and mental health, and minimum standards of living for all human beings. We also consider human rights instruments relating specifically to the rights of prisoners as these provide universally accepted standards and guidelines on the treatment of prisoners and detainees; in particular, with regard to access to hygienic facilities and essential items to maintain personal hygiene. Given this, our research analyses Israel's obligations under the Third and Fourth Geneva Conventions, the Standard Minimum Rules for the Treatment of Prisoners (UN Standard Minimum Rules),<sup>21</sup> the Basic Principles for the Treatment of Prisoners,<sup>22</sup> and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.<sup>23</sup>

In the broadest sense, Article 27 of the Fourth Geneva Convention obligates the Occupying Power to treat all protected persons (including prisoners) humanely and respect their fundamental rights.<sup>24</sup> Articles 55 and 56 also set out the Occupying Power's responsibility to ensure the food supplies, public health and hygiene of all protected persons, which extends to those who are detained by the occupying power.

Article 76 of the Fourth Geneva Convention outlines the obligations of the Occupier to those who are detained or accused of offenses, stating

<sup>21</sup> United Nations, for the Treatment of Prisoners, 30 August 1955; adopted by the Economic and Social Council in its resolution 663 c (XXIV) of 31 July 1957

<sup>22</sup> UN General Assembly, Basic Principles for the Treatment of Prisoners: Resolution / Adopted by the General Assembly, 28 March 1991, A/RES/45111/

<sup>23</sup> UN General Assembly Resolution 43173/ of 9 December 1988

<sup>24</sup> Article 27, which embodies the essence of the Convention, applies equally to imprisoned or detained civilians, as confirmed by the commentary to the Article, and may indeed be more relevant than ever in those circumstances. The fundamental obligation to ensure respect for the person "covers all rights of the individual" and therefore must be understood to include adequate food and hygiene as these undeniably contribute to physical, moral and mental integrity and dignity.



that such persons “shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health...” and they “shall have the right to receive at least one parcel monthly.” However, this obligation “does not in any way mean that the Occupying Power is not called upon to supply the minimum amount of food and attention” required by this article. The commentary on this article stresses the importance of taking the essence of Article 27 into account in the treatment of detainees, prioritizing the principles of humanity and dignity. In this context, the IPS must be understood to have the obligation to provide conditions that would allow Palestinian prisoners and detainees to enjoy at minimum, satisfactory levels of physical and mental health, and to live in dignity during their imprisonment. Article 87 further states the obligations outlined above, in addition to outlining the role of canteens as a supplement to the provided food as a way to “increase [internees’] personal well-being and comfort.” According to Article 87, canteen prices should not be higher than in the local market.

The Third Geneva Convention outlines the Occupying Power’s responsibilities to prisoners and detainees. The Convention obligates Israel to provide Palestinian prisoners and detainees with sufficient food and general hygiene (Article 15) that are sufficient in quantity, quality and variety to preserve their health (Article 26). Prisoners should also be provided with adequate drinking water (Article 26), and permitted to use tobacco. Article 26 also stipulates that food cannot be used in collective disciplinary measures. In regards to hygiene, the Third Geneva Convention also mandates the Detaining Power to “take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics” (Article 29). Article 29 also provides that prisoners have a right to sufficient water and soap to clean their bodies and wash their clothing, as well as necessary facilities and time for these purposes.

While UN Resolutions are considered non-binding “soft” law instruments, the Office of the High Commissioner for Human Rights argues that these and other similar human rights instruments “have an undeniable moral force and provide practical guidance to States in their

conduct.”<sup>25</sup> Therefore UN resolutions should also be used to further delineate Israel’s obligations with regard to the treatment of Palestinian prisoners. For example, Article 20 of the UN Standard Minimum Rules sets out the right o prisoners to regular and sufficient food and water for “adequate health and strength,” further specifying that such food should be “of wholesome quality and well prepared and served.” Article 16 has similar provisions regarding hygiene, outlining that prisoners should be provided with supplies and conditions necessary for health and cleanliness.

It can therefore be concluded that the Israeli state has an absolute obligation under IHL and IHRL to ensure that Palestinian political prisoners held in its jails have access to adequate food and hygiene.

### **Food and Hygiene**

One of the main complaints among prisoners is that they must purchase their food and hygiene products from the prison canteen. As described earlier, nearly none of the necessities that prisoners need are provided to them by the IPS. For our analysis, we asked prisoners in the questionnaires approximately how much they spent per month on food and hygiene products at the canteen. We also compared the cost of ten basic hygiene products from the canteen using the price lists provided by the IPS with the average prices in the Palestinian market.

The research conducted cannot draw the line on where spending on “needs” ended and spending on “extra items” began, making it difficult to determine which products from the canteen were purchased outside of necessity. For the purpose of this research, it is assumed that all products purchased from the canteen are deemed necessities, as they are for personal use.

According to the survey, each prisoner pays approximately US\$ 39.15 on hygiene products every month. Although some of the products in

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<sup>25</sup> United Nations Office of the High Commissioner for Human Rights. “International Human Rights Law”, available at <http://www2.ohchr.org/English/law>

the canteen were lower in cost, including dish soap which was 28.67% cheaper than in the Palestinian market, most of the products were at inflated prices, including hand soap, which was sold at a 549% inflated cost, and razor blades, at a 794% inflated cost. The average markup of prices is 157.04%.<sup>26</sup> (Table 6)

Table 6: Price Comparison between Hygiene Products

Item	Price in Palestinian Shop (USD)	Price in Prison Canteen (USD)	Difference
Dish soap	2.80	1.99	-28.67%
Hand soap	0.68	4.44	+548.91%
Large hair shampoo	3.90	5.33	+36.67%
Razor blades (5)	1.09	9.74	+794.09%
Sanitary pads	3.64	3.60	-1.14%
Shaving cream	1.27	3.54	+179.32%
Soap (4 bars)	2.60	3.75	+44.00%
Toilet paper (24 rolls)	7.74	4.30	-44.40%
Toothbrush	2.60	3.90	+50.00%
Toothpaste	3.90	3.58	-8.33%
<b>TOTAL / Average</b>	<b>30.22</b>	<b>44.17</b>	<b>157.04%</b>

In sum, three factors contribute to the prisoner's reliance on canteen purchases, in effect paving the way for economic exploitation: (1) prisons disavow their responsibility to provide sufficient products to the prisoners, (2) prisoners are forced to purchase the needed

<sup>26</sup> In order to quantify the exact amount of economic exploitation that takes place as a result of price differences between the canteen and local markets in the West Bank, it is not sufficient to multiply the +157.04% average price gap by the average US\$ 39.15 monthly expenditure, because this average (+157.04%), in giving equal weight to each item, assumes that prisoners spend the same amount of money on each product, which is an unlikely scenario. In order to make such a calculation, one would have to establish a typical monthly or yearly basket of goods based on reports of prisoner consumption that would distribute appropriate weight to each price difference and multiply that number by the average total expenditure by prisoners (US\$ 39.15). Addameer was unable to obtain this information in the context of this study, although it is work that could be done by the future, either by Addameer or another party, in part using the survey answers garnered by Addameer.

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supplements from the prison canteen, which is owned by an Israeli company (Dadash), (3) the prisoners are forced to pay exorbitant prices for the hygiene products, thereby contributing to the profits of Dadash and royalties paid to the IPS.

### **Addameer Questionnaire: Economic Exploitation and Food**

The Addameer questionnaire confirmed previous findings and testimonies from prisoners<sup>27</sup> that the food provided by prison authorities is low in quality and quantity, forcing prisoners to supplement the provided daily meals by purchasing food from the canteen. The questionnaire also showed that, in most prisons, prisoners organize food purchases by appointing a prisoner to organize purchases from the canteen (all prisoners must pay into the collective pot); they then cook the food together in the cells on a small camping stove in most cases. The options of food sold in the canteen dictates and limits the choices of what the prisoner can cook, which can be more expensive than wished.

Twenty-two items were selected for the price comparison between the IPS canteen lists and Palestinian market prices. The difference between the prison prices and the Palestinian market prices is displayed in the table below. (Table 7)

It is also worth noting that, according to the price list of the Damon canteen, prisoners can only buy each product from a certain brand. At least one of these brands – “Maya” (a brand that makes packed lentils, peas, chick-peas, corn-flower and rice) – is a product of the Mishor Edumim industrial zone, which is part of the illegal Ma’ale Edumim settlement.

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<sup>27</sup> For instance, see Addameer 2003, Public Defense 2011.

Table 7: Price Comparison between Food Products

Item	Price in Palestinian Supermarket (USD)	Price in Prison Canteen (USD)	Difference
Black pepper	1.17	1.55	+31.78%
Canned beans	1.27	1.40	+10.21%
Canned corn	0.98	1.42	+44.97%
Canned olives	1.33	1.82	+36.20%
Canned peas	0.98	1.27	+30.13%
Chicken (1 kg)	4.56	4.71	+3.26%
Chocolate bar	0.81	1.19	+47.20%
Coffee, black (1 kg)	10.99	10.50	-4.47%
Cola (1.5 liter)	1.51	1.30	-14.15%
Frying oil	2.12	2.11	-0.31%
Homous (1 kg)	0.91	1.26	+38.29%
Honey (100 g)	6.57	1.45	-77.94%
Instant coffee (200 g)	5.46	4.98	-8.81%
Juice (1.5a liter)	1.57	1.30	-17.00%
Lentils (1 kg)	1.57	3.84	+145.56%
Milk (1 liter)	1.72	1.64	-4.87%
Pasta box	0.61	1.37	+122.55%
Rice (1 kg)	1.94	2.44	+26.12%
Salt (1 kg)	0.59	0.48	-17.78%
Sugar (1 kg)	1.19	0.82	-31.27%
Teabags (100)	3.32	5.31	+60.16%
Tuna (tin)	1.02	1.28	+25.06%

Thirteen of the twenty-two products are sold to Palestinian prisoners at prices that are higher than the Palestinian market price, including lentils which are sold at a 145.56% markup. The average markup of prices is 20.22%.

As with hygiene products, three factors contribute to the prisoner's reliance on the canteen for food, allowing for the economic exploitation of the prisoners: (1) the prisons' negligence in meeting their obligation to provide sufficient food, (2) the prisoner's only choice is to buy from the Israeli canteen and (3) the prisoners must pay very high prices for the food, compared with prices in the Palestinian market.

According to the survey, each prisoner pays approximately USD \$111 on food products every month. For the same reasons as for the hygiene products above (namely, the difficulty in quantifying 'need'), Addameer focused on the third form of exploitation, namely, exploitation resulting in price differences between the canteen and local markets in the West Bank.

## Israeli Law and Regulations

### Current IPS Regulations regarding Food and Hygiene

1. Food and Hygiene in Order No. 0003/02/for Security Prisoners: Article 20 of the order obligates the IPS to provide regular meals to all prisoners.<sup>28</sup> While IHRL and IHL call for such food to be of adequate quantity and quality, no such qualification is included in the order. Furthermore, the order specifically bans prisoners from receiving any food parcels from outside of the prison, regardless of their origin.<sup>29</sup> In its application to Palestinian prisoners from the West Bank, this provision is therefore in contravention of the Fourth Geneva Convention, which, in Article 76, specifies the right of protected persons detained by the Occupying Power to receive relief parcels at least once a month.  
Article 20 of the IPS order also defines access to a canteen as a privilege rather than a right, stating that prisoners "have

<sup>28</sup> Basic Regulation for Security Prisoners, *infra* note 112, Art 20 (a).

<sup>29</sup> Basic Regulation for Security Prisoners, *infra* note 112, Art 20 (e) and (f) provide that prisoners are not allowed to receive food from charitable organizations or family members.

the right to buy food from the canteen under condition of good behavior.”<sup>30</sup> Because prisoners rely on the canteen as a form of survival, rather than as a supplement to the food they receive, the fact that the IPS considers the canteen as a privilege means that this “right” can be taken away as a form of punishment and therefore detainees would be left without food or hygiene products. Indeed, Addameer has documented many cases in which detainees are revoked from their canteen “privilege” and have to rely on other cellmates to purchase food or hygiene products on their behalf, creating further burden on the detainees.

## 2. Food and Hygiene in Order No. 0004/02/ for the Treatment of Administrative Detainees:

The IPS’s Order on Holding Conditions of Administrative Detainees provides more detail on what is understood to constitute ‘adequate’ food, although order only applies to administrative detainees. According to Article 6, administrative detainees should be provided with meals similar “to those served to the prison guards.”<sup>31</sup> As is the case for Order No. 0003/02/ for Security Prisoners, Order No. 0004/02/ for Administrative Detainees mentions access to canteens, but depicts this as a privilege rather than a right, holding that prison authorities are authorized to “allow administrative detainee(s) to buy supplies from the prison canteen.”<sup>32</sup> In addition, the order theoretically provides for procedures to be put in place by the prison administration “to allow the administrative detainee to receive food from external sources.”<sup>33</sup> In reality, however, administrative detainees are prevented from receiving packages from outside prison walls, regardless of their source or the legal status of the sender.

<sup>30</sup> Ibid.

<sup>31</sup> Israeli Prison Service, Holding Conditions of Administrative Detainees, 0004/02/. Article 6(A).

<sup>32</sup> Ibid., Article 7.

<sup>33</sup> Ibid., Article 6(B).

As for articles covering hygiene, Article 10 of the order states that, “the administrative detainee is provided upon entering the prison with supplies for washing and hygiene required for personal use.” Article 30 of the order elaborates on the nature of these supplies and belongings with reference to Order No. 0004/01/ “Personal Supplies for Prisoners.” In reality, however, the IPS denies administrative detainees these rights, treating them as they do ‘security’ prisoners.

### **Disciplinary Fines**

The IPS typically imposes fines on detainees and prisoners during transfers, after family visits, in prison sections and rooms, and after raids by IOF special forces. In many cases, the reason for the imposition of fines is the refusal of prisoners and detainees to be strip searched, to wear prison uniforms, or to give DNA samples, or their refusal to comply with other instructions by prison administration which contravene rules for the treatment of prisoners and detainees under IHL and IHRL. The long-standing practice of collectively punishing Palestinian political prisoners and administrative detainees is also in contravention of the norms of IHL.

Moreover, individual fines are much higher than the average monthly income of prisoners, in contravention of the Third and Fourth Geneva Conventions (article 89). The fines incurred by the Palestinian prisoners are taken from the prisoners’ individual canteen account, which is controlled by the IPS. The IPS can collect fines at will, and therefore the prisoners are vulnerable to being punished by the IPS at anytime, without any ability to contest their punishment.

Fines are often imposed for retaliatory reasons, especially in response to hunger strikes. It should be noted that the leveling of fines against prisoners who refuse to eat has the effect of rendering more continuous? the economic exploitation of prisoners.<sup>34</sup> During times in which expenditure on food drops and with it the exploitation of prisoners

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<sup>34</sup> In On 29 February 2012, the Minister of Detainees’ Affairs, Issa Qaraqe, found that the total amount of fines imposed by the IPS on prisoner Muhammad Sami Muhammad Abdrabihi, detained since 2004 and currently held in Megiddo Prison, had reached a total of 13,800 NIS, approximately 3,729 USD in total, or 466 USD every year.



through high food prices, fines make up the difference and prevent the prisoners from saving money in their canteen accounts.

Addameer’s survey found that the prisoners argue that IPS fines aim to impoverish them, turning the prisoners themselves into yet another financial burden placed on their relatives and communities. For prisoners, another main purpose of the fines is to degrade them, lowering their self-esteem and pushing them toward feelings of dependency and powerlessness.

The IPS does not publish nor did they provide information about the money it receives from disciplinary fines. There are, therefore, only two ways to calculate the amount of money IPS gains from disciplinary fines paid by Palestinian political prisoners, through data collected from the PA and the prisoners. On some occasions, the PA Ministry of Detainees pays the disciplinary fines of Palestinian political prisoners. Figures reflecting PA fine payments are provided below, but should not be understood as reflecting the total payment by Palestinian political prisoners of disciplinary fines, as the PA has not covered these fines in all cases or consistently over time.

**Table 8: PA Payment of Fines**

Year	PA Payment of Fines (NIS, current prices)	PA Payment of Fines (US\$, 2012 prices)
2007	00.00	00.00
2008	3,807,650.00	1,103,374.68
2009	3,691,950.00	1,035,501.71
2010	547,350.00	149,503.08
<b>Average</b>	<b>2,011,737.50</b>	<b>572,094.87</b>

Source: PA Ministry of Detainees, 2007-2010. Data provided to Addameer researchers by the Ministry.

According to data provided to Addameer by the Ministry of Detainees, the total amount of fines imposed by the IPS on prisoners in July

2010 alone amounted to 250,000 NIS. Applying this rate to the entire year, for which information is not available, one can estimate that the total amount of fines imposed by the IPS on Palestinians for that year amounted to approximately 3 million NIS, all paid through the financial accounts of prisoners registered with the IPS.

In order to provide an idea of the amounts fined for various offenses, Addameer has also collected a number of examples of fines imposed by the IPS through interviews with detainees and ex-detainees:

1. On one occasion in 2010, prison authorities imposed a fine of 500 NIS on 110 of the 120 prisoners in Hadarim Prison on the basis of having found mobile phones.
2. On one occasion in 2010, the administration of Nafha Prison imposed a fine of 125 NIS on 20 prisoners after a small piece of metal was found in one of the rooms in Section 12, in addition to other fines and punishments.
3. At the beginning of 2011, Nafha prison authorities imposed a series of sanctions against prisoners, including a fine of 228 NIS on 160 prisoners after a prison-wide inspection uncovered mobile phones.
4. In 2012, the administration of Gilboa Prison punished 36 prisoners for undertaking a hunger strike in solidarity with hunger striking administrative detainee Hana Al-Shalabi, fining each prisoner 250 NIS and imposing a series of other punishments on the hunger striking prisoners, including the cancellation of family visits for 2 months.
5. On 29 February 2012, the Minister of Detainees' Affairs, Issa Qaraqe, found that the total amount of fines imposed by the IPS on a prisoner<sup>35</sup> detained since 2004 and currently held in Megiddo Prison, had reached a total of 13,800 NIS, approximately 3,729 USD in total, or 466 USD every year.

<sup>35</sup> Name withheld for privacy.

Interviews collected by Addameer’s documentation team also brought to light many instances in which the IPS punishments affected the daily lives of the prisoners. For example, in April 2012, prisoners mentioned having their water cut off for an entire day, for instance during the prisoners’ hunger strike in Asqalan Prison. According to released prisoners, the IPS also imposes exorbitant fines on prisoners and detainees if they clean their cells on the pretext that they are wasting water, as occurred in Shatta Prison in 2010.

Other forms of punishment occur against the detainees. For example, prisoners noted that on the pretext of searching the rooms of prisoners and detainees, the special forces of the IPS – Nahshon, Massada, Dror, and Yamaz – deliberately tamper with the belongings of prisoners. These practices are systematic and widespread. For instance, during raids, special forces routinely spoil food by mixing all of it together, thereby preventing the prisoners and detainees from eating and imposing considerable additional financial burdens on the prisoners and detainees to repurchase all of their supplies.

### **International Humanitarian Law**

The Third Geneva Convention discusses the disciplinary system in Articles 89-97. Article 89 forbids the imposition of fines that exceed “50% of the advances of pay and working pay which the prisoner of war would otherwise receive.” The article also forbids punishments that are “inhuman, brutal, or dangerous to the health of prisoners of war.” Article 90, in turn, addresses the duration of punishments, forbidding punishments that exceed 30 days. Article 96 mandates immediate investigation of “acts which constitute offenses against discipline,” and establishes the right of the accused to “precise information regarding the offenses of which he is accused,” as well as the opportunity to justify his or her actions, defend him or herself, to call witnesses in his or her defense, and to use an interpreter if necessary. Article 97 requires that all premises where disciplinary punishments are carried out conform to sanitary requirements established in Article 25 of the Convention in terms of public utilities, bedding, heating, lighting, and

protection from humidity. The Convention also requires that prisoners of war sentenced to disciplinary punishments be permitted to exercise, to stay in the open air at least two hours a day, to undergo medical examinations, and to receive medical treatment and care as required. The Convention also mandates that prisoners of war be permitted to continue to read and write and to send and receive letters.

Similarly, the Fourth Geneva Convention contains a number of provisions banning specific practices that are considered cruel or inhumane. For example, the reduction of food rations as a disciplinary measure for internees is prohibited, and internees must be allowed to receive individual parcels or collective shipments containing foodstuffs.<sup>36</sup> Moreover, Article 119 of the Fourth Geneva Convention limits monetary fines to half of the internee's salary.<sup>37</sup> The article also emphasizes that disciplinary punishments can under no circumstance be "inhuman, brutal, or dangerous to the health of internees" and mandates that "account shall be taken of the internee's age, sex and state of health." The article also mandates that periods of punishment not exceed 30 consecutive days.

The Fourth Geneva Convention also provides standards with regard to the disciplinary punishment of internees during armed conflict. These standards are in line with the UDHR's principle of exclusion of degrading punishment, and envision the application of disciplinary measures only in order to maintain security and good order in detention facilities. The disciplinary regime of any detention facility must conform to humanitarian principles and "shall in no circumstances include regulations imposing on internees any physical exertion dangerous to their health or involving physical or moral victimization."<sup>38</sup>

## International Human Rights Law

The standards for disciplinary action related to prisoners are further defined in the Body of Principles for the Protection of all Persons under

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<sup>36</sup> Ibid., Arts. 100 and 108.

<sup>37</sup> Ibid., Art. 119.

<sup>38</sup> Fourth Geneva Convention, *supra* note 11, Art. 100.

any Form of Detention or Imprisonment, and the UN Standard Minimum Rules for the Treatment of Prisoners. Article 31 of the UN Standard Minimum Rules states: “Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.” According to the UN Standard Minimum Rules, if disciplinary measures are imposed on a prisoner, they must correspond with what is necessary for safe custody and well-ordered community life.<sup>39</sup> These procedures can also not be used as a pretext for imposing restrictions on the prisoners beyond what is necessary. Closer examination of these rules shows that any disciplinary punishment has to be in proportion with the offence, and cannot infringe upon any of the basic human rights of prisoners. Regular denial of food parcels, restrictions on access to the canteen in a situation where prisoners are not provided with adequate food, disruption of education, and imposition of excessive monetary fines are just some of the practices of the IPS that are in contravention of the provisions of both IHL and IHRL.

### Israeli Law

The imposition of monetary fines on all prisoners and detainees (including Palestinian) takes place according to IPS Order No. 0400/13/, based on IPS Order New Version 1971, which lists 41 offenses and corresponding punishments.<sup>40</sup> The terms of the regulation are vaguely and imprecisely defined to such an extent that it would appear that offenses are deliberately ill-defined, allowing prison authorities maximal freedom in exacting disciplinary punishments. Moreover, many of the outlined offenses and corresponding punishments contravene the rights of detainees as guaranteed by the Third and Fourth Geneva Conventions, for instance the right of administrative detainee to wear their own clothes.

Contrary to what is stipulated in Article 30 of the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment, which covers the issuing of the legal regulations outlining

<sup>39</sup> The Standard Minimum Rules, *supra* note 43, Art. 94.

<sup>40</sup> See Regulation 0400/13/ and the list of violations and requisite penalties.

offenses and corresponding penalties, the IPS did not issue Order No. 0400/13/ until 2006. Moreover, in other years, these regulations were only issued in some of the prisons, and, in all cases, only in Hebrew.

IPS Order No. 0400/13/ states that, when determining the nature of a particular punishment, the court officer must take into consideration and justify the punishment in terms of the following considerations: 1 – the seriousness of the punishment; 2 – the disciplinary history of the prisoner; 3 – the behavior of the prisoner in prison; 4 – the financial position of the prisoner; and 5 – the physical and psychological condition of the prisoner.

In accordance with IPS Order No. 0400/13/, the prisoner who commits one of the listed offenses is brought before a disciplinary court that operates according to procedures outlined in the order. The order grants the court officer the power to mandate that one of the punishments mentioned in the regulation be exacted.

### **Israeli Practice**

The testimonies of hundreds of prisoners and detainees reveal that the IPS does not take heed of the considerations listed in Order 0400/13/ when determining punishments. Rather, the IPS systematically exacts the harshest punishments possible, including the withholding of family visits, solitary confinement, and exorbitant monetary fines, in contravention of IPS regulations.

Prisoners stated in their testimonies that these decisions are often arbitrary and retaliatory in nature. Most of the time, these decisions are issued by the section officer, the deputy director of the prison, or the director himself, without allowing the detainee/prisoner to legally defend themselves in any meaningful way. Prisoner testimonies further demonstrate that the IPS imposes punishments that exceed those outlined in the order or that have no basis in the order whatsoever.

## COURT FINES

Oftentimes, the first instance in which the detainee becomes economically exploited is through the heavy court fines imposed on them in the Israeli Military Courts.

In some cases, the military judge imposes a fine on the prisoner as part of the sentence, or offers release in exchange for a fine. In other cases, during court procedures and negotiations preceding plea bargains, the prosecution typically requests for an imposition of a monetary fine, or to allow the detainee to “buy time” – to pay higher fines in exchange for less time in prison. In general, a sentence reduction per month is 1,000 NIS. Considering the long and arduous court procedures, it is common for Palestinian detainees to opt for a plea bargain and therefore virtually every prisoner pays some kind of fine into the military court system.

The table below shows the amount of fines imposed on Palestinians by the military courts in the past five years. The cited statistics do not include bail, since it is eventually returned to the prisoner, although it should be considered part of the financial burden placed on prisoners and their families.

Table 9: Amount of Fines Paid to Israeli Military Courts by Palestinians

Year	Fines (NIS)	Fines (USD in 2012 prices)
2007	9,605,743.00	2,728,904.26
2008	NA	NA
2009	13,787,242.00	3,916,830.11
2010	15,940,910.00	4,528,667.61
2011	13,141,813.00	3,733,469.60
2012	13,229,170.00	3,758,286.93

Source: Israeli Annual Military Court Reports.

The above figures include fines paid to the Israeli military courts by Palestinians from the West Bank. This group, then, includes fines paid for all types of offenses covered by the military courts: traffic violations, entry [into Jerusalem or the 1948 Territory] without a permit, disturbance of the public order, criminal offenses, and hostile acts of terrorism. They exclude the fines paid by Palestinian political prisoners in the 1948 Territories and Jerusalem, who also have monetary fines imposed on them. The Ministry of Detainees pays the fines of those who are convicted for acts ‘resisting the occupation’ – typically covering those convicted of hostile acts of terrorism, as well as some of those convicted for disturbance of the public order and criminal offenses.

**Total Fines Paid to Israeli Military Courts Between  
2009-2012: USD\$ 15,912,436.92**

### **Medical Care**

Although it was outside the scope of Addameer’s fieldwork to provide a comprehensive account of the medical costs associated with the imprisonment of Palestinian political prisoners, the following provides a provisional overview of the financial burdens resulting from Israel’s failure to honor its obligations vis-à-vis Palestinian prisoners with respect to medical care.

### **C. Israeli Practices**

According to the Ministry of Detainees, the IPS forces Palestinian political prisoners to pay for medical treatment in many cases, including surgical procedures while in custody. For instance, Hussein Ali Yusuf Khail (24 years old) was forced to pay 7,000 NIS for a hearing aid that doctors determined was necessary to alleviate complications from the hardening of a bone in his left ear while he was serving a seven-year sentence in Ramon Prison. Similarly, Ahmad Jameel Al-Shabri, a 27-year old prisoner being held in Megiddo Prison, is forced to pay for new glasses every six months, which he requires because of acute weak vision in his right eye. Ahmed Nidal Al-Nis, a 30-year old prisoner



in Negev Prison who found himself incapable of seeing further than one meter, was forced to pay 5000 NIS for the contact lenses that doctors determined that he required.<sup>41</sup>

The Ministry also indicates that these practices not only contravene IHL and IHRL but also have the effect of imposing additional financial burdens on prisoners and their families. Crucially, the IPS' failure to honor its obligations under international law endangers the lives of prisoners who are financially incapable of paying for treatment.

There are certainly cases far more serious and costly than those detailed above, without which a comprehensive estimation of the extent of unlawful economic exploitation of Palestinian prisoners cannot be complete. Perhaps the worst of these cases are to be found amongst prisoners who suffered systematic medical neglect while in prison and who have had to receive medical treatment (either at personal cost or at cost to other Palestinian actors) after release that would not have been necessary had the Israeli state honored its obligations under IHL and IHRL to provide prisoners with adequate medical care. Some medical cases are as serious as chronic diseases such as cancer, and the denial of access to a medical care causes the prisoners' health condition to deteriorate rapidly. In many instances, the diagnoses is much more severe, requiring more rigorous treatment at great financial and emotional cost.

### **International Human Rights and Humanitarian Law**

The right of prisoners to free and adequate medical care is firmly established in the instruments of international human rights and humanitarian law. The responsibility of the Detaining Power to cover the costs of the maintenance and medical attention required by prisoners of war is established in Articles 15 and 30 of the Third Geneva Convention. The Convention specifies that 'treatment' to be covered by the Detaining Power includes "any apparatus necessary for the maintenance of prisoners of war in good health, particularly

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<sup>41</sup> Information obtained from the Ministry of Detainees.

dentures and other artificial appliances, and spectacles.”<sup>42</sup> The Convention mandates that “prisoners of war must at all times be humanely treated,” that any serious endangerment of the health of a prisoner is strictly prohibited,<sup>43</sup> and that “prisoners of war may not be prevented from presenting themselves to the medical authorities for examination,”<sup>44</sup> and should be transferred to civilian health facilities if needed, including prisoners who are being punished.<sup>45</sup> The Fourth Geneva Convention also mandates that the Occupying Power ensure that protected persons held in detention “receive the medical attention required by their state of health”<sup>46</sup> and that the Occupying Power “provide free of charge” for the maintenance of internees.<sup>47</sup>

Both the UDHR and ICESCR establish the right of all persons, including prisoners, to the highest attainable standards of physical health.<sup>48</sup> The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment mandates that “medical care and treatment shall be provided whenever necessary” to detained and imprisoned persons, and that “this care and treatment shall be provided free of charge.”<sup>49</sup> Rules 22 to 26 of the Standard Minimum Rules for the Treatment of Prisoners establish the right of prisoners to adequate medical care during imprisonment. Principle 9 of the United Nations (1990) Basic Principles for the Treatment of Prisoners indicates: “Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.” Provisions specific to prisoners are also prevalent in instruments regulating medical ethics. For instance, the United Nations (1982) Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, states that “health personnel, particularly physicians” must provide prisoners and detainees with treatment “of the same

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42 Article 30

43 Article 13

44 Article 30

45 Article 98

46 Article 76

47 Article 81

48 UDHR, article 25; ICESCR, article 12.

49 Principle 24

quality and standard as is afforded to those who are not imprisoned or detained.”<sup>50</sup>

## 1. Education

### Secondary Forms of Economic Exploitation: The Cost of Education

#### Education & Economic Exploitation

The limits of academic freedom can be traced to Israeli’s systematic closures of Palestinian university’s, schools and places of learning. During the first intifada, Israel shut down Birzeit University, the largest university in the West Bank for its role as a stronghold of activism against the occupation. Students, professors and academic researchers are often arrested as well, Historically, prisons provide a space for intellectual growth, as books and information are circulated. However, in an effort to deny this right to education, the Israeli authorities also use economic measures to attempt to strangulate Palestinians from intellectual endeavors.

Child detainees are most heavily affected by these policies. Between 2001 and 2011, about 7,500 children aged 12 to 17 are estimated to have been detained, interrogated and imprisoned within the Israeli military legal system. Often arrested in the midst of their school year, these children face serious challenges in being able to complete their schooling while in prison due to restrictive IPS policies. Often, children must repeat a grade year once they are released, often discouraging them from continuing their education and dropping out. Since 2008, the IPS has prevented child prisoners from continuing their studies while in prison altogether.<sup>51</sup>

Although adult prisoners have also been prevented from studying by the IPS since 2011,<sup>52</sup> because the IPS does in principle provide

<sup>50</sup> Principle 1

<sup>51</sup> Palestinian children in Israeli custody were also subject to a number of restrictions on their access to education prior to 2008. For details, see *The Right of the Child Prisoners to Education*, Addameer Prisoners Support and Human Rights Association.

<sup>52</sup> As of September 2013, according to the Ministry of Prisoners, some “security prisoners” nearing the completion of their degrees were being permitted to complete some university credits, but enrollment in new

for tertiary education at cost for adult prisoners (with the exception of prisoners held in solitary confinement, who are always denied access to education), education for adult prisoners is the focus of this section. According to data released by the IPS, the total number of inmates enrolled in the Israeli Open University in 2010 was 270, including 210 Palestinian political prisoners and detainees. As of July 2011, these Palestinian prisoners and detainees have been prevented from continuing their university education after the Israeli authorities decided to withhold their right to education in order to exert pressure on Palestinian factions during the talks that preceded the 2011 prisoner exchange deal.

According to the Ministry of Detainees, the PA pays the tuition fees of Palestinian prisoners to attend university. The amounts transferred by the PA to the Open University are listed in the table below.

**Table 5: Education Expenditure by PA and Prisoners**

<b>Year</b>	<b>Payment by PA (NIS, current prices)</b>	<b>Payment in USD (2012 prices)</b>	<b>Estimated expenditure on stationary by prisoners (USD, 2012 Prices)</b>
<b>2007</b>	<b>854,059</b>	<b>258,857.62</b>	<b>1,440.10</b>
<b>2008</b>	<b>3,247,807</b>	<b>941,144.27</b>	<b>5,235.85</b>
<b>2009</b>	<b>848,111</b>	<b>237,874.40</b>	<b>1,323.36</b>
<b>2010</b>	<b>641,774</b>	<b>175,294.04</b>	<b>975.21</b>

Source: PA Ministry of Prisoners, 2007-2010. Addameer survey.

The IPS further restricts the exercise of Palestinian detainees' and prisoners' right to education by allowing them only to study in Hebrew at the Open University of Israel, only in a very limited list of subjects (mostly in the arts and social sciences), and at prohibitive costs which far exceed the cost of education in the OPT. Both the cost and linguistic-

courses was still disallowed by the IPS for "security prisoners." The number of prisoners permitted to complete credits is unknown.

cultural aspects of the education offered to Palestinian political prisoners thereby violate prisoners' right to education as defined by the UN Committee on Economic, Social and Cultural Rights.

The IPS targets prisoners enrolled in the Open University of Israel by way of racially discriminatory and arbitrary practices, especially by withholding access to education for Palestinian prisoners for presumed "violations" of IPS regulations. The IPS also puts pressure on prisoners by transferring them from one prison to another in the middle of the semester, effectively interrupting their studies and forcing them to remain enrolled for several years to complete their studies, which places an extra financial burden on studying prisoners.

Before enrolling in the Open University program, prisoners must sign a statement absolving the IPS of all responsibility in cases where their education might be temporarily or permanently interrupted by prison authorities, and acknowledging that prisoners are not entitled to a refund from the Open University in the event of any such interruption.

In addition to the initial cost of education (tuition, stationary, etc.), punishments that interrupt prisoner education have significant economic repercussions. If prisoners pay their fees and are later prevented from continuing due to IPS disciplinary measures, they do not receive a refund and must re-pay for the course when the disciplinary ban on studying is lifted. Similarly, if a prisoner is punished or transferred to another prison during the exam period, he or she must forfeit the exam fee and re-pay to take the exam(s) (160 NIS in total for all exams, according to prisoner testimonies and PA information)<sup>53</sup>.

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<sup>53</sup> Open University of Israel claims it has no control or knowledge of IPS 'punishment' measures or prisoner 'address change' due to transfer to another prison, thus the university cannot be held responsible for the interruption and thus won't return any paid fees for error they are not responsible for.

## Prisoner Education in International Human Rights and Humanitarian Law

Article 38 of the Third Geneva Convention (Geneva Convention relative to the Treatment of Prisoners of War) mandates that the Detaining Power encourage the practice of intellectual and educational pursuits amongst prisoners and “take the measures necessary to ensure the exercise thereof by providing them with adequate premises and necessary equipment.”

Education is also one of the basic rights of protected persons that the Occupying Power is obligated to respect according to Article 27 of the Fourth Geneva Convention. Although Article 76 of the Convention regarding the detention of protected persons does not refer specifically to prisoners’ continued education, more specific provisions can be found in Article 94, which is applicable to internees and imposes an overall obligation on the Occupying Power to ensure “the education of children and young people”<sup>54</sup> in internment, foregoing any distinction between different levels of education (primary vs. university level). It further obligates the Detaining Power to “encourage intellectual, educational and recreational pursuits ... amongst internees,”<sup>55</sup> by all means available. The article lays particular stress on the provision of suitable facilities for internees to pursue their education.

The main source of international law relating to the right to education remains the UDHR. Article 26 of the UDHR clearly mandates that “everyone has the right to education” and that “higher education shall be equally accessible to all on the basis of merit.” This is emphasized in Article 13 of the ICESCR, Article 28 of the Convention on the Rights of the Child (1989), which Israel ratified in 1991, and in the Convention against Discrimination in Education (1962) (CDE), which Israel ratified in 1961. All of these agreements outline provisions specific to the right to education and underline the fact that “education is both a human right in itself and an indispensable means of realizing other human rights.”<sup>56</sup>

<sup>54</sup> Emphasis added.

<sup>55</sup> Fourth Geneva Convention, *supra* note 11, Art. 94.

<sup>56</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 13: The Right to Education (Art. 13 of the Covenant), 8 December 1999, E/C.12/10/1999/.

The Occupying Power's broad obligation to ensure Palestinians' right to education, including those incarcerated in its prisons, should therefore first be understood as stemming from the status of education as a fundamental right consecrated in these instruments.

Further clarification on the normative content of the right to education is provided by the ICESCR. As the Committee on Social, Economic, and Cultural Rights noted in 2003, the provisions of the Covenant are applicable in the OPT as well, since "the applicability of rules of IHL does not by itself impede the application of the Covenant or accountability of the State under Article 2(1) for the action of its authorities."<sup>57</sup>

The ICESCR, which, by way of Israel's ratification, applies both to Israel and the OPT, requires state parties to guarantee the full realization of the right to education for all people within its jurisdiction.<sup>58</sup> The CDE further stipulates that a state's obligation to fulfill this right is not subject to any derogation, even in times of declared emergency. When it ratified this instrument in 1961, Israel undertook an obligation not to discriminate in its implementation of CDE and not to "deprive any person or group of persons of access to education of any type or at any level."<sup>59</sup> As a result, it may be argued that adult education of Palestinian political prisoners falls within Israel's duties under this convention.

Along with the aforementioned international standards, Article 77 (1) of the UN Standard Minimum Rules for the Treatment of Prisoners holds that provisions should be made for "the further education of all prisoners capable of profiting thereby." Finally, the UN Standard Minimum Rules recommend that the education of prisoners be conducted in line with the regular educational system of the country, "so that after their release they may continue their education without difficulty."

#### Principle 6 of the Basic Principles for the Treatment of Prisoners

57 Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel. 052003/23/. E/C.121/Add.90. (Concluding Observations/Comments), para. 31

58 Covenant on Economic, Social and Cultural Rights, *supra* note 47, Arts. 13, 14.

59 UN Educational, Scientific and Cultural Organisation, Convention Against Discrimination in Education, 14 December 1960, Article 1(1).

mandates the following: “All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.” The Basic Principles emphasize that all prisoners “retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights” and other international instruments signed by the State in question. The Basic Principles also contain other similar provisions, stipulating that a prisoner has the right to obtain “reasonable quantities of educational, cultural and informational material.”

### **Prisoner Education in Israeli Law**

In contrast to these internationally accepted standards, the IPS has put in place various policies that restrict the right of Palestinian detainees and prisoners to education.

#### **IPS Regulations related to the Education of Security Prisoners and Administrative Detainees**

Several orders in IPS regulations address education, all of which frame education as a privilege as opposed to a right, in contravention of IHL and IHRL.

Article 21 of IPS Order No. 0003/02/ on the Rules for the Treatment of Security Prisoners describes education for “security prisoners” as a privilege subject to withdrawal at the discretion of prison officials or guards. Education for “security prisoners” also takes place on the condition that educational activities are conducted within cell walls.<sup>60</sup> IPS regulations for criminal prisoners, on the other hand, grant criminal prisoners permission to go on educational tours outside of prison. They provide for all necessary means for the continuation of prisoners’ education and the enrollment of prisoners in educational programs, as well as engagement in creative activities.

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<sup>60</sup> Basic Regulation for Security Prisoners, *supra* note 109, Art 21 (a).



Article 21 of the IPS order dealing with “security prisoners” imposes collective punishment in the case that any “provocative” educational materials are found. In the case that such materials are found, all educational materials may be confiscated and educational activity for all members of the student group may be halted.<sup>61</sup> Since the Basic Regulations do not define “provocative,” this provision essentially gives the prison administrations the discretionary power to arbitrarily decide whether a prisoner is engaged in “provocative” educational activity based on their personal opinion at any given time. Prison administrations also have the right to ban any publication or textbook that poses a “threat” to its security,<sup>62</sup> as well as any printed material that is not published in Israel.<sup>63</sup>

Order No. 0004/48/ on the Education of Security Prisoners in the Open University (hereinafter Order on Education of Security Prisoners) does not establish a right to education for Palestinian political prisoners.<sup>64</sup> Instead, enrollment in the Open University is defined as a privilege subject to a number of conditions, including “good behavior,”<sup>65</sup> the condition that the subjects of study lay within “permissible areas,”<sup>66</sup> and the condition that prisoners have “sufficient funds.”<sup>67</sup> This ‘privilege’ can be withdrawn by the prison authorities at any given time, either under the pretext of “security reasons,” in which case the ‘privilege’ must be withdrawn by way of a written statement that does not have to explain what the security considerations consist of,<sup>68</sup> or as punishment for a disciplinary transgression. Punished prisoners cannot recover the payments they made for their tuition.

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61 Ibid.

62 Ibid., Art. 21(e) (f)

63 Ibid., Art. 21(g)

64 Israeli Prison Service, Education of Security Prisoners in the Open University, Order No. 0400/48/, updated 16 January 2006.

65 Education of Security Prisoners in the Open University, *supra* note 110, Art. 3 (1).

66 Ibid., Art. 3 (2).

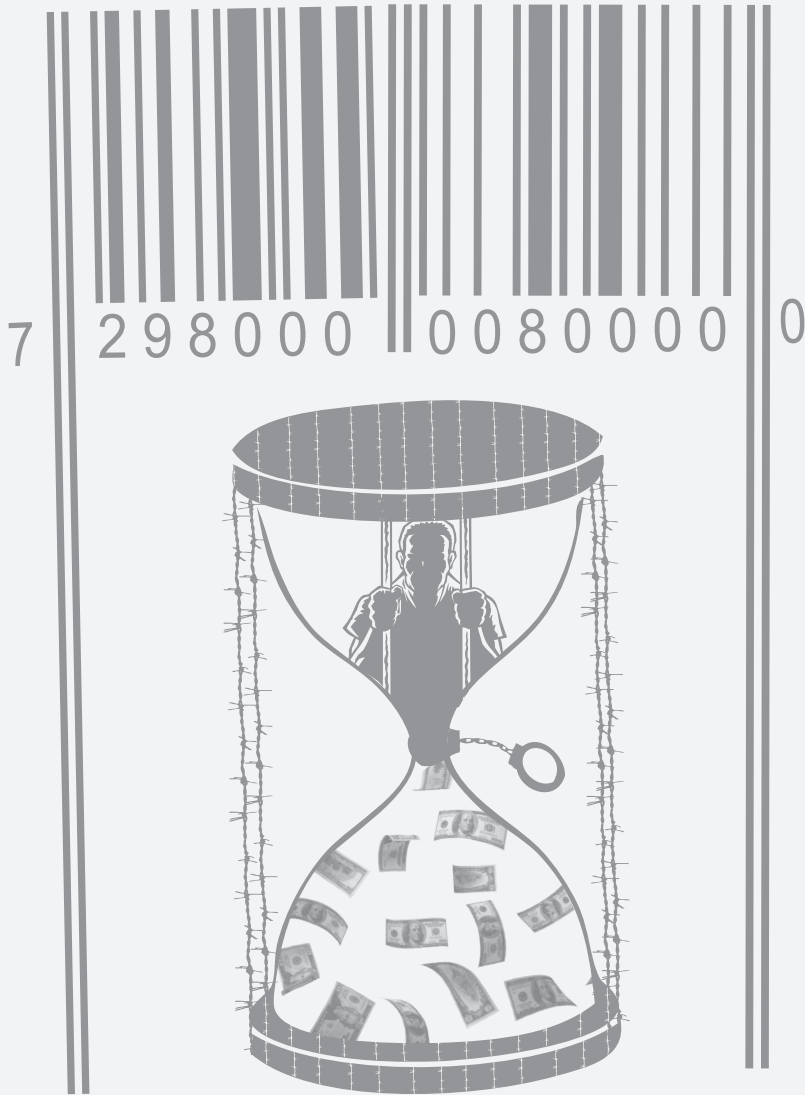
67 Ibid., Art. 3 (3).

68 Ibid., Art. 21(k)

## Education in Amendment 42 to the Prisons Law

After a mass hunger strike undertaken by Palestinian prisoners between 17 April and 14 May 2012 and the agreement subsequently concluded by the prisoners' movement, the General Security Service (the Shabak) and the IPS administration, the Knesset enacted Amendment 42 of the Prisons Law, ostensibly in order to ensure that prison conditions become suitable. The amendment, however, excluded "security prisoners" from participation in educational and recreational events and activities in order to honor a 2009 decision by the Israeli government to prevent Palestinian prisoners and detainees from taking high school exams, as well as a decision to halt all university education for "security prisoners" beginning in 2011. All told, the amendment allows for the continuous denial of the cultural and educational rights of security prisoners.





**SECTION 4**  
**ADDITIONAL IMPACTS OF**  
**IMPRISONMENT ON**  
**PALESTINIAN ECONOMY**



## **ADDITIONAL IMPACTS OF IMPRISONMENT ON PALESTINIAN ECONOMY**

### **Establishment of the Ministry of Detainees and Ex-Detainees Affairs (PA)**

The structure of the Israeli prison economy shifted substantially after the signing of the Oslo Accords in 1993, which established the Palestinian Authority (PA). Prior to 1998, the PA ran an assistance program for released prisoners under the auspices of the Ministry of Social Affairs. On 7 August 1998, the PA founded the Ministry of Detainees and Ex-Detainees Affairs (heretofore: Ministry of Detainees), which subsequently took over the ex-prisoners program. The Ministry of Detainees is one of the primary Palestinian actors responsible for shouldering the financial burden of Israeli imprisonment.

The PA's establishment of the Ministry of Detainees raises questions in regards to the PA's role politically and economically. The Ministry of Detainees makes a number of payments to the Israeli military and prison systems on behalf of Palestinian prisoners, as well as providing other financial aid to them and their families for canteen, educational payments, disciplinary fines, legal support, loans, vocational training, 'prisoners salaries' and court fines.

The IPS does not publish information about the money it receives from disciplinary fines. Therefore, this total can only be determined through interviews with prisoners and from the Ministry of Prisoners, who on occasion shoulder the fines. The figures below are provided to Addameer by the Ministry of Prisoners and reflect these fine payments from 2007-2010-. These figures should not be understood as reflecting the total payment by Palestinian political prisoners of disciplinary fines, as the Ministry (and thereby, the PA) has not covered these fines in all cases or consistently over time.

Table 8: PA Payment of Fines

Year	PA Payment of Fines (NIS, current prices)	PA Payment of Fines (US\$, 2012 prices)
2007	00.00	00.00
2008	3,807,650.00	1,103,374.68
2009	3,691,950.00	1,035,501.71
2010	547,350.00	149,503.08
<b>Average</b>	<b>2,011,737.50</b>	<b>572,094.87</b>

Source: PA Ministry of Detainees, 2007-2010.

In order to provide an idea of the amounts fined for various offenses, Addameer has also collected a number of examples of fines imposed by the IPS collected by Addameer’s documentation unit:

1. According to data provided to Addameer by the Ministry of Detainees, the total amount of fines imposed by the IPS on prisoners in July 2010 alone amounted to 250,000 NIS. Applying this rate to the entire year, for which information is not available, one can estimate that the total amount of fines imposed by the IPS on Palestinians for that year amounted to approximately 3 million NIS, all paid through the financial accounts of prisoners registered with the IPS.
2. On one occasion in 2010, prison authorities imposed a fine of 500 NIS on 110 of the 120 prisoners in Hadarim Prison on the basis of having found mobile phones.
3. On one occasion in 2010, the administration of Nafha Prison imposed a fine of 125 NIS on 20 prisoners after a small piece of metal was found in one of the rooms in Section 12, in addition to other fines and punishments.

4. At the beginning of 2011, Nafha prison authorities imposed a series of sanctions against prisoners, including a 228 NIS fine on 160 prisoners after a prison-wide inspection uncovered mobile phones.

5. In 2012, the administration of Gilboa Prison punished 36 prisoners for undertaking a hunger strike in solidarity with hunger striking administrative detainee Hana Al-Shalabi, fining each prisoner 250 NIS and imposing a series of other punishments on the hunger striking prisoners, including the cancellation of family visits for 2 months.

### Other Forms of PA Support

6. In addition to canteen and court fine payments, there are many other ways in which the PA offsets the financial impact of Israeli imprisonment practices on the rest of Palestinian society. First, in order to compensate for lost family income as a result of a family member's imprisonment, the PA pays 'prisoner salaries' on a sliding scale determined by the amount of time served. According to our meetings with representatives from the Ministry, it spends approximately 17 million NIS a year (USD\$ 4.82 million at 2012 rates) on these salaries. The Ministry also provides salaries to released male prisoners who have spent more than 5 years in prison and to female prisoners who have spent 3 or more years in prison – these salaries range between 1,400 and 1,200 NIS a month, and in total amount to approximately 5 million NIS a month. The length of time salaries are given as well as the amounts are variable and inconsistent. The Ministry also provides prisoners with one-time grants upon release. In order to facilitate the economic re-integration of prisoners post-release, the PA provides vocational training to 600800-released prisoners every year. The Ministry also provides loans to fund small-scale economic projects for released prisoners. According to our interview with a PA official, as of May 2013, the Ministry had provided approximately 300



loans to release prisoners. Each loan was valued at USD\$ 10,000 and given at a 3% interest rate in cooperation with the National Bank. Finally, the PA covers a portion of the university tuition for 2,0002,800- released prisoners every year – 50% of tuition for those majoring in the humanities and 75% for those majoring in sciences.

## CONCLUSION

Although PA support can be understood as taking part of the economic burden of imprisonment off the shoulders of prisoners and their families, it should still be envisioned as part of the economic expropriation that results from Israeli imprisonment practices, this time with an institutional, rather than individual, payer. Moreover, even though the Ministry of Detainees does succeed in alleviating some of these individual financial burdens, the economic practices of the IPS nevertheless create a financial problem that then needs to be ‘solved.’ Many of the previously delineated forms of PA support, for instance, operate on the basis of reimbursements, meaning that the prisoner’s family must still shoulder financial pressure and actively seek compensation.

## OPPORTUNITY COSTS TO LABOUR FORCE

### Opportunity cost of Imprisonment: Labor Force

An additional cost to Palestinian prisoners and Palestinian society the opportunity cost of Palestinians imprisoned, specifically the opportunity cost of them being out of the labor force. One way of creating a simple estimate is to figure the contribution of each Palestinian worker to GDP, and multiply that figure by the number of prisoners, taking into consideration the unemployment rate at that instant.

To do this, we divide the official GDP figure (in current prices) in 2011 by the employed persons in 2011. According to the Palestinian Central Bureau of Statistics (PCBS), the annual GDP in current prices was USD\$9.775 billion and the number of employed workers was 837,000, i.e. each worker would have contributed to approximately USD\$11,678. Moreover, figures show that by the end of 2012 there were 4,656 Palestinian prisoners, and the 2012 annual labor survey show that unemployment in the West Bank (vast majority of prisoners were from the West Bank) was 19 percent. Hence, theoretically, 3,771 prisoners would have been employed in the Palestinian labor market and contributed around USD\$44 million.

In the end of 2008, PCBS and the Palestinian Economic Council for Development and Reconstruction (PECDAR) conducted a survey for the socioeconomic conditions of Palestinian prisoners, and attempted to estimate the “economic cost” of Palestinian prisoners in a specific year. The equation they created was that the economic cost of prisoners in a specific year equaled (1) opportunity cost of workers (similar to the above process) + (2) variable costs including transportation and canteen costs + (3) fixed costs including legal fees and court fines. They concluded that 56 percent of the 11,000 prisoners were employed, and that more than two thirds (79 percent) were paid workers. It demonstrated that the total economic cost of the Palestinian prisoners in 2008 was roughly NIS412 million (USD\$108.7 million in 2008 exchange rates).

## CONCLUSION

First and foremost, this paper shows how the Israeli state, in renegeing on its obligations vis-à-vis Palestinian political prisoners under IHL and IHRL, has decreased its own financial burden as brought on by its imprisonment practices, increased financial burdens on Palestinian society and on the PA, and contributed to the financial successes of the Israeli private sector.

In addition to these basic economic gains, the economy of the Israeli prison system is strategically useful as a part of the Israeli colonial project in its impact both on Palestinian society at large and prisoner society in particular. Like Israeli exploitation of Palestinian prison labor, the practices outlined in this paper reveal attempts on behalf of the Israeli authorities both to cause divisions between prisoners and the rest of Palestinian society – in this case, by making prisoners an economic burden – and to cause divisions within prisoner society. The latter project is channeled in large part through disciplinary action inside prison, which, even when it is not explicitly collective, because of Israel's failure to honor its legal obligations, tends to have collective effects. Fines are deducted from prisoners' canteen accounts; even if other prisoners' canteen accounts are not directly affected, this still affects the collective food supply, since prisoners generally pool their canteen allowances to cook for the entire group. When a single prisoner is fined or denied access to their canteen account by the IPS for disciplinary reasons, because prisoners rely on the canteen for their basic alimentary needs, the fined prisoner's cellmates will supplement that prisoner's purchases and wait to be paid back by the fined prisoner when that becomes possible. The consequence of this financial ripple effect is, in turn, that prisoners begin to police one another, since even individual punishments for so-called 'transgressions' have a collective (financial) impact.

This reveals one sense in which the framing of rights as privileges – one of the Israeli practices identified during the Israeli prison labor period – is strategically beneficial to Israeli prison authorities. When the

IPS does not provide prisoners with meals that are adequate in quantity and quality, it gains not only canteen royalties, but also a policing tool.

This framing of rights – of education, hygiene, medical care, and, most of all, food –as privileges also has a transformative impact on the prisoners’ movement. Increasing canteen allowances, facilitating deposits into prisoner canteen accounts by family members, and increasing the variety of products offered at the canteen, have all been subjects of prisoner demands and mobilization. In a sense, the economization of Israeli imprisonment has transformed the prisoners’ issue into a material and financial one, an observation made both by many former prisoners and by officials at the Ministry of Detainees. This, in turn, has a dual effect. First, it channels the intellectual and organizational energy of prisoners away from political pursuits and into securing material goods that financially benefit the IPS and the companies that run the canteen and associated services. Second it encounters an understanding that prisoners have begun to struggle, not for their liberation, but for material comfort during imprisonment, which has had the effect of beginning to change perceptions of prisoners amongst the Palestinian public, sewing the kinds of divisions between prisoners and the rest of society mentioned earlier.

This impact on prisoner culture, in turn, reflects the broader goals of imprisonment (in all cases, though especially in colonial contexts) with respect to disciplining and transforming incarcerated individuals into new – and more easily manageable –political subjects. Although prisoners find ample room for subverting this project, Israeli imprisonment practices – especially the financial policies it has adopted in the past twenty years – clearly aim toward neutralizing the political threat posed by Palestinian ‘security’ prisoners by changing the terms of their political mobilization, their interactions with one another, and their place in Palestinian society.

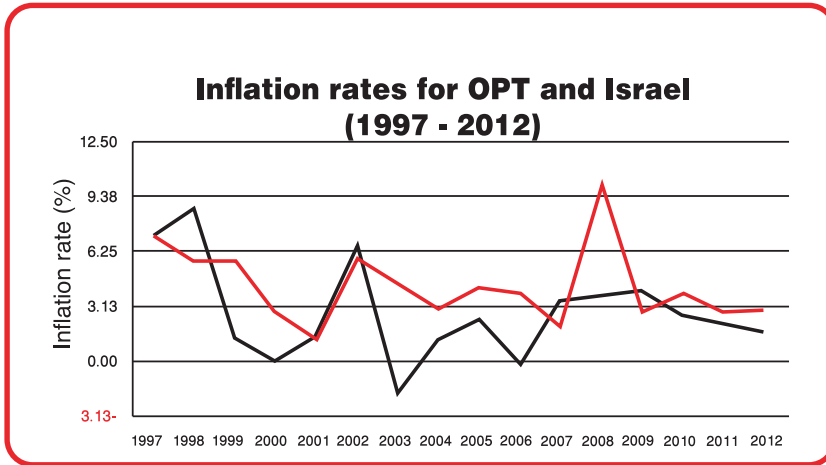
The argument amongst prisoners that IPS fines give them feelings of financial dependency and powerlessness mirrors the broader impact of the IPS’ economic policies, which generate feelings of dependency

amongst prisoners – not just on Israeli prison authorities – but also on the PA, their main source of income during incarceration. In this way, the overall effect of the Israeli prison economy is to introduce the prisoner into, not only a new form of political subjecthood vis-à-vis the Israelis, but also a new form of political subjecthood vis-à-vis the PA. In building a relationship between the prisoner and the PA, which transforms the prisoner into a new kind of (dependent) Palestinian ‘citizen,’ the economization of Israeli imprisonment practices can be understood as a microcosm of post-Oslo realities in Palestine. Moreover, just as the Oslo Accords have made Palestinian society responsible for guaranteeing the security of their occupier, so has the integration of the PA into the Israeli prison system made Palestinian society responsible for facilitating the imprisonment of those who resist the occupation and colonization of Palestinian land. The transformation of the prisoners’ issue into a financial one also mirrors the de-politicization of the Palestinian question which, particularly in the post-Oslo period, has been framed as an economic issue solvable by ‘development’ in much the same way that, on a micro-level, the prisoner’s issue is solvable by a higher canteen allowance.

In conclusion, then, the economization of the political imprisonment of Palestinians aims at facilitating the Israeli occupation and colonization of Palestine on financial, social, and political levels. Financially, the Israeli state’s failure to honor its obligations under international law is beneficial to the Israeli government and economy, both in that it decreases the monetary cost of imprisonment and in that it provides financial gain to Israeli private companies. Socially, the economic policies and practices of the IPS aim to sew divisions within Palestinian society at large and within prisoner society in particular, coercing Palestinians into policing one another. Finally, politically, these policies and practices are designed to neutralize prisoners identified as political threats by forcing them to dedicate their energies to struggling for basic material needs, rather than to the kind of struggles for which they were originally imprisoned.

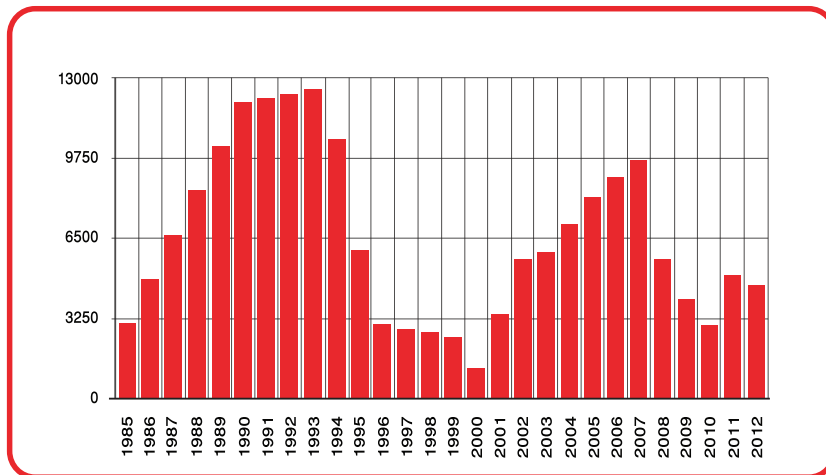
## ANNEXES

**Graph 1: Comparison of Inflation – Israel and the OPT**



Sources: PCBS and ICPS figures, 2013.<sup>69</sup>

**Graph 2: Annual Number of Palestinian Political Prisoners detained in Israeli Jails by Year**



Source: IPS 2011, AbdNassar 2012, Addameer 2013.<sup>70</sup> Bars in gray are extrapolated data for years for which there is no reliable data.

<sup>69</sup> [http://pcbs.gov.ps/Portals/\\_Rainbow/Documents/e-Time%20series%20cpi%2019962012-.htm](http://pcbs.gov.ps/Portals/_Rainbow/Documents/e-Time%20series%20cpi%2019962012-.htm) and <http://www.inflation.eu/inflation-rates/israel/historic-inflation/cpi-inflation-israel.aspx>

<sup>70</sup> Israel Prison Service, 2011, «Total Security Prisoners,» Israel Prison Service Website, [http://www.ips.gov.il/Shabas/TIPUL\\_PRISONER/Prisoners+Info/prisoners\\_bithahoni.htm](http://www.ips.gov.il/Shabas/TIPUL_PRISONER/Prisoners+Info/prisoners_bithahoni.htm), accessed July 2011; AbdNassar, Ferwana, 2012, «Palestine Behind Bars,» <http://www.palestinebehindbars.org/>, accessed May 2012; Addameer (2013).

## Additional information

Between 1988-2012, the IPS received an average 18.91% of the total budget of the Ministry of Internal Security annually. Between 1988-2011, Palestinian “security” prisoners comprised 36% of the total prisoner population held in Israeli jails (not including prisoners in PA prisons). Based on these figures, one can estimate that Israel spent an average of 123.27 million<sup>71</sup> USD annually (in 2012 prices) on jailing Palestinian prisoners, approximately 18,395 USD per prisoner per year (in 2012 prices).<sup>72</sup> These calculations do not include the costs of arresting and trying prisoners, as these costs are incorporated into the courts, military and police budgets.

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<sup>71</sup> Currency conversions throughout this report were calculated by averaging the exchange rate of NIS (New Israeli Shekel) to the US dollar during the last business day in each month throughout the year, to achieve an average yearly exchange rate.

<sup>72</sup> Israel's internal security is taken from the Israeli Ministry of Finance, various years, The Government's Budget, Jerusalem. The number of prisoners is from: Israeli Prison Authority, 2011, «Total Security Prisoners,» Israeli Prison Authority Website, [http://www.ips.gov.il/Shabas/TIPUL\\_PRISONER/Prisoners+Info/prisoners\\_bithahoni.htm](http://www.ips.gov.il/Shabas/TIPUL_PRISONER/Prisoners+Info/prisoners_bithahoni.htm), accessed March 2013.

## **ADDAMEER**

(Arabic for conscience) Prisoner Support and Human Rights Association is a Palestinian non-governmental, civil institution that works to support Palestinian political prisoners held in Israeli and Palestinian prisons. Established in 1992 by a group of human rights activists, the center offers free legal aid to political prisoners, advocates their rights at the national and international level, and works to end torture and other violations of prisoners' rights through monitoring, legal procedures and solidarity campaigns.

### **Addameer's Vision:**

Addameer believes in the importance of building a free and democratic Palestinian society based on justice, equality, rule of law and respect for human rights within the larger framework of the right to self-determination. Addameer's work is based on a belief in the universality of human rights as enshrined in international law.

### **Addameer's Goals:**

- \* End torture and other forms of cruel, inhuman and degrading treatment inflicted upon Palestinian prisoners;
- \* Abolish the death penalty;
- \* End arbitrary detentions and arrests;
- \* Guarantee fair, impartial and public trials;
- \* Support political prisoners and their families by providing them with legal aid and social and moral assistance and undertaking advocacy on their behalf;
- \* Push for legislations that guarantee human rights and basic freedoms and ensure their implementation on the ground;
- \* Raise awareness of human rights and rule of law issues in the local community;
- \* Ensure respect for democratic values in the local community, based on political diversity and freedom of opinion and expression;
- \* Lobby for international support and solidarity for Palestinians' legitimate rights.

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