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### **EAST JERUSALEM PRISONERS**

December 2017

As of December 2017, 500 Palestinians from East Jerusalem were held in Israeli prisons. Since the beginning of 2008, the IPS has transferred a large majority of Jerusalemite prisoners to Gilboa Prison in the north-east of the 1948 Territories in an attempt to fragment any unity of the greater Palestinian prisoner movement and segregate the Palestinian demographic, a strategy that was also advanced during the Oslo years. Most of the East Jerusalem prisoners currently in Israeli prison were arrested during the second intifada. However, there are also approximately 4 detainees from East Jerusalem who were arrested before the PLO signed the Oslo Agreement in 1993. Furthermore, the overall figure does not include the large number of minors who are arrested in Jerusalem every week and held for a few hours or sometimes days for interrogation. In 2010, an estimated 1,200 minors were detained from Jerusalem. Of these, only 230 were charged and either released on bail, placed under house arrest or made to do community service.

### **Number of East Jerusalem residents held in Israeli prison at the end of the month since January 2010 until December 2017**

Year	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
2017	510			480	400	400	480	480	480	400	492	500
2016	500	550			458		500	500		470		
2015	380	359	460	471	400	-	470	460	450	550	500	520
2014	163	158	159	279	298	-	-	-	-	400	327	376
2013	167	179	183	183	184	184	185	180	179	177	175	169
2012	198	161	150	153	160	158	156	152	151	-	-	-
2011	197	189	191	188	189	188	-	180	187	184	141	154
2010	-	-	200	188	196	199	205	-	203	200	197	198

Israel's unlawful policies and practices in Jerusalem have had a devastating impact on the daily living conditions of all Palestinian Jerusalemites. Immediately following the end of the 1967 war and Israel's illegal annexation of East Jerusalem, the Israeli government proceeded to register Palestinians living there, providing them with the status of "permanent residents" rather than granting them full legal citizenship, as part of its unofficial "collective transfer" or "more land and less Arabs" policy. The rationale behind this policy was to slowly erase the Arab population of Jerusalem and replace the land with Jewish Israeli citizens. Furthermore, Israel's ideological and material motives were reaffirmed in 1980 when the Israeli Knesset passed the Basic Law declaring Jerusalem as the "whole and united [...]"

capital of Israel”.

Denied both Israeli citizenship and a Palestinian identity card, the legal and political rights of Jerusalemites fell under the full discretion of the Israeli authorities, creating a unique disadvantage for Jerusalemite political prisoners. As a result, Palestinian prisoners from East Jerusalem have been isolated, and left out of nearly all negotiated prisoner releases since the beginning of the “Oslo Peace Process” with a disappointing lack of opposition from Palestinian negotiators. Palestinian prisoners from East Jerusalem, as well as Palestinian prisoners from the 1948 territory, were entirely excluded from negotiated prisoner releases during the Oslo process as they were viewed by Israeli authorities as prisoners under the authority of the State of Israel, rather than political prisoners of the Israeli-Palestinian conflict. Moreover, the issue of East Jerusalem was considered too controversial to be addressed during Oslo negotiations, and this necessarily implied that the release of prisoners from Jerusalem would not be negotiated. This situation continues to exacerbate existing feelings of social and political exclusion among Jerusalemite prisoners, who are already the targets of Israeli efforts to revoke residency rights, particularly among Jerusalemites who are members of the Palestinian Legislative Council.

As part of its efforts to deny East Jerusalem the status of occupied territory in accordance with international law, in theory, Israel subjects Palestinian residents of the city to Israeli civilian law. East Jerusalemites are therefore obliged to pay municipal taxes, even though they do not receive the same services as Jewish residents of the city, and the Ministry of Interior can revoke their residency should they move abroad or to the West Bank. In addition to this, the Israeli authorities invoke both Israeli civilian law and military orders with Jerusalemite prisoners on a purely discretionary basis.

Moreover, rather than recognizing the status of these prisoners and detainees as “protected persons” under international humanitarian law, Israel registers Jerusalemites as security (1) or criminal offenders.

If a Jerusalemite is charged with an offense which was committed in Jerusalem or territories inside the Green Line, he/she will be tried before the Israeli civilian courts, according to the 1977 Penal Code, the 1948 Prevention of Terrorism Ordinance and the 1982 Criminal Procedures Law. However, military court jurisdiction can be extended to Palestinian residents of East Jerusalem if their alleged offense was committed in or otherwise has ties to the West Bank. Regular practice shows that very little burden is placed on the Prosecution to prove such a connection, and that arbitrary decisions are always taken to extend the interrogation period to the maximum, to allow the utmost flexibility for Israeli Security Agency (ISA) officers in their conduct during an interrogation and to reduce legal safeguards ensuring respect for international fair trial standards.

The first-hand experiences of Addameer defense lawyers demonstrate that the Israeli authorities often detain and interrogate Palestinians from East Jerusalem under military orders, a system that features pervasive physical and psychological abuse and ill-treatment and which permit longer periods of detention with little or no effective judicial oversight. Under the Israeli military judicial system, individuals (including children as young as 12) may be detained without being brought before a judge for up to eight days and without access to legal counsel for up to 90 days. In total, detainees in the military system may be held without charge for up to 188 days. By comparison, individuals in Israel who are accused of security offenses within the Israeli civil system may be detained for a maximum of 4 days before going before a judge, can be denied access to legal counsel for up to 21 days and may be held in custody without being charged for up to 64 days. After interrogation Palestinians are then transferred to the Israeli civil system for trial, a move that permits prosecutors to seek higher sentences for Jerusalemite defendants based on the principle that 'security' offenses are less common in the Israeli civil system than in the military system in the oPt, and therefore,

require a harsher penalty. As a security prisoner within the Israeli civil system, Palestinians are denied the rights afforded to an Israeli criminal prisoner. Typically, Israeli criminal prisoners are entitled to earn money inside the prison system, receive family visits without the imposing presence of a glass divider, have as many books or other items they want in their cell, and long-term prisoners are allowed to take occasional visits outside the prison; privileges which a Palestinian prisoner is denied.

Through this manipulation of law on the basis of territorial status, Jerusalemite prisoners are subjected to the most oppressive aspects of both military law and Israeli civil law.

### **Relevant Addameer Publications:**

- [Arrest of Children in Jerusalem: Detention, Education, Financial Strains and Social Burdens](#), June 2017
- [Forgotten City, Forgotten People: Jerusalemite Political Prisoners, the Oslo Process and a Struggle for Freedom](#), June 2011

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(1) Israeli citizens accused of security offenses are almost exclusively Arabs, or Palestinians with Israeli citizenship, in addition to Palestinian residents from the Gaza Strip. As Israel maintains its authority over Jerusalemite prisoners, they also fall within this jurisdiction. As a 'security' prisoner there are also further restrictions on legal guarantees compared with Israeli citizens accused of criminal offenses. However, as noted on this page, Israeli authorities often detain and interrogate East Jerusalemites under military orders, where even harsher restrictions are applied.

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