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# A History of Confinement in Palestine: The Prison Web

Stéphanie Latte Abdallah



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*To Monette and Jeannot  
In memory of Lokman Slim*

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This text would never have come into being without the friendship of Samira Hanini and Mahmud Safadi.

## PRAISE FOR *A HISTORY OF CONFINEMENT IN PALESTINE: THE PRISON WEB*

“The *Prison Web* is a book like no other on the deep, durable, and ever capacious domains of the Israeli state’s incessant and insidious work to contain, contort, and annihilate Palestinian lives. Stéphanie Latte Abdallah’s analytic acuity and meticulous detailing of every corner of Israeli intrusion provides a portal into violence, terror, and precision dispositifs too often un-noted and un-named. Her minute tracking of incursions is joined by a brilliant conceptual take on what constitutes Israel’s colonial politics: as she writes, it erases delimited borders, enforces a ‘mobility regime’ that arrests movement and distorts time. There is not one page in this stunningly researched book that is not worth reading; no one has revealed so profoundly how the prison Israel has built has sought to crush Palestinian lives—far beyond the concrete walls of detention.”

—Ann Stoler, *The New School for Social Research, New York, USA*

“While I am not a specialist in the carceral system as it relates to Palestinians, I cannot imagine a more authoritative study than this one. Based on years of rigorous research and fieldwork in the West Bank and Israel, this highly informative and important book provides a detailed and multi-dimensional analysis of the central (and changing) role of the carceral archipelago (to borrow from Michel Foucault) in Palestinian social and political life since 1967. A penetrating and at times, poignant examination



of the critical yet often overlooked role of incarceration in determining and shaping individual and collective lives.”

—Sara Roy, *Center for Middle Eastern Studies, Harvard University, USA*

“This is an urgently necessary and important, if harrowing, book. Deeply researched, lucidly argued, and historically comprehensive in its approach, it will be an indispensable resource for studying Palestine, and global carcerality more generally.”

—Laleh Khalili, *author of Time in the Shadows: Confinement in Counterinsurgencies (2012), Queen Mary University of London, UK*

“One out of four Palestinians have experienced Israeli detention since 1967. This is an unprecedented book that dives brilliantly into the details of the Israeli carceral system by studying the colonial penal system with its traditional and neoliberal characteristics including people’s individual and collective narratives and political and social experiences that include: courts, prisons, the prisoner movement, hunger strikes, tribulations of visits. Through a deep ethnographic and analytical study of the visible and the invisible, this book deals with gender, geography, political affiliation, and the social representations of the body and the mechanisms of attempts to control it in prison and outside of it. In a nutshell, this book is an essential reference for understanding Palestinian society.”

—Abaher El Sakka, *Birzeit University, Palestine*

“This book is an original contribution to the study of the forms of resistance developed by the Palestinians in the face of the Israeli settler-colonial regime, whose main core is prisons and military justice. It also provides an ethnographic investigation into the reconstruction of perceptions and their changes among political prisoners towards issues of sexuality and intimacy in a society in which religion and tradition have a special place.”

—Joni Aasi, *An-Najah University, Palestine*

## NOTE ON THE TRANSCRIPTION OF ARABIC TERMS

Many of the words and expression are in Palestinian Arabic, and I particularly wanted to capture these dialectal sonorities. I have adopted a highly simplified transcription system that does not employ diacritic dots or mark the long vowels or the emphatics. The  $\varepsilon$  (ayn) vowel contraction is indicated with a ‘. The  $\xi$  (ghain) is transcribed “gh.” The  $\text{ﺕ}$  (close to “th”) and the  $\text{ﺕْ}$  (which sounds similar but is more emphatic) are transcribed “th,” and the  $\text{ﺡ}$  (pronounced similarly to the Spanish jota) is written “kh.” The final ta marbuta is transcribed “eh.” Nonetheless, in the bibliography, or with words used in other contexts or that are more widespread (such as the Nakba), I have used an “a.” For proper names of personalities or common words that do not feature in italics, I have opted for the most common transcription.

### WEB (N.)

Old English *webb* “woven fabric, woven work, tapestry,” from Proto-Germanic *\*wabjam* “fabric, web” (source also of Old Saxon *webbi*, Old Norse *vefr*, Dutch *webbe*, Old High German *weppi*, German *gewebe* “web”), from PIE *\*(h)uebb-* “to weave” (see weave (v.)).

Meaning “spider’s web” is first recorded early 13c. Applied to the membranes between the toes of ducks and other aquatic birds from 1570s. Internet sense is from 1992, shortened from *World Wide Web* (1990). *Web browser*, *web page* both also attested 1990.

<https://www.etymonline.com/word/web>

## PROLOGUE

In July 2020, a Gazan friend said he was touched by the international expression of solidarity with Gaza, which had involuntarily come to epitomize the shared experience of lockdown—a reflection with no illusions about experiences of necessity that were of course very different, but which, at least, could convey beyond Gaza a certain sense of its daily confinement. In that particular period, the Palestinians of the Occupied Territories resisted the first wave of Covid-19 better than their Israeli neighbors, despite their fragile health system, precisely because they are aware of its limitations, and because they have incorporated the experience of blockades and imprisonment, which meant the lockdown constraints were not so exceptional and easier to impose.

This book is a history of confinement via the political incarceration of Palestinians in Israeli prisons since the occupation of East Jerusalem, the West Bank, the Gaza Strip, and the Golan Heights in 1967, but also, less frequently, in Palestinian prisons as of the mid-2000s. Mass arrests and detention have deployed this suspended *prison web*, both a reality and a virtuality that plays a role in managing movement and borders—non-linear borders that have multiplied, are in part dematerialized, mobile, networked, and at the same time individualized and endless. My access to prisons was limited, but this book is not only a history of the Inside, but also of this space that spans the Inside and Outside. I worked not only on the effects of the prison world on the Outside and vice versa, but on

these interconnections, on this pervading suspended, immaterial, interstitial space of detention. “There is no difference between what a book talks about and how it is made”, wrote Gilles Deleuze and Félix Guattari (1980, 1987). This book, then, is woven like a web, with no formal introduction. It is built out of places, scenes, moments, and people, from an investigation that is followed in my steps. I wanted to write the kind of inquiry-text that Ivan Jablonka evokes, one which consists of “bringing together in a same narrative the past, the evidence, and the inquiry” (2014). While each chapter can be read independently, the web is only formed once the book completed. The writing of time draws on the experiences of generations of incarcerated men and women. The thread intertwines through chapters addressing the history of the unfurling of the *prison web*, *citizenships*, *carceral subjectivities*, and the incorporated prison.

Due to the *prison web*'s grip, politics is specifically forged here between the Inside and Outside. The subjectivities that are shaped here, the experiences, are singular. This approach nonetheless echoes prison research in the United States and in Europe, which has developed the idea of a continuum between prison and certain neighborhoods (Wacquant 2001, Cunha 2005, Goffman A. 2014, Bony 2016). Such works have challenged the idea of a “radical opposition between *intra* and *extra muros* living conditions” (Chantraine 2008). Most of the studies that recognize the porosity between life in prison and certain districts in Europe or the United States portray this continuum in the exclusively negative light of it making it impossible to escape the carceral world. Loïc Wacquant talks of the “fatal symbiosis” between US ghettos and prisons (2001).

Here, however, this porosity is not related only to the fractal modes of control reproduced on several levels and in several places, situating prison not on the margins, but at the center of experiences and control mechanisms. It has become a key site for understanding and tracing the history of mobilizations and the reconfiguration of struggles in Palestine; it has become a key site too for understanding how, since 1967, politics and specific *carceral citizenships* have been practiced between the Inside and Outside. Over time, confinement in prison has also had profound effects on subjectivities, on personal experiences, masculinities, femininities, gender relations, and intimacies.

This porosity has merged the Inside and Outside into a shared carceral ethos; the web has aimed to entrap territorial and relational space, daily time, bodies, and minds. This ethos is shared by the community of

detainees and ex-detainees, but also by the partisan and activist milieus, and by Palestinian society as a whole. To understand the history of this slow creep, of the spread of this silent hold, of this suspended omnipresence and of what it produces, what escapes it, what resists it, what is invented, I nonetheless mobilize the Inside/Outside dichotomy. As Farhad Khosrokhavar highlights, albeit in the French context, despite the acute continuity, “in reality, the inside and outside do not converge in terms of prison experience” (2016). Indeed, this dichotomy expresses the prisoners’ perception, for, despite the porosity, life in prison stands out for its harshness, its constrained horizons, its singular implementation of a commonality with the lives Outside, caught up in and affected by the prison ethos yet nonetheless resolutely other.

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## CHAPTER 1

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# Inside the Military Courts

### AL-MOSCOBIYEH, WEST JERUSALEM, JULY 2016

I finally received an authorization of sorts to go to al-Moscobiye (Moscovia), a prison that every Palestinian knows well. Everyone has direct experience of it, or they have heard the stories of those who have. It is a place full of whispers, of terrifying repute, the site of dark memories, memories of violent interrogations, of time that drags interminably, where there is no day or night, memories of being alone in narrow, spartan, permanently lit cells.<sup>1</sup> I had been working on Palestinian imprisonment for several years and was about to leave Jerusalem after three years living just 330 yards from al-Moscobiye as the crow flies. My head full of former detainees' accounts, the thought of entering left me reeling.

<sup>1</sup> The memories of former al-Moscobiye detainees are the subject of Raed Andoni's documentary, *Ghost Hunting (Istiyad Ashbah)*, France/Palestine/Qatar/Suisse, 94', 2017.

9:30 A.M. A few yards from the entrance, I meet Roni Hammerman and Tova Szeintuch<sup>2</sup> from the Israeli NGO Court Watch.<sup>3</sup> Retirees, like most of these activists, the two women devote a considerable amount of their time to this activity. Al-Moscobiyeh's name comes from it having formerly belonged to the Imperial Orthodox Palestine Society, an emanation of the Russian church, from which it was confiscated shortly after 1948, then more or less bought from the USSR in the odd 1956 Orange Deal.<sup>4</sup> It is a police and intelligence services detention center. Set in Elizabeth of Russia's former palace, its old tall walls capped with barbed-wire and surveillance cameras, al-Moscobiyeh looms over the heart of West Jerusalem, surrounded by cafés, a gay nightclub, and restaurants where young Israelis flock on Thursday nights. It is part of a large esplanade, the former domain of the Russian church. Next to it stands a white and gold Orthodox church and the old Mission of Saint Sergius, finally transferred back to Russia in 2008, a civil court of first instance, the Museum of the Underground Prisoners, and a future art center construction site.

Inside al-Moscobiyeh is a small, exceptional military court that comes under the "Military Courts of Judea and Samaria," where interrogated West Bank inhabitants appear to determine whether they will be remanded in custody or charged and transferred to a pre-trial detention center to await trial. These activists obtained the hard-won right a decade ago to attend the hearings, as they do in two other first instance military courts (Ofer, in Betunia near Ramallah, and Salem near to Jenin to the far north of the West Bank<sup>5</sup>), and more rarely those in branches of the military courts that, like al-Moscobiyeh, rule uniquely on the extension of the

<sup>2</sup> I have kept the names of the protagonists who are public figures or who have made it clear that they want to appear without a pseudonym in this book. For all the others, the names have been changed. For the sake of clarity, I will use only a first name. The use of the first name alone is widespread in Palestine and the region, even for personalities. Sometimes I will use "a man", "a woman", or "a lawyer".

<sup>3</sup> Created in 2005 by a handful of activists with a more left-wing, generally anti-Zionist, position within the organization Machsom Watch. They attend military court hearings and report on court practices.

<sup>4</sup> The USSR agreed to give it up in exchange for two ships loaded with oranges, whose cargo did not arrive unscathed.

<sup>5</sup> Six military courts were in operation before the Oslo Accords in Jerusalem, Hebron, Jenin, Nablus, Ramallah, and Jericho.

interrogation period.<sup>6</sup> In addition to being military, the court is located in a detention center whose wing number four holds so-called security prisoners: those accused of security and terrorist violations and criminal offenses against Israel and Israelis motivated by nationalism.<sup>7</sup> Roni offered to see if it were possible to bring along someone not belonging to Court Watch, my Israeli residency permit potentially facilitating my authorization. They gave my name and permit to the Shabas (the Israel Prison Service), who accepted.

We go through the porch and enter a prefab where our belongings are scanned and our ID checked. We then proceed to a large courtyard where the police center, intelligence service, and prison buildings are located, and the police and penitentiary vehicles parked. We sit on a wall in the sun to wait for the judge. The lawyers arrive, among whom I recognized Jamal whom I met in 2009 when he was head of the legal department of the Palestinian Prisoners' Club (Nadi al-Asir). The Prisoners' Club was founded by ex-detainee Fatah figures on their release from prison in 1992 and has become a semi-governmental Palestinian organization. He chats with his colleagues, Palestinian Jerusalemites like him, smoking. The judge finally arrives, wearing a kippah and hastily kitted out in khaki combat pants, commando boots, and a t-shirt that must have once been white. He carries a plastic H&M bag in his left hand, is short and stout. He mutters a quick hello to our assembly and hurries through the turnstile leading to the entrance of the prison and the court. The Court Watch women lament that this judge hands down harsher rulings than the previous week's one and that, like him, he is not just a lieutenant-colonel in the army, but lives in a West Bank settlement and "is religious." Roni adds: "Which means their perception is necessarily biased as they see Palestinians as enemies."

Tall, forty-something, wearing a dark suit and a white shirt as is the norm in his profession, Jamal is currently one of the lawyers employed by the Commission of Prisoners and ex-Detainees' Affairs (the former

<sup>6</sup> These four branches of the military courts are located on Israeli territory within its pre-1967 borders. In addition to al-Moscobiyeh in West Jerusalem, they are: Jalameh or Kishon toward Haifa in the north, Petach Tikva in the center, and Ashkelon in the south.

<sup>7</sup> Israel Prison Service, *Definition of a Security Prisoner* (in Hebrew), regulations 04.05.00, updated March 18, 2014, <http://www.ips.gov.il/Uploads/Commands/PDF/100.pdf>.

Ministry of the same name).<sup>8</sup> The lawyers enter. We follow suit and wait in front of the prison door, which finally opens onto a narrow sally port where about a dozen people throng. Behind the glass protection, Amir, of Ethiopian origin, checks everyone's ID. To our right, a door opens onto the control room where a Shabas guard closely surveils several black and white screens on which I furtively glimpse men alone in their cells. Men heavily armed with M16 machine guns and pistols come and go in an incessant hubbub, depositing and retrieving their pistols in the lockers situated right where I stand. Amir shouts and gets on the phone; he is not sure he should let me enter and is waiting for higher orders. We nonetheless put our belongings in the lockers outside the sally port and give Amir the key; we are only allowed to take in a notepad and pen, and a little water, unlike the lawyers, who can keep their phones. The hearings are starting and Tova goes in while Roni stays outside with me. For over an hour, we wait, crushed in a corner of the sally port, in an electric ambiance awash with arms and performances of militarized masculinity in a mix of quarrels and banter where people speak loudly, and barked words and metallic sounds ricochet off the walls. We at last get authorization just as the hearing is coming to an end. We go through the security check, open the heavy blue door that leads to a long corridor closed off at the far end by bars, and hurry into the tiny courtroom. I only just about have time to make sense of what is going on when the hearing is adjourned.

### DISORIENTATION, INVISIBILITY, AND THE SYSTEM OF PROOF

I enter more quickly the following times. The room is cramped, no more than fifteen square meters with no windows. There are already ten of us packed in: the Druze police representative, the (also Druze) translator, the judge, the court clerk—all military—the three Palestinian lawyers, Roni, Tova, and me.

The first defendant<sup>9</sup> enters handcuffed, feet shackled, a mask over his eyes that is removed for the duration of his court appearance, then put back on for his return to his cell, confusing him as to his whereabouts

<sup>8</sup> In 2014, the Palestinian Authority Ministry was transformed into a commission under the PLO.

<sup>9</sup> Since the individuals have not yet been charged, I use the term defendant here.



and leaving him greatly disoriented. Three Shabas guards accompany him: two men, one of whom is Druze or Arab, the other Ethiopian, and a woman. There are now fourteen of us in this tiny place. Of the actors in this military court, seven are Palestinian or Druze and speak Arabic (and Hebrew), and only four are Israeli Jews. The defendant is in plain clothes, unlike most who are brought here dressed in the brown prison uniform. He is from Ramallah, eighteen years old, visibly both physically and psychologically exhausted, and has been detained for nineteen days for throwing stones and a Molotov cocktail at soldiers. He has confessed, which complicates the lawyer's argument. The police representative, who intervenes in lieu of the intelligence services (the Shin Bet, or Shabak), who do not appear in court even if they are the ones who carry out the interrogations (*tahqiq*<sup>10</sup>), nonetheless wants to extend his detention here. Only the judge can summon the Shin Bet for hearings that the lawyers are not allowed to attend. The judge agrees to eight days but stipulates that he must then be charged and transferred to Ofer prison. Like in most cases, the judge accepts the Shin Bet's requests after consulting the secret section of the file. When detention has already been renewed several times without the case advancing, the lawyers manage to get the case moved on to the indictment stage and to get their client out of interrogation if they manage to prove that the "investigation plan" is baseless. Although they remain invisible, the intelligence services are in fact the key actors in the military justice system.

"They are not sending them to Ofer because they want to keep the pressure up during interrogation, with no daylight, disoriented. If they get out, they regain some strength, see the sun, breathe..."<sup>11</sup> Often, the haggard-looking detainees ask their lawyer, who they only meet at the first hearing, what the time is. Many of them are prevented from seeing a lawyer at all during the interrogation (incommunicado detention), and, in this event, their lawyers make their arguments with almost no knowledge of the file and are asked to leave the courtroom when the detainee is summoned. According to the account of a former military prosecutor, about 60% of suspects interrogated by the Shabak are prevented from consulting a lawyer for a duration of up to one month, renewable for

<sup>10</sup> Unless specified, the italicized words in square brackets are in Arabic.

<sup>11</sup> A lawyer, West Jerusalem, November 12, 2018.

another thirty days.<sup>12</sup> Isolated—the interrogators call one of the cells “the tomb”—the detainees go from their narrow cells to the long hours of interrogation during which they are deprived of sleep. Very quickly, they lose all sense of time; they no longer know how many days they have been there. They are subjected to intense psychological and sometimes even physical pressure, despite the Supreme Court ruling of 1999, which limited the torture in use after 1967, and in particular following the directives of the Landau Commission in 1987; the latter indeed deeming that it was legal to use so-called “moderate” psychological and physical pressure on any person suspected of “hostile terrorist activity” (PCATI 1990). The notion of hostile terrorist activity covers a broad spectrum, as all Palestinian political parties were declared terrorist organizations under the Prevention of Terrorism Ordinance of January 30, 1986. None have been removed from this list since, not even after the Oslo Accords signed with the Palestine Liberation Organization (PLO). When during deputy Khalida Jarrar’s trial at Ofer military court in Fall 2015, one of the witness called by the prosecution to testify retracted his confession, the judge asked him:

- But why did you sign [the deposition] in the end?
- If you had been interrogated even an hour, you would have confessed to killing Rabin.

Known for his attentiveness to the conditions of detention, the judge, Zvi Heilbronn, could not help but laugh, before proceeding to ask for more details.

In addition to the fact that, at the discretion of the Shabak, charges can be kept secret in certain cases and are not disclosed to the lawyers during the interrogations, the intelligence services’ role continues throughout military court sentencing and during imprisonment; they intervene in the detainees’ classification as “security” or “common law” prisoners, in the management of security prisoners, their punitive measures, and so forth. Their role has been made all the greater by the creation of a specific evidence system. This is not based on an investigation and the establishing of evidence that is debated during the trial, but on the confessions of

<sup>12</sup> According to military court order 1651, <http://www.addameer.org>. All websites included in this chapter have been verified in July 2022.

those involved, or, failing that, thanks to the so-called Tamir amendment passed in 1980, on the written deposition of third parties concerning the accused's suspected activities. Theoretically, it is up to the judges whether or not to accept these depositions as evidence; in practice, they do systematically in military court, as they do for security-related cases.

Obtaining a confession is thus crucial to the workings of military justice, but also as an intelligence method and an instrument of control. All is thus done to get defendants to confess, provide information, or accuse other people. These confessions create a deep distrust within Palestinian society, which worms its way into relationships with friends and relatives, helping to fragment, isolate, and confine. Military justice is based on violence and creating mistrust. Recurrent torture methods have accordingly long been described by those arrested and widely documented by Israeli, international and Palestinian NGOs, and by the International Committee of the Red Cross (ICRC).<sup>13</sup> Since 1999, physical violence has become less common, replaced with psychological pressure, but the Supreme Court decision included two clauses that justified torture in certain circumstances: that of the “defense of necessity” in a “ticking bomb” situation that indicates that “danger will certainly occur” and that there are no other means of preventing it and saving human lives.<sup>14</sup> The Israeli NGO PCATI thus considers that torture resumed again following the Second Intifada (2000–2006), and that between 20 and 25% of those arrested are subjected to it.<sup>15</sup> These practices are not institutionalized, then, but delegated to the appreciation of the interrogator, who will never be held criminally responsible for using these methods in this context.<sup>16</sup> The Shabak has, to this effect, internally introduced the concept of “necessity-based interrogation.”<sup>17</sup>

<sup>13</sup> They have been denounced since the 1990s by Palestinian NGOs, the International Commission of Jurists, Amnesty International, the Israeli associations B’Tselem and PCATI (Public Committee Against Torture in Israel) as well as by the ICRC in press releases in 1991 and 1992, even though it only uses public denunciation as a last resort. The ICRC archives from 1948 to 1975 also mention these practices.

<sup>14</sup> Extract from the decision (PCATI 2001).

<sup>15</sup> It registers about 200 complaints per year for cases of serious physical or psychological violence. PCATI Legal Department, West Jerusalem, July 23, 2012.

<sup>16</sup> PCATI (2001, 2003, 2005).

<sup>17</sup> Russian Compound, November 23, 2015, Court Watch, <https://machsomwatch.org/en/daily-reports/military-courts>.

## THE PRISON WEB, NETWORKS, AND DATA COLLECTION

This day in July 2016, two other defendants are suspected of “endangering security in the region”: the first has just been arrested, and the second has been here for a fortnight. The lawyer knows that they were arrested because of their suspected connection to a wanted person, Hamas member Mohamed Faqih, who organized the attack on Rabbi Mickaël Mack’s car, a resident of the Otniel settlement south of Hebron, killed on July 1, 2016. The police representative refuses to confirm this. The lawyer attempts to defend the first suspect by questioning the police investigator, who replies in the same way as in most of the cases heard at al-Moscobiyeh: “It’s in the secret file.” The lawyer knows that the only reason for the defendant’s presence here is that he met this person in a restaurant during a big family *iftar* (the evening meal that breaks the daily Ramadan fast) as he is a cousin of his wife. He contests this motive of detention. The suspect’s interrogation is nonetheless prolonged for another eleven days. The second defendant comes from the village of Surif near Hebron; he was allegedly heard talking about Mohamed Faqih in his shop. He failed the lie detector test. He puts this down to severe nerves but the interrogators, via the police representative, request that he remains in interrogation because they want to know what was said. The judge gives an eight-day extension. “They have no leads, so they just keep on arresting and arresting people,” their lawyer tells me.<sup>18</sup>

In many cases, people are held in interrogation for motives that do not directly concern them. The expectation is that, by questioning a lot of people, some will end up confessing or incriminating others. These methods are applied to serious homicide cases and attacks and to peaceful civilian political activities and/or stone-throwing alike. The individual—a legal subject—is not the target of military justice; through them, the target is always collective, a network, a cluster of information, and creating files on more and more people. People can thus be arrested for their acts—but also for their family, social, and political ties, be they present, past, or even future—thanks to administrative detention mechanisms that allow detention to be extended for renewable periods of six months at the discretion of the Shin Bet, based on its evaluation of the potential danger that the person represents, and without needing to bring any charges.

<sup>18</sup> East Jerusalem, July 25, 2016.

Women in particular have been arrested for their family and social ties, simply because a member of their family is wanted—*matlub* (in Arabic), *mevukash* (in Hebrew). These ties are at the heart of control mechanisms based on a deep understanding of Palestinian society, genealogies, and personal histories:

The interrogation teams are familiar with all the workings of Palestinian society, with family histories. They have all the families' genealogical trees, they speak the Arabic of Nablus and elsewhere, know all the jokes, know who does what, who phones who, that so-and-so just got married, that a baby was just born, that so-and-so is sick, and they use this as a means of pressure . . . They know everything, village by village, refugee camp by refugee camp. The collaborators give them the intel. They have a mind-blowing understanding of this society. It's scary. It's fascinating.<sup>19</sup>

The pure logic of the intelligence service networks is the opposite of judicial logic, especially as no arrest warrant is needed for West Bank, Gaza, and Jerusalemite Palestinians arrested by the army (Israel Defense Forces, or IDF) in the Territories or by the police in Jerusalem. Moreover, once indicted, people are not considered defendants in military court, but as accused up to whom it is to prove their innocence.

This logic spins what I have called a *prison web*, which I define and which is deployed as both a reality and a virtuality, that is, the possibility to arrest and detain a very large number of people, both men and women, from the age of twelve, contrary to Israel's civilian legal provisions which only authorize the arrest of over fourteen-year-olds. Activated according to the needs of the intelligence services and the political and security situation, the *prison web* participates in the creation of a suspended—and thus indeterminate and uncertain—space, instigating a veritable governing of the Palestinian population by the penal system. It is a space in which law and facts merge, and in which everything becomes possible (Agamben 2007). This diffuse system of control may affect any Palestinian on account of their family, social, and militant networks, in which they are de facto inscribed by virtue of their connections, place of living, or activities. These connections and networks are objectified as potential threats in a broader framework of managing the risks inherent to the Occupation.

<sup>19</sup> A former ICRC delegate, Paris, May 12, 2009.

The lawyers call these arrests by network “shopping lists.” To incriminate popular resistance leaders in the villages,<sup>20</sup> for example, similar methods are used: the IDF arrests a group of minors, more often than not chosen from the most psychologically or economically vulnerable—those with family problems, or problems at school—on whom it is easier to exert pressure to get them to denounce activists.<sup>21</sup>

In 2014, then, 17,396 people were arrested according to police figures,<sup>22</sup> while only between 10,000 and 14,000 were charged a year during this period. The number of arrests was indubitably higher still in 2015 and 2016 due to the intensification of protests and attacks in October 2015, and the outbreak of what was referred to by Palestinian society as the “Small Uprising” (*habbeh*), as the “al-Quds (Jerusalem) Intifada” by certain parties, and particularly Hamas, and the “Knife Intifada” by the international press.<sup>23</sup> These practices go back a long way. During the First Intifada (December 1987 to September 1991), the sole intention of half of the 79,000 arrests was to obtain maximum information before these people were released (Thornhill 1992). Through these mass arrests, the Shin Bet collects data and recruits a multitude of informers and collaborators. They are at present far more numerous than during the first thirty years of the Occupation (1967–1997) (Berda 2017), and the quality of intelligence has improved since Oslo (Dayan 2009). They are estimated at 20,000 to even 25,000 people. The sums that were allocated to them represent half of the Shin Bet’s budget, in other words in the order of seven billion shekels a year (2.1 billion dollars). This activity thus constitutes a non-negligible part

<sup>20</sup> Since 2003, weekly peaceful demonstrations against the Wall, the Occupation, the confiscation of land by settlers, or the army have taken place in West Bank villages. Israeli and international activists have joined this popular resistance movement. Popular Resistance [*muqawameh sha’biyeh*] refers to a plurality of groups ranging from these different village committees to the Palestinian Struggle Coordination Committee to the Jordan Valley Solidarity Campaign, Stop the Wall, to the Youth Movements that emerged in the wake of the Arab Spring (the March 15 Movement, Palestinians for Dignity, Youth against Settlements), to which can be added BDS (Boycott, Divestment, Sanctions).

<sup>21</sup> A lawyer, Ofer Military Court, West Bank, October 27, 2016.

<sup>22</sup> B’Tselem report.

<sup>23</sup> Starting in October 2014, a series of attacks firstly with ramming cars and then mostly with knives and sometimes with firearms took off. These acts did not only concern the Holy City, but the frequency of actions, mobilizations, and arrests that took place in Jerusalem gave its name to this violent episode.

of the Palestinian economy.<sup>24</sup> Along with its recourse to all-pervasive and extremely sophisticated technological surveillance tools such as those recently uncovered (Pegasus, Bluewolf), the Shin Bet infiltrates every level of society through these human means. It has constituted a massive data system on not just political networks, but also ideas, daily activities, and relational networks, which are used to localize wanted people, to put pressure on witnesses and detainees, to recruit collaborators, or to negotiate services in exchange for favors, such as permits to circulate, travel, or work.

### TEMPORALITIES AND VIRTUALITIES: ENTERING THE OTHER WORLD AND OTHER TIMEFRAME OF THE MILITARY COURTS

I am on my way back to Ofer, one of the West Bank's two military courts, where, from Fall 2014 to Fall 2016, I followed hearings and trials. Coming by car from Jerusalem, I take the first stretch of route 443, then turn right in front of Ofer prison, and park just a little beyond. I enter a mesh corridor leading to a perforated iron door. To my left, behind the mesh, are the families of the accused,<sup>25</sup> who access the military court via the little city of Betunia. They leave their cars, or are dropped by taxi, at the entrance to the Betunia checkpoint, pass through a first control, take a small shuttle van, and then enter a long mesh corridor of a little over a meter wide leading to the first waiting area where there are pay-lockers (five shekels—1,5 dollar) for leaving belongings; only money to pay for the court cafeteria, cigarettes, and something to write with are allowed inside. I have left everything in the car. The lawyers start to arrive, mostly from Israel or Jerusalem. We are thus on the same side of the mesh, and the rare West Bank lawyers and families on the other. The lawyers buzz and rapidly enter. I, as always, have asked the Palestinian NGO Addameer to send in my authorization request. Even though hearings are meant to be public, there are certain procedures.

One by one, the families are called and then comes my turn. Like them, I go through the first door and leave my passport with Ilan,

<sup>24</sup> Gerald Horton, founder of the NGO Military Court Watch, Ofer, October 27, 2016.

<sup>25</sup> Since the presumption of innocence is not observed in military justice, there where people have been charged, I use the term “the accused”.

from the Shabas, posted at the entrance. He now knows me and I am allowed through the high metal turn-style without having to wait and then through the heavy armored door. Inside the sally port, I go through another walk-through metal detector, put my shoes and few belongings on the conveyor belt, and then am frisked in a small zone by a female Shabas employee. I then enter a long mesh corridor that is entirely enclosed, overhead too. It snakes and leads to a courtyard surrounded by prefabs of various sizes: in one, the narrow, aslant washrooms; in another, the cafeteria. Behind protective glass and a perforated door are the seven prefabs that serve as courtrooms, all of which are cramped apart from the spacious Courtroom One. The whole place looks like a building site. Yet here sits the military court of first instance, a military court of appeal, and a court ruling on administrative detention.

Those leaving take another mesh corridor, which means that we see one another but do not come into contact. Inside, in front of the cafeteria, there are plastic seats where the families—all of whom are summoned in the morning—at times wait until the end of the afternoon to enter the prefab courts. The hearings adjourn for an hour and a half at lunchtime. The lawyers grab a few snacks, others get a coffee, insist on paying for one another; the families, however, spend as little as possible here even if the prices are cheap, sometimes on principle. Two prayer mats have been left on the chairs.

In the confined prefab Seven, where the cases heard are of minor importance (stone-throwing, demonstrations, illegally entering Israel, etc.), the defendants follow one after the other non-stop, in fours, hands and feet shackled, accompanied by several guards. The lawyers come and go, the prosecutor and the judge talk quietly in the indescribable and incessant din of metal, of slamming PVC doors, and loud steps. One of the Druze translators, who is in military uniform like the judge, the prosecutor, and the court clerk, sends text messages slumped in his seat, occasionally lifting his head to indistinctly reel something off in Arabic without even looking at the defendant. Rather than demanding a translation, the lawyers sum up the exchanges for their clients. The judge pays no attention to this. His gestures are mechanic, he reads the file, briefly addresses the prosecutor, checks it is the right person on the stand, that the lawyer is present, sums up the facts, hears the lawyer out, and quickly makes his ruling. More often than not, he postpones to a later hearing while at the same time extending the remand period, or hurriedly ratifies an already-negotiated guilty plea bargain (*safqa*). The court clerk



types without looking up. Like most of the families, who do not speak enough Hebrew to follow these exchanges, I hang onto the translator and the lawyers' every word. The Court Watch activists present receive the protocol and send me more specific information, even if they too find it hard to follow, everything being chopped up, bogged down, then suddenly accelerating.

The families are not allowed to sit in the front row to stop them speaking to the defendants, although it is above all for this reason that they are present. Most come every time, despite the adjournments: "It's the possibility, the hope of seeing them (*amal shafnahum*),"<sup>26</sup> the wife, mother, and mother-in-law of three detainees tells me, two of whom are in administrative detention, and whose son is appearing today. Despite the guards' calls to order, words and gestures pour out in the intervals between the hearings, which seem to run from one to the next with no beginning or end, even though the protagonists keep changing. Since the creation of a tribunal for minors in 2009, minors' trials take place in closed sessions. They are nonetheless presented to the judge in Court Seven for their custody to be extended. Some youths appear no older than twelve or thirteen. They look tiny in their brown uniforms, cuffed and shackled; some look terrified, on the verge of tears, and do not dare catch their mothers' eye for fear of not being able to hold them back. Others put on a brave face, joke with their brothers or cousins, and reassure their parents: "Don't worry, I'm learning," one of them says to his mother bravely and proudly. But when he is ordered to get up to return to custody and later to interrogation, his face crumples into a childlike expression of anxiety. The mothers try to swallow their fears. The aunt of a youth from the village of Nabi Saleh, his clothes ripped and eyes distraught, arrested at 4 A.M. for throwing stones and taking part in the village's weekly demonstration and held in questioning at al-Moscobiyeh for five days, tries to give him courage even though her face betrays her desperation: "It's going to be alright. You're a man..." For the families and for those on trial, the moment is charged with concern, questions, and emotions. Apart from certain lawyers, the observers, or those come in support, most of the other people in the room appear absent. Their faces betray the boredom of routine.

<sup>26</sup> Ofer, November 05, 2014.

*Spinning the Prison Web: A Vague, Atemporal, and Virtual  
Definition of Offenses*

Vagueness and opacity are not just an impression in the hearings and judicial and administrative procedures; they contribute to characterizing infractions and obfuscate the temporal and spatial limits on which the law and the detainees' possible defense rest. In so doing, they contribute to spinning the *prison web*. The *prison web* disrupts all temporality turning individuals' existences into a form of temporal—and relational—continuum. Both a reality and virtuality, it is central to what Ophir, Givoni, and Hanafi have called a “suspended violence” that produces systematic incertitude (2009).

Ofer court, November 8, 2015. Five inhabitants from Nabi Saleh village, including Waed, the 19-year-old son of Nariman and Bassem Tamimi, appear in prefab Seven. Participants in the popular resistance movement, the inhabitants of Nabi Saleh had been demonstrating every week since 2009 against the predation of resources and land by the settlers of Haramish, the neighboring settlement. They are among the twenty-one seventeen-to nineteen-year-olds arrested in Nabi Saleh three weeks earlier. Just like every time that villagers involved in the popular resistance are in court—at this time, mainly those of Nabi Saleh and Ni’lin—Israeli activists who mobilize alongside them, and who are independent or connected to Anarchists Against the Wall or Ta’ayush, are present at the hearing. The Israeli lawyers from Gaby Lasky’s law firm refute the accusations of a village youth who has given a list of names. He declared: “We all threw stones at the army during Ramadan in 2014.” From July to August 2014, the Israeli army had launched a vast offensive on Gaza. Demonstrations and clashes took place every day in multiple places throughout the West Bank after the breaking of the fast and the Ramadan television series. The lawyer contests the accusation against one of the youths by showing his passport: he was not in the country. “We are referring here to the month of Ramadan in the broad sense,” argues the prosecutor, but the witness’ confession refers to the last Friday of Ramadan, the time of the accused’s stay abroad. It is not the only charge, and the judge decides to let him appear freely on a conditional bail of 5,000 shekels (1,540 dollars). He will be released if the prosecutor does not appeal within twenty-four hours, which he usually does. The sum is substantial for the family, who wants to contest it and to oppose the trial.

Vagueness and extending the offenses' temporal and spatial limits are an accepted and frequent practice in military court. On the one hand, the context and geography are erased; it is not always known where these offenses took place, and never the status of these places, and whether there is a political or legal conflict there, which would mean debating the Occupation or colonization. Many charges evoke a broad timeframe and unspecific places: "In the Fall," sometimes even "between 2009 and 2015," "somewhere between Beit Ummar and Hebron," "near his house." This limits the possibility of proving an alibi, which, for that matter, the investigators rarely trouble themselves with verifying. Only being out of the country can invalidate such accusations with certainty. At Ofer on November 5, 2014, during the hearing of a twenty-one-year-old accused of stone-throwing and taking part in a demonstration "on the Hebron road," it is reported to the court that the witness did not specify on what day. The judge nonetheless hastily ends the audience by adjourning the case to a later date: "It does not rescind the testimony." Events can also have taken places several years before, just like the testimonials, whatever the type of offense. The transcript of the indictment of a man accused of having opened fire reveals the derealization of the time and place and, accordingly, of the facts, which fabricates virtual offenses: "The accused shot a firearm at a person, or a group of people, or at any place where people may have been (Indictment extract, November 18, 2013)."<sup>27</sup> He was nonetheless condemned following a plea bargain. This contributes to producing judgments devoid of any context, in suspended time-spaces, by virtue of military law, which is a *justiceless law*. It is, what is more, an illegitimate law given the length of the Occupation and the geographic but also ever-greater temporal field of its application.

Furthermore, as a preventative measure for acts not yet committed, for potential acts and those to come, the Israeli authorities can use administrative detention provisions that extend the temporal boundaries of the prison system's application to a person's future. They allow remanding a person in custody for renewable periods of six months without needing to state the offense, the charges being kept secret at the Shin Bet's discretion. These renewals can be infinite and can drag on for years but, at present, rarely exceed three years. This considerably expands the *prison web* and

<sup>27</sup> Machsom Watch (2018).

the temporal boundaries of the carceral system's field of application, especially when the objective of this type of detention is presented as a means of avoiding all "future activity" likely to threaten security (Cavanaugh 2007). Administrative detention orders are particularly frequent during uprisings. In 2016, after the *habbeeh*, 750 people were affected, almost as many as in 2008 following the violent repression of the Second Intifada.<sup>28</sup> According to Military courts figures, in 2017, 1205 administrative detention orders were handed down.<sup>29</sup> On July 14, 2022, there were 650 administrative detainees.<sup>30</sup>

The Israeli authorities have added the category of "unlawful enemy combatants" to the administrative detention provisions. This also targets possible future actions but is applied to foreign nationals. It was created in 2002 in the international context of the Bush administration's redefinition of terrorism after 9/11. The Israeli and American legislation was drawn up concomitantly. It was first of all designed to detain Lebanese Hezbollah fighters to use as bargaining chips. Then, with Israel's military withdrawal from Gaza in 2005 and the Strip's later qualification as an "enemy territory," it has been applied to Gaza's inhabitants, especially during the 2008–2009 war against Gaza. During that period, about 200 people were detained under this status. The Lebanese nationals were all released in 2008,<sup>31</sup> and the category of unlawful combatants has in the end rarely been used for Gaza's inhabitants, while there were twenty-two after the war in February 2009, since there are practically none.

The number of Gaza inhabitants detained in Israel has fallen sharply since withdrawal in 2005. Many finished serving their sentences, and others were released in Hamas and the Israeli authorities' deal to exchange 1,027 Palestinian prisoners for Corporal Shalit in late 2011. The possibilities for arrest are indeed limited to when people leave the Gaza Strip, to their presence in the border zones, or to military incursions, particularly during war (in 2008–2009 and in 2014).<sup>32</sup> Cut off and under siege, the Gaza Strip has at the same time recovered a territorial unity that prevents

<sup>28</sup> B'Tselem, <https://www.btselem.org>.

<sup>29</sup> <http://www.addameer.org/publications/military-courts-occupied-palestinian-territory>.

<sup>30</sup> Addameer, <http://www.addameer.org>.

<sup>31</sup> In an exchange between Hezbollah and the Israeli authorities.

<sup>32</sup> 159 people were arrested and taken to Israel during the 2014 war.

the massive and regular arrests that are the lot of the West Bank, and has drastically reduced the information available to the Shin Bet.

Contrary to the average 10,000–14,000 charges recorded by the military courts (10,454 in 2017<sup>33</sup>) to demonstrate their role in enforcing security and staving off terrorist attacks, they in fact handle few serious cases and mainly deal with non—“security” offenses. Judging violent or “terrorist” acts is thus not the main objective of these arrests and appearances in court; it is, rather, the establishing of a *prison web* that creates a structuring and diffuse control system based on the knowledge and surveillance of the population, and on the intelligence services.

The “Hostile Terrorist Activity” category—*fakhai* [Hebrew]—concerns armed attacks and military training, trafficking and possession of arms, and belonging to an illegal organization declared “unlawful” by the Israeli Military Command and/or “terrorist” by the Defense Ministry. From 2002 to 2006 at the time of the repression of the Second Intifada, this represented only 32.6% of indictments according to figures established by the military courts; only 4% were for attempted homicide and 1% for intentional homicide. “Peace disturbances” (inciting violence and throwing stones) represented 13.7%, while traffic violations accounted for 33.7% of cases and illegal entry into Israel 14.7% (Yesh Din 2007). The rest were common law offenses: diverse forms of trafficking, including drug trafficking and the theft of Israeli cars, violations of private property in the settlements or in Israel, and so forth.

In 2017, the proportion of so-called security offenses fell sharply again: the “Hostile Terrorist Activity” category represented only 20% (of which 0.09% were homicides and 0.6% attempted homicides). Among the cases classified as “Hostile Terrorist Activity,” 15% were suspected of belonging to Hamas, 14% to non-Palestinian Salafist groups, and 4.8% to the Islamic Jihad, the PFLP, the DFLP, and to Hezbollah; 66% belonged to no political party.<sup>34</sup> This attests to the parties’ loss of influence over society, to the individual perpetration of violent acts, and to the criminalization of other forms of mobilization, such as popular resistance. Disturbances of the peace represented 9.7%, two-thirds of which involved stone-throwing, qualified by the army as “popular terrorism.” Illegal entry into Israel

<sup>33</sup> <http://www.addameer.org/publications/military-courts-occupied-palestinian-territory>.

<sup>34</sup> Hass (2019).

represented 10.1%, common law offenses 4.1%. Finally, traffic violations constituted the overwhelming majority of cases that came before the military courts (50%).<sup>35</sup>

Military judicial practices extend the *prison web* considerably via their lack of clear distinctions, which encourages the criminalization of any form of political, militant, associative, civic, or civil commitment. While an infinite minority of so-called security offenses are acts involving death or the intent to kill, the majority concerns belonging to an illegal organization or taking part in its activities (see figures above). Belonging to an illegal organization is defined in vague terms, however, including a whole range of connections that come under the expression “having ties” to an illegal organization, and this whatever their nature (Machsom Watch 2008). This might involve anodyne activities such as taking part in a conference organized by the Islamic Jihad at Birzeit University. Here too, all temporality is erased; the connection can date back to the past at a time when the organization was not yet classed illegal (Machsom Watch 2008). The erasure of time creates virtual acts: a future actualized in the present when it comes to administrative detention, or a past actualized in the present when it concerns links with illegal organizations. People can thus be arrested and incarcerated on the basis of their present, past, and even future political, social, and family ties.

The list of illegal organizations has not stopped growing to include an increasing number of social and civil organizations, such as charities and NGOs. For instance, recently, during the fall 2021, six major leftist human rights and civil society Palestinian NGOs have been put on the list of unlawful and terrorist organizations (Bisan Center for Research and Development, Defence for the Children International-Palestine, Addameer, the Union of Agricultural Work Committees, Al-Haq and the Union of Palestinian Women’s Committees); they have petitioned against this arbitrary designation, represented by Israeli leading attorneys Michael Sfard and Aviqdor Feldman. In trials, the distinction between civil organizations (parties, charity associations, NGOs, etc.) and military ones is erased. Since 1967, none of the organizations declared illegal have been removed from this list. Fatah, a key actor in the Oslo Accords and bedrock of the Palestinian Authority (PA), is still on it, along with all Palestinian

<sup>35</sup> Percentages based on figures provided to Addameer by the military courts. Cf. <http://www.addameer.org/publications/military-courts-occupied-palestinian-territory>, Hass (2019).

political parties. While few people today are arrested for their affiliation to Fatah alone, it is a possibility. This virtuality creates this diffuse *prison web* that potentially affects many. Fatah members were thus massively arrested during the Second Intifada (2000–2006), to the extent that they remain the majority in prison. Even parliamentary deputies cannot claim immunity. During the Second Intifada, then following Hamas’ parliamentary election victory and the kidnapping of Corporal Shalit by the military wing of Hamas in 2006, Hamas MPs and ministers—but not just—were arrested. There were forty-eight detained MPs in total at that time—in other words, a third of the Palestinian Legislative Council—most of whom were held as administrative detainees (Bamia 2013), and six in July 2022.<sup>36</sup>

In the years following the Second Intifada, it was essentially Hamas members, but also members of other parties refusing to relinquish armed struggle (Islamic Jihad and the PFLP), and those active in civilian organizations close to these movements and their networks who were indicted on these charges. Their appearance before Israeli military courts has since fluctuated depending on the political situation. For Hamas or Islamic Jihad, during the rare moments of calm in which tensions with Israel are low or no acts are imputed to them, they are most often first arrested by the Palestinian Authority (PA) since the reformulation of security cooperation agreements with Israel that saw the redeployment of the Palestinian security services under the auspices of the United States in 2007, and due to the PA’s efforts to control its internal opposition.

Since 2009, however, other forms of engagement have been targeted. People involved in the Popular Resistance Committees’ peaceful demonstrations (in the villages of Ni’lin, Bi’lin, Nabi Salih, Budrus, Jayyus, Kufr Qaddum, Beit Ummar, the Jordan Valley, the Silwan neighborhood of Jerusalem, etcetera) are frequently tried and imprisoned for unauthorized demonstrations, stone-throwing, incitation, and so on (Addameer 2013). As one Israeli lawyer told me:

It isn’t at all because any of this represents a danger, but, at some point, they get sick and tired of a village and want to stamp it out because there is too much publicity involved, attracting international activists. They really hate it when the leaders go abroad and talk about the popular resistance, so they start by questioning the informers, then they arrest the weakest

<sup>36</sup> <http://www.addameer.org/statistics>.

youth among those who are protesting or throwing stones to put pressure on them and bring the others down.<sup>37</sup>

Protest movements and clashes with the army and settlers have escalated again since 2013, particularly in Jerusalem and Hebron, and at a great number of flashpoints (around checkpoints notably); as a result, it is mainly youngsters—and often minors—who appear in court for stone-throwing. In 2013 and 2014, the majority of court appearances involved very young men, including many minors, for stone-throwing on the one hand, and, on the other, men for entering Israel without a permit.<sup>38</sup>

In 2015, the number of arrests following the Small Uprising (*habbeh*) rose, especially of young people, and among them many students but also minors. The figures given by the police indicate a considerable increase in the arrest of minors in this period: plus 65% from 2011 to 2014, while the increase in the already considerable adult arrest rate was only of 43%.<sup>39</sup> 1,179 minors were arrested in 2014,<sup>40</sup> then, the majority of whom in Jerusalem (842). As permanent residents, Palestinian Jerusalemites can be interrogated at al-Moscobiyeh police center. They do not, however, appear in military courts, but in civil court. Moreover, for them, house arrest has become a common practice in this period. In 2015, sentences notably grew heavier, and a number of minors equivalent to that in 2008 at the height of the (harsh) repression of the Second Intifada were held in detention (470 in December 2015).<sup>41</sup> They were moreover younger than before: over a quarter were under sixteen.<sup>42</sup> Many remained in prison until 2018. In July 2022, 180 were in detention.<sup>43</sup>

<sup>37</sup> Ofer, October 27, 2016.

<sup>38</sup> Hava Halevi from Court Watch, West Jerusalem, December 6, 2014.

<sup>39</sup> Until the Fall of 2011, Palestinian youth were considered adults from the age of sixteen and treated as adults by the military justice system and the prisons, contrary to the provisions of Israeli civil law—and international law—in which the majority is eighteen. It has since been raised to eighteen. However, it is the age at the time of the trial and not the age of the offence that is taken into account.

<sup>40</sup> More than 2,000 in 2015 and 2016 according to the Palestinian NGO TRC and the Prisoners' Club.

<sup>41</sup> [http://www.addameer.org/the\\_prisoners/children](http://www.addameer.org/the_prisoners/children).

<sup>42</sup> [https://www.btselem.org/statistics/minors\\_in\\_custody](https://www.btselem.org/statistics/minors_in_custody).

<sup>43</sup> <http://www.addameer.org/statistics>.



Since the 2014 Gaza War and the *habbeh*, there has been a rise in indictments for hostile activities and hostile speech, incitation on social media, and in the arrest of journalists and civil society figures, including the BDS movement (Boycott, Divestment, Sanctions).<sup>44</sup> This was the case for Omar Barghouti, one of the founders of BDS, in March 2017. BDS is indeed considered a strategic threat by the Israeli government. The public expression of political ideas, just like simple presence at demonstrations, or the Israeli authorities' awareness of these opinions can thus be used to justify arrest or suspended prison sentences. Suspended prison sentences imply the restriction of movement, which has a major impact on people's lives, such as being banned from entering into Israel (and thus East Jerusalem), from obtaining a work permit, etc. In court, if "ideology," or "nationalism" motivated the incriminated act, the offense changes nature to become a security violation and the defendant is automatically considered more dangerous.

After the outbreak of the weekly Great March of Return demonstrations on March 30, 2018 in Gaza, and because of the ongoing prisoner exchange negotiations with Hamas, who, since the 2014 war, have held captive two soldiers, feared to be dead, and two Israeli civilians, anyone directly or indirectly related to Hamas has again become the object of frequent arrests and imprisonment. The aim is both to accumulate more bargaining chips and to scrupulously surveil Hamas activities in the West Bank and Jerusalem.

### *Controlling Time in Court*

Time is a key element in military court. On the one hand, temporality is at times erased, overridden, and inscribed in a continuum that facilitates indictments for virtual offenses. On the other, the advancement of hearings is inscribed in a "dominant time" (Grossin 1996): that of the

<sup>44</sup> This campaign to boycott Israeli institutions and products was launched in 2005 by a group of Palestinian NGOs. It aims to end the Occupation and colonization, to achieve equality between Jewish and Arab citizens of Israel, and to assert the right of return for refugees. It is an international movement with independent national committees in many countries. In 2007, the first Palestinian BDS conference formed a national committee (BNC).

prosecutors and judges who deliberately control the rhythm of procedures. Time is used as a means of pressure and attrition to settle cases in the accusation's favor and is thus a major judicial device in military court.

The vast majority of defendants are held in custody for the entire duration of the trial, whatever the gravity of the incrimination. That is also the case for over 80% of the minors.<sup>45</sup> Specific to the military courts, this generalized holding of people in detention is a means of using time to pressure defendants into accepting plea bargains (*safqa*-sing. *safqat*-pl.).

Added to the difficulty of life behind bars, defendants held in prisons in the north, south, or center of the country travel for over twenty-four hours to appear in court. These journeys known as *bosta*, an Egyptian word derived from the French *poste* (post), are exhausting. The deputy Khalida Jarrar had to get up at 2 A.M. to leave Hasharon women's prison at 2:30 A.M., would wait in Ramleh to change vehicles, and then would arrive at Ofer at around 8 A.M. where she would wait in a cell for hours before her trial began, usually without being allowed to go to the bathroom. She would leave again at about 7 P.M., taking the same roundabout route, arriving back at between 10 P.M. and 2 A.M.<sup>46</sup>

The defendants' families are also subjected to long waiting periods and dispossessed of their time. They are all convened in court at opening time—around 10 A.M.—after, in most cases, having traveled for several hours. They wait for most of the day and repeat these journeys throughout the often interminable procedures, with audiences frequently being adjourned, or judges sometimes being absent without them being informed in advance. A mother and her daughter told me that they had set out at 6:30 A.M. and taken six different transportations to get here. “Waiting is one of the ways of experiencing the effects of power,” wrote Pierre Bourdieu (2000). The families are trapped in this “colonial temporal order” (Bontemps 2012) marked by incertitude, the impossibility of anticipating, as has been described by numerous authors working on circulations in Israeli-Palestinian spaces and passages through their multiple checkpoints and controls (Romani 2005; Parizot 2009). John Collins coined the term “dromocolonization” to describe the

<sup>45</sup> This is an infringement of the International Convention on the Rights of the Child, which states that imprisonment of a child should be a “last resort” measure and “for the shortest appropriate period of time”.

<sup>46</sup> Ramallah, July 24, 2016.

spatiotemporal encirclement of Palestinians (2008, 2011)—a dromocolonization that adds time to the already tri-dimensional spatial control—that of a “politics of verticality” (Weizman 2007)—resulting in Palestinians’ four-dimensional confinement.

The military courts press for plea bargains because they consider their time to be the most precious resource (Machsom Watch 2018). The aim is to settle as quickly as possible without having to go to trial in order to maintain this policy of the all-out carceral on the one hand and, on the other, to limit its cost. Defendants are all the more heavily incited to accept as these *safqat* allow them to obtain shorter sentences. The frequent multiplication of charges and the bluff factor regarding the possibility of proving them are another means of putting on pressure so that the concerned parties consent to these deals: “They aren’t *safqat*, this are blackmail.”<sup>47</sup>

The lawyers and families of the arrested generally agree to these *safqat* settlements, for, at an individual level, the outcome is better. Only a few cases are worth senior lawyers becoming involved in a real trial. Their clients are often public figures who take the risk of a trial for political reasons. Those who go to trial are more heavily sentenced, however, and their trials, which are frequently adjourned, drag on forever.

Recently, to limit this trend, their duration was restricted to two years for adults, nine months for sixteen- to eighteen-year-olds, and six months for under-sixteens. When the files are empty, the prosecution struggles to prove the offense, and the person refuses a *safqa*; dragging out the procedure remains a means for the prosecutor to impose a substantial period of imprisonment. Lisa Hajjar’s study thus shows that over 97% of trials do not run their full course, but are settled in plea bargains between the lawyers and judges (2005). In 2006, only 1.42% of trials went through to their end (Yesh Din 2007). While plea bargaining is not specific to Israeli military courts, both the way in which plea bargains are settled and their systematic use are; the wider context of military justice and Occupation in which they are concluded have other implications too.

Furthermore, these plea bargains help justify the practice of mass arrests and the contestable workings of military justice in the eyes of Israeli and international opinion, thanks to convictions for offenses that

<sup>47</sup> A lawyer, East Jerusalem, October 27, 2011.

are confessed to by their alleged perpetrators, or based on the denunciation of third parties (the so-called Tamir Law), even if unproven. The *safqa* indeed requires a prior confession of guilt from the defendant. This procedure for settling cases thus considerably extends the *prison web*. It makes it possible to multiply the number of incarcerations and condemnations for little cost. Nearly 100% of defendants are thus declared guilty of all or part of the charges they are accused of, and less than 1% are acquitted (Machsom Watch 2008, Yesh Din 2007). These guilty pleas replace a veritable system of proof. The courts constantly seek to increase the number of *safqat* for reasons of cost-effectiveness, and to legitimize military justice and the intelligence services' involvement in its functioning.

Time is also a means of putting pressure on the lawyers, most of whom are swamped by the volume of files they handle and who do not have the means to build a real defense, especially when they work for Palestinian NGOs, the Palestinian Prisoners' Club, or the Commission for Prisoners' Affairs.<sup>48</sup> "They have too many cases," a woman from Court Watch told me. "They work like robots."<sup>49</sup> It is often the lawyers who ask that hearings be postponed as they only receive files at the last minute and do not have the time to see what is in them. When they are hired privately by the families, lawyers can choose to spend more time on cases.

Lawyers, politicians, NGOs, Palestinian, foreign, and Israeli activists all criticize the systematic recourse to *safqa* from a political perspective. Gérald Horton of the NGO Military Court Watch expressed his indignation at the lack of resistance to this system and the lack of overall strategic reflection, which helps perpetuate the status quo: "There are forty *safqat* a day here. We shouldn't validate this system, but either boycott it, or fight every case, working on the evidence. But challenging the system will mean more people going to jail."<sup>50</sup> Positions on plea bargaining diverge. At present, it is above all political figures defending the notion of resistance who refuse them: figures from the PFLP, Hamas, or Islamic Jihad, but also members of the popular resistance, or more dissenting members of Fatah. Others go further still, completely rejecting court, for example Ahmad Saadat, the Secretary General of the PFLP, or Fatah

<sup>48</sup> Which replaced the Ministry of Prisoners' Affairs.

<sup>49</sup> West Jerusalem, January 10, 2016.

<sup>50</sup> Ofer, October 27, 2016.

MP Marwan Barghouti, who appeared before a civil court. This militant position is easier to adopt in this type of case where the people know they will be sentenced to life or to long prison sentences. The lawyers who do not just content themselves with mechanically going through the motions of the hearings are torn, the question being, rather, whether to accept interacting with the military courts or not. Joint actions to stop a now automatic practice have been initiated several times. During the First Intifada, *safqa* were collectively refused for over a year. In 2013 to 2014, Issa Qaraqe, the former Minister, then President of the Commission for Prisoners' Affairs,<sup>51</sup> again initiated, then abandoned, the idea of totally refusing the *safqa*.

The question that Palestinians must ask themselves is whether or not to appear before a military court, whether or not to interact with this system; that is the root of the problem. It's not the *safqa*. From the moment you enter the place, you work with the judicial tools you have depending on the files. I look at what is in the file, and I speak to the person. I see what they want to do... Who am I to decide about their lives in their place? I see if I can get an acquittal or not; if so, I go to trial. I look at what the charges are, who has confessed, how many witnesses there are, the prison sentence risked and, on that basis, I make suggestions to my client. If I can get them twelve months rather than eighteen, I bargain of course.<sup>52</sup>

That is also Labib Habib's position, a lawyer from Nazareth who pleads at Ofer and Salem: "The *safqa* is not good or bad per se; it depends on the context."<sup>53</sup>

Obtaining advantageous plea bargains requires knowing well the judges and prosecutors' ways of working. It also means maintaining good relations with the judges—at least visibly. That at times translates into ostensible cronyism between judges, prosecutors, translators, soldiers present in the courtroom, and lawyers, who swap news, chat briefly about day-to-day affairs, the price of digital channel subscriptions, and so forth. This contrasts with the way in which defendants and their families are kept at a certain distance, or even treated condescendingly. Moreover,

<sup>51</sup> His achievements during his eight-years mandate (2010–2018) are unanimously acknowledged.

<sup>52</sup> A Palestinian lawyer from Jerusalem, Ofer, October 12, 2015.

<sup>53</sup> Hizma, West Bank, July 24, 2016.

bargaining goes on endlessly during the procedures; at al-Moscobiyeh, the lawyers often bargain directly in Arabic with the police representative, whom they know well, over the number of additional days in detention, in front the judge, who, not speaking the language, waits for the outcome of their discussions to hand down his ruling. Amer, a lawyer who stopped pleading at the military court in disgust at what he considered a means of legally validating a parody of justice and due to his strong feelings of guilt vis-à-vis the families considering the nigh on impossible task of defending clients, told me that, in 2004, he was offered the choice of obtaining an advantageous *safqa* for either his brother or his nephew. They were both appearing for the same affair. A father of four, his brother was a farmer. An initial plot of land had been confiscated from him during the building of the Wall, so he went to work on his neighbors' land, which was then requisitioned too. He could no longer support his children, which pushed him over the edge. He, his son, and a group of friends went to a check-point armed and opened fire. After much reflection, which placed Amer in a morally, emotionally, and psychologically unbearable situation, he finally chose to help his brother given his fatherly responsibilities and managed to get his sentence reduced from twenty to ten years.<sup>54</sup>

### PERFORMING THE LAW IN A COLONIAL CONTEXT

On their arrival at al-Moscobiyeh, defendants are given a form wishing them welcome and stating their rights, including the right to a lawyer, yet many of them are prevented from consulting one. The form is written in a convoluted Arabic resulting from its efforts to render coherent its contradictory information. The defendants are reminded what is demanded of them, such as respecting the cleanliness of the place; it is also specified at the end that the conditions of their detention are determined by the investigators. A similar communications initiative on the respect of the law now welcomes visitors to Ofer. The recent relative opening of courts to foreign, and more occasionally Israeli, public observers requires some public relations efforts. An English-language brochure sets out the principles governing the military courts, which, for the most part, are contradicted by the practices in vigor. Throughout the text, the respect of law and justice is heavily insisted upon: "What distinguishes the war

<sup>54</sup> Ramallah, April 25, 2009.

of the State from the war of its enemies is that the State fights while upholding the law whereas its enemies fight while violating the law.”<sup>55</sup> The possibility of appealing to the Supreme Court as a means of keeping check on the military courts is meant to guarantee this. Yet the Supreme Court’s rulings are characterized by their refusal to intervene in army affairs; its ruling thus most of the time reinforces the politics of Occupation.<sup>56</sup> Moreover, since the setting up of a Military Appeals Court, the Supreme Court is rarely solicited anymore.

The legal expert Catherine Cavanaugh has pointed out that the proximity between the military judges and prosecutors casts doubt on the independence and impartiality—and thus the apolitical nature—of these courts (2007). During hearings, the territorial context is invisibilized to normalize the experience of military justice and to dissuade lawyers from using the Occupation in their arguments. Despite these practices and an exceptional military justice exerted in a context of colonial occupation, the documents that are produced, the judges, prosecutors, and lawyers speak and perform the law, even if the latter are aware of the limits of legal tools that do not guarantee the obtention of justice. This is what I call a *justiceless law*. It is a “façade of justice.”<sup>57</sup>

It’s the heart of darkness here, but they aren’t afraid of you witnessing it because they risk nothing and know that justice is on their side. What they do here is “legal” and that protects them and allows them to do whatever they like. This legal system is so powerful, so manipulated. It’s pretty close to international law in fact because legal language can always be twisted.<sup>58</sup>

As the sociologist Liora Israël has described, the power of legal language notably resides in its “technicality, which is designed to dissimulate the political stakes and to conceal a force of persuasion couched in its apparent objectivity” (2009). This performance of the law is thus firstly a question of language. The terms that are “supposedly neutral, derived from legal terminology” fashioned by the military courts are inscribed in a process of whitewashing that serves to ensure the incarceration

<sup>55</sup> The Military Courts Unit (Judea and Samaria) 2015.

<sup>56</sup> See Kretzmer 2002.

<sup>57</sup> A member of Court Watch, West Jerusalem, January 1, 2016.

<sup>58</sup> Hava Halevi from Court Watch, West Jerusalem, December 6, 2014.

of thousands of Palestinians to suppress their resistance to the Occupation (Machsom Watch 2018). The verbal performance that consists of constantly repeating during hearings and sentencing that everything comes under the rule of law proves to be a way of refuting that this is a justice that defends the political, economic, and territorial interests of the occupying authorities.

Yunes Arar, an activist in the Popular Committee of the village of Beit Ummar, is accused of infringing a closed military zone, June 2, 2015. This is the last hearing in a two-year marathon of an actual trial. Yunes declares that he was on land belonging to his father, land that had been stolen by the—what is more—illegal settlement of Karmeit Tsur. His father had a permit to cultivate it, but was never able to, the army having closed the zone. The prosecutor insists that he was attempting to enter the Karmeit Tsur settlement with a group of friends carrying a Palestinian flag. Before the turn that the debates are taking, judge Sigal Turjeman recalls the defendant and his lawyer to the strict scope of this *justiceless law*: “We don’t deal with political issues here, only with legal ones.”<sup>59</sup> Two people appearing for having thrown stones between June and August 2014, at the time of the protests against the Gaza War, are sentenced to sixteen months in prison and a fine of 1,500 shekels (460 dollars) even though their actions harmed no one and caused no damage. Handed down at a time when the government is tightening legislation to “root out the culture of stone-throwing”,<sup>60</sup> Judge Balilty describes his ruling as “protecting the security forces, which is of crucial interest to the rule of law and law enforcement.”<sup>61</sup>

In this context, legal language is also a moralistic one. In February 2015, for having peacefully obstructed the army’s mission on May 10, 2012, during a demonstration commemorating the Nakba and in support of political prisoners, Abdallah Abu Rahmeh, a figure in the Bi’lin village Popular Committee, was sentenced to a fine of 5,000 shekels (1,540 dollars) and a four-month suspended prison sentence with a three-year

<sup>59</sup> Ofer—Women, Maltreatment, June 2, 2015, <https://machsomwatch.org/en/daily-reports/military-courts>.

<sup>60</sup> A lawyer, Ofer, October 27, 2016, <https://machsomwatch.org/en/daily-reports/military-courts>.

<sup>61</sup> Military Court, Ofer—Plea Bargain, Stone Throwing, August 16, 2015, <https://machsomwatch.org/en/daily-reports/military-courts>.



probationary period. His Israeli lawyer Gaby Lasky appealed for a reduction of the fine, arguing that he was exercising his right to express his opposition to the Occupation, considering that all democratic countries allow citizens to protest. The prosecutor brandished Rahmeh's political involvement, evoking his "unremitting ideology which calls into question his ability to change." The judge decided that due to his past condemnations—even though they were all related to peaceful militant activities—the aim of the sentence was dissuasive. Implying that demonstrations are allowed when they are in fact always banned in the West Bank, she furthermore enjoined the defendant to limit himself to participating in "legitimate protests."<sup>62</sup> Another time, this judge complained about the absence of a lawyer who was on strike in solidarity with the major prison hunger strike taking place from April to May 2017. She blamed the lawyer for his lack of consideration for this "poor prisoner shunted from one place to another," placing all the moral responsibility on his shoulders without seeming to realize the slightest connection between the detainees' situation and her own role (Machsom Watch 2018).

This blurring of the law and moralizing discourse makes it possible to gloss over the inherent impasses of exercising a *justiceless law*. It is another way of decontextualizing offenses by not frontally addressing the motives, the place of mobilization, or the infractions, which would necessarily mean debating the Occupation. This denial moreover inscribes these sentences in a colonial framework in which the political and social alterity between the authorities who judge and the people judged is denied, and the understanding that two societies are present is refuted. Moralizing pronouncements are common during the hearings. When referring to youths who throw stones, certain judges act like educators and urge parents to keep them at home, to take better care of them, and to bring them up better; they give advice, and insinuate that, after prison punishment and a fine that is de facto inflicted on the entire family, their sons will understand that it is better to work hard at school than to throw stones.

Unsurprisingly, such discourses do not convince the defendants. On the contrary, the image that comes up time and time again in their

<sup>62</sup> Ofer—Students, Separation Barrier, November 17, 2015, <https://machsomwatch.org/en/daily-reports/military-courts>.

accounts is that of a farce, of theatrics, of a *mise-en-scène* in which everything is already played out in advance. These recurrent metaphors demonstrate the defendants' perception of the manifest asymmetry between the tools available to their lawyers and those of the judicial system. But for apolitical families or their neighborhood, this brush with the penal system can bring opprobrium. That is all the more so considering that the duration of the army's presence in the West Bank tends to normalize a military justice that has never ceased to expand its competence, its jurisdiction, and its hold over Palestinian society to handle classic criminal offenses, thereby maintaining the confusion between what is the realm of the political and what is the realm of delinquency or common law offenses.

This performance of the law is destined not only for the accused and their entourage in order to depoliticize them, but also for primarily Israeli, but also international public opinion. It first of all works on the court clerks, guards, and all the military court staff, and even on certain judges and lawyers. Hava Halevi has recounted how many military court administration staff members—the majority of whom are female conscripts aged eighteen or nineteen—have no idea of the system that they partake in:

I went round the back of the administration prefabs. The young women I found there were really nice, gentle, obliging, and completely blind. They are in the army and that suffices. All they know is, "we are victims, we are protecting ourselves." Many of them are Ethiopian and I am sure that their families are proud of them. They have studied law, are officers. They have escaped discrimination to inflict it on someone else . . . I also talked to a Druze translator, who thought he was doing a holy job, fulfilling a humanitarian mission, helping people by explaining to them what was going on.

What she describes as "humans' incredible capacity for blindness" also concerns the court clerks, who

never look at the Palestinians on the stand. Sometimes, they write things that are wrong, incomprehensible. It's not because they are stupid, but because they don't understand a thing. The people here in the administration are completely naïve; "they do their job." They have no idea of their political or historical role. And in any case, they do not see that these are people before them. They have never spoken to a Palestinian.<sup>63</sup>

<sup>63</sup> West Jerusalem, December 6, 2014.

*The Trial of Khalida Jarrar. Act I*

Lieutenant-Colonel Zvi Heilbronn, judge and head of the Ofer Military Court

Lieutenant Nathaniel Yacov Hai, the prosecutor.

Mahmoud Hassan, Sahar Francis, Khaled el-Araj, the defense lawyers.

Khalida Jarrar, the accused.

Ghassan Jarrar, Khalida's husband.<sup>64</sup>

September 20, 2015. I start to follow the trial of deputy Khalida Jarrar, which begun on June 22. She is an important political figure, previously in charge of the Prisoners' Committee at the Palestinian Legislative Council. She is in her fifties. In August 2014, the West Bank military commander served her with an expulsion and deportation order from Ramallah where she lives to the district of Jericho for six months; this she avoided thanks to considerable national and international mobilization. The failure of this deportation attempt unquestionably played a part in her arrest on April 2, 2015, then her placement in administrative detention, which she was released from thanks to her local and international supporters, before being indicted on April 15. The trial takes place in the main court, a vast prefab. Inside, you might think you were in a classic courthouse. The lawyers and the prosecutor have large desks with a computer, there is a suitable space for questioning witnesses, and the translator seems determined to do his job. The lawyers are in robes, and the prosecutor, court clerk, and judge Zvi Heilbron in uniform. Lots of rows of chairs are set out, unlike in the other prefabs, which only have ten seats or less. A dozen of Khalida's family members and friends are present—tolerated at first, then suddenly refused and limited to two people, as is the rule for everyone—along with representatives from various foreign consulates, members of Amnesty International, Arab deputies from the Knesset Joint List (Ossama Saadi, Ayman Odeh), other lawyers, and Nitza Aminov from Court Watch. An activist from Women for Political Prisoners (WOFPP), an Israeli NGO that frequently attends women's hearings,<sup>65</sup> is present in

<sup>64</sup> The military judges or prosecutors mentioned here are those who were most frequently present at the trial.

<sup>65</sup> Established in 1988, it pioneered the defense of the rights of female Palestinian political prisoners.

court, along with Anat Matar, a close friend of Khalida Jarrar. They met twenty years ago when Anat Matar founded Open Doors (1996–1999) to raise Israeli awareness of long-term administrative detainees' experiences through written correspondence then published in the press.

The image of the court is at stake; the trial has drawn media attention. It stands out from the cases rushed through at Ofer every day. Khalida is in civilian clothing; they remove her handcuffs when she enters court, but her feet remain shackled. During the pauses, she is allowed to speak quite freely to her family and friends, who are authorized to sit in the front row. On the day her trial began, her two daughters, studying abroad at the time, were allowed to hug her, which drew a tear from the female Shabas guard present in the courtroom.

She is officially represented by a committee of seven lawyers including an Arab Knesset member, but Sahar Francis and Mahmoud Hassan are de facto in charge of the dossier. Both are Palestinian citizens of Israel, work for the leftist, ideologically close to the FPLP Palestinian NGO Addameer, of which Sahar is the head. They are assisted by Khaled al-Araj. Twelve charges have been retained; these include belonging to a terrorist organization—the PFLP, which she has indeed been an elected deputy of since 2006—and activities in this framework. Khalida is also accused of incitement to violence, of having called during a 2009 meeting for the kidnapping of Israeli soldiers to exchange for the freedom of PFLP Secretary General Ahmad Saadat. Mahmoud Hassan tried to have her appear free, arguing the anteriority of the events and thus refuting her possible dangerousness. He also argued that the accusation was based uniquely on witnesses for the prosecution, on data kept secret to which the defense has had no access. The judge agreed to her release at the end of May, but the prosecutor appealed and had the decision invalidated. When her release on bail was raised again, the prosecutor implicitly threatened to ask the Military Commander to place her in administrative detention again if it were granted.

The prosecutor claims to have seventeen witnesses, but six months after the beginning of the trial, only five have been called to the stand. He has constantly made excuses to justify their absence: the sluggishness of the administrative machine, the impossibility of arresting those who have not shown up because of the “situation” in the West Bank—that is, due to the Small Uprising, which he never names, like all the Israeli authorities at that time. He has not summoned those incarcerated either, nor the police officers who officially took their depositions. At every hearing, the

defense rejects the prosecutor's excuses, demands that the witnesses be produced, and urges the judge to rule. The judge demands that the prosecutor summons them before acceding. The prosecutor plays on time, dragging out the trial, which tires the accused, who for every session has to travel for twenty-four hours. Her husband Ghassan Jarrar ends up smiling at their never-ending discussions, which appear staged as the judge quasi-systematically grants the prosecutor's requests. Before this law seen as that of the dominant, Ghassan, like many others, points out the *mise-en-scène*: "It's a show, a game, a joke." The prosecutor plays his hand as slowly as possible, as if keeping his trump cards until the very last minute—witnesses meant to incriminate the accused sufficiently to get her sentenced to five years in prison. The lawyers corner him, systematically attacking every weak point. They are determined to stay it out to the end of the trial. Very soon, in a roundabout way, the prosecutor offers to negotiate.

### *Using Military Law and Its Practices: Fighting Within the System*

The first stake here is to get an actual trial, not to settle in a plea bargain, then to manage to build a defense and to expose and legally contest the practices of military justice, or even, for some lawyers, the practices of the Occupation and colonization. Despite the limits of *justiceless military law*, the trial, through its very form, "its codified procedures and the moments it generates" (Blévis 2015), can nonetheless provide a platform to challenge power, practices, and State violence, as has been shown in other colonial, occupied, or repressive contexts (Blévis 2015; Israël 2009). Labib Habib thus evokes both the plasticity of law and the professionalism of the judges who leave room—albeit little—for the defense in the colonial framework of military justice:

You can win in military court (*fi majal*), but you have to be very driven and very committed. It's very rare to manage to get an acquittal, but it's not impossible . . . There are differences between the judges, but they share some common traits: inside every judge, even a racist one, is a person who can work in good faith. And like in every system, there are weak points that we can defeat them on. For example, they don't like us revealing that they use torture; when we bring them several cases, they cannot ignore it and are uncomfortable. But we need a lot of lawyers who really fight on every point instead of accepting. The Prisoners' Commission

or Nadi al-Asir lawyers, they sign. I'm speaking about the system because the lawyers... some are competent, but they don't have the means to work. The biggest problem is accepting, not putting up a fight [*inbitah*], saying, "but what can we do?", the lack of will to fight back, because the system is extremely harsh. I pose lots of questions; it takes hours. If everyone did so, they wouldn't be able to treat fifty cases a day, but maximum five.<sup>66</sup>

I met a military judge known to the lawyers and Court Watch activists for his particularly fair sentences, yet which are more often than not invalidated at second instance by the Court of Appeal. According to him, most military judges indeed have a strong professional conscience that surpasses their political convictions and their opinion on the legitimacy of the Occupation or not:

We all have different ideas, but on the whole we share the same approach: if we control these territories and judge people, we must be as just and human as possible. There are just a handful of people whose attitude in the courtroom I condemn . . . Some judges are against the continuing the Occupation [*which is how he describes himself*]. We remain because we believe that the Palestinians must be judged fairly. If those who are against the Occupation leave, then only the others will remain and it will be worse.<sup>67</sup>

Nonetheless, according to judge Jonathan Livny, in service from 1976 to 1999, judges cannot in practice apply justice:

You are part of a system, you are in uniform, you represent the army. As a military judge, you don't only represent justice, you represent the Occupation authorities vis-à-vis a population who sees you as an enemy. You pronounce a sentence against your enemy; it's an unnatural situation. If it is temporary, that's one thing, but if it lasts forty years, how can the system function? How can it be just? (Alexandrowicz 2011).

At present, the lawyers who plead in military court are for the most part Palestinian citizens of Israel and Jerusalemites who have replaced the Israeli Jews, rare since Oslo. A few West Bank Palestinians also defend their clients in military court, but few have equivalent resources

<sup>66</sup> Hizma, July 24, 2016.

<sup>67</sup> West Jerusalem, May 15, 2016.

in terms of training, language, and knowledge of the meanders of the Israeli legal milieu. Few believe in the possibility of mounting a substantial defense. Some fight with conviction in the context of this *justiceless law* and attempt to obtain the “least bad” outcome for their clients; others stop pleading before the military courts after a few years, exhausted and demoralized by a practice that they see as a form of legal validation of the Occupation system. Others, finally—the minority—use the system to their advantage to make money.

In addition to the limited time available to lawyers who work for the Prisoners’ Commission or for the NGOs, many on the Palestinian side regret the lack of strategic reflection at a national level about how to collectively affront the military court apparatus. A lawyer told me the reticence he met with when, as head of the Nadi al-Asir legal department, he attempted to change the way of working. He wanted to counter judicial harassment by putting the system “under pressure” by automatically attacking through appeals. He wanted to block the system to prevent the systematic fifteen-day prolongation of interrogations at al-Moscobiyeh by coordinating thirty or so Nadi lawyers so they could file an appeal for anyone held there for more than ten days. Four hundred appeals were filed in seven months. This resulted in the significant reduction of these extensions and their length, which were brought down to about eight days. Remand in custody during trials was also contested in 360 appeals in one year, all of which were rejected. Even though partially successful, his strategy was not backed by Nadi management, which he left shortly after.<sup>68</sup>

Among the cause lawyers—that is, lawyers committed to fighting the Occupation’s judicial system through their legal practice—few embark after a few years on a frontal political defense that amounts to a “strategy of rupture.” This consists of turning the trial into a key moment in the struggle against the State.<sup>69</sup> This type of defense irritates the judges and does not achieve the hoped-for results for the defendants, while at the same time receiving little echo in Israel, even if they sometimes garner significant attention internationally. It can provoke virulent press campaigns against these lawyers. Only a handful take this risk, and even fewer Palestinian lawyers, whether citizens of Israel or not, as they are

<sup>68</sup> Jerusalem, July 27, 2016.

<sup>69</sup> In its most radical version, it was theorized by Jacques Vergès (Blévis 2015).

even more aggressively attacked. The famous committed Israeli lawyer Gaby Lasky, Secretary General of Peace Now, then Knesset candidate on the Meretz list,<sup>70</sup> is one of the rare attorneys to clearly state her desire to put the Occupation on trial, as she put it in February 2018 during the trial of Ahed and Nariman Tamimi, the international reverberations of which helped spark a critique of the practices of military justice.

Most of these cause lawyers focus on technicalities instead, even if the choice of more neutral legal tools does not stop them from adopting a directly political line of argument on some points without necessarily openly expressing an overall critique of the Occupation. When one al-Moscobiyeh judge was about to exclude Jamal from the court on the grounds that he was not wearing a tie, then, Jamal argued that the judge too was presiding in uniform in a West Bank military court that has no legal jurisdiction in Jerusalem where civil, not military, law applies.<sup>71</sup> “Without contesting the legitimacy of the law or the State” nor “the forms and principals of the trial,” they use them “in the service of their cause” (Blévis 2015). One of the prime strategies is to argue each point, to systematically appeal, to counter the judicial harassment of Palestinians in the Occupied Territories by harassing the system, then fighting the case when their clients agree to take this risk; in other words, subverting the mechanism to put pressure on the other side. This is what one Israeli lawyer, who notably defends those indicted for participating in the popular resistance, including a lot of minors and young people, explains:

If you play the game the way you normally should, you don’t stand a chance of winning because of the system. The only way is to treat every file as if it were a million-dollar case. Unlike most lawyers who are swamped with files, we only have a few and so can do this . . . But even in doing this, you often lose.<sup>72</sup>

This Israeli law firm engages a pro-active defense to prevent confessions and to collect their own evidence in the villages in order to quash the accusation. First, it is necessary to “plug the leaks”—that is, to avoid suspects confessing during interrogation by multiplying visits every other day to support them morally and to encourage them not to speak. They

<sup>70</sup> The most left-wing of the Israeli Zionist parties.

<sup>71</sup> Al-Moscobiyeh, July 25, 2016.

<sup>72</sup> Ofer, October 27, 2016.



warn them of the famous “bird rooms” [*ghurfeh al-assafir*]: a fake, mock-up prison with undercover informers called “birds” as they fly away once their mission is accomplished, who pretend to be incarcerated partisan leaders to obtain confessions. While most people know of their existence, younger people risk falling for the terrible convincingness of this subterfuge when they come out of interrogation completely disoriented. This lawyer systematically appeals on the slightest detail, before often withdrawing the appeal straight away, so that the detainees be brought to court and escape their solitude and disorientation, so that they can breathe, regain some strength, and catch a glimpse of their families. These lawyers moreover call on Israeli activists from anti-Occupation groups present in these villages (such as Ta’ayush or Anarchists Against the Wall) not only to testify in trials, but also to seek evidence in order to overturn the accusation. They use videos shot by inhabitants, thereby subverting the army’s long practice of filming protesters in order to incriminate them. Protesters’ use of cameras, notably under the auspices of a project led in conjunction with the Israeli NGO B’Tselem, has thus made it possible to challenge the soldiers’ declarations with hard facts and to obtain acquittals.<sup>73</sup> These Israeli militants work with the villagers to prepare youths for arrest, interrogation, and possible testifying. Finally, the lawyers exploit procedural errors committed during the judicial procedure, and notably those of the Shabak interrogators. The latter know that witnesses later retract their statements so, in order to incriminate people on the basis of their confessions or third-party accusations (Tamir Law), they arrest and interrogate more than one person. Under the pressure of questioning, some confess to anything and everything and lie without their lies concurring. That makes it possible to get these testimonies thrown out and to demand real evidence to be filed, which is usually hard for the prosecution to do:

Even with two witnesses we can manage because the Shabak fucks up. They don’t know when to stop, they always want more information and the Palestinians make things up without conferring to put an end to the questioning, which is a good thing for me, because I can then get their statements revoked.<sup>74</sup>

<sup>73</sup> Gaby Lasky, Tel Aviv, July 22, 2012.

<sup>74</sup> A lawyer, Ofer, October 27, 2016.

*The Trial of Khalida Jarrar. Act II*

The lawyers have managed to subvert the *dispositif* (apparatus) by turning the temporal pressure against the prosecutor. The latter requests a plea bargain, which the lawyers ignore; usually it is the lawyers who, backs against the wall, accept the *safqa*. The prosecutor finally ends up calling his major witnesses to the bar—an ex-detainee and a prisoner—while awaiting witness number three, supposed to be the cornerstone of the accusation. Both retract their statements, refuting that they said they belonged to the PFLP and knew Khalida Jarrar beyond than the public figure that she is.

The prisoner arrives in the brown Shabas uniform, shackled. He is tall, thin, his eyes sunken. He looks anxious. He has been incarcerated for two years and is meant to be, or to have been, a member of the PFLP. It is easy to see that he is cut up at having incriminated Khalida and now having to face her; he has probably been given a rough time in detention by other militants as, in this party—like in Hamas—discipline is strict and the rule is never to confess. To the prosecutor, then to Mahmoud Hassan’s list of questions, he invariably answers with intense lassitude: “I don’t know her,” “I don’t know,” or mostly, “I can’t remember.” Ghassan turning to me, joking: “And do you remember you are in prison?” He is highly perturbed, and his passive defense irritates the prosecution as much as it does the defense, who can obtain nothing from him. The judge declares him a “hostile witness.” At the next hearing, the ex-detainee arrives, sure of himself. He incriminates the torture undergone during interrogation to invalidate his statements. He reinvests the *safqa* with an element of resistance, adopting the political procedure used by militants to settle the *safqa*, which are, *in fine*, an agreement between the lawyer and the judge: while the accused must confess to the accusations made against them as a pre-condition of any bargain, they defer to their lawyers to confess in their place. They content themselves with not contradicting them. The courts acquiesce to this type of minimalist guilty plea, which, for the accused, is not one; they can later invoke their silence if needs be. In answer to the prosecutor’s question about the *safqa* his trial ended in, he answers that it was only to shorten his sentence:

- The prosecutor: But you confessed [*to belonging to the PFLP*]:
- Ex-detainee: I told my lawyer: “Do what seems right [*munasib*] to you.”

His well-prepared deposition reflects a partisan political socialization. What is essential, whatever the circumstances, is not to say anything while at the same time, as far as possible, to avoid lying. He thus sticks to pronouncements, eluding the facts themselves:

- The interrogator said that I belonged to the PFLP, not me. That’s what they arrested me for, but I didn’t say so.
- The prosecutor: You didn’t say so, or it’s not true?
- I didn’t say so.

When the prosecutor reminds him that he was in the PFLP section in detention, he argues that it was not a choice, that, not being religious, he de facto found himself in that faction. As a friend who is close to this party told me: “What you say is very important. You must never say, never confess to anything, even if they know. And you mustn’t think either that they know everything.”

During the hearing of the police officer who took his deposition, Mahmoud Hassan comes back to how the interrogation was conducted, the description of the place, the furniture, and in particular the chairs which, with no backs to them, are an instrument of torture in order to prove what everyone here knows and which is a public secret<sup>75</sup>: that the police officer does not know what took place because the depositions are written entirely by the Shabak and that the police only make the defendants sign them. This public secret makes it possible to keep repressed acts and this illegal procedure in the dark to a certain extent, and thus to tolerate them. The police officer cannot precisely describe the furniture nor the interrogation room. He cannot convincingly deny the torture that took place and attest to the interrogation’s conformity to the legal dispositions, and thus to the validity of the deposition. Mahmoud Hassan intends to call the Shabak interrogator to the bar. He aims to incriminate the intelligence services and their disproportionate role in the judicial process, which rests entirely on the conclusions of the interrogations they carry out, and to thereby contest the entire judicial procedure and the gross errors in the dossier:

<sup>75</sup> Michael Taussig defines public secret as “knowing what not to know” (1999).

- Why [*he asks*] are the two depositions—the one given to the Shabak and the one given to the police that you took—identical right down to the very last word? You, who have thirty years’ experience, can you tell me why you showed the witness the photos of six men and only one woman [*when the witness was asked to identify Khalida Jarrar*]?

For Ghassan, this point is the perfect illustration of the farce that this trial represents. He is not alone. Knowing smiles are exchanged all around the room. The judge himself bursts out laughing.

The defense’s constant pressure to call the Shabak to the bar forces the prosecutor to drop his demands and to propose a more advantageous *safqa*: three and a half years in prison. The judge will not let him stall indefinitely without producing tangible evidence; and the intelligence services do not want to be heard in court, to see their role, their agents, their methods exposed: secrecy, opacity, and invisibility being at the heart of their workings. They intend to remain this “phantom sovereign” (Berda 2017), “The Unseen Shield” as the ISA (Israel Security Agency—Shabak) describes itself on its website. The sentences proposed by the prosecutor are rapidly reduced from hearing to hearing; by October 18, down to twenty-one months. Mid-November, the judge decides that there will only be three more hearings: the temporal pressure on the prosecution is growing. By the end of November, the witnesses for the prosecution have turned against the prosecution and the centerpiece that witness number three was supposed to represent has also crumbled: supposed to belong to the PFLP and to testify to Khalida’s role and her incitation to kidnap soldiers, he turns out to be the member of a completely different organization, the PFLP-General Command headed by Ahmed Jibril.<sup>76</sup>

The lawyers want to continue until the end of the trial, especially as this judge generally has the reputation of sentencing fairly. They think the prosecutor “has nothing,” but for some time already, behind-the-scenes negotiations having been going on between Khaled al-Araj, a member of the defense committee, and the prosecutor. Caught between the judge and the Shabak, the prosecutor has contacted Khaled al-Araj. This lawyer is known for getting the best *safqa*. He warns of the risk of a five-year

<sup>76</sup> The PFLP-General Command was born from a split in the PFLP in 1968 due to the former’s unconditional pro-Syrian regime position.

custodial sentence, as requested by the prosecution, when Khalida is more useful out of prison than in: he argues against her being subjected to a trial carried through to its conclusion when she could be released in six months as she has already spent nine months in detention. In this, he adopts an at the time very marginal argument in the politicized milieu that Lisa Hajjar evoked: opting to bargain for political reasons rather than for a trial, presenting the *safqa* as a non-recognition of military justice (2005). In other words, bargaining pragmatically with the court rather than embarking on a procedure with this illegitimate body, which, moreover, validates it. The circles close to the PFLP, on the contrary, defend refusing *safqa* as a way to assert the prisoners' cause and to block military justice. Khaled al-Araj insists, talks to everyone, and goes to visit Khalida in Hasharon prison. He insists that he can get most of the charges thrown out, obtain a *safqa* without pleading guilty, and without the lawyers even standing in for the accused.

On December 6, 2015, Khalida is condemned to fifteen months' prison and a 10,000 shekel fine (3000 dollars), plus a suspended sentence with a probationary period of five years on three counts: incitation to acts threatening State security, membership of, and activities in the PFLP, even though the judge fallaciously stipulates in his judgment that "the legitimate activity of the accused as a Member of the Palestinian Parliament was not in question here."<sup>77</sup> According to Ghassan, who categorically refused any idea of a *safqa* because, for him and for Khalida, a confession constituted a line to not be crossed, this agreement was only "half a *safqa*" in the sense that neither she, nor her lawyers, formally recognized the facts. The exact terms of the *safqa* remained unclear to me, as did Khaled al-Araj's underlying motivations. In Ghassan's view, he acted out of concern for Khalida, and it was the intelligence of the defense that, by cornering the prosecution, managed to obtain this particularly advantageous agreement. For others, his ego and his reputation were also at stake, especially as this defense ensured him many clients.

Khalida was released from prison on June 6, 2016, and was welcomed at the Jabara checkpoint in the north of the West Bank by a jubilant crowd, hoisting her up on their shoulders. She resumed her functions as a deputy: "I am a deputy, I represent my people, I am of course going to return to my job, I'm not going stay at home. To do what? I can't see. But

<sup>77</sup> Court Watch, Ofer—Remand Extension, Sentence, December 6, 2015.

I know that they can arrest me and condemn me again, and this before the international community.”<sup>78</sup> A year later, in the middle of the night on July 2, 2017, a squad of military vehicles encircled her house and, in an impressive display of security measures and soldiers, dragged her from her bed. Placed in administrative detention, she was sent back to Hasharon prison with no possibility of defending herself because the charges in this case were kept confidential, at the discretion of the Shabak. In addition to her partisan engagement, her involvement in the Committee’s preparation of files for the International Criminal Court on war crimes in Gaza in 2014, colonization, and mass incarceration were unquestionably related to the renewal of her administrative detention and the harassment she has been the object of on the part of the Israeli authorities for several years now. While she was released twenty months later on February 28, 2019, without any charges, which attests to the vacuity of the dossier, she was nonetheless arrested again at home on the night of October 31, 2019. Fifty or so members of the PFLP were arrested when a unit presumably loosely connected to the party was suspected of the murder three months earlier of Rina Shanhab, who lived in the Dolev settlement. When I tried to go to Ofer on December 9, 2019, the gag order issued for all dossiers concerning the PFLP prevented anyone from attending hearings and prevented the lawyers from revealing any information. In March 2021, Khalida was finally sentenced to two years in prison for her political activities and fined 4000 shekels (1230 dollars). She was released in September 2021.

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<sup>78</sup> Ramallah, July 24, 2016.

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## CHAPTER 2

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# Going to Prison

### THE VISIT

When I was living in Jerusalem, I waited a little over a year before contacting the Israel Prison Service (Shabas) to request permission to visit a prison. I knew my request would probably fall on deaf ears because the prisons are not open to researchers—unlike those in Europe or elsewhere—and especially not to foreigners, and even less so when it comes to the so-called security detention of Palestinians. Since the 2000s, the intelligence services have become *ex officio* members of the Shabas board of directors; I had little desire to be on their radar. My head was full of people's accounts of the Shin Bet's ubiquity, the deployment of the *prison web*, which all Palestinians are susceptible to being caught up in at any time, and the violence of people's experiences. In contacting them, I was not aiming to meet political prisoners. In such a conflictual context and the inaccessibility of prisons, my presence could be nothing but suspect. I was simply hoping to apprehend the carceral space, to carry out an ethnographic study of a visit, of what I would be shown of the place, and to exchange with the prison staff.

To determine the history of the prisoner community and its political, social, and personal imbrications with life Outside, I several times met, spent time with, and carried out interviews with former detainees living in the West Bank, Gaza, Israel, and the Golan Heights. They were men

mainly, who are by far the majority in prison, but also women, and the multiple actors of the prison world Outside, namely Palestinian and Israeli lawyers; civil servants from the Ministry, then Commission for Prisoners and Ex-Detainees Affairs; international organizations; Palestinian, Israeli, and international NGOs; activists; politicians; and prisoners' friends and families.

### **Method and sources**

The present work is based on oral sources: interviews with 268 people in the West Bank, Jerusalem, Gaza, Israel, and the Golan Heights, carried out between 2008 and 2019, of whom eighty-seven were ex-prisoners (fifty-six men and thirty-one women). Apart from the Shabas employees, I met most three to four times during the years of my research, which allowed me to understand changes in positions and the way in which memory and individual and collective history are constantly reconstructed. The interviews were mainly conducted in Arabic or in English for the Hebrew speakers.

This work is also rooted in a wealth of ethnographic material: Ofer Military Court, where I followed trials from 2014 to 2018, and spending a lot of time with families or people having been incarcerated in Israeli, or, more rarely, Palestinian prisons, during my research trips and in the three years that I lived in Jerusalem. Due to the grasp Israeli prison exerts over lives in the West Bank, many of the people in my social network and circle of friends had been to prison or had family members who were detained.

Oral archives were constituted from 2010 to 2011 recordings of the Voice of Palestine radio programs destined to maintain ties between prisoners and their families.

This book is also based on written sources: the ICRC's declassified archives on detention (the 1948-1975 period); the Palestinian, Israeli, and international NGOs' considerable documentation in Arabic and English on these questions; the press; prison memoirs and works written by prisoners; judgments handed down by the Israeli Supreme Court and diverse other reports by the Palestinian and Israeli authorities.

During the decade of my research, some returned to prison, were released, and then reincarcerated again. The Inside constantly permeates the Outside and the carceral universe is omnipresent in Palestinian society. More often than not, carceral time is not a watertight one. Detention is not a circumscribed period in people's trajectories; several periods in prison follow in succession, in a troubling toing-and-froing between

the Inside and Outside, except when sentences are particularly long. The severity of sentences handed down to Palestinians is another defining trait of the Israeli penal system. Security offenses are indeed judged according to a doctrine of the use of prison inspired by that developed in the 1970s in the United States known as the Justice Model, based on a moralistic penal philosophy of just deserts. This doctrine prohibits almost any form of early release or the commutation of sentences and applies morally codified punishments (Combesse 2009). It thus allows for the condemnation to a same number of life sentences as the number of Israeli deaths directly or indirectly caused by the incriminated act. Shabas statistics show that of the 5,567 security detainees held on December 31, 2015, 3,348 had been judged while the rest were either administrative detainees (527), on trial, or awaiting charges. Of those serving their sentences, about a third (935) were condemned to over twenty years, 478 of whom to life imprisonment. On September 30, 2020, there was an even higher proportion of long sentences, as nearly 40 percent of prisoners were serving an over twenty-year sentence (545 of whom one or several life sentences).<sup>1</sup>

Since the 1967 occupation, being sent to prison has marked both personal and collective histories in the Palestinian Territories. Being arrested for armed or violent action but more often for one's party activism, for occasional participation in demonstrations, uprisings, clashes, for posting on social media, or because of the involvement of one's family, friends, or acquaintances, is a commonly shared experience. Imprisonment is not marginal. Every family has been through, or is going through, the experience. It is possible to speak here of government by prison, to borrow the concept that Loïc Wacquant (2009) has used to describe the situation in North America from the 1980s on. This mode of government truly began with the mass arrests during the First Intifada (1987–1993)—in 1989, there were 13,000 Palestinian political prisoners behind bars—then was renewed and transformed with the Second Intifada (2000–2006) when there were over 9,000 so-called security prisoners. An estimated 40 percent of Palestinian men in the Territories have thus been

<sup>1</sup> Of the 2,634 prisoners who had been tried out of the 4,184 detained at that time. [https://www.btselem.org/statistics/detainees\\_and\\_prisoners](https://www.btselem.org/statistics/detainees_and_prisoners). As of October 1, 2020, Addameer reported 4,400 (<https://www.addameer.org/statistics>). The difference between Addameer's figures and those of B'tselem is that B'tselem does not count Palestinians who are citizens of Israel in its statistics. Since 2008, however, it has included Jerusalemites. These figures are provided by Shabas and the IDF. All websites included in this chapter have been verified in July 2022.

held in Israeli prisons since 1967. Far fewer women have been imprisoned—rarely more than about a hundred at different times. On July 14, 2022, there were 30 women out of a total 4,650 prisoners.<sup>2</sup> Mass arrests and incarcerations for political motives have over the years woven this *prison web*, this suspended state of detention, which is a key controlling device.

This mass carceral repression has produced a continuous violence in a permanent state in-between war and peace that is found in other situations of settler colonization (Blévis 2013). Without focusing on prison confinement per se, Lisa Hajjar qualifies the military justice system and prisons' grip over the Occupied Territories as “carceralism” (2005). Prison is one of the weapons of the “war” targeting social—and sometimes ethnic or national—groups, as analyzed by Antoinette Chauvenet (1998) and Loïc Wacquant (2009) in other contexts. Such policies of mass incarceration have largely benefitted from the global legitimacy they have gained due to the “punitive turn” that has taken hold in Western democracies (Garland 2001) and first and foremost in US prison policies: their massification and ethnicization in the 1980s (Wacquant 2009, Alexander 2010), reinforced after 9/11 by the war on terrorism and counterinsurgency mechanisms. Here more than anywhere else, it has become a major means of managing a conflict and a colonial occupation. It indeed seeks to eliminate interior enemies (Khalili 2012).

These detainees are qualified by Shabas as “security prisoners” (*asir bitkhoni*, plural *asirim bitkhoniim*—Hebrew), whereas the Palestinians call them “prisoners of war” (*asir*, plural *asra*) or “political prisoners” (*mutaqalin siyasiyin*). The Arabic word *asir* (plural *asra*) can have the two meanings. As a category, prisoner of war is defined by Article 4 of the 3rd Geneva Convention; without entering into details, it may simply be said here that a prisoner of war is a soldier who is not convicted, but who is kept out of combat for the duration of the war. However, many of these Palestinian prisoners are civilians in a situation of occupation, which comes under the 4th Geneva Convention. I thus will more often adopt the broader term of “political prisoner,” which describes the situation of the majority of them, and the way in which they perceive

<sup>2</sup> <https://www.addameer.org/statistics>. Since October 2020, Shabas has stopped transmitting its figures to the Israeli NGO B'Tselem despite the Freedom of Information Law. Addameer's compiled statistics are the only reliable ones available from October 2020 till present.

themselves. When I am speaking from the point of view of the categories used by the prison services, I will apply their terminology.

I had previously tried to meet Shabas prison guards, doctors, nurses—all Palestinian and Druze citizens of Israel—to whom it was easier for me to gain access. Depending on the penitentiary, these Palestinian and Druze citizens of Israel constitute between 15 and 30 percent of the prison staff. They are, moreover, more numerous in prisons holding Palestinian political prisoners, where they serve as an interface. They had all declined. Only Karam, a high-ranking, approximately sixty-year-old Christian Palestinian from Galilee and who was close to retirement agreed to meet me. Our exchange remained within the limits, highly constrained by his duty of confidentiality, and I had to resolve myself to contacting the prison administration. This would confront me with the image that Shabas wanted to give of itself, but at least would give me access to places and accounts in context, which would instruct me further. I wrote several letters to the people in charge of public relations and research. I got no response. Then, I was given an appointment with members of the Shabas research committee in the Hebrew University of Jerusalem cafeteria. I knew that the subject of political prisoners, even duly named “security prisoners,” would immediately torpedo my request. I chose to formulate it differently. Two forty- to fifty-year-old men in uniform were waiting for me at a little table, one of whom taught there. They very briefly gave me their names and titles and I was unable to catch exactly who I was dealing with. I introduced myself and answered their questions; the discussion was cold, but cordial. I was to send a project of several pages specifying who I wanted to meet and the documents I would require, accompanied by a detailed questionnaire, and some of my academic articles, before coming before a Commission made up of academics. My project focused on minorities within the Israeli prison system, which essentially meant the Palestinians of the Occupied Territories and Israel. All the security prisoners were Palestinian. In 2018, out of a total of 19,376 prisoners in Israel,<sup>3</sup> approximately 6,000 were Palestinian security prisoners, or in other words, 31 percent. Palestinians furthermore represented the vast proportion of common law prisoners; that is, Palestinian citizens of Israel, who are overrepresented in prison—approximately 40 percent for a minority that makes up 20% of the Israeli

<sup>3</sup> World Prison Brief, <https://www.prisonstudies.org/country/israel>.

population—but also some residents of the West Bank and Gaza detained for illegally entering Israel (*shabaghim*—Hebrew). The minority angle also made it possible to include Shabas staff. I requested permission to visit the prisons and to interview a significant number of Shabas employees holding different positions, and notably belonging to these minorities. I requested figures providing information on sociological profiles and types of sentences. In vain. I never received a single document.

The Commission agreed, but limited me to common law prisoners. They did not authorize me to enter any prison holding security prisoners, nor to evoke them. I acquiesced. I wanted to visit a prison; the slightest glimpse would be useful and perhaps this restriction would be lifted later. I signed a confidentiality and guarantee of anonymity agreement. My Shabas interlocutor sent me the contact details of a woman I was to get in touch with to organize the visits. Over six months had passed since I had begun the authorization process and I was leaving the country in a month. I called her endlessly, more than twenty times; she was either absent, or answered me briefly, promising to call me back but never doing so. She seemed perpetually infuriated, spoke a rudimentary, heavily-accented English, and mainly spoke in injunctions. She insisted several times: my authorization did not cover security prisoners. Was that clear? One evening at nearly 8 P.M., she finally laconically told me that I could go to Hadarim prison the following morning at 10 A.M. Before she hung up, I tried to find out how to get there; she gave me some vague instructions: the bus from Tel Aviv to Haifa could stop there. I was confused: Hadarim is a pre-trial detention facility opened in 1999 where there is only one security section, but it is the notorious maximum security wing—Sect. 3—where all the convicted political leaders are held, two to three in the forty cells. I was even more confused when, after the usual constant phone calls that she left me little option but to make, in October she sent me far into the south of Israel, to Ramon prison in Mitzpe Ramon, built for security prisoners in 2006 as an extension of Nafha prison opposite, a prison of a far longer standing in the political detention world. Apart from one section of common law prisoners, who are paid to carry out the jobs inherent to daily prison life (cooking, serving, cleaning, laundering, repairs, commissary, stock keeping, etc.) that are at present forbidden to security prisoners, only Palestinian political prisoners are incarcerated at Ramon. I really could not see what the prison services were playing at by putting me in such a contradictory position.

The arrival at Hadarim was stressful. I had almost no information and I had had to insist to get the director's name and phone number. The bus driver knew the prison stop. I walked several hundred meters along the highway to reach a huge compound encircled by watchtowers, multiple rows of barbed-wire, protection barriers, and security cameras. The ultra-security space comprises several facilities: Ofek and Hasharon, where minors and female security prisoners are notably held, and the prisons of Rimonim and Hadarim. I was the only person on foot there and my presence along the security fence struck me as incongruous. I walked all the way along it until I came to the main entrance, went through a first security check, and then found myself in front of a heavy door. I rang and waited some time for someone to come to let me in.

HADARIM, JULY 28, 2016—RAMON, OCTOBER 31, 2016.  
DETENTION IN THE EYES OF THE PRISON SERVICE

I find myself in a sally port, am asked for my phone and camera, which are kept at the entrance gate. A man comes to meet me; I pass with him through the usual security checks. I am taken to the prison warden's office, where there are five other people, mainly women, young, and personable. The warden is about forty years old. He seems very busy, does not smile, but cordially invites me to take a seat and introduces the people I can talk to: the women in charge of the educational programs, a social worker, the prison rabbi, the head of detention, and the deputy prison director. There are nearly 800 inmates at Hadarim. As my project refers to minorities—ethnic, national, and religious—the head of detention answers my question about the prisoners' origins distinguishing the Jews, Arabs, Muslims, and Christians (Palestinian, Russian, and Romanian) from the non-Arab Muslims who, according to him, include Somalis, Uzbecks, and Bedouins (sic). He adopts the political classification of minorities used in Israel, dividing the Palestinian Arabs who remained in Israel after 1948 into Muslims, Christians, Bedouins (even if the Bedouins are Muslim and Arabs), and Druze, each of these minorities having more or less favorable relations with the Israeli State. As agreements were settled with Druze leaders early on, they are constructed as the most trustworthy, followed by the Bedouins. Accordingly, the Druze have to do their military service, just like the Israeli Jews. The deputy director, himself a Druze, and who is less circumspect about this question, seeing simply the cultural and linguistic continuity between the groups, later tells me

that 60% of Hadarim prisoners are Arabs, a little under 40 percent Jews, the others being non-Arab Christians (Russians, mainly), and a few other nationalities, such as Somalians.

The discussion in the warden's office takes the form of a series of collectively carried out interviews. No one makes any mention of the security prisoners, whether those in Hadarim or the other prisons in the compound. Hadarim is a pre-trial detention center where, as they are yet untried, most people only remain for several months. They tell me of their love of their jobs, the activities organized, the difficulties relating to this perpetual flow even if, one of the women states, this is part of "the magic" of the job. For all of them, it is firstly a desire to help others, the human rapport, and the lack of routine that made them decide to join Shabas—motivations, to which are added job security and sometimes patriotic sentiment. Here I have the perfect window dressing. These people run training sessions, reinsertion programs, psychological support, all of which are only destined for the common law detainees, never the security prisoners.

We discuss religious questions with the rabbi, whose mission extends to the other establishments in the compound and to all religions. He chose Shabas because here, in addition to the teaching he previously dispensed in a *yeshiva*, he can train in new more global methods that involve his colleagues, group therapies, and so on. His role is to ensure that *kashrut* rules are applied for the Jewish prisoners and staff's meals, and to teach Judaism in the prison synagogues with the help of outside volunteers and certain detainees. The only man of religion in the prison, his role is to speak to everyone, whether Jewish, Muslim, or Christian. He teaches "faith in general," he tells me, which is not "specific to any one religion." He relays the various requests of a religious order and also oversees the dietary rules of the Christians and Muslims, the organization of Ramadan meals, the provision of Qurans, and so on. In Israeli prisons, religious Jewish volunteers come to assist the rabbis in their work, as do a few Christians. No Muslims do. While at least half of the detainees are Muslim at Hadarim, at Ramon, the overwhelming majority are. The security prisoners are nearly all Muslim, with the exception of a few Christian Palestinians from the Occupied Territories. There are Muslims too among the roughly one hundred common law prisoners. The Ramon rabbi joined Shabas six years ago, after eight years in an army combat unit, and a few years' religious teaching. It is his job to offer religious responses to everyone, even though he admits to having no specific training in



Islam, does not speak Arabic, and only draws his knowledge from the detainees. The other religious practices are organized by the prisoners themselves. Collective and held in the yard, Muslim Friday prayers are led by a detainee. The rabbi can serve as a relay on specific questions. He can ask advice from a priest or an imam outside, or at Shabas headquarters in Ramleh, or call upon a sheikh or a priest accredited by the prison services. Nonetheless, while certain priests occasionally gain access to prisons, no sheikh does. He explains this total absence of Muslim religious figures due to the necessary validation by the security services on the one hand, and, on the other, by Islam's strict condemnation of violence and thus the sheikhs' refusal to assist violent men—a hardly convincing answer. What is more, according to him, in Israel, it is more logical to have a rabbi. He ends up noting that the Palestinians ask him next to nothing about religion. He tells me, without really believing it, that he does not really know why, before admitting the obvious: “They don't really trust us... they think they know better than we do.”

I continue my visit of Hadarim with an interview of the deputy director, a man of about fifty, with a big smile and worrying eyes. He is Druze from Galilee. We switch from English to Arabic. He has been with Shabas for twenty-six years and has worked in fifteen prisons, including Jneid prison in Nablus, the West Bank, run by the Israeli army (the IDF) before the Oslo Accords (1994/1995), at the time of the full occupation. He broaches the subject of the Sect. 3 security prisoners. He tells me about the rounds he does several times a day in the sections. His job is to find solutions to the detainees' problems, in keeping with the law and Shabas regulations. Like other prison service employees, he claims to only be interested in the prisoners, not what they did to end up inside. He exchanges with the security prisoners in Arabic; it facilitates understanding and entente. He finds it easier to deal with them because they are organized and have only one representative and spokesperson per section, who conveys requests, necessary information, and so forth in the name of the collectivity, unlike the common law prisoners who all express themselves in their own name and only formulate individual requests. He goes as far as claiming that there are never any problems with the security prisoners, even during the hunger strikes, that they are treated with respect (*ihtiram*), and that in return, the latter address them with equal respect. The security wing is the only one where people are serving a sentence. Section 3 regroups political figures; their sentences are long. They have the time to get to know them, unlike the fleetingly passing common law

prisoners. He has known some for over twenty years, since Jneid prison in Nablus.

At Haifa, Karam expressed a similar view. With the security prisoners, disputes are most of the time easier to resolve. Moreover, they are often settled at a higher administrative and political level. He does not wish to know what they did outside either, nor to satisfy their curiosity or answer their possible moral condemnations of his work for Shabas. The unspoken allows a relationship and mutual respect between people who share a language, cultural foundation, and sometimes a religion. The professions of certain Arabs of Israeli citizenship—both Palestinian and Druze—place them in the interfacial places of the security system. This is particularly the case of the Druze who, in the prolongation of military service and due to the often adverse socio-economic conditions of their villages, frequently pursue careers in the police, army, or prison services. They are thus very present in hearings in military court as translators or police. Lawyers and police representatives sometimes exchange directly in Arabic over the additional interrogation time requested, others joke. As Jamal said in response to my astonishment at these relationships and this striking presence of Druze policemen in the military courts: “We are used to it, it’s been like this for fifty years. We mutually respect one another. It’s the system. We work inside the system.”<sup>4</sup>

The visit ends with an interview with the warden of Hadarim. He was in the police for a long time before joining Shabas at the time of Beni Kaniak, Chief Commissioner of Shabas from 2007 to 2011. He was a police officer at al-Moscobiyeh, called to the site of terror attacks, some of whose perpetrators he has met again here. He returned to active service six months ago. He had been sent to complete his law studies for five years. He directly evokes the security prisoners, wanting to talk to me, the academic, about the PhD in International Studies he is studying for in a Romanian university outside of his work, Shabas not having wanted him to continue this research within the professional sphere. In his thesis, he is analyzing the decision-making processes that lead to hunger strikes and the means that the administration disposes of to resolve these conflicts, as based on three case studies: Palestinian, Irish, and South African security prisoners. He immediately specifies that Shabas does not authorize him to carry out interviews with Hadarim prisoners, or in other Israeli prisons.

<sup>4</sup> East Jerusalem, November 12, 2018.

I really do not know what to think. He must feel my confusion. He tells me that here, today, six men are on hunger strike because of the ICRC's decision to only cover one of the two monthly visits that families from the West Bank and Gaza Strip can make to their relatives in prison. It is indeed the ICRC that coordinates families' requests for permits to enter Israeli territory and provides their transportation from the cities of the Palestinian Territories to the prison facilities.

The warden of Ramon prison, who is barely forty-something and who has been in this post for four months, was in the border police intelligence services before joining Shabas. At the prison, he ran the Dror anti-crime unit for five years, an intelligence service responsible for fighting criminal activities and notably drug trafficking Inside and Outside, and for intervening with the Massada unit during prison conflicts, mutinies, and security operations. He joined Shabas for the love of the job and out of patriotism, because he wants to "defend the security of Israel." He receives me in a particularly courteous and ceremonial manner, perhaps thinking that I am going to report back to the administration. He comes to get me at the surveillance post at the entry, and I sail through the security checks. He is tall and has a friendly face. He offers to give me a guided tour of the prison; I accept, enthusiastic, but surprised. When I enquire about this a little later, he says he must call my interlocutor at the central administration to get her approval as she stipulated that we should go no further than the offices. I hear nothing more of it and do not leave the offices despite my reminders.

He tells me I looked anxious on arrival. I refute this but being in a facility where there are only security prisoners whom I am not meant to talk about adds to the unsettledness that detainees' accounts leaves in my mind. Out of 940 prisoners, only about a hundred are common law detainees. 85 percent of the security prisoners are "convicted terrorists," he tells me, often sentenced to many years, and others are detainees. About 400 are serving sentences of over twenty years, sixty-seven of whom for life. They are divided into seven wings of 120 men: four wings for Fatah party members and those belonging to the PLO; three for Hamas and Islamic Jihad members. Although they belong to the PLO, the members of the left-wing PFLP and the Democratic Front for the Liberation of Palestine (DFLP) parties are divided here into the Fatah and Hamas wings. It is not commonplace, but some may have joined religious parties for political reasons, religious affinities and practices, or been placed there by the intelligence services.

Most are from the West Bank, 150 are from Gaza, and only a few are Palestinian Jerusalemites or citizens of Israel. Eight are rejected by all the prisoners; they are Israeli Palestinians (apart from one, from Hebron) affiliated to the Islamic State, albeit a “light” version of ISIS according to the deputy director.<sup>5</sup> Their sentences are also particularly light—around five years. They are mainly in the Fatah wings, apart from two, who are housed with the Hamas sympathizers. The common law prisoners’ wing, who work in the prison and receive wages, only includes the “best prisoners” as it is semi-open. Even though they have no contact nor any common time with the political prisoners, there are no *shabaghim* [Hebrew] among them—those convicted for illegal presence in Israel, a certain number of whom are from the West Bank or the Gaza Strip—to avoid any possible collusion with the security prisoners. The cells can hold between four and eight men. They are normally regrouped in cells according to partisan affiliation. Besides the prisoners’ capacity to assert their choice, the prison intelligence services in coordination with the Shin Bet outside determine the composition of the cells.

The warden and the other people present in his office give their identity, their civil status, and so on, thereby establishing their sociological profile, before recounting a typical day and broaching the subjects mentioned in my project. The warden mentions his dilemma, namely showing consideration to the men detained while forgetting their acts, especially as he hunted some of them down when he was in the police: “These guys are terrorists yet at the same time, they are respectful, organized. But they sometimes do reprehensible things, they attack the guards, smuggle cell phones and SIM cards to call their families, blunt objects for stabbing, etc.” He talks to them daily and knows their difficulties, the distance from their families, the problem of permits and checkpoints when they come to visit. He says he has to contend with this ambivalence. With the pretty ostensible intention of meeting my expectations, he insists on his and the guards’ need to better apprehend their culture and their religion, especially as the detainees have a deep knowledge of Israeli and Jewish culture. They read a lot. The hunger strikes are a complex problem for him to resolve; for the prisoners, they are a means of asserting their demands, whereas for Shabas, they are an infraction. This leads to repressive measures that he decides upon: isolation,

<sup>5</sup> Islamic State of Iraq and Syria (ISIS, or Daesh).

the confiscation of personal effects, banning visits from their families, and fines that can be as much as 456 shekels (140 dollars) per infraction. He specifies that this infraction is all the more serious when the strike is collective, which infringes the law and State security and for which he has no indulgence, unlike for individual strikes. With the latter, he listens to the grievances and tries to meet them within the boundaries of prison regulations.

The team is more masculine than at Hadarim; those with social and educational functions, which are often fulfilled by women, are of no use here. Four men have been convened: the rabbi, the head of the solitary confinement wing (*hafrada*—Hebrew), a young man working as a deputy in different wings, a male nurse, and a female head of detention in her fifties. I am not the only one in the uncomfortable position of not knowing what is at stake here. Everyone is circumspect. The nurse, a thirty-something Palestinian from a village in northern Israel, is particularly uncomfortable when I speak to him in Arabic, looks quickly to the others, and requests a translation as he systematically answers me in Hebrew. We exchange briefly in the presence of the warden and then go to sit in another room. Sat next to me, the head of solitary confinement keeps nervously flicking the handcuffs he is holding open and shut, making a disturbing sharp clicking sound that makes the atmosphere even more tense. Picking up on the expression on my face, the rabbi asks him to stop. He is surprised at this reaction to such a banal tick. The young nurse continues in Hebrew, avoiding my eyes. Addressing him in Arabic was a mistake, I realize that now. After his military service, which I understand he volunteered for as he is not Druze, and a job in a security firm, he joined the prison services because he “wanted to serve the country and because of the salary, the job security, and a good pension.” His reticence at speaking his mother tongue in front of his colleagues no doubt comes from his years in the army, where Arab soldiers are ordered not use this language among themselves (Kanaaneh 2009). Unlike Hadarim’s deputy director, he is young and is not high up the hierarchy, and this order is probably the same in Shabas, accentuated by the need to visibly distance oneself from the prisoners. As shown in Lisa Hajjar’s studies of Druze translators in military courts (2000) and Rhoda Ann Kanaaneh’s work on Arab Israelis—including the Druze—in the IDF, Arab Israeli citizens who take part in what is described as a “military democracy” (Kanaaneh 2009) in an effort to obtain full citizenship never manage to entirely. The Druze occupy a singular place due to the historic process of “Druzification” that

distinguishes them from Arabs. Nonetheless, they, like other Palestinians with Israeli citizenship, are more likely to be viewed with suspicion due to their linguistic and cultural proximity with “the enemy.” Whatever their service record, all Arab Israeli citizens remain in an outsider position vis-à-vis the Israeli security system. “‘Good Arabs’ and ‘bad Arabs’ are perhaps better understood not as two separate categories—even good Arabs are always potentially bad in a Jewish state,” writes Rhoda Ann Kanaaneh (2009). He slips away as soon as our brief exchange is over.

I return to see the deputy director in his office. He has been in this position for a year, after working in the Shabas intelligence services for twenty years. He now regrets not having learned Arabic, which was the language spoken by his Iraqi- and Syrian-born parents; when he was young, he saw it as “the language of the enemy.” In keeping with the ethos displayed by Shabas, according to which prisoners must be distinguished from their past acts, he first of all insists that it is no harder for him to work with the security prisoners than it is with the common law ones. He then mentions that it is more difficult to interact with the security prisoners, who, unlike the others, have almost nothing to hope for from the administration. They have no access to the rehabilitation programs; their sentences are not determined individually, and they benefit from no remissions, no parole, and no furlough; they are almost never granted early release after serving two-thirds of the sentences (*shlish*—Hebrew), whatever their behavior in detention. Few privileges are granted to manage prison life or to establish power relations other than coercion, apart from moving prisoners closer to their families’ homes.

“The facility receives a lot of inmates serving long sentences, lifers, and their only chance of getting out is through an exchange or a peace agreement. There is no hope, nothing else. Every day, they pray for a soldier to be kidnapped so they can be freed [in an exchange].” To him, it is obvious that they cannot change: “If a man belongs to a terrorist organization [among which are listed all the Palestinian political parties], his ideology won’t change.” He concedes that, by virtue of the Oslo Accords and the cooperation instigated with the PA, it is a bit different for Fatah members who, according to him, have a different outlook and are more turned toward life. In the middle of his security discourse, he recognizes the political dimension of this incarceration and of its lack of horizons: “They are security prisoners because of their extreme ideology. They do not recognize Israel and believe that this is their country. They do everything they can to get this country back. Their narrative is different to

ours. It's a political question. They have little to lose; they are in prison for life".

5 P.M. As I am getting ready to leave, the warden wants to know my impressions of this prison compared to Hadarim. I answer briefly and set off, accompanied by the head of the solitary confinement wing, who is clocking off. He is congenial and mentions the difficulties of a stressful job in one of the hardest wings as it is essentially punitive; and his efforts to carry it out while remaining attentive to the needs of the prisoners, whom he perceives as dangerous—even if he says he never looks at their files—while at the same time applying the regulations and directives of his hierarchy and the intelligence services. I wish him goodbye and make my way to the bus stop.

Once I am past the buildings of Nafha and Ramon, I am able to take a few photos from the other side of the road. The day is drawing to a close and the orangey light is beautiful on this road that appears to lead to nowhere. A group of guards crosses at exactly this point. One of them, manifestly Russian, shouts at me angrily, convinced that they have been caught on camera, telling me that it is a security zone and that I am not allowed to take pictures. I retort that there are no signs here to say so. He persists, bolstered by the dozen men at his side, demands that I give him the camera, asks who I am, approaches, resolutely intimidating, tough in his security-based masculinity. I stick to repeating the same words, deeply destabilized by his assurance and this group in uniform. The bus arrives, I don't dare advance and find myself next to the Russian, who continues to demand my camera in an increasingly bellicose tone. The head of the solitary confinement wing comes rushing along to catch the bus and hears the ongoing altercation. He says something in Hebrew to the Russian that makes everyone laugh or smile. He throws me a friendly look. They all climb peacefully onto the bus, apparently commenting his words. I have not understood, but am allowed to sit calmly on bus n° 65 full of Shabas and army uniforms as it makes its way to Beer-Sheva (Bir al-Saba).

## DRUZE AND PALESTINIAN CITIZENS OF ISRAEL: THE (INTER)FACE OF THE PENAL SYSTEM

Palestinian and Druze citizens of Israel participate in the Israeli security system; they are present in non-negligible numbers in the army, among Shabas staff, and in the police. They are Druze mainly, for whom military service has been obligatory since 1956, unlike for the other Israeli

Arabs belonging to the security and prison apparatus. They are, moreover, rendered particularly visible to Palestinians as they often occupy positions at the interface between this security system and the Occupied Palestinian population, whether in the security prisons, as army translators and police representatives in military court hearings, or posted at the Al-Aqsa Compound in Jerusalem, at checkpoints, and at the sites of armed confrontation. Bedouin are also often posted on the frontline in zones of confrontation.

The Druze occupy a singular place due to the history of this community's relations with the Israeli State—relations that were forged out of some Palestinian Druze leaders' acceptance of compulsory conscription in return for the State of Israel's recognition of an autonomous Druze status in 1957. This community had claimed this status from the Muslim religious authorities since the late nineteenth century (Rivoal 2002). This differentiated integration continued with the creation of special school programs, a Druzification of their history, and the creation of a national narrative of a special relationship between the Druze and the Israeli State. This Druzification turned them into a "people," while at the same time setting them apart from Syrian and Lebanese Druze leadership (Halabi 1989, in Rivoal 2006). This position is the fruit of the "political 'victory'" of one Druze leadership over the other—that of Cheikh Amin Tarif, who chose the Jewish side during the 1948 war (Rivoal 2006). While the political management of the Arab minorities adroitly differentiates between them all (Christians, Muslims, Bedouins—although Muslim too), this historic Druzification process is exceptional. It has de-Arabized the Druze of Palestine.

In a country in which the army overdetermines national belonging, citizenship, and social trajectories, this process is deeply rooted in their role in the army and security system. Depending on the village, between 20 and 40% of young Druze men of a same age cohort join the army, police, or the prison services. Military careers are chosen by 30% of working-age Druze men (Kanaaneh 2009). Socio-economic factors explain their investment in these sectors: the confiscation of their land, a phenomenon of isolation, and limited opportunities for private sector jobs near their villages all encourage them to work for the State, and, finally, the desire to access stable jobs and the perks that come with these professions in a context of unequal citizenship in spite of compulsory conscription and the promises of the Israeli "military democracy" (Kanaaneh 2009).



Their role in the prison and security system is politically overinvested by the Israeli authorities and made more visible than that of other Palestinian Israeli citizens. The authorities advertise the fact that 84 percent of each Druze age cohort does their military service. Yet, according to the figures compiled by the members of Urfod, the Druze association for the refusal of military service set up in 2014,<sup>6</sup> this percentage is largely exaggerated. Out of the 1,400 young men concerned each year, religious men, of whom there are many among the Druze, are exempted; others are due to their family responsibilities, health problems, or declared inept for services on various grounds. Only 900 enlist, and 700 or fewer complete the full three years of compulsory service, in other words at most only half of a male age group. Druze women are exempt from compulsory conscription. The Druze community represents just 8 percent of the Israeli population; fewer of them than other Palestinian Israeli citizens enlist ultimately, even though service is not compulsory for the latter.

They are nonetheless perceived as the face of this Arab collaboration with the Israeli military and security system, and particularly the penal system as they are deliberately positioned as an interface. Nearly all the police officers who testify as police representatives in military court are Druze, even though they are not key actors in the interrogations carried out by the intelligence services, then written up and presented to the court by the police. Furthermore, the Shin Bet interrogator teams rarely include Druze or Arab Israeli citizens, even if they often deliberately use Arab first or surnames, or they are limited to the more subaltern role of logging the interrogations. Similarly, most military court translators are Druze. They are usually conscripts and wear army uniform during the hearings. While their Hebrew-Arabic bilingualism obviously explains this role, Rhoda Ann Kanaaneh points out that they are not the only ones to have such linguistic skills—the other Palestinian citizens of Israel in particular do too. It is the specific politicization of their identity that explains this over-representation in military court (2009). Finally, approximately 15% of Shabas staff are Druze.

This visible presence in the key interfacial sites of the Israeli occupation—the military courts and prisons—deeply stigmatizes them in the eyes of the Palestinians. In addition to the long-standing image of collaborators and traitors, they are often described by ex-prisoners as particularly

<sup>6</sup> *Refuse. Your people protect you (Urfod. Sha'bak bi himak).*

violent; they are indeed at times said to go even further than their Jewish colleagues in expressing enmity toward Palestinians so as to radically distinguish themselves from them, as proof of their loyalty to a national community that does not really trust them. Druze and other Arab Israeli citizens working in the penal system also relay the negative image of the Palestinians of the Occupied Territories' violence and terrorism. Such images are built on a mutual ignorance of the lives and experiences of these social groups. Yamen Zidan, who is Druze, is one of the founders of Urfod. He worked for Shabas from 2002 to 2005. In his view, placing the Druze in these sites of friction with the Palestinians is a deliberate policy. "The Palestinians see that the Druze interrogate, imprison, and judge them. I also had a stigmatizing view of West Bank and Gaza Palestinians. I saw them as those who blow up buses." I asked him about ex-detainees' accounts of Druze often being present in interrogations:

It's not always the case, in fact; they are often Jews who speak Arabic and who say they are Druze. The Arab Christians or Muslims who don't dare say what they do say so too. The ignorance is mutual. I didn't think I was Palestinian, but rather an Israeli Druze. My grandparents didn't tell me a thing. They were very withdrawn mountain folk. The people from the West Bank and Gaza know nothing about the Druze. Those who work in the settlements do at least as much harm to the national cause as the Druze who work in the police, the prisons, or who join the army. I personally understand why some people from the West Bank built the Wall or work in the settlements—to feed their children. They should also understand that the Druze do these jobs to feed theirs.<sup>7</sup>

Unlike the Druze citizens of Israel, Arab or Palestinian Israelis (also called 48-Palestinians, or Palestinians from inside—*min al-dakhil*) have also found themselves on the wrong side of the penal system. Just like the Palestinians of the Occupied Territories, they also find themselves incarcerated as security prisoners. In June 2021, 550 political prisoners were Israeli Palestinians, a particularly high number due to the repression of the May 2021 protests in Israel<sup>8</sup> that united Palestinians on both sides of

<sup>7</sup> Karmiel, Israel, February 9, 2015.

<sup>8</sup> During this period, more than 2,000 Palestinians from Israel were arrested including almost 300 minors. <https://www.addameer.org/statistics>.

the Green Line<sup>9</sup> in a movement called the Unity Intifada. On July 14, 2021, this figure had returned to the more usual number of 70 detainees. On July 14, 2022, there were 130 such 48-Palestinians in Israeli facilities.<sup>10</sup> Moreover, Israeli Palestinians have played an essential role as the lawyers of political prisoners since 1967, alongside several Jewish figures of the Israeli Bar Association, like the pioneers Felicia Langer and Leah Tsemel. They defended them all the more as most of the Palestinian lawyers from East Jerusalem and the West Bank, who at the time were registered under the Jordanian Bar, observed a strike during the first two decades of the Occupation. They received 100 Jordanian Dinars (JOD) in solidarity from the Jordanian lawyers' office. Better equipped than the latter in terms of language and training to plead in the military courts, Israeli Palestinians are not subject to the restrictions on movement that have applied to those from the West Bank and the Gaza Strip since the creation of a permit system in the early 1990s, and reinforced after the Second Intifada. They can thus visit their clients in detention and plead in all the country's courts.

Since the 2000s, they, along with the Hierosolymitan Palestinian lawyers, have gradually replaced Jewish lawyers, who are in the infinite minority in military court today. The Jerusalemites—who can, what is more, be enrolled in both the Palestinian and Israeli Bar Associations—can move freely around the entire Israeli-Palestinian space, master both languages, and benefit from resources and professional and social skills that also place them as in-between actors in the penal system. The role of 48-Palestinians as defenders of the Palestinians accused of so-called security offenses has considerably increased, like that of the Jerusalemites, particularly since the Second Intifada (2000–2006), which sealed the failure of the Oslo Accords. In 2011, 85% of the Ministry of Prisoners' Affairs lawyers and over half of those of the Prisoners' Club, which provide free judicial assistance, were 48-Palestinians—the majority—and Hierosolymitans.

Since the outbreak of the Al-Aqsa Intifada, Israeli Palestinians have been particularly invested in anti-occupation advocacy work, and notably the prison component, often as lawyers or active jurists both in the West

<sup>9</sup> The 1949 Armistice line, which separates East Jerusalem and the West Bank from Israel according to international law.

<sup>10</sup> <https://www.addameer.org/statistics>.

Bank and in Gaza alongside Palestinian NGOs, and in Israeli NGOs. 48-Palestinians have thus become involved in Israeli NGOs working on prisoners' affairs, where they have established necessary ties with activists and families in the Occupied Territories. These NGOs are less divided along ethnic fault lines than in the past and regroup 48-Palestinians and Jews from the extreme left of Israeli society<sup>11</sup>: for example, at HaMoked (set up in 1989, and at PCATI (founded in 1990 to denounce torture and interrogation and detention conditions), the majority of whose lawyers are 48-Palestinians; or the Israeli Committee for Palestinian Prisoners set up in 2004 to specifically support Israeli-Palestinian political prisoners.

### THE GOLAN DRUZE. HOW CONFINEMENT ERASES BORDERS

Even though the Israeli Druze integrated the penal and security system, the 1967 occupation of the Syrian Golan Heights saw its Druze inhabitants join Palestinian political prisoners in Israel's penitentiaries. Both the ICRC archives on detention in Israel (1967–1975) and accounts of Israeli communist lawyer Felicia Langer's activities from 1968 to 1975 testify to the Israeli authorities' desire to "Druzify" the Syrian Druze of the Golan Heights, similarly to those of Palestine. It was considered that these Druze, who had remained on their land in the Golan despite the 1967 war, the multiple measures taken to expel them, and Israeli colonization, would follow a same historical process. Only 7,000 out of the 153,000 Syrian Druze living on the plateau before 1967 remained following its occupation. Most of the villages were emptied of their inhabitants. Today, there are around 22,000 for 30,000 Israeli Jews.

The Golan Heights Druze who refused the colonization of the occupying power, the filling of councils and local representative instances with their associates; who refused to renounce their Arab identity and their Syrian belonging, and joined the resistance indeed exposed themselves to arrest and prison. They were given short sentences for organizing protests. Other more substantial sentences were meted out for displaying the Syrian flag. They were heavily condemned for passing on information to Syria—qualified as spying for the enemy—or, more rarely, for arms trafficking or

<sup>11</sup> Israeli society has become more right-wing since the Oslo years and its center-left peace camp collapsed.

attempted armed operations. The more influential the local dignitaries, the more heavily they were charged. They could, moreover, find themselves behind bars if they did not report third-party actions against the authorities.

The most common accusation was that of spying. The father of Thaer and Majd Abu Saleh, the latter of whom I met in Majdal Shams in July 2014, was a local figure and a deputy in the Syrian Parliament at the time of the Occupation. He was arrested on May 17, 1971, and condemned a year later for his repeated contacts with Syrian envoys and officers of the Second Bureau (the Syrian intelligence service), and notably with his cousin and his brother, both of whom were officers in the Syrian army. Kamal Kanj Abu Saleh justified his acts, confessed to after a very long trial, as being out of his concern for the interests of the Golan population. Led by several lawyers including Felicia Langer, the defense invoked article 67 of the 4th Geneva Convention, according to which a Syrian citizen is not obliged to show allegiance to occupying authorities. At this time, only a few Israeli-Palestinian lawyers defended those of the Golan Heights with Felicia Langer and then Leah Tsemel. There were no militant links with the West Bank and no lawyers from the Golan. Over the years, the 48-Palestinians became more involved with the Syrian Druze of the Golan Heights, and Golan lawyers began to practice in the late 1990s. Majd, Kamal's son, who trained in Russia, was one of the first. The defense argument was rejected, as in all the earlier trials in which references to Syrian identity irritated the court and tended to result in heavier sentences (Langer 1975, 1979). He was sentenced to twenty-three years in prison. "The court took into account the fact that Mr. Kanj Abu Saleh is an influential member of the Druze community and that the verdict needed to be exemplary," stated a letter from the ICRC.<sup>12</sup> President Hafez al-Assad refused any prisoner of war exchange deal with Israel unless he was freed, which the Israeli Defense Minister Moshe Dayan refused. Kamal was released a year later, along with ten Lebanese prisoners of war, in exchange for forty-six Israelis. It was first of all demanded that he be exiled to Syria, but he managed to return to the Golan several months later.

With the forced evictions, then the measures to dissuade people from returning and the implantation of settlements, court cases, and prison

<sup>12</sup> "Lettre de la délégation de Tel Aviv au CICR à Genève", May 22, 1972, ICRC Archives.

confinement aimed to silence the Druze of the Golan Heights and to erase their Syrian identity and citizenship, and thereby to displace the existing Israeli-Syrian territorial borders. The Israeli authorities' successful institutionalization of Druze identity in the territory of Historic Palestine, which isolated and reified to serve a differentiated management of minorities in the State's interest, led to the belief that the Druze of the Golan could also be thus absorbed. It was believed that they could be assimilated with the Israeli Druze in a common entity. That failing, the use of coercive measures and imprisonment sought to make Druze identity prevail among the inhabitants of the Golan Heights over their Syrian, Arab identities, and—for some—over their often Ba'athist and Pan-Arab political beliefs. At present, only a few Golan prisoners remain incarcerated, but after the Occupation, several successive waves of arrests followed. The first was in the years following the 1967 war, when resistance to the Occupation was organizing. The second more marking wave was at the time of the October 1973 war (the Yom Kippur War). Defendants were accused passing on to the Syrian and Egyptian authorities information about the Israeli army's maneuvers and whereabouts before and during the conflict.

Salman was twenty years old in 1974 when he was given a five-year custodial sentence plus a seven-year suspended sentence for passing military information to the enemy. He received me very cordially in his home in Majdal Shams and told me his story for hours in spite of the tense situation in the Golan when I went there. Since the outbreak of the Syrian Revolution in 2011, then the war, that population has become deeply divided between a large pro-Assad regime majority and its opponents. This dissension has created staunch divisions, undermined mobilizations, and ruptured existing forms of sociability between neighbors, families, and friends. These divisions are superposed on diverging positions and relations to the Israeli authorities, destroying political and social affiliations and affinities. It was not easy to speak about. By chance, two friends introduced me to close acquaintances of theirs in the Golan who belonged to these two camps, even if their positions were more subtle than clear-cut opposition or support for the regime. I kept the two strictly separate and very carefully weighed my every word.

It was around September 25, 1973. I saw a lot of Israeli soldiers—far more than usual. A friend and I went around the Golan; I had the feeling that a war was brewing, either with Lebanon, or with Syria. We decided to cross the border. It wasn't closed at the time [as it is now, with several

rows of wire fencing reinforced with security cameras, infrared sensors, and patrols]. The Israelis were keeping watch from the top of the hill, but it was open; we farmed on the other side. It was shut in 1974 [after the Yom Kippur War and the retrocession of a little part of the Golan to Syria]. We walked until we reached the Syrian army in the middle of the night. We gave them our intel on the troop movements and headed back, three more hours' walk. Six days later, the October War broke out. The idea that it was a surprise attack launched by Syria and Egypt is one of Israel's official lies. Ten days after we got back, we were arrested. Some people who lived in the dozen houses on the other side of the border had talked. We were young, we hadn't been careful enough. I did five years until 1979. I wasn't able to study, but I passed my high-school diploma in prison in 1975. The Nablus Governorate Education Department came so we could sit the exams.<sup>13</sup>

Salman was notably targeted because he used to regularly write in the Arab-language communist newspaper *Al-Itihad*, one of whose founders was the writer Emile Habibi. He thus established a link between Golan opposition to the Israeli occupation and a dissident Israeli Druze line. Indeed, since the late 1960s, voices close to the Israeli Communist Party—whose members were Jewish and Arab—could be heard criticizing Israeli Druze leader Sheikh Amin Tarif's political position vis-à-vis the State of Israel (Rivoal 2006). Salman was re-arrested for short periods thirteen times between 1979 and 1999, and placed in administrative detention.

The last major wave of arrests sought to contain the mobilizations and major 1982 strike in response to the 1981 law annexing the Golan Heights, which the population massively opposed. About 90 percent of inhabitants refused to take Israeli nationality following the extension of the occupying State's laws to the Golan Heights. Before the annexation, the Golan's inhabitants were tried by military courts. Since that time they, like Israeli Palestinians and Jerusalemites, appear before civilian jurisdictions.

Shortly after the Occupation, Golan prisoners (*asra al-jolan*) were regrouped in the little police prison of Yagour-Jalameh, along with the other Syrian and Lebanese nationals, and the few Palestinian citizens of Israel. Then, in the 1970s, they were incarcerated separately, uniquely with Palestinians living in the places over which the Israeli State had,

<sup>13</sup> Salman Fakhredine, Majdal Shams, July 11, 2014.

or intended to extend its sovereignty; that is, with the 48-Palestinians and Jerusalemites in Ramleh and Shatta prisons. The ICRC requested in vain that they be considered protected persons, just like the Palestinians of the Occupied Territories. The ICRC did no better concerning the Jerusalemites. After 1976, all the Palestinians and Syrians of the Golan Heights found themselves in the same prisons in the Occupied Territories or in Israel—notably at Asqalan, Gilboa, Jenin, etc.—and this up until the 2000s and the instigation of a new prison system management. Prison became the place and the time where Druze Syrians of the Golan and Palestinians made political ties.

### CARCERAL INTERACTIONS AND COLLECTIVE HISTORY. CIRCUMVENTING THE POLITICAL MANAGEMENT OF MINORITIES IN ISRAEL

Over the years in prison, carceral sociability and interactions with Golan prisoners have strengthened ties beyond national borders. This was firstly the case with the 48-Palestinians and Jerusalemites, with whom they shared the same prisons. Then, as the Occupation of the West Bank and Gaza took hold, this prison sociability extended to all Palestinians. Specific ties with those belonging to the Israeli national space (Palestinian citizens of Israel, Hierosolymitans) intensified; meanwhile, divisions were reinforced Outside in the early 1990s when the Israel authorities introduced a permit system giving the inhabitants of Jerusalem, the West Bank, and Gaza different circulation rights. Ties were reinforced and became more sophisticated with the Second Intifada. This differentiated control of movement has created a domestic bordering system as the failure of the Oslo peace process has been confirmed. In parallel, Inside, at the beginning of the 2000s, a new carceral management again separated Golan, 48-Palestinian and Jerusalemite prisoners from those from the West Bank and Gaza. A Committee of the Families of Jerusalem, Golan, and 48-Palestinian Prisoners was set up in Jerusalem to relay these detainees' specific requirements.

While Golan prisoners constituted a separate political group because they did not belong to existing Palestinian factions, most of their Arab nationalist ideological foundation or, for others, their communist affinities brought them close to the left-wing Palestinian parties and in particular the PFLP, DFLP, and the Communist Party. They preferred, however,



to remain regrouped among Golan inhabitants, their partisan affiliations taking second place. In the 1970s and 1980s, there was only a handful of them—about a hundred at most—but they nonetheless constituted a group that refused partisan segmentation. As Sudqi al-Maqt recounts: “We were independent, we had our own organization and our cells, but of course we were in contact with the others as there were few of us. Those from Hezbollah too were independent when they entered prison.”<sup>14</sup> Their financial organization was distinct; they were directly supported by the Syrian State, who provided money for commissary—also known as the prison canteen—through the intermediary of the ICRC, and provided their families with diverse aids and then other forms of aid after release. A local people’s committee (Sanduq al-Asra) collected funds to pay for their lawyers, to buy necessary staples in prison, and so on. The PLO progressively contributed, but it was only after the PA’s formalization of assistance to detainees in 2004 that Golan prisoners benefitted from similar allowances to the others. The political networks established in detention with Palestinians have led to joint actions and mobilizations both Inside and Outside. The long strike held in the Golan from February to August 1982 after the Israeli annexation decision—the closure of shops, schools, local public institutions, etc.—was thus backed behind bars by hunger strikes and, in the West Bank and the Gaza Strip, solidarity demonstrations.

Sudqi al-Maqt was born at the same time as the Occupation in 1967. He went to prison at the age of eighteen in 1985. He comes from a Ba’athist nationalist Syrian family, a movement he joined very early on. His father, a religious figure, was imprisoned in 1968. When I met him in 2014, he was forty-seven and had been released a little more than a year before after a twenty-seven-year sentence.

All I have ever known is the Occupation. In 1982, there were anti-occupation demonstrations every day. They were peaceful. We demanded the return of Syria. The marches were harshly repressed. I was fifteen years old; that’s what I grew up in. In 1983, with my brother and a group of youths, we founded a secret military organization. We were between sixteen and twenty years old. People were protesting in the streets, but we thought armed resistance was necessary. There were twelve of us, and we had no outside help. We used to break into the Israeli military camps

<sup>14</sup> Majdal Shams, July 10, 2014.

to take arms, going through the mine fields to get them. On May 31, 1985, we blew up a mine in a military base arms depot. We were all arrested between August 10 and 22; we don't know how they knew. We were accused of informing the Syrian State, of helping the Palestinians, and of forming a military organization. My brother was already under interrogation when they surrounded the house at 2 A.M. to arrest me. I was interrogated for thirty days. We all confessed and were tried in the military court next to Lod. It's shut now. We had seven lawyers in all, 48-Palestinians who were familiar with our cause. We refused to answer in court: the Occupation is illegal and this court had no legitimacy. We refused to stand when the judge entered, so they removed us from the courtroom. We sang the Syrian anthem in our cells at this time. And we sang it during one hearing, right until the end; they couldn't stop us. In the end, they asked us one by one if we had anything to say; we said we were going to continue the resistance. I wasn't able to finish, I was removed from the courtroom. Five of us were sentenced to twenty-seven years. The rest were sentenced from four to twelve years. At first, we were held in Ramleh prison, then I was incarcerated at Asqalan in the south.<sup>15</sup>

In prison, he moved closer to the PFLP, with whom he shares his Arab nationalism and secular ideology. His engagement developed and grew stronger in prison, where he has spent most of his life. He took part in the events that have marked the region and prison life. Syria gave him financial assistance when he was in prison and then at the time of his release. This strengthened his pro-Syrian regime militancy all the more. Barely a year later, he was arrested again for his positions. He publicly—and notably via his Facebook publications—denounced the Israeli army's then secret backing of the Jihadist forces opposing the Syrian regime, and notably the emanation of al-Qaeda, Jabhat al-Nusra; a video he shot and had broadcasted on Syrian national television also proved this collusion. The Israeli authorities just about acknowledged giving medical assistance and humanitarian aid to wounded members of the armed factions of the Syrian opposition in hospitals in the north of the country. After an interminable closed trial in which only lawyers accredited high-security by the Ministry of Defense were allowed to represent him, he was sentenced again in 2017 to a fourteen-year custodial sentence for spying and collusion with the enemy. The sentence was later reduced to eleven years in prison. Thanks to Russian mediation, at the end of 2019, the Israeli

<sup>15</sup> Majdal Shams, July 11, 2014.

authorities finally offered him release on the condition that he settled in Syria, not in his hometown of Majdal Shams in the occupied Syrian Golan, an offer that he initially declined.<sup>16</sup>

The two lawyers who had until then been in charge of his case, Labib Habib from Nazareth and Yamen Zidan, an Israeli Druze, were refused accreditation to defend him. This affair, which amounted to the divulgation of what was deemed sensitive information admittedly on an “enemy” station, resulted in an extremely harsh sentence notably because it revealed a breach from within the IDF. He indeed benefitted from complicity within the army to obtain this information on the places where Jabhat al-Nusra and IDF officers were meeting on the Golan border—places that he filmed. A gag order was immediately placed on the arrests that followed and on the trial in an attempt to limit the public fall-out. No Israeli media reported it. The Israeli Druze community has always contained antagonistic currents. With the Syrian conflict, it has more openly opposed Israeli policy. More Israeli Druze have openly expressed their opposition to the authorities and the IDF’s backing of Jihadist groups as Syrian Druze have suffered the Jihadist attacks. Witness to this backing of groups endangering Syrian Druze, Israeli Druze soldiers deliberately leaked the information.

Yamen Zidan, a lawyer and defender of political prisoners for the Palestinian Ministry of Prisoners’ Affairs (then for the Commission that has replaced it), has known Sudqi al-Maqt since he was a prison guard. In the early 2000s, he worked in the Hadarim high-security wing (Sect. 3) where the leaders are regrouped. His daily exchanges with them led him to reconsider the history he had been taught, to resign, to study law, and to support their struggle, abandoning his initial goal of becoming a Shabas judicial representative. Such prison interactions have not only forged political ties between the Syrian Druze and Palestinians; they have brought Israeli Druze employed by the penitentiary into contact with Palestinian and Syrian Druze political prisoners, and have at times transformed their trajectories.

While Yamen’s experience remains exceptional, detainees and guards’ getting to know one another Inside in an ultra-politicized context has helped change mutual perceptions. These situations of carceral interaction have at times further destabilized what Rhoda Ann Kanaaneh calls

<sup>16</sup> Negotiations led to his release in 2020.

the “embattled identities” (2009) of Israeli Druze working for the security system. These interactions questioned further their ever-shifting and ambiguous position as “‘non-Arab Arabs’ in a Jewish state engaged in an ongoing conflict with an Arab enemy,” as described by Lisa Hajjar referring to the military court translators (2000).

Working in Sect. 3, Yamen Zidan guarded the various Palestinian factions’ main leaders, including Marwan Barghouti of Fatah, Ahmad Saadat of the PFLP, Abdel Khaleq al-Natsheh of Hamas, Ali and Bassam al-Saadi of Islamic Jihad, and Samir Quntar, a Lebanese Druze close to Hezbollah. It was his first encounter with Palestine, which he had not considered himself connected to:

While working with them, I saw that they were very polite, affable, that they expressed themselves civilly, and that many of them were highly cultivated and educated. We discussed religion, politics, society, and so on. I began asking myself questions and did some research. I read history and other books. I discovered a history different to the one I had learned in school, this idea of a covenant of blood between the Druze and the Israelis. I saw that the Druze were a part of the Palestinians and that many had fought against the Zionists in 1948. Some of them were even among the leaders of the resistance, and one of the first armed organizations against the Zionists, The Green Hand Gang, was founded by Druze. That changed the stigmatizing view I had of the prisoners. I began to feel solidarity with them and, little by little, I understood the cause that had led them to Hadarim. I discovered that I was Palestinian working as a prison guard. I realized how ignorant we were. And I changed. I had been enrolled in law school for a year, and I finally became a lawyer in 2007 to defend political prisoners, and I began opposing compulsory draft for the Druze. I hadn’t done my service as I was head of the family, the only male at home after the death of my two brothers during their military service, one in 1987 at the beginning of the First Intifada, and the other in South Lebanon in 1996. I told my story in a little film called ‘Return to Self’.<sup>17</sup>

He set up the Urfod movement to encourage young Druze to refuse compulsory military service and to contest the history told and the place reserved to Druze in Israel, encouraging them to become aware of their Palestinian identity. Urfod also aims to change the image of the Druze among Palestinians from the West Bank and Gaza, and the Arab countries.

<sup>17</sup> Karmiel, February 09, 2015.

Its members do not recognize the official representatives of the Druze community, the community and spiritual leader Mowafaq Tarif, or their Knesset deputies. They organize youth activities but are not allowed into schools. Opposing military service is punishable by prison, and to be officially declared unfit, one has to spend several months in detention in small military centers. For the Druze, the surest method is to invoke psychological issues, conscientious objection being hard to obtain for them as it distinguishes between conscience, which essentially comes down to a pacifist ideology, and the political; it cannot be a political stance, contesting the Occupation, or questioning the community's identity assignation.

Urfod offers advice and legal aid, and study grants to make up for those that the army proposes, as individual motivations for doing one's service often include the opportunity to get a university grant, a loan, a job, and so on, but also the desire to be the same as one's friends. It is socio-economic reasons, access to civil rights, and also a social and generational conformism that encourage these young men to do their military service, against which it is hard to fight: "We are a minority. Zionist Druze—those who say that the Druze aren't Arabs and relay the history of the covenant of blood made with the Jews—are also a minority. The majority are silent, they go to the army because it's been like that since the 1950s."<sup>18</sup> Not limited to a single community, Urfod addresses all Israeli Palestinians concerned by conscription,<sup>19</sup> but so far, they have not managed to reach the Cherkess of Israel, the other non-Jewish community subjected to compulsory military service. In 2016, two years after its creation, the association had helped 150 young men refuse to serve under the flag; to whom can be added those backed by the Druze Initiative Committee for the abolition of military service founded in 1972 by left-wingers with no partisan affiliation and communists, among whom was the poet Samih al-Qassim, and those who oppose military service on their own accord. Few, however, publicly manifest their rejection of the army.

Urfod belongs to the Israeli network that supports refuseniks (Misarvot). Nonetheless, Urfod does not really work with these groups because the issue at stake for its members is to identify with the Palestinians

<sup>18</sup> Khaled Farrag, one of the founders of Urfod, East Jerusalem, October 26, 2016.

<sup>19</sup> In 2014, the Israeli government's intention to impose conscription on Israel's Christian Arabs raised vehement protests organized in several movements, which Urfod joined.

and join the Palestinian cause. They direct their activities toward subjects and Palestinian organizations in the Occupied Territories. They are in connection with the Prisoners' Club and mobilized around the latest Palestinian detainee hunger strikes. They also obtained an agreement-in-principal from the Commission of Prisoners' Affairs recognizing the status of political prisoner for young Druze detained for refusing the draft. Urfod promotes an alternative reflection on the history of Historic Palestine's Druze population centered on the resisting fringe opposed to Druzification and inscribed in the footsteps of the Druze Initiative Committee.

This Committee, most of whose members belong to the PFLP, is barely active today. Like the new generations' engagement, which is distant from the parties, Urfod claims, however, to be politically pluralistic, even if three of its founders belong to the PFLP. This distance from the partisan apparatus is all the more necessary since the Syrian Revolution divided militants, the members of the PFLP having tended to align themselves with a pro-regime position, which made carrying out activities in the Golan more complex. In the 1970s-1980s, the Druze Initiative Committee demanded the right to refuse military service and the end to the expropriation of Druze lands (Kanaaneh 2009). Insistence on the territorial dispossession of the Druze—underway despite the so-called covenant of blood between the Druze and Jewish Israelis, and Druze integration into the IDF—has opened a breach: the place given to territorial confiscations has been reconsidered, no longer in keeping with the prevailing Druze historic narrative. According to the 1988–1989 Israel Land Authority figures cited by Rhoda Ann Kanaaneh, the Druze have been even more expropriated than the other non-Jewish communities of Israel, and this despite Druze loss of life in the IDF's wars and occupation of the Palestinian Territories. The movement to end the compulsory military service and the Judaization of land intensified in the late 1990s (Kanaaneh 2009).

I met Yamen for the first time in Bethlehem's Dheisheh camp in the West Bank, where the Campus in Camps collective was holding an event on the centrality of the refugee and return question. There, he told his story of his "self-return" to his Palestinian identity. The only Israeli in the room, he had to overcome people's reticence and, here and there, silent hostility. The audience was full of families of prisoners, witness to the army's almost daily incursions. Forty-something, a great speaker, his face open and smiling, he captured the audience within

moments. He recounted his trajectory, his coming to consciousness, and his engagement.

His way of addressing the dispossession of identity and land, and thus the Nakba<sup>20</sup> and the question of return put colonialism at the fore. This positioning is increasingly shared by the Arab communities of Israel. This “return to the self” is also a “return of history” (Rouhana 2018), a return to history, to the shared history of the Nakba. This colonial prism is clear in his demand for rights to the land: “I don’t want equality, I want our rights, my land. There are a lot of Arabs from inside the Green Line who demand equality. But who does the land belong to? I’m not going to ask for equality from people who immigrated here.”<sup>21</sup> This position vis-à-vis the Nakba and territorial dispossession is central when it comes to inclusion in the Palestinian national community, the appropriation and transmission of this memory by Arab Palestinian citizens of Israel having strongly contributed to their return to the national fold (Rivoal 2006). This has been the case since their major 1976 mobilization against expropriations in Galilee, which gave rise to the Land Day commemorated every March 30 by all Palestinians. Yamen subscribes to the concept of an “Ongoing Nakba” (*al-Nakba al-mustamira*), which has emerged in recent years to describe the perpetuation of expulsions and appropriations both in Israeli territory per se and in the Occupied Territories. It is, then, an “Ongoing Nakba” taking place on both sides of the Green Line, unifying a political and memorial territory fragmented by history, Israeli colonization, and intra-Palestinian divisions. The blockade of the Gaza Strip and the expansion of settlements in the West Bank and Jerusalem are seen as the continuation of a process, along with the non-recognition and destruction of Bedouin villages sealed by the 2011 Praver Plan, and the continuing expropriation of Arab and Druze land in Israel.

In the intellectual field, the concept of settler colonialism is the counterpart of this vernacular notion of “Ongoing Nakba,” the prism through which researchers currently most often apprehend the Palestinian situation. Settler colonialism is distinguished from colonialism in general in that it seeks not only to grab a territory, but also to replace the indigenous population with a population of colonizers through the practice of

<sup>20</sup> Literally the “catastrophe”. This word refers to the exodus of nearly 900,000 Palestinians who became refugees following the 1948 war, which resulted in the creation of the State of Israel.

<sup>21</sup> Karmiel, February 09, 2015.

different types of transfers, including a transfer of indigenoussness (also named “red-washing” in reference to the experience of the Native Americans). Settler colonialism refers to the historic processes that took place in the United States, Australia, Canada, and also in Algeria. It refutes the idea of conflict or war, which skews the vision of the situation as they give the impression of two structurally equivalent entities and invisibilize the asymmetry of power relations, on the one hand; on the other, they tend to mask the central dimensions of occupation and colonization by imposing the sole framework of conflict resolution. As Oslo’s failure has become patent and the Occupation transformed and redeployed, the colonial lens imposes. Contrary to the common image of a separation between Israeli and Palestinian societies and territories, of which the Wall is a misleading emblem, relations and exchanges—which remain dense—have reconfigured and their imbrications are inscribed in a renewed colonial perspective; what I call a *colonial relationality*.

In rejecting military service, what is asserted is thus a return to Palestinian identity, to a symbolic universe, to the narrative of the Nakba, and an opposition to Druzification and to the choices made by the official Druze community leaders. This refusal to serve on the part of increasingly more young Druze men these past few years has long been ignored by the IDF and the media in order to avoid a mediatization that would build this into a social phenomenon. The Knesset’s adoption of the *Basic Law: Israel as the Nation-State of the Jewish People* in July 2018 has intensified contestation of the official Druze representatives’ historic choice, as this law ratifies inequality between Israeli citizens and the precedence of Jews over the other communities. It was unanimously condemned by the leaders of the Druze community, just as they contested the Israeli authorities’ support of Jabhat al-Nusra in Syria. The IDF’s backing to this al-Qaeda affiliated Jihadist group, despite its murder and attacks on Syrian Druze, stirred the emotion and indignation of many Druze in the IDF toward the defense forces. These recent events have created a distance vis-à-vis Israeli institutions and the military, security, and prison systems. They have exacerbated tensions and internal dissensions among those working for them and their friends and families, and strengthened the minority’s refusal of conscription and assertion of Druze Palestinian belonging.



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## Inside/Outside Citizenships: Carceral Generations and the Frontiers of Political Action

We still inhabit another world  
Perhaps the interval.  
Philippe Jaccottet, *Monde*

Mahmoud Bakr Hijazi had been described to me as the first Palestinian prisoner of war, or more specifically of the Palestinian revolution started by Fatah in 1965. We had arranged to meet at Zyriab café, the only spot in Ramallah before a myriad of bars, restaurants, and cafés with the same ubiquitous trendy décor opened. Zyriab has remained a place of refuge, where time seems suspended, where the Palestinian geographic, political, and imaginary space remains coherent, where past struggles can be told. Inside, it is a little dark, the walls hung with the owner, Tayseer Barakat's paintings. It is decorated with antique objects and has a Bedouin tent hanging inside. Mahmoud is of a slender build, his face emaciated, and was aged seventy-five years old when I met him on October 30, 2011. His family is from Jerusalem, even if he has always been refused a residency permit in the city since he returned to the West Bank in 2007 to be close to his relatives. He lived in Beirut in the 1970s, where he got married and had children, then in Yemen, and Gaza, where he returned in 1994 when the PA was established there.

In his husky smoker's voice, he tells the story of his life. He has already told it many times before, has constructed his account, knows its bifurcations, its powerful moments. As a child, he saw no difference between Jews, Christians, and Muslims. A Muslim by birth, his mother would dress him up for the Christian celebrations, which he would attend, even going to church. When Jewish migrants began to arrive at the time of the Holocaust, his grandmother would repeat: "It's *haram* [forbidden, sinful] what they did to the Jews in the war." "We helped them, we got on well, we had a very beautiful life. Things stayed like that until 1948, until the 'Poles' came, and the war began. Deir Yassin happened [the Deir Yassin massacre], and we saw them arrive in our homes in Jerusalem. Everything changed, love gave way to hate, we no longer saw roses only thorns. We used to live near a hospital; we would see the wounded, the dead; we heard the bombs. I wanted to do something for my country. I began to help Abd al-Kader Husseini's group, which was defending Jerusalem. I carried arms, drinks, sandwiches, cigarettes. I no longer liked the games my father brought me [he was twelve], I stopped going to school. I began to know all about arms. I became a different human being.

Then I joined the Jordanian army.<sup>1</sup> I loved the sound of weapons. I couldn't go back to the school in the Musrara neighborhood. People had changed; the war had made them bitter, sad. I was posted on the walls of Jerusalem. It was in 1956, at the time of the Suez crisis. Gamal Abdel Nasser made his appeal to the Arab world. I was at the Damascus Gate, listening to the Egyptian radio on a little transistor. I went home, took a gun, and fired at Israelis in the street. I didn't know what I was doing, but I told myself it would help Egypt. Then I took part in Fatah's first military operation on January 1, 1965.<sup>2</sup> Before that, I used to say to Dr Mohamed [Yasser Arafat]: 'The world hears nothing; we need to make a noise.' I used to make artisanal bombs in jerricans with alcohol and TNT and blow them up. On January 17, 1965, I was coming back from Hebron in the Occupied Territory [Israel in its borders of the time] when they caught me. They wanted to know everything about the first operation and small attacks here and there, who was behind them, who

<sup>1</sup> After the annexation of the West Bank and East Jerusalem by Jordan following the Armistice Agreements with the newly established Israeli state.

<sup>2</sup> The explosion of an Israeli installation designed to divert water from the Jordan River to Israel. It caused little material damage but had a strong impact.

was in charge [In the very beginning, Fatah, founded in 1959, did not claim responsibility for its operations]. I knew nothing.

They incarcerated me in Ramleh prison, in cell 139 where, they told me, Adolf Eichmann was imprisoned. I remained there alone for four years and eight months. I was condemned to death by hanging on four charges: carrying arms without a license; illegally entering Israel; belonging to a terrorist organization; murdering several Israelis. I requested that I be considered a prisoner of war [*asir harb*] and be defended by an outside lawyer. They had hanged Eichmann, but the government was torn over the death penalty. They judged me a second time, advising me to plead for clemency. I didn't recognize the State of Israel at that time, so I refused. They didn't want to recognize me as a prisoner of war but, through the intermediary of the union of Arab lawyers, Fatah was able to send Jacques Vergès, who came to visit me in Ramleh. When I saw him, I remembered that he was the French lawyer who had defended Djamilia Bouhired [the Algerian FLN resistance fighter] and married her. I was sentenced to life, and almost poisoned in prison, but I was hopeful. In 1968, some Fatah members kidnapped a soldier on the Lebanese border to exchange him [*tabadul*]. There were fifty-four of us Fatah prisoners in Israel at the time. They agreed to free everyone except me. In the end, I was released on my own. They exchanged a man for a man on February 28, 1971. I went to Lebanon, and he returned to Israel. The ICRC served as the intermediary. I began a new life in Beirut. For the PLO, I was a prisoner of war [*asir*], not a detainee [*sajin*].”

### FROM THE JORDANIAN PRISONS TO THE GENERATION OF THE ISRAELI OCCUPATION (1967–1973)

Mahmoud's story is at the junction between two historic moments: the end of Jordan's control of the West Bank and East Jerusalem, and Egypt's control of the Gaza Strip, and the beginning of the Israeli occupation when he was already in prison. The Israeli occupation fueled the embryonic Palestinian resistance. Up until then, it was above all the communists who opposed the position of King Hussein of Jordan and his refusal, in annexing the West Bank in April 1950, to recognize the claim to Palestinian political autonomy. The members of the Communist Party were frequently incarcerated in Al-Jafir prison on the east bank of the River

Jordan along with the Jordanian opposition. Their exchanges in detention led to the creation of a unified Jordanian Communist Party on both sides of the Jordan in 1951.<sup>3</sup> In 1957, the opposition and the Communist Party were subjected to intense repression, and all parties, political organizations, and trade unions were banned following a series of riots against the Jordanian authorities after it removed Suleiman Nabulsi's left-wing government from its functions following an attempted coup d'état led by officers close to Egypt. Martial law was declared, over 4,000 people were arrested in forty-eight hours, political parties were banned, men were thrown into prison, and women fired from their jobs, placed under house arrest, or more rarely exiled.

Born in the 1920s, Abu Hazem is a communist since the National Liberation League years in Palestine.<sup>4</sup> He belongs to this generation of men who had already experienced British prisons in Palestine—he spent seven years in al-Moscobiyeh, where Palestinian nationalists and Jewish Irgun and Lehi activists responsible for terrorist attacks found themselves incarcerated together—then, above all those of Jordan. In 1957, he was sentenced to forty-four years in prison and spent eight years in Al-Jafir until King Hussein amnestied all political prisoners in 1965.<sup>5</sup>

With the creation of Fatah in 1959, which took over the PLO in the late 1960s, small militant armed cells sought to set up in the West Bank and Gaza. Acting clandestinely, these groups were Fedayeen, some from neighboring countries, others living in the West Bank, Jerusalem, or Gaza. They also belonged to the Arab Nationalist Movement, then to the left-wing Palestinian parties born out of it—firstly, the PFLP, set up in 1967 and whose influence was on the rise at the time in the Occupied Territories, then the DFLP, its breakaway party formed in 1969. Both male and female, their members were young. Some improvised armed actions and attacks. Most of these cells were rapidly shut down and their members

<sup>3</sup> From then on, the Jordanian Communist Party was active in the West Bank, while a new Palestinian communist organization was established in Gaza City. In 1975, a Palestinian branch of the Jordanian Communist Party was set up in the West Bank. It split and joined the Gazan structure in 1982 to form a new Palestinian Communist Party, which later took the name of the People's Party and became part of the PLO in 1987.

<sup>4</sup> It was founded in 1944 by Arab members of the Communist Party of Palestine following the split between Jews and Arabs within the party.

<sup>5</sup> Ramallah, November 5, 2008.

arrested. Other Fedayeen were captured during Israel's military incursions into Jordan, notably in 1968 during the battle of Karameh, or in southern Lebanon. The emerging Palestinian organizations initially failed to establish bases in the West Bank.

"With the Occupation, everyone wanted to join [*itqawam*]," Majid told me, already a member of the PFLP when he was sentenced to life in 1968. He considered himself a soldier, like those belonging to the armed wings of the political parties. During their trials and in detention, they asked to be recognized as prisoners of war, which was always refused, especially as, during this period, Egyptian, Jordanian, and Syrian prisoners of war were held in military camps and prisons following the 1967 War, then the Yom Kippur War in October 1973. The latter were mostly held in separate places and their conditions of detention were different, just as they were the object of negotiations regarding their repatriation and exchange with the less numerous Israeli prisoners of war held in the neighboring countries. "When I was sent to prison along with fourteen other people," Madjid continued, "only Mahmoud Hijazi was there along with a Palestinian refugee from Lebanon, and several other people. Rasmieh Odeh and PFLP women were in prison too. They were next to us—us in one wing, them in the other. The communists arrived just after."<sup>6</sup> Majid is from Jerusalem; he was thus incarcerated in Ramleh prison while the women were detained in the neighboring prison of Neve Tirtza.

Arrests multiplied rapidly in the West Bank and Gaza. In addition to those involved in armed activities or helping infiltrated Fedayeen, they targeted the men and women who belonged directly or indirectly to political or union organizations, all of which were banned—such as, for example, the General Union of Palestinian Students (GUPS)—and took part in demonstrations, distributed tracts, or helped the political parties. The communists were easily identifiable due to their past in the Jordanian prisons. From June to late December 1969, the number of detainees rose from 2,100 to 3,000 as crackdowns followed a wave of attacks. The men were by far in the majority. Only fifty-three women were incarcerated in August 1969 compared to 2,383 male prisoners.<sup>7</sup>

Sentences for this membership or for militant activities were very harsh (from five to ten years) in order to stop these parties' influence

<sup>6</sup> East Jerusalem, October 19, 2009.

<sup>7</sup> ICRC Archives.

from spreading. Contestation indeed grew during these early years of the Occupation, and civil and popular resistance actions spread among the youth in high schools and Birzeit University. It was practice to hold those who could not be convicted through lack of evidence in administrative detention for periods that were often extremely long, years and even decades. Just after the occupation, the percentage of administrative detainees was extremely high: on February 6, 1969, half of the prisoners were held as such (221 out of 450 security inmates); and they were 561 administrative detainees out of the 2,383 prisoners in August 1969.<sup>8</sup> General Gazit, administrator of the Occupied Territories, explained, then, to Jacques Moreillon, representative of the ICRC, that they were not judged as there was an undesirable risk that they be acquitted, and that it was furthermore not advisable to divulge evidence that might endanger informers:

Certain administrative detainees will be imprisoned for up to 25 years, or for life, without a sentence being handed down. The Israeli authorities have their reasons for keeping these people in prison without sending them to court but it is certain that if any evidence is discovered concerning some of them, they will be sentenced.<sup>9</sup>

During an interview, he concluded: “It is not impossible that we do away with all trials.”<sup>10</sup>

Others were exiled, usually to Jordan. Most of the time in Gaza, the prison was overpopulated. In May 1970, 833 people were incarcerated there, for a capacity of 460, and there were at times up to thirty or so people sharing the same cell. Gazans were thus regrouped in military camps in the Sinai, for example, Nahel camp in March 1971 where 169 people—all administrative detainees—were held in the middle of the desert, 200 miles from Gaza City. Political figures were isolated by putting them under house arrest in remote places, notably Haidar Abdel Shafi, Faysal Hussein, and Ibrahim Abu Sitta in July 1969.<sup>11</sup>

The conditions of incarceration in the fifteen official detention centers where the Palestinian prisoners were regrouped (six facilities in the West

<sup>8</sup> Eod.loc.

<sup>9</sup> “Violence – Entretien avec Abba Eban”, December 1, 1969, eod.loc.

<sup>10</sup> “Entretien avec le General Gazit”, December 23, 1969, eod.loc.

<sup>11</sup> Ibid.

Bank, one in Gaza, and eight in Israel) were extremely contrasting at the time (Map 3.1 and Table 3.1). Those situated in the Occupied Territories depended on the army, the others on Shabas, or sometimes the police. Differences in treatment and discipline were observed by ICRC delegates who regularly visited, even if they deplored that they were not allowed to access all the detainees (Table 3.2). Estimated at 20% in June 1969,<sup>12</sup> then at 6% in the following years, these “invisible” prisoners were those who, on the one hand, were under interrogation; on the other, they included East Jerusalem residents to whom the authorities officially refused access due to city’s annexation, even if they tolerated discrete visits as of 1969; those known as Israeli Arabs; and, finally, those imprisoned in secret detention centers. The ICRC’s endless appeals to the Israeli authorities aimed to extend their mandate to all the so-called Palestinian security prisoners, which they obtained for Jerusalemites in 1972. The delegates also sought to rapidly visit those under interrogation, particularly as they were hearing many accounts of acts of torture, which at the time were commonplace and particularly brutal.

In December 1972, Jacques Moreillon announced possible recourse to the public denunciation of the Israeli authorities if the situation did not improve, given that fifty-seven Nablus prisoners were “isolated” together in a single cell, cut off from all outside access, and that fifty cases of serious abuse had been noted in the past two years. The ICRC’s dilemma concerning the best strategy to obtain the necessary improvements was discussed incessantly, especially with regard corporal abuse and access to all the detainees. Those in charge were caught between contradictory discourses depending on the interlocutor (government officials, the army, etc.), or even the moment. Some denied the violence, while others showed themselves willing to shed light on what, in their terms, were nothing more than cases of “disobedience.”<sup>13</sup> Others declared that they wanted to eradicate these practices or claimed to be favorable to extending visits to all. Yet, whatever the discourse proffered, these recurrent practices continued. At this rhythm, Moreillon wrote, “our presence in the prisons is a farce that we cannot take part in.”<sup>14</sup> Those serving long sentences were transferred to Ramleh prison which, in early 1968, was the only

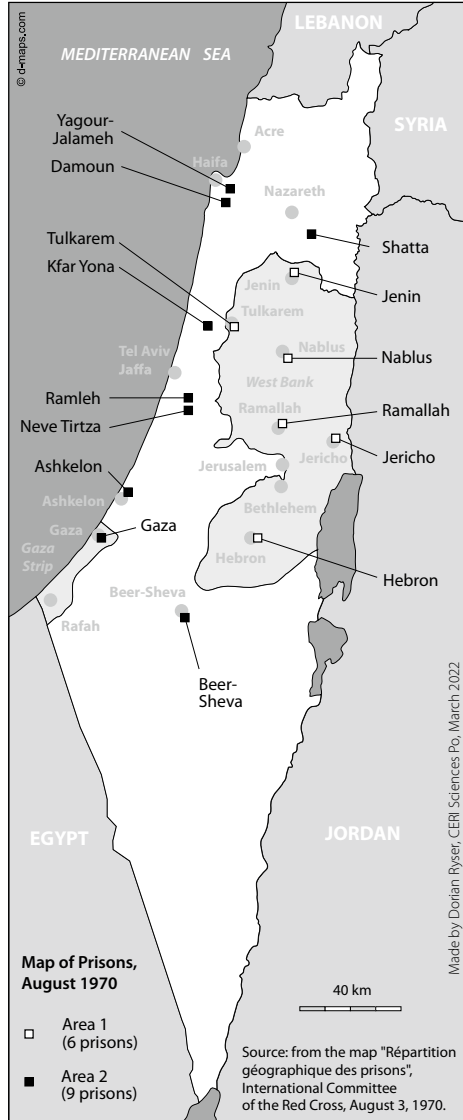
<sup>12</sup> “Interrogations – entretien avec Moshe Dayan”, June 25, 1969, *cod.loc.*

<sup>13</sup> “Entretien avec le General Gazit”, December 4, 1972, *cod.loc.*

<sup>14</sup> Correspondance, “Détenus sous interrogatoire”, November 17, 1969, *cod.loc.*



**Map 3.1** Map of prisons August 3, 1970  
 (Source From the International Committee of the Red Cross [ICRC] Archives)



**Table 3.1** Type of prisons and category of those incarcerated, January 7, 1971

<i>Name of the Prison</i>	<i>Type of prison and category of those incarcerated</i>
<i>In the Occupied West Bank</i>	<i>6 prison facilities</i>
Jenin	Interrogation center for defendants and inmates
Tulkarem	Interrogation center for defendants and inmates
Ramallah	Interrogation center for defendants and inmates
Hebron	Interrogation center for defendants and inmates
Jericho	Simple police station, not visited
Nablus	Prison where prisoners of all categories are incarcerated
<i>Occupied Gaza and Sinai</i>	<i>1 prison facility</i>
Gaza	Main prison where prisoners of all categories from the Gaza Strip are incarcerated
<i>Israel</i>	<i>8 prison facilities</i>
Ashkelon	High-security prison for those serving long sentences
Beer-Sheva	Under construction, due to take convicts
Shatta	Prison for Israelis (Israeli Arabs) including East Jerusalem Palestinians
Damoun	Prison for Israelis (Israeli Arabs) including common law East Jerusalem Palestinian prisoners
Kfar Yona	Administrative detainees
Neve Tirtza	Women's prison
Ramleh	Israel's main prison where East Jerusalem Palestinians are incarcerated
Yagour-Jalameh	Small Israeli police prison where prisoners from the Golan, Syria, and Lebanon are held

*Source* Author, based on an ICRC activity report dated January 7, 1971

high-security establishment until Ashkelon opened in December, where a considerable number of Gaza inhabitants were held due to its proximity with the Gaza Strip. In January 1970, Beer-Sheva high-security prison was inaugurated to alleviate Gaza prison's overcrowding. The Palestinians did not remain for long in the detention centers of the Occupied Territories, which were mainly destined for interrogations and pre-trial detention. Only two prisons for those serving long sentences existed in the Territories at the time, situated in Nablus and Gaza, which also held a few women detainees.

The ICRC was able to supply books to most of the prisons as of the early 1970s, and notably schoolbooks and a few others, but their subjects were tightly controlled and scientific and political works were for the most part banned. Detainees at the time had access to the only

**Table 3.2** Inmates figures and prison conditions, July 29, 1970

<i>Name</i>	<i>Total</i>	<i>Convicts (including common law)</i>	<i>Inmates</i>	<i>Defendants (including common law)</i>	<i>Held by the police</i>	<i>Invisible</i>	<i>Comments</i>
<b>Jenin</b>	159	10 (6)	50	82	15	2	Well maintained No problem
<b>Nablus</b>	447	228 (58)	155	57 (2)	67	0	Old installations "Politicized" Lots of problems
<b>Ramallah</b>	221	25 (8)	88	105 (6)	3	0	Overcrowded In poor condition
<b>Jericho</b>	0	0	0	0	0	0	Simple police station Not visited
<b>Hebron</b>	135	18 (4)	47	30 (7)	40	0	Well maintained Strict discipline Tensions
<b>Gaza</b>	811	128 (44)	115	174 (43)	320	74	Overcrowded Studies possible (secondary level)
<b>Ashkelon</b>	501	320	181	0	0	0	Brutality Hunger strike
<b>Ramleh</b>	198	147 (1)	17	34	0	0	Satisfactory
<b>Beer-Sheva</b>	386	329	57	0	0	0	Under construction
<b>Kfar Yona</b>	287	30	257	0	0	0	Unyielding treatment, but correct
<b>Neve Tirtza (women)</b>	11	9	2	0	0	0	Well-equipped Tensions

(continued)

**Table 3.2** (continued)

<i>Name</i>	<i>Total</i>	<i>Convicts (including common law)</i>	<i>Inmates</i>	<i>Defendants (including common law)</i>	<i>Held by the police</i>	<i>Invisible</i>	<i>Comments</i>
<b>Damoun</b>	38	7	31	0	0	0	Satisfactory Same treatment as the Israeli detainees
<b>Shatta</b>	18	16 (11)	2	0	0	0	Satisfactory
<b>Yagour- Jalameh</b>	0	0	0	0	0	0	Simple police station

*Source* Author, based on an ICRC activity report dated July 29, 1970

(pro-government) Israeli Arab newspaper, *Al-Amba*, and very little authorized access to the radio. Transistors began to be smuggled in. Little libraries were constituted. The prisoners organized a schooling system, with classes held by incarcerated teachers. They were tolerated by the authorities, who, on the other hand, refused outside Arab teachers access to the prisons. Already in this period, some sat their high-school exams (*tawjili*), even if educational possibilities remained very patchy depending on the prison and remained a privilege that could be taken away for disciplinary or political reasons.

Through their close dialogue with the Israeli authorities, the ICRC worked mainly on “non-political rehabilitation” of prisoners, notably their education, but also their right to sports, family visits, and work. Its humanitarian mandate to assist victims in contexts of conflict prevented a taking into account of the political stakes of Palestinian detention. This position created a kind of institutional blindness regarding the political perception or dimension of some of its actions. Work was thus only envisaged in terms of rehabilitation. It occupied prisoners’ time, helped calm the atmosphere, made it possible to acquire skills while also earning a little money necessary for the improvement of daily life and to buy basic necessities in the little stores—known as canteens or commissary—that opened in many penitentiaries as of 1970, at the same time that the staples provided by the families were gradually banned. The ICRC thus petitioned the Israeli authorities to provide as many as

possible with a job, and for decent remuneration to replace cigarettes. For the Israeli authorities, however, work either provided a cheap workforce to support its war effort and benefit the country's economy,<sup>15</sup> or, *a minima*, was a means of reducing the cost of detaining Palestinians, which, as their numbers and detention time grew, represented a financial burden. They thus used Palestinian prisoners to build Beer-Sheva prison and Jewish Israeli common law prisoners to surveil the Palestinians, as had already been experimented at Ramleh (Langer 1975). The Israeli authorities also off-loaded certain costs onto the ICRC, making it pay for the parcels containing extra wares, clothes, and cigarettes when family visits were banned, and for books—and notably schoolbooks—notebooks, pens, medical care, and so on.

At first, the detainees did not have a unanimous view of prison work; some felt that it was of immediate advantage. Over time, this view became increasingly negative, especially as in the prisons located in Israel (eight out of fifteen), work was obligatory and described as forced labor. They first of all opposed against all army-related work: making camouflage netting or army uniforms. Then, they refused any work serving the Israeli economy (making packaging for fruit, batteries, gluing envelopes, etc.), organizing labor strikes, then observing strict hunger strikes in opposition. In the late 1970s, the parties that mobilized in detention adopted a common position against all work not directly relating to the Palestinian men and women prisoners' daily lives. Their repeated strikes and opposition finally brought an end to Palestinian political prisoners' labor.

The Occupation generation prisoners were not long politicized and, moreover, were scattered in multiple sites; they had to build networks from inside the prisons and invent channels to circulate information between them, and between the prisons and the outside. With the first mobilizations and work strikes came the right to visits and showers, but it was above all the hunger strikes that laid the foundations and strategies of struggle in detention and its organizational structures. Their demands sought to improve prison conditions, to obtain books, pens, notebooks, mattresses, to stop the physical brutality inflicted on detainees, but also more generally to contest the politics of incarceration and the Occupation. Already in 1968, Ramleh prison was precursory in deploying unlimited hunger strikes as a mode of resistance. The strikes then grew,

<sup>15</sup> It was already the case in the camps for Palestinian civilian inmates and the prisons between 1948 and 1967 (Abu Sitta and Rempel 2014).

bringing together several prisons. For the first time in a unified movement, thousands of prisoners simultaneously went on hunger strike in six prisons on April 28, 1970, including the Neve Tirtza women prisoners. Their slogan called to end the Occupation, long-term administrative detention, and torture. It gained traction outside, as Jewish and Arab figures manifested their solidarity; women, and student bodies protested, and appeals were made to international institutions (Langer 1975).

Along with that at Beit Lyd (Kfar Yona) in 1969, the first strike to become inscribed in carceral memory, however, was that of Asqalan (Ashkelon) in July 1970. Both were in protests at these two prisons' particularly brutal conditions of incarceration. Strikes and riots followed in succession at Asqalan in the early 1970s due to the martial discipline that reigned and the physical abuse inflicted there, especially in its in-house interrogation center. Prisoners serving long sentences or subjected to punitive measures were sent there. The ICRC delegates described a "shocking and sinister" atmosphere. All the detainees they were able to speak to without witnesses present described recurrent violence, being put in the pound for no reason, while some became "invisible" for long periods. No books or notepads were permitted, nor any activity; prisoners regularly had their heads shaved; collective prayers were banned. Inmates were not allowed to sit on the covers they slept on at night, having to content themselves with the floor and sometimes had to remain silent in their cells. They had to walk in single file and in silence in the exercise yard, their hands behind their backs.<sup>16</sup> Guards demanded that they be addressed as *sidi*, a title of respect that the detainees refused to continue to use when they began their hunger strike on July 15, 1970, a strike that lasted about a fortnight. One person died—Abd al-Kader Abu al-Fahim—after being force-fed by tube, a practice used in those days to break the strikes. This strike left an indelible mark on the collective memory. Asqalan prison became a sinister, then heroic, detention legend where the prisoners' values were forged and the contours of political resistance to the prison system and the Occupation were shaped from inside the prisons. This prison was henceforth considered a leader in the community of prisoners (Nashif 2008).

<sup>16</sup> "Correspondance avec le Général Gazit. Transmission des rapports de visite à la prison d'Ashkelon," July 24, 1969, eod.loc.

SAAD, TAREK, RADI, AND THE OTHERS. THE PRISON  
MODEL AND THE WORLD OF WRITING: THE  
PRISONERS' MOVEMENT GENERATION (1974–1987)

*The Repression and Politicization of Civilian Mobilizations  
in the Occupied Territories*

As the Occupation lastingly took hold, grassroots civilian mobilizations increased, massively involving high schools, then the universities that were being created at the time. Regional peoples' committees formed, along with party and PLO-affiliated associations and civilian committees (the General Union of Palestinian Students, the General Union of Palestinian Women, etc.). The Palestinian National Front (PNF), which emerged in the Territories, brought militantism out of clandestinity and away from the predominance of armed struggle. As a civilian, public, pluri-organizational, left-leaning body, and the PLO's support base in Palestine, the PNF mobilized local politicians, professional unions, associations, student groups, charities, and large swathes of the population around overt opposition to the Occupation while at the same time seeking to establish a dialogue with the Israeli leaders. Close to the line of the Jordanian and Palestinian Communist Parties, it already defended in 1967 the idea of creating a Palestinian State alongside the Israeli State in the Occupied Territories, contrary to the PLO. It was a period of intense demonstrations, strikes, and socio-political activism. Although banned at the time, Palestinian flags were flown, photos of the PLO leaders posted up, and graffiti appeared calling for resistance. These mobilizations and all forms of public organization and protest were severely repressed. In 1974, the deportation and arrest of those related to the PNF multiplied. Many communist figures were also arrested when the Israeli authorities wrongly accused the PNF of being the armed wing of the Jordanian Communist Party. Waves of arrests and the torture of PNF members followed (Langer 1979).<sup>17</sup>

Unlike the previous generation, only a few of those sent to prison were involved in military operations; the rest belonged to political parties and many were simply members of civil society organizations, professionals, or university or high-school students who politically organized their actions

<sup>17</sup> The PNF ceased to exist in 1976 due to its repression and increased dissension with the PLO over its political line.

within the student unions and committees in their secondary or higher education establishments. Moreover, it was a generation that came from the West Bank and Gaza; there were indeed almost no Fedayeen infiltrated from the neighboring countries, or members of the exiled PLO among them.

I distinguish seven historic generations of prisoners, six of whom have come after the 1967 occupation. These historic generations are “unified groups of individuals who encounter historic conjunctures or periods at the same moment of their life cycle” (Gribaoui 1987). I have constituted these prison generations, on the one hand, based on the period of their detention and, on the other, on the importance of their roles and prison experiences in their own view, as they tell it, and in the eyes of the prison community and beyond. Those having served long sentences, or several sentences, first as adolescents then later in life, have indeed traversed the years Inside. Though, they have acquired a social and/or political maturity, a position of leader, distinguishing themselves at given times, within a specific generation, of which they are either the little-known actors or, for some, emblematic.

The October 1973 War, and above all the international recognition of the PLO as the legitimate representative of the Palestinian people following the Rabat Arab League summit, then the UN’s reception of a delegation and Yasser Arafat’s speech before the General Assembly in 1974, boosted the militant impetus. Strikes and protest marches of an unprecedented magnitude took place in all towns, rallying large numbers of students. They were met with the violence of the army, arrests, and the summary trials of students and youths, most of whom did not belong to any party.

Saad Nimr was fifteen at the time and lived in Jenin. He was almost sixty when I met him again in Ramallah in May 2016, and was a Political Sciences lecturer at the University of Birzeit. Previously, he was chief of staff to the Minister of Prisoners’ Affairs, Issa Qaraq, after heading the International Campaign to Free Marwan Barghouti and All Palestinian Prisoners. As Arafat gave his speech to the UN, a young eighteen-year-old woman was crushed by a tank during a demonstration in Jenin. It was the first time that such a thing happened. Protests intensified and the mayor, accompanied by the entire town, came out to follow the funeral procession. Saad was among them. Clashes with the army ensued.



At 1 a.m., they carried out a major arrest operation [*'amelīyeh i'tiqalīeh*]. Over seventy people were arrested. I don't know why, but I was on their list. I was terrified; I had no experience of all that. They blindfolded and handcuffed me as I was held face down on the ground, their feet on my back, then they took me to the Jenin Muqata'a [where the interrogation center was]. There, there were seventy of us in a tiny room, piled on top of one another. I was still blindfolded. Then, at about 2 a.m., we were taken one by one into interrogation. They asked me if I had thrown stones—I said no—if I had demonstrated—I said no, that I had gone to the funeral with the mayor. A man wrote in Hebrew, then asked me to sign it. I was scared; I signed. At 3 a.m., I found myself in court; it lasted two minutes, I was accused of having thrown stones at the army, someone testified against me, and I was sentenced to six months and transferred to Jenin prison. They gave me clothes, I understood nothing and thought I was going to wake up from this nightmare. The other prisoners helped us. It's hard when you arrive in a society you don't know, a prison society [*mujtama' sijn*]. When I was released, I saw things differently. It had changed everything in me. I joined a political organization [*tanzim*]. In 1975, at the age of sixteen, I was a member of the DFLP and I was given six months for that. I was released at the end of 1975. In August 1976, I was arrested again with five friends and charged for my activities in the party—nonviolent, unarmed activities. The judge deemed that I was a re-offender, as I had already served two prison sentences. I was sentenced to seven years. I was just over seventeen. I was held in Jenin prison, then in Nablus. I took my high school exams [*tawjibi*] in prison. I came out at the age of twenty-three and enrolled for a BA in Political Sociology at An-Najah University in Nablus. Before, I wanted to be an engineer, but after my political readings in prison, I abandoned the sciences. The Prisoners' Movement was very strong at that time; it was very different to now.”<sup>18</sup>

In those days, the time spent in prison politicized people. For the youngest, the carceral moment prompted personal bifurcations that led them to join a party; for others who were already partisans, it helped sharpen their political ideology and values, and constituted a crucial stage in their militant paths. The youth were particularly targeted by the repression. In Nablus, Abu George and many young people shared similar experiences when they were fourteen, fifteen, or sixteen. Arrested for having written Fatah political slogans, or slogans denouncing the Occupation on the city walls, for having thrown stones at settler buses or public

<sup>18</sup> Ramallah, May 26, 2016.

buildings, for demonstrating, waving a Palestinian flag, meeting publicly, or celebrating a national event, they served several months in prison. They were put through the traumatic interrogation experience at a very young age, during which they were beaten and often tortured. They were frequently arrested for periods that were more or less long, and regularly were sent to, and released from, prison. In the 1980s, Abu George told me, every year before Eid,<sup>19</sup> Land Day (March 30), the anniversary of the beginning of the Palestinian Revolution (January 1), or on other national occasions, they would come to get forty or so youth whom they would keep in detention for a fortnight to avoid protests: “We knew that, and would prepare our bags and wait for them.”<sup>20</sup>

In the early 1980s, control over the Occupied Territories intensified. In 1981, a so-called civil administration was created within the Israeli army to manage the Palestinian population. The policy of mass arrests and forced exile intensified as mobilizations spread, prefiguring the First Intifada. From this point on, not only activists, but also those suspected of being their acquaintances, friends, and family also began to be arrested (Rosenfeld 2004). The so-called Tamir Law passed in 1980 allowed convictions with no evidence or confessions, based simply on third-party statements. Torture became a common practice during interrogations. The Palestinian National Front and the National Orientation Committee were banned in 1982 (Legrain 1991). In 1986, all Palestinian parties were officially declared illegal terrorist organizations, as were many associations and civil organizations.

### *The Prisoners' Movement: The Carceral Structure of the National Movement*

Aged between twenty-five and thirty, other slightly older incarcerated or reincarcerated men were already seasoned party members, some of whom held important positions in the partisan hierarchy. In the early 1970s, the prisoners developed interpersonal relations according to whom they knew or their place of origin. They then grouped together according to their partisan affiliations. When someone high-ranking went to prison, he

<sup>19</sup> This may refer to the feast at the end of Ramadan (Eid al-Fitr) or the one 70 days after (Eid al-Adha).

<sup>20</sup> Nablus, West Bank, July 8, 2012.

would step forward to take over leadership of the group (*qiyadeh fardieh*); as the number of detainees increased, several leaders emerged within each political organization. In about 1975, the parties adopted internal rules setting up elections and committees to manage cultural, educational, administrative, security, financial, external affairs (the latter concerning relations with the other parties). Internal political and administrative representation structured political life on the Inside and its articulation with partisan life Outside. It framed relations and communication with the prison administration, particularly during conflicts. As incarceration became a mode by which the Israeli authorities governed the Occupied Palestinian Territories, this shared experience became central to the experience of nationhood and citizenship, and forged a political entity from inside the men's prisons: the Palestinian Political Prisoners' Movement (*Harakeh al-asir al-flastini*<sup>21</sup>), linked to the PLO Outside. The political parties and the PLO took charge of the prisoners financially. A department took care of the families of martyrs and prisoners (Nashif 2008). They had a political and symbolic role, and a significant place in the national movement as frontline combatants, or soldiers.

In the 1980s, the internal partisan organization—that of the political prisoners in each prison—and the networks of communication between prisons, and between the prison branches of the organizations and parties Outside, followed the established rules and channels. These structures remained largely the same even if, over time, they no longer exerted the same influence over life in detention.

Every eight to twelve months, each party elected a delegate (*mandub ou masul al-tanzim*) to the general Prison General National Committee (*lajneh watanieh 'ameh*), and the majority party elected a representative of all the detainees of every prison for a duration of for one to two years (*mumathil al-'am al mu'taqal*). The latter had to be accepted by the General National Committee and was entrusted with interacting with the prison administration. This elected representative has nearly always been a member of Fatah, apart from during the Oslo period. Sub-committees dealing with affairs common to all prisoners emerged to manage administrative issues, sports, and certain cultural and educational questions, conjointly elaborated at each prison level. For the more administrative affairs, those in charge (*shawish*—sing.) of food, exercise,

<sup>21</sup> The literal translation is the Palestinian Prisoner of War Movement.

and so forth, were also nominated as the intermediaries between Shabas and the detainees, who were not supposed to engage with the administration directly. The political prisoners managed at that time to take charge of the cooking, stocking, and distributions of meals in most of the prison establishments, thereby ensuring their quality and—thanks to the circulation of the meal staff—creating essential channels of communication between the wings. More generally speaking, workplaces where daily tasks were carried out under the supervision of the parties (the kitchens, laundries, provisions rooms, libraries, cleaning) were spaces of exchange and circulation of information. As Maher told me:

Until the 2000s, the kitchens were left to us, as was the laundry, and cleaning the cells. It was very positive. There were about fifty people working on these different chores at Asqalan when I was there. It depended on the prisons, but on the whole, that's how it was. In the 2000s, they began to take that out of the political prisoners' hands and reintroduced a wing of Jewish and [Israeli] Arab common law prisoners in every prison to do this work. The food became bad, so we got hold of electric hobs in the cells to make what we wanted.<sup>22</sup>

The Prisoners' Movement governed the time spent in prison and coordinated prison struggles while at the same time taking part in those waged in the Territories. Militant and intellectual paths were conjointly forged Inside and Outside, and often in to-and-fro between these two spaces, prison militancy constituting a key stage in the partisan career. Progression through the ranks of partisan organizations was one of the main motifs of arrest.

In most analyses highlighting the porosity between inside and outside prison in France, Europe, or the United States, this continuum is seen in a negative light, as a “continuous system of constraints and control on either side of the prison walls” (Bony 2016), of social practices that mutually exacerbate one another in a vicious circle. Here, however, this porosity is also remarkable for the *carceral citizenships* that operate within it, and for the socialization and political and intellectual paths that prison consolidates or to which it gives rise.

Born in 1953, Ahmad Saadat, current Secretary General of the PFLP, climbed the ranks of the PFLP during his many stretches in prison, where

<sup>22</sup> Ramallah, October 15, 2012.

he has spent more than twenty-five years in total. Already active in the student branch of the PFLP when he was in high school, he joined the party in 1969, aged sixteen. He had his first brush with prison before 1974 when he was sentenced to several months on three separate occasions. When he was sentenced to four years in 1976, he had just passed his teaching diploma. In 1993, at the age of forty, he was elected to the PFLP political bureau thanks to his leadership and to his educational activities and organization of prison life. In 1994, he became head of the party in the West Bank after having again been administratively detained, then declared “wanted” when the authorities attempted to quash the PFLP, which was very active during the First Intifada. In 2001, he was elected Secretary General of the PFLP for the first time. In 2006, again incarcerated in Israel, he became a deputy from inside prison. Since, he has been serving a thirty-year sentence.

Also re-elected a deputy from inside prison in 2006, Marwan Barghouti, member of the Palestinian National Council,<sup>23</sup> was incarcerated for the first time in 1974 at the age of fifteen. He joined Fatah at that time. Condemned for belonging to Fatah in 1978, he passed his high-school diploma, learned Hebrew, founded the youth wing of Fatah in prison, and then became its leader. On release in 1983, he enrolled in a History and Political Sciences BA, which he was only able to complete ten years later in 1993 after having been an administrative detainee, then exiled to Jordan just before the First Intifada when he was President of the Student’s Union. Elected to the Fatah Revolutionary Council during his time in exile, he became the Secretary General of Fatah in the West Bank on his return in 1994. First elected deputy in 1996, he completed his Master’s in International Relations in 1998. He was once again arrested in 2002 during the Second Intifada for his role in the uprising, and notably for having founded and led Fatah’s military wing (*al-Tanzim*) and for his involvement in the al-Aqsa Martyrs’ Brigades, an armed faction of Fatah. In 2004, he received five life sentences and forty years.

Stretching over time, they forged their intellectual paths and long studies both Inside and Out, their intervals Outside allowing them to obtain their university qualifications. When I met Radi Jaraci in 2011, he was working at the Prisoners’ Museum at Al-Quds University in Abu Dis and was teaching a class on the Prisoners’ Movement in the Political

<sup>23</sup> The PLO parliament.

Sciences department. A schoolteacher at the time of his first imprisonment from 1976 to 1985, he became a Fatah figure in detention, where he was in charge of the Culture Committee. He was released in May 1985 in what is known as the Ahmed Jibril prisoner exchange (*tabadul Ahmed Jibril*), negotiated by the leader of the PFLP-General Command, in which 1,270 Palestinian prisoners were released in exchange for three kidnapped Israeli soldiers. He then embarked on an International Relations BA at the University of Birzeit. Reincarcerated from 1987 to 1988, then from 1989 to 1991 for his involvement in the Intifada, he completed his BA, then his Master's in 2000, before at the age of over sixty years old undertaking a PhD by correspondence in an Egyptian university.<sup>24</sup>

In Palestine, works on political prisoners' carceral socialization have shown the key role of political training in detention (Nashif 2008; Latte Abdallah 2010, 2013, 2017b; Abdo 2014), just like in other contexts of political incarceration (Feldman 1991; Talebi 2011; Matin-Asgari 2006; Karabet 2013). Since 1967, Israeli prisons have constituted a "Palestinian university" (*akadimieh filastiniech*) for both men and women, a foremost place of general education, political socialization, and militant training, with time divided between classes and debates separately dispensed by each party, and joint classes. This space, in which a "revolutionary pedagogy" developed, made culture, reading, and writing a means of mitigating the effects of incarceration, and of existing as Palestinians and as a political group (Nashif 2008). Political training was indeed highly structured within the parties. One former Fatah member who then joined Fatah al-Intifada in detention told me that this training comprised of three six-month levels (beginners—*mubtadiyin*; intermediary—*sa'idin*; and the final stage—*takmili*), at the end of which there were exams, and included classes, conferences, and practical works. At the end of the eighteen months, the students (*talib*—sing.) reached the level of leader (*qaid*) and could thus write declarations, tracts, political texts, and so on.

Those with diplomas or specific skills and political experience shared their knowledge, whether to help the younger prisoners pass their high-school exams, university degrees, or climb the militant ranks. They taught English and Hebrew, but also—depending on their political orientation—human rights, women's rights, the history of political ideas, democracy, Marxism, the history of peoples under occupation, and later religious

<sup>24</sup> Abu Dis, West Bank, April 30, 2011.

classes. The influence of Marxism was central in this training in the 1970s and 1980s. The parties of the left, the Communists, or those from the Arab Nationalist Movement played a major role, especially the PFLP, that was very present at the time in prison and in mobilizations Outside, alongside Fatah. Marxism offered a broad reflection that corresponded to the need to think an alternative and to impose a counter-model to prison's violence, while also connecting the Palestinians' revolutionary experience to that of the Chinese, the Cubans, the Vietnamese, and the Algerians (Rosenfeld 2004). Some discovered the partisan world, while others shaped their convictions and moved from one party to another in contact with other people and discourses. Tarek recalls that his political ideas were not very firm when he first arrived in prison in 1980 at the age of eighteen:

We had a specific program of studies, reading, and conferences. We would read political works that couldn't be found in the prison library. That took up the whole day; we didn't see the time pass. Those who had degrees or Master's or who knew languages taught the others. Many entered prison illiterate and left speaking two languages, and sometimes French, Russian, or German. They sent people to prison to break them psychologically, but it was like a family with its own rules. It wasn't a prison but a university. Learning, for Palestinians, is like breathing for lungs. I was in the party of Ahmed Jibril (PFLP-General Command). In prison, you read, you understand; I switched to Fatah. Many young people joined a party in prison. In prison, you have to be in a group; those who are independent, who are on their own, it's hard. What's more, our commissary money wasn't enough to buy the basic necessities. In the parties, we put everything we received together and there was a Minister of Finances who managed it. There was an equality between people. Those who were poor or who didn't have their family nearby, everyone received the same sum. It was a collective life, a socialist society [*ishtiraki*].<sup>25</sup>

Political prisoners indeed obtained the right to receive the sums their families sent for commissary on a common account, which the parties redistributed and managed equitably according to needs and to the organization of meals.

As the Prisoners' Movement gradually organized and managed the entire prison time, it became impossible not to join an organization on

<sup>25</sup> Ramallah, April 23, 2011.

entering prison, and politicization was immediate. Initially, the army and prison services strongly opposed political detainees' internal organization and thus mixed them with Israeli common law prisoners. Once a separation was obtained by the men, then the women, they adopted the classing of detainees by party. They demanded that they choose one, while at the same time attempting to use this to influence militant activity behind bars and outside by creating dissensions, by opportunely transferring certain prisoners when prison elections were to be held, by transferring the most committed from prison to prison, and so on. Those with no affiliation were placed in the Fatah wing.

The 1980s are presented as the Golden Age of the Prisoners' Movement. The prison model was built on the world of writing, knowledge, and intellectual and textual production. The aim was to acquire knowledge and continue school or university trajectories, on the one hand, and thus to train an educated and militant generation capable of in turn teaching the next. On the other hand, the aim was to create and circulate a partisan literature constituting this carceral counter-model in the "Occupation prisons" (*sujun al-ihhtilal*) as they were most often called. Handbooks written by the different factions divulging interrogation techniques were thus intended to help face this ordeal,<sup>26</sup> just as an array of other political, literary, and poetic texts were collectively written by prisoners during this period (Ferwana 2007; Nashif 2008).<sup>27</sup> These works, which more often than not have no identified author, asserted a carceral "we." Prison newspapers flourished. The educational process in itself helped transform consciences.

Despite the administration's censorship, detainees managed to constitute clandestine libraries reflecting their political colors. In the early 1970s, it was hard to have certain books, and notepads, pens, and Arabic newspapers brought into prison—and some prisons more so than others—firstly via the ICRC, then via families as of 1977. Moreover, every time there were tensions with the guards Inside, or when military actions or mobilizations flared up Outside, they were confiscated and prison rights suspended. Other books were smuggled in. In the 1980s, thanks to struggles and organizing in prison, prisoners gained access to a vaster literary

<sup>26</sup> Such as the undated one distributed to PFLP activists, *The Philosophy of Confrontation Behind Bars* (*Falsafa al-muwajaha wara al qudhan*) (Nashif 2008).

<sup>27</sup> For example, *Prison is Not for Us* (*Al-sijn laysa lana*) published by the community of prisoners in Nafha prison.



world, which opened up the spaces of interconnection with the outside world.

We would get books from Ramleh prison, where the 48 and Jerusalemite Palestinian prisoners were held. We used to go there to the hospital. We would copy them in very small writing on shoe wrapping paper, on both sides. We would condense 100 pages into seven or eight, then roll them very tight and wrap them in plastic. They could be contained in seven *kabsulat* (*kabsuleh*-sing.) that we'd swallow [these little swallowed containers were—and to a lesser extent still are—a means of communication between prisons and with the parties outside]. Ramleh was a transfer center. In the room where people transited as they transferred from one prison to another, we exchanged the *kabsulat*, then we wrote them back out in exercise books to obtain a book. To avoid them being confiscated during searches, we'd take a hot hard-boiled egg, print the “authorized” stamp that was on other works on it, then copy it. Later, things changed. Families were allowed to bring eight books a month. 3,000 books were banned in the West Bank at the time. We used to change the cover and certain pages to get them through.<sup>28</sup>

If this Golden Age is recalled with a nostalgia that has grown with the passing of time, the Prisoners' Movement, which was deeply rooted in the Occupied Territories, constituted a model when it united people from all parties whatever their political orientation and whether they came from different regions of Palestine and even Syria after the occupation of the Golan Heights. There was strict discipline, an invention of political, community-based, and alternative modes of education, resistance training, an egalitarian nationalist, socialist, and solidarity-based society: in other words, specific *carceral citizenships* and political practices that were more democratic and inclusive than those of the diaspora PLO leaders based in Jordan, Lebanon, and Syria, then in Tunis, before their return to Palestine after the Oslo Peace Accords in 1994 and 1995. The prison counter-model opposed its culture and values, its organization, to the rules and the moral economy of the prison services and the army, and permeated the political realm and society Outside. In this sense, and in that period,

<sup>28</sup> Saad, Ramallah, May 26, 2016.

prison failed to constitute a completely total institution in the Goffmanian sense.<sup>29</sup> While militant trajectories, the toing-and-froing between the Inside and Outside, and the simultaneous political organization in Israeli prisons and in the Territories suggest a reciprocal fecundation between these two universes, for this generation of the Prisoners' Movement and for that of the Intifada, the prison model predominated. It constituted the main mode of citizenship. For the national movement, prison thus became, as Ismail Nashif analyzes it, a rite of passage to Palestinian identity (2004/2005). Its unitary and trans-partisan structure prefigured that of the First Intifada and, along with the PNF, constituted a model for its Unified National Leadership of the Uprising (UNLU), in which the Prisoners' Movement participated (Rosenfeld 2011).

### ABU GEORGE AND QADDURA FARÈS. THE INTIFADA GENERATION AND THE POLITICIZATION OF THE HUNGER STRIKE (1988–1994)

#### *Protest Beyond Walls. The Massification and Violence of Imprisonment*

The Prisoners' Movement, which grew in strength throughout the 1980s, reached its apogee during the First Intifada (1987–1993). In February 1988, many of the Popular Committee and Unified National Leadership (UNLU) cadres were arrested. Most of the UNLU decisions were thus taken in prison in constant dialogue with the Outside.

This was also the case with the Islamic Resistance Movement ( Hamas) and the religious movement, which truly entered into active resistance during the Intifada.<sup>30</sup> Members of the Muslim Brotherhood had already served time in Israeli prisons in the 1980s, for example, Sheikh Ahmed Yassin, who founded Hamas in 1987. A revolutionary Islamic branch also developed in detention, drawing on both religious branches and Fatah, and even left-wing parties, notably those with active armed factions (Alhaj et al. 2014). The first operations carried out by the different groups

<sup>29</sup> I is defined as a “place of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life” whose effectiveness depends partly on the degree of rupture that it provokes with the familiar, virtual, or real universe of its members (Goffman 1961: xiii).

<sup>30</sup> Though they were not part of the UNLU.

claiming allegiance to Islamic Jihad began in the 1980s, and this branch gradually became more present in detention. At the end of the summer of 1988, the West Bank members of the High Council of the Muslim Brotherhood and leaders of the Islamic Resistance Movement (Hamas), and the military leaders in Gaza were arrested. As a result, the Hamas leadership reorganized in prison and continued its action in liaison with Sheikh Ahmed Yassin, who remained free until May 1989 when he was imprisoned again, along with all the members of the new leadership and over 250 partisans (Legrain 1991).

The Prisoners' Movement's preponderant role stemmed from the fact that "all the major leaders were in prison, unlike today, where it is chaos (*fawda*), where anybody and everybody ends up in prison, which has weakened the Movement."<sup>31</sup> I met Abu George in Nablus in 2012. He described himself as a high-ranking Fatah official, a director general in the Palestinian Authority administration, and a lecturer at al-Quds Open University in Abu Dis, Birzeit University in Ramallah, and an-Najah University in Nablus. He was sturdy, with imposing gestures, performing a cocksure masculinity accentuated by his national role. He was forty-something at the time. He had been periodically preventatively arrested since 1985 when he was fourteen, and a volunteer in the town's Fatah-affiliated social work youth committee.

We used to clean the streets, the graves in the cemetery. Fatah was banned; it was a secret organization. The Israelis began putting pressure on before the First Intifada. I spent sixteen Eid celebrations in a row in prison. It wasn't the army who came to get me, but the intelligence services [*mukhabarat*]. When I was at friends' houses, they would sometimes ring the bell to show us that we were being watched, surveilled. I then did five years during the First Intifada from 1989 to 1993. I'm not lying when I tell you that I was happier; it was a school, a university, a castle. There, I learned Hebrew, English, the history of world revolutions. We understood the other factions [*fasayl*] better, the PFLP, the DFLP... The First Intifada was a lot better than the Second; it was a popular resistance [*muqawameh sha'biyeh*]. There were no arms. I ended up in Hadassah hospital [in West Jerusalem] three times following the torture I was subjected to in interrogation, but I did not confess. Even for the choice of cells, I didn't tell [the administration] I was Fatah, otherwise I'd have been sent straight back to court. I spent most of the time in Tulkarem prison. There were

<sup>31</sup> Abu George, July 8, 2012.

only about forty of us. It was a hellhole, very harsh, it's well-known. It wasn't like the main prisons. Three men died during torture in this prison [housing an interrogation center]. It was Druze border guards who were responsible for these deaths. This prison was on two underground floors. Later, they shut it down. We went on hunger strike for twenty-one days in Tulkarem and we got good results: radios, newspapers, cigarettes, we were able to see our mothers with no physical separation. Whatever happened, they punished me. I was put in solitary confinement for a year and a half. I passed my high school exams before being arrested; I started studying again in Egypt in 1993—psychology—and I went all the way to PhD level, which I completed in 2005. It was in prison that I became interested in psychology. When Arafat returned to Palestine [when the Palestinian Authority was created], I was working in Ramallah for six months and spent the other six months in Egypt for my studies. The final year, I was transferred to Naqab prison [also known as Ansar 3 to the Palestinians, and as Ketziot to the Israeli authorities]. Family visits had been banned from the start, only lawyers could visit, but that changed after the massive 1992 hunger strike; all the prisoners went on strike in all the prisons, but it took a very long time to obtain that.”<sup>32</sup>

Naqab prison in the Negev desert near the Egyptian border, which was an army-run camp where the men were housed in tents, was opened in 1988 to handle the tens of thousands of people who were put in detention at that time. 50,000 people were held there between 1988 and 1995, when approximately 110,000 people were imprisoned over the course of the First Intifada. During the uprising, Popular Committees were set up all over the territory. An entire civilian population—youths, women, and men—stood up to the occupier and responded to the calls to action made by the secular parties' unified command (UNLU) by demonstrating, striking massively in all sectors of activity, boycotting taxes and the Israeli economy, creating alternative networks and modes of production, organizing homeschooling and alternative universities to compensate for the closures, and so on.

The politics of mass incarceration intensified and was asserted as such. The “all-out carceral,” or penal “big government,” to borrow Loïc Wacquant's terms used in reference to US prisons in the 1980s (2009), was veritably put in place with the mass arrests of the First Intifada (1987–1993), which began in the very first two months in an effort

<sup>32</sup> July 8, 2012.

to quell the uprising. On average, 25,000 people were arrested a year, and in November 1989, the prison population reached its maximum of approximately 13,000 detainees. In 1989, according to Human Rights Watch, this rate was of the order of 750 prisoners for every 100,000 people (1991), in other words, the highest in the world. Administrative detentions multiplied; they also affected women and minors, and their duration again became longer. Over 14,000 were pronounced between 1987 and 1992 (B'Tselem 1994). Others were arrested for varying periods in an attempt to obtain information. Some ended up in detention camps for days or months without trial or even an administrative detention order (Rosenfeld 2004). The secret detention center known as Camp 1391 was set up; people disappeared, held there in total isolation.<sup>33</sup> Repression affected the entire population, even if it particularly targeted young men for motives ranging from handing out tracts to activities within a Popular Committee, building barricades, writing graffiti, or throwing stones and Molotov cocktails. It became increasingly brutal. The then Defense Minister, Yitzhak Rabin, gave the order to break Palestinians' arms and legs. The Landau Commission encouraged the use of torture in interrogations. In the same period, the prison regime intensified; family visits were suspended—at Ktziot, the ban lasted five years (1988–1992)—and it was no longer possible to take high-school exams.

The internal political and cultural order was not shaken by the simultaneous arrival in prison of an influx of young, or even very young men. Depending on the facility, some organized among themselves, whereas many, like Abu George, had already undergone prison socialization in the preceding period, which contributed to this Intifada generation's training. Others were taken in by the older partisan leaders who had remained behind bars or been re-arrested, like Radi Jarai, Qaddura Fares, or Ahmad Saadat. The culture and values of the political prisoners predominated. It was "one single society," Qaddura Fares, an influential Fatah official close to Marwan Barghouti, told me. From prison, he and Issa Qaraq initiated the creation of the Prisoners' Club (Nadi al-Asir) in 1992. On release, he became its president from 1994 to 1996, then again from 2006 to the present. He spent fourteen years in detention (1980–1994) before being elected a deputy in 1996.

<sup>33</sup> It was closed in 2006 and reopened intermittently.

Our values were honesty [*al-sadyq*]<sup>34</sup>—whereas today, lying has become a way of doing politics, a tactic—and altruism [*al-itbar*]. Our organization was socialist. Everything that entered prison—money from the families for commissary, from the Red Cross—was entirely collectivized and shared among us. There were no big [*kabir*] or little people [*daghir*], people who drove around in BMWs and others who walked. Those in charge, the leaders, had to take their turn at cleaning and washing up just like everyone else.

A real *carceral democracy* existed, dotted with regular elections that were kept secret so that they could be held without prisoners being transferred or interventions on the part of the administration, or retaliation measures against those elected. A trace of regret for an idealized era of political discipline and faultless cohesion and solidarity was detectable in his words. Abu George's account expressed this pride in belonging to this solidary, militant, and nationalist collective body. Like other men or women not broken by the prison experience and interrogation, he expressed this nostalgia for a Golden Age of militantism Outside and of life behind bars, despite its terrible brutality. Others do not wish to talk publicly about it, as it is hard politically and psychologically to reconcile the ferocity of prison with this sentiment as Samir told me:

I don't want to talk only about the past. Nowadays, all the parties have become tainted in prison, not just Fatah, even if it is less so with the PFLP and Hamas. We wanted to build a republic like Platon's, and Palestine is the worst of the Arab countries. You shouldn't write this, but my experience was beautiful: we learned languages, lots of things, we only lacked time.<sup>35</sup>

This paradoxical sentiment is, however, common in other even harsher contexts of political incarceration, such as that of the Syrian prisons in the 1980s, as described by Yassin al-Haj Saleh (2012).

In his testimony, and in his braggart manner, Abu George described the sacred heroic national figure that the political prisoner became in that era. He exalted masculine bravura, combatant honor, heroism, and egos measured by their capacity to resist repression. For Said al-Atabeh, who

<sup>34</sup> Ramallah, November 11, 2018.

<sup>35</sup> Ramallah, November 6, 2018.

spent thirty-two years in prison from the age of twenty-five to almost sixty (1977–2008), this figure of the hero—albeit less performed—also imposed itself on him: “When you think of having spent thirty years in prison, you become a stranger to even yourself, a hero. It’s a miracle to have spent so many years in prison and to still be able to discuss politics, the economy, and to get married.”<sup>36</sup> Political prisoners are often compared to “knights” (*fursan*). *Knights of the City* (*Fursan al-madina*) is the title of a short story written by Yunis Rjoub; *The Generals of Patience. Knights Behind Bars* (*Generaliat al-saber. Fursan khalf al-Qudban*) that of a recent collective work written by incarcerated personalities, including the former Minister of Prisoners’ Affairs, Issa Qaraqe, who, during his time behind bars, was their general representative.<sup>37</sup> They are also called “caged lions,” or lion cubs (*ashbal*) for the youth,<sup>38</sup> thereby conjuring all the noble and combative attributes of the lion, to which is opposed the dog, used in this text to describe the guards, interrogators, and Israeli soldiers. In this work, the imprisoned Hamas leader Abdel Khaleq al-Natsheh describes prisoners as the “guardians of the nation, of the people, and of all the Ummah.”<sup>39</sup>

### *The Hunger Strike as a Test. Act I*

From the very beginning of the Occupation, hunger strikes became the prime repertoire of action during prison mobilizations. This nonviolent mode of action restores a capacity to dissent in a prison context of intense coercion and the confinement of bodies, and has often been deployed by political detainees in Europe and elsewhere since the late nineteenth century. It extracts bodies from the relationship of domination and re-signifies the violence inflicted upon them by investing it with a chosen political meaning (Nashif 2008; Siméant-Germanos 2009). Some of these strikes were more specifically tests in the sense of the power struggles that Bruno Latour identifies in *épreuves*; they were moments of rupture in which the stakes were redefined.

<sup>36</sup> Nablus, July 9, 2012.

<sup>37</sup> Khalayleh, Abu Rabi 2011.

<sup>38</sup> It was also the name given to young Fatah fighters.

<sup>39</sup> Khalayleh, Abu Rabi 2011.

Always connected to the need to improve prison conditions, they initially, for both the men and women prisoners, sought to transform the way of characterizing the situation, and prison relations, and thus to establish what Ismail Nashif calls a counter-order (2008). Their aim was to have their status as political detainees recognized, at least in practice, by being separated from the Israeli common law prisoners and gaining the possibility to organize their existence. In the early 1980s, political connections and solidarity between the Inside and Outside intensified; the hunger strikes gained resonance and backing in the Territories. Later, they multiplied in the attempt to gain rights and better detention conditions, each strike bringing its array of improvements:

The 1977 Asqalan strike got us real mattresses. With the 1980 Nafha strike, in which two men died [Rasim Halaweh and Ali Al-Ja'fari, following their forced feeding], we progressed from mattresses to beds. Observed in several prisons, the 1984 strike got us radios, authorization to have civilian clothes sent to us, and the reduction of the number of people in the cells, then that of 1985 was to get televisions. In 1987, the Jneid strike was launched against the head of the prison services [Commander David Maimon] who instigated a highly repressive policy for eleven months. We managed to obtain his departure.<sup>40</sup>

In the early 1990s, they became tests of strength not only vis-à-vis the prison services and the army, but also within the national movement and vis-à-vis the parties and the PLO abroad. In addition to the demands concerning the daily conditions of prison life, the 1992 strike thus marked the heightened politicization of these confrontations.

Qaddura Fares was among those incarcerated before the start of the Intifada, and who took on the role of leader when it broke out when he was twenty-six years old and was supervising daily life and struggles in detention. At the age of thirty, he was the leader (*mumathil al-am*) in Jneid prison in Nablus at the time of the major 1992 hunger strike as he had seniority, was a good orator, was respected, spoke Hebrew, and belonged to Fatah, which was in the majority in Jneid, as it was in all the establishments. From inside Jneid where the movement started, he was the main leader of this strike of an unprecedented scale that all the

<sup>40</sup> Said al-Atabeh, Nablus, July 9, 2019.



prisons took part in and nearly all of the almost 11,000 detainees. It lasted sixteen days, from September 27 to October 14.

During a strike, a secret committee is put in charge of strategy (the Strategic Committee—*lajneh al-stratijia*). It determines when the strike begins and ends, how the confrontation takes place, attributes responsibilities, roles, the often rolling temporality of the groups' going on strike, and its priorities, in coordination with the Committees in each prison. The strike's official Coordination Committee (designated internally as the Combat Committee—*lajneh al-nidalijeh*) is responsible for the daily decisions, for negotiating, for writing, and circulating communiqués destined for the Outside. Support and a public, including the press, is indeed sought in organizing a hunger strike (Siméant-Germanos 2009). Communications and public and unofficial interactions with the Outside seek to federate a common political struggle beyond the walls. Its objectives are borne by the prisons which are designated the decision-makers in the strike. In 1992, Jneid was the main prison in charge. Meticulously prepared in advance, benefitting from decades of experience in staging hunger strikes and from the strength of the Prisoners' Movement, the 1992 strike was considered victorious. It achieved most of the demands to improve detention conditions: better quality food; sufficient basic necessities and cleaning products; an end to the policy of systematic solitary confinement instigated since the beginning of the Intifada; the right to visits at Ktziot (Naqab) and an increase in their duration elsewhere (from thirty to forty-five minutes); the possibility of following a university course by correspondence—which was nonetheless limited to the Tel Aviv Open University, when what had been demanded was the right to enroll in the Palestinian universities. This strike, which went down in memory, was a landmark for the Prisoners' Movement. The conflict was resolved by the Internal Security Minister, Moshe Shahal, who talked directly to the Coordination Committee, bypassing the prison authorities, who were overwhelmed by a growing movement. They indeed feared deaths as they did not have sufficient resources to handle the situation and to guarantee the health of so many detainees. Moreover, this strike was relayed Outside by increasing demonstrations and protest marches, sit-ins, and solitary hunger strikes by mothers of prisoners in Jerusalem, Nablus, Bethlehem, and Gaza, and mediatized by an incandescent Palestinian and Israeli press. It rekindled an Intifada that had been running out of steam (Rosenfeld 2011).

It was one of the events of the Intifada that took place at the time when the uprising, but also the peace talks that had begun at the Madrid Conference in October 1991 were faltering, and Yitzhak Rabin, the man to whom the brutal repression of the Intifada was imputed, was forming a government in July 1992. Also, it was important for the prison leadership, which was also that of inside the Occupied Territories, to make its voice heard and to exert pressure on the PLO leaders based in Tunis, who were covertly negotiating a solution to the conflict in Oslo while the Palestinian delegation sent to Madrid from the Occupied Territories was marginalized. It was followed by the June 1994 strike, which more clearly still, expressed the power struggle at play within the national movement. In direct contact with the situation on the ground in the Territories, experienced in Israeli political culture, able to speak Hebrew, and knowing the practices of the army and intelligence services officers, the imprisoned leaders and those who were free in the West Bank and Gaza considered themselves more capable of negotiating with the Israeli authorities than the leaders of the PLO, socialized outside Palestine. The content of the Oslo peace accords was contested by the political figures of the OPT in the Madrid delegation, such as Haidar Abdel Shafi. They notably had demanded the complete cessation of colonization, which was not mentioned in the Oslo Accords. They moreover rejected the accords' deferred ruling on the central questions of Jerusalem and refugees (Dot-Pouillard 2016). The Inside leadership—that of the prisoners—furthermore considered that the prisoners' social and political place was not reflected in the September 13, 1993, declaration of principle signed by the Israeli government and the PLO, which made no reference to their situation. It was not reflected in the Cairo agreement of 1994 (Oslo I) either, which only promised the release of 5,000 out of a total of 7,170 prisoners (Nashif 2004/2005), and only addressed the question from the non-binding perspective of “confidence-building measures,” which enabled the Israeli authorities to determine the rhythm and the criteria of release.

### HASSAN AND AHMAD. OSLO, A GENERATION IN THE SHADOWS (1994–1999)

#### *The Marginalization of the Prisoners*

With the Oslo Accords, the prison leaders were no longer the major political actors in the Territories. They found themselves subordinated to the PLO leaders abroad for decisions concerning them and for the releases

that were supposed to take place in the wake of the peace process. “It was extremely painful for them,” Shawan Jabarin explains. “They were aware that they were no longer the most important political actors. It was as if the prisoners had become a humanitarian issue, and no longer a political question.”<sup>41</sup>

The Inside/Outside dialectic had changed. The Prisoners’ Movement as a collective body was weakened in part because it had lost its function, but also because releases created a divide between those who backed the peace process and those who were against it and found themselves relegated to the opposition and thus less likely to be let out. While the local Fatah leaders had promised everyone’s imminent release, of the 5,300 released in early 1995, most belonged to Fatah or to formations having approved the Oslo compromise.<sup>42</sup> Only a few hundred belonged to the left-wing opposition forces (the PFLP and DFLP), about 1,000 of whom remained in prison, or to the Islamic movements (Islamic Jihad and Hamas). Hamas declared 1,800 detainees, 1,000 of whom were incarcerated after signing of the Accords. Unlike Fatah members, those belonging to the opposition factions had to sign a letter agreeing to renounce all forms of resistance, or—in the Israeli authorities’ view—terrorist activity. In addition to their political affiliations, the negotiations took into account detainees’ place of residence and citizenship. The Israeli authorities excluded Palestinian citizens of Israel from the discussions and were reticent about including Jerusalemites, thereby creating additional divisions within the community of prisoners. Some refused to sign this statement, others refused their release in solidarity. The women opposed one female prisoner’s maintenance in detention until they were victorious. Nonetheless, despite the critiques leveled at these negotiations, in early 1997, not a single woman was still behind bars, and only 350 men who were already detained before Oslo remained in prison; they became known as the elders (*qudama*).

The prisons emptied and the large Naqab (Ktsiot) military detention camp was closed in 1995. They had nonetheless taken in new detainees during the peace process period: between 1,000 and 2,000 arrests a year (B’Tselem 1999). Many were administrative detainees, held simply due to

<sup>41</sup> Ramallah, 25/04/2011.

<sup>42</sup> The Palestinian People’s Party and Fida, a party that split from the DFLP due to its support for the Oslo Accords.

their or their parties' opposition to the Accords (Pelleg 2006). That was the case of Shawan Jabarin, the current head of the Palestinian NGO al-Haq, accused of belonging to the PFLP and imprisoned at Jneid from 1994 to 1995, or of Najeh Assi, at the time a young militant in the Islamic group at Birzeit University, who was detained several times from 1994 to 1997, then convicted for his student political activities. Others were involved in individual armed actions, or in the wave of attacks and suicide attacks—known as martyrdom operations (*'ameliyeh istishadiyeh*—sing.)<sup>43</sup> in Palestinian society and political parties—undertaken by the Islamic parties from 1994 to 1997 in retaliation for extremist Jewish settler Baruch Goldstein's massacre of worshipers praying in Ibrahimi Mosque in Hebron on February 25, 1994.

More massively incarcerated since the Intifada, the prisons saw an influx of Islamic party members as attacks were perpetuated one after the other and the failure of the Accords became apparent. Along with the left-wing opposition, and primarily the PFLP, they constituted the Oslo prison generation, which grew in the shadows of the peace process, rapidly proving that the process did not have what it would take to succeed. In this period only, the detainees' representative (*mumathil al-'am*) belonged to Hamas in some prisons, where the party was in the majority.

“During the eighteen years I spent in prison,” Hassan told me, “the *mumathil al-'am* belonged to Fatah in 90 percent of prisons and in 10 percent, to Hamas.” I met Hassan on July 26, 2012, at Jerusalem Hotel in the east of the city opposite the bus station that serves part of the West Bank. He had been released just three months earlier, at the age of thirty-eight, after eighteen years in prison. We had difficulty finding one another; he was confused on the phone and no doubt wary or surprised at my interest in such a subject, which was apparently incomprehensible. I could sense his disorientation and the mark of the years behind bars. He was huge, broadly-built, but did not really know how to act around me, a bit destabilized by the fact that I was a woman.

<sup>43</sup> The notion of suicide is indeed rejected because the intention is not to kill oneself but to accomplish an act of resistance with a collective dimension. The word martyr (*shahid*) is understood here in a sense that is not only religious (one who dies to bear witness to their faith—etymologically, a martyr is a witness—or in the way of God), but in a broader and political sense linked to the justness of the cause defended.

I was sent to prison in 1994 for stabbing a soldier next to a mall in West Jerusalem. He was a soldier; I'm against the idea of attacking civilians. I wounded him. I did it on my own. The police caught me on the spot, handcuffed me, and took me to al-Moscobiyyeh where I was interrogated. It was really tough. I was shut in a tiny three by two-meter cell. At that time, they used to put a stinking bag over your face, cuff your hands to the chair behind your back for hours, hit you, etc. They had no respect for human beings. It lasted thirty-five days. They wanted to know who had sent me, which party, etc., but I had nothing to confess. I did that in April 1994, two weeks before the entrance of the Palestinian Authority [headed by Arafat and the exiled leaders who created it] in response to Baruch Goldstein's operation. But afterwards, in prison, I joined the PFLP wing.

Ahmad and Hassan's paths reflect a moment when the advances of the peace process were not perceptible to all in their day-to-day lives and when the continuation of a never-questioned colonization generated violence and provoked armed actions on the part of very young men, who decided on them at an individual level. It was their time in prison that then led to their integration into a faction.

Ahmad was thirty-six at the time of our discussion in an association in Nablus. An Arabic teacher, married with three children, his voice, the rhythm of his words, and his face gave off a great gentleness and sophistication. He began his account in the year of 1994, the year he turned eighteen:

One day in February, at 5 A.M., Goldstein killed thirty-seven people [he in fact killed twenty-nine people and wounded twenty-five more] in the Hebron mosque. At noon in Rafidia, one of my friends was killed by the army. I was very shocked. That made me deeply sad. We were carrying out peaceful actions and they were killing us. I didn't understand and I wanted to do something. There was a police station in the town center. A month later, I went and shot a soldier in the head. He didn't die but ended up handicapped. They opened fire on me, then arrested me. I was sentenced to nine years and released in 2003. At first, I spent eight months in the Ramleh [prison] hospital, then I was sent to Nablus prison, then seven others. I was transferred almost every year. I passed my high school diploma in prison, then began my Political Sciences studies by correspondence for four years, but when I wanted to enroll in a course specializing in communications and digital networks, the prison warden refused. He considered this course dangerous. All my books were taken away from me and I had to drop everything. I started again after my release. In 2006,

I was held in administrative detention for a year because I was active in the Ansar al-Sajin association [close to Hamas], which had a branch here that got shut down at that time, then I worked in other associations. I continued to be involved in human rights, I helped prisoners' families. In November 2010, the PA came to get me. I was judged in military court and sentenced to a year and a half; they thought I was with Hamas.<sup>44</sup>

While he claimed not to belong to Hamas, his activities in Ansar al-Sajin and the people he introduced me to, attested to a proximity with this party, which developed during his first period in detention at a time when Hamas was predominant and structured Inside.

### *The Oslo Ruptures*

For the Prisoners' Movement, Oslo is represented as a major historical rupture, a setback, and a period of cultural regression related to the political turning point that impacted the national movement on the Outside following the creation of the Palestinian Authority. Yet the transformations set in motion were only fully felt by the following generation—that of the al-Aqsa Intifada—which found itself massively behind bars from the early 2000s on, often left to its own devices and with little support vis-à-vis the prison services. The Oslo moment had very distinct repercussions according to the factions, and above all marked the beginning of a process of fragmentation of the national movement Inside and Outside. Moreover, releases, which were announced in waves, dragged on over three years. This timeframe generated strong disapprobation. Between those whose release was delayed, and the more or less active and violent opposants to the peace process sent to prison, Israel's penitentiaries did not empty: over 4,000 people were still in detention at the end of November 1995, and there were already over 2,000 in April 1999 on the eve of the al-Aqsa Intifada (B'Tselem 1999).

In 1994–1995, when Shawan Jabarin was in Jneid, 70 percent of the prisoners belonged to Fatah:

There was no clear agreement. Only some were released. We got the impression that it depended on the whim of the Israelis. People said: 'Why are we still here if Abu Ammar [Yasser Arafat] is in Palestine?' It changed

<sup>44</sup> July 8, 2012.

the atmosphere, efforts dwindled, the prisoners thought of themselves, became individualistic. Before, things were collective. So-and-so wanted to eat alone; another wanted a television for himself to watch what he liked. People started to withdraw into themselves and that created a whole host of problems, right up until now.<sup>45</sup>

Indeed, from that point on, television culture took over an environment previously structured by the written word. Education and training began to lose their alternative dimension as a militant counter-model, henceforth being seen in terms of individual trajectories and as a form of social mobility. The political stakes of enrolling at the Tel Aviv Open University were debated, inscriptions now seen as a form of institutional normalization (*tatbi'ah*). The prisoners repeatedly requested to be allowed to enroll in Palestinian and overseas universities, in vain. This request was indeed one of the reasons behind the 1995, and then the 2004 hunger strikes. With no other choice, those who wished to study, and who received Shabas' approval, began university courses at the Tel Aviv Open University. This possibility was reserved for those serving long sentences and is still considered a privilege by the prison services, granted if the security officers attest to good behavior. Only certain disciplines are authorized—literary subjects, political studies, sociology, economics, psychology, and management—not the sciences, I.T., or any other subject considered to present a security risk.<sup>46</sup> Specializing in the sciences at high-school diploma level is also forbidden. Studies are also fee-paying and in Hebrew, which limits their access all the more, even if the PA prisoners' program progressively began to cover the inscription fees.

Over time, the non-fulfillment of the political promise of sovereignty expected from a peace process, the progressive installation of political and economic networks of interest and corruption, then the PA's authoritarian drift have had disastrous repercussions on the Prisoners' Movement and exacerbated the fault lines between prison and diaspora leaders.

We are in the mire, caught in a honeytrap. The ministries, the cars, and all that were a trap, one that weakened the national movement. There was a great deal of voluntary work in the health domain, for example, an alternative education when the universities were shut [during the First Intifada].

<sup>45</sup> Ramallah, April 25, 2011.

<sup>46</sup> Military Ordonnance n° 04.48.00, 08/01/2004.

The universities played a central national role. But then everything started going downhill. The presence of the Authority [PA or *Sulta*] undermined individual responsibility; why would you go and volunteer when there was a Health Ministry? At university, the Fatah students no longer played a national role; they defended Fatah and the action of the Authority vis-à-vis the other parties. Prisoners heard about diverse negotiations, corruption [*fasad*], values were weakened, and democracy in prison too. Some started asserting regional and local solidarities and issues. In certain prisons, elections were no longer held every year. They were no longer secret; Shabas knew when they took place, who won, etc. Shabas entered people's lives; some prisoners now meet with it directly even though that was forbidden in the past.<sup>47</sup>

The authoritarianism and networks of influence were perceived as an extension of the PLO-in-exile's non-democratic practices versus the Prisoners' Movement' and the Palestinians of the Occupied Territories' political prison culture. "We worked from the inside democratically," he added. "We held elections for student councils, municipalities, inside the prisons. They, in Tunis, negotiated compromises between the different factions. They didn't hold elections."<sup>48</sup>

Many ex-detainees, and particularly those from Fatah, returned to, or obtained a place in the PLO and above all in the Palestinian Authority (PA) administration set up in 1994: in certain ministries, and particularly in the police and the different branches of the security services, which initially recruited exclusively Fatah members. That was not the case for ex-detainees from the left-wing or Islamic opposition parties, however. The former most often found themselves in the NGO sector that developed in this period, and constituted a competing realm of institutionalization (Rosenfeld 2011). The Fatah prisoners did not, however, access positions of responsibility on a par with their former political clout. Most Fatah members from inside the Occupied Territories were for several reasons supplanted by Fatah members in exile. Like in other sectors, a "logic of return" prevailed on in the police and security services (Dot-Pouillard 2016). Jobs in the PA made it possible for PLO veterans and leaders to return. Nearly all the officers were from the ranks of the exile forces (Brynjar 2006). In addition to this logic of return was the importance

<sup>47</sup> Qaddura Fares, Ramallah, 11/11/ 2018.

<sup>48</sup> Ramallah, 26/05/2016.



of interpersonal relations when attributing the most political positions. As for other highly-skilled positions, those having spent long years in detention were at a disadvantage because they had completed less higher education at a time when degrees and diplomas were taken as the measure of one's competence and determined access to the higher echelons of the civil services, even if their carceral experience was considered equivalent in certain sectors, where their knowledge and expertise were recognized. They thus largely invested the Ministry of Prisoners' Affairs but were relatively underrepresented elsewhere.

Only a handful of Fatah members remained behind bars after 1997. They were doubly marginalized in detention, both vis-à-vis the other detainees defending an oppositional line, and their partisan apparatus for whom the political epicenter had shifted to the institutional construction of the PA. In the West Bank and Gaza, this was all the more the case as they were gradually squeezed out of the decision-making positions in their party and did not regain them in the PA or the PLO. A decisive figure in the Prisoners' Movement, Qaddura Fares, described this sidelining:

All those who were released were pushed out of the decision-making circles. Are there any prisoners in the Executive Committee [of the PLO<sup>49</sup>], the National Council [the PLO parliament<sup>50</sup>], the Central Council?<sup>51</sup> No, there are not [there are few]. It's been like that from the start. There are two schools: the Tunis school and the Palestine school. Why did Arafat accept Oslo? Because people convinced him that there was a group in Palestine who challenged his leadership. It was a huge error for him to come back before the Accords on the final status had been signed. There is a problem regarding the role of prisoners. They were given a salary [*rateb* – a monthly allowance], work, and a whole host of things, but they didn't think to give them a role in political decisions. In Hamas, they had more clout. In the PFLP too; as you can see, Saadat [the General Secretary of the party] is in prison.<sup>52</sup>

<sup>49</sup> It is the decision-making body of the PLO. Its 18 members are elected.

<sup>50</sup> Since April 2018, the Palestinian National Council (PNC) has 740 members. The 88 (now 132) members of the Legislative Council are automatically members. Since 1967, and together with 98 others, they represent the Palestinian population of the Occupied Territories. The remaining members come from the diaspora.

<sup>51</sup> It votes on political decisions when the PNC is not in session and liaises with the PLO Executive Committee.

<sup>52</sup> Ramallah, 05/26/2016.

Since Oslo, all political detainees and ex-detainees in Israel, whatever their political affiliation, have enjoyed material support from the PA, with the creation of a Department in charge of Prisoners' Affairs within the Social Affairs Ministry in 1994, then of a Ministry of Prisoners' Affairs in 1998. Over time, the Ministry's field of action and its financial aid to prisoners during incarceration and on release grew. For the PA and Fatah, there is a central national and political dimension to this socio-economic role vis-à-vis detainees given detention's hold over society. Since the 2007 Hamas/Fatah split, however, Hamas and Islamic Jihad detainees (outside the PLO) are no longer eligible for this aid after their release. Within Fatah, this role is perceived by some as constituting a social and humanitarian approach to the prisoner question that eludes the political, and all the more so as, since the Second Intifada, the PA has rarely managed to negotiate their release. This political marginalization of detainees has thus been more acute for Fatah members in the sense that it has come from their own camp, and in which they have become caught up vis-à-vis the other factions in their party's contradictions and impasses regarding the peace process. It has been exacerbated too by the whittling of their prison branch during the Oslo years, contrary to those of Hamas and Islamic Jihad, which organized and asserted a partisan cohesion beyond the walls, and of the PFLP prison branch which has remained steady.

THE AL-AQSA INTIFADA (2000–2007).  
A NEW PRISON MANAGEMENT: WORKING  
ON CONSCIENCES AND SUBJECTIVITIES

*The End of Borders*

To smash the unarmed civilian uprising of the First Intifada, Ytzhak Rabin's politics and slogans called for the brutal use of physical violence; that is, mass arrests and torture. With the al-Aqsa Intifada (2000–2006), the aim, rather, was to destroy Palestinian consciences (Grinberg 2010). The inhabitants of the West Bank and Gaza were little involved in this Second Intifada, which rapidly turned into an armed resistance on the part of all factions and in particular the religious parties (Hamas and above all Islamic Jihad), but also Fatah, which Arafat let develop with

the creation of the al-Aqsa Martyrs' Brigades in 2000. It was accompanied by an unprecedented wave of suicide attacks (martyrdom operations) carried out by the al-Aqsa Martyrs' Brigades and the military wings of Hamas (Izz ad-Din al-Qassam Brigades) and the Islamic Jihad (Al-Quds Brigades).

In April 2002, during Operation Defensive Shield, the Israeli authorities militarily reinvaded towns and villages in the West Bank to attack the armed groups and the Palestinian security forces. They sieged the PA institutions and Yasser Arafat, who took refuge in the Muqata'a, the presidential headquarters in Ramallah. In addition to the highly mediated Wall, whose construction was launched in 2002 while the one already cordoning off the Gaza Strip was reinforced, and which was basically a foil, giving the illusion of a border between the West Bank and Israel, the West Bank was cut up into about a hundred enclaves, essentially around Palestinian towns and villages on both sides of the Wall. As it progressively withdrew from the heart of the Palestinian localities, the army deployed a network of checkpoints and obstacles destined to keep a stranglehold on these enclaves and to control Palestinian movement (Latte Abdallah and Parizot 2011, 2015, 2017). The Israeli Defense Force's policy of encirclement (*keter*—Hebrew) constituted what it called "territorial cells" (Dayan 2009) and isolated the Palestinian towns and villages from each other. This was added to Oslo's territorial division into Areas A, B, and C.<sup>53</sup> The Gaza Strip constituted one of these cells, with the strictly surveilled and restricted entry and exit of goods and people, which became even tighter with the blockade introduced in 2007 when Hamas took over. With the al-Aqsa Intifada, the Israeli leaders adopted the idea that the solution to the conflict was military, not political. The hegemony of a military solution (Ben-Eliezer 1998; Grinberg 2010) translated into new particularly violent military strategies and, in the post-Second Intifada period, into the full redeployment of territorial, military, and institutional mechanisms. Re-drawn after the First Intifada, the 1967 borderlines were dismantled (Grinberg 2010). After 2002, along with closures, the IDF's regular incursions and targeted assassinations, mass

<sup>53</sup> The Oslo Accords divided the West Bank into Areas A (under Palestinian sovereignty), B (under Palestinian responsibility for civil affairs and Israel's for security matters), and Area C under full Israeli control. In 2000, on the eve of the second Intifada, Area A represented only 17 percent of the West Bank, Area B 23 percent, and Area C 60 percent.

arrests permitted the management of the Palestinian enclaves from afar. For the Israeli government, the aim was no longer a negotiated solution but to manage the conflict while pursuing the colonization of the West Bank and East Jerusalem. Control was projected onto the territory of the other, well beyond the so-called separation Wall.

One of these mechanisms was the deployment of a veritable *prison web* in the Palestinian Territories and particularly in the West Bank. Mass incarceration took off again. It was nonetheless accompanied by the systematic elimination of the uprising's political and military leaders through targeted assassinations. In Gaza, bombardments and assassinations were favored over incarceration. With the unilateral disengagement from Gaza in 2005 (the complete withdrawal of settlers and the army), the Israeli authorities had less possibility of arresting the inhabitants of Gaza, accentuating the difference of treatment with the West Bank. Since, Gazan detainees have never represented more than 15% of all political prisoners. Many have served their sentences and others were released in the Shalit exchange at the end of 2011. Around 100 among the Gazan detainees were incarcerated before 2005. Their number stood at 200 on July 14, 2022,<sup>54</sup> that is, less than 5% of the total number of prisoners.

Seriously undermined by the Oslo period, prison leadership found itself facing the massive influx of a new generation, some with no partisan background, and with distinct mentalities and political culture; they struggled to integrate them while, at the same time, few elders were still behind bars and the major al-Aqsa Intifada leaders were not sent to prison but mostly killed. Moreover, contrary to the First, this uprising had no unified command. Only intermediate leaders and those wanted for their at times chaotic participation in the Intifada found themselves in prison. With the opening of new prisons, the longest-standing detainees were dispersed to stop them training new prisoners, while others did not sufficiently take the measure of the role they should have played vis-à-vis the young arrivals (Al-Uli 2004). This breakdown in generational transmission and lack of guidance accelerated the weakening of the Prisoners' Movement.

With the Intifada, the Israeli-Palestinian coordination established by Oslo imploded. The principles of new penology penetrated the Israeli prison system, in which the role of the intelligence services (the Shin Bet and the Prison Intelligence Division) became ever more pervasive over

<sup>54</sup> <http://www.addameer.org/statistics>. All websites included in this chapter have been verified in July 2022.

time. This new penology is indeed based on risk management, preventative detention, and mass surveillance. It aims to neutralize, rather than to transform or rehabilitate people considered dangerous (Wacquant 2009). It is, in this sense, post-disciplinary.

From 2,085 people in April 1999, the number of those detained by the army or Shabas reached over 9,000 in 2006–2007.<sup>55</sup> Between October 2000 and November 2009, 69,000 Palestinians were imprisoned (Rosenfeld 2011).

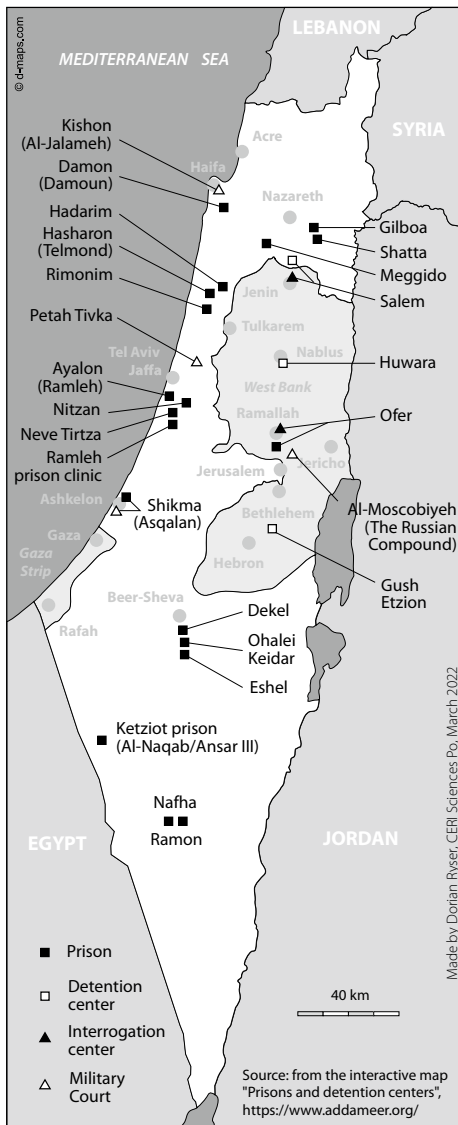
In 2002, Naqab prison (Ktsiot) was re-opened to manage the flood of arrests, and the Ofer military camp was created in Betunia, near Ramallah. In southern Israel, the new Ramon prison—an extension of Nafha prison—opened its doors in 2006. Other recent facilities housed the security detainees (Hadarim, inaugurated in 1999, or Jalbu’a—Gilboa—in 2004), while older prisons were modernized in this period when the entire penitentiary policy toward the Palestinians was being restructured.

With the Oslo Accords, all the army-run Israeli prisons in the West Bank and Gaza were relocated with the others inside Israel’s pre-1967 borders. Only the new Ofer prison remained in Area C of the West Bank. This transfer above all concerned the men’s prisons, women having already been incarcerated inside Israel for longer. Furthermore, these establishments were integrated into Israel’s civilian prison system (Shabas) under the supervision of the Ministry of Internal Security. Begun in 2002–2003, this integration of the Occupied Territories’ security prisons and prisoners into Shabas’ fold was completed in 2009 (Map 3.2).

The integration into Israel’s prison system formalized the ethno-national (Palestinian and Arab) dimension of the security prisoner category. The detention rights and duties it implied were defined by Shabas regulations, albeit without them formally becoming a legal provision. It was a question of distinguishing them from the common law prisoners with whom they often now cohabited in the same facilities. In 2007, security detainees represented 45% of all prisoners (Ajzenstadt and Barak 2008). The decision to classify a detainee in the “security prisoner” category is the responsibility of the prison warden and the prison’s internal intelligence service after consultation of their legal file and in coordination with the Shin Bet. It entails drastically limited rights, which are

<sup>55</sup> [https://www.btselem.org/statistics/detainees\\_and\\_prisoners](https://www.btselem.org/statistics/detainees_and_prisoners).

**Map 3.2** Map of prisons as of the mid-2000s (Source From the interactive map “Prisons and detention centers”, <http://www.addameer.org>)



regularly curtailed depending on the Israeli/Palestinian political situation: visits have remained limited to the immediate family since 1996 (parents, children, spouses, siblings), and their number is limited to a visit a fortnight.<sup>56</sup> Since 2004, they imperatively take place behind a glass window, speaking through the intercom. Detainees have no telephone access, except in the event of a family death when one fifteen-minute call is allowed (this has since changed following the May 2019 hunger strike<sup>57</sup>). They are allowed no authorized exits, their daily movements are more closely monitored, they are the object of regular reports that the prison's intelligence service makes to the police and the Shin Bet, and they are subjected to a whole host of individual and collective punitive measures. With a view to managerial efficiency, this categorization is above all intended to facilitate the running of prison facilities by regrouping a type of prisoner (adult and minor) who is considered unlikely to change and to be rehabilitated, and who has almost no access to social services or sentence adjustments or parole.

The management of security prisoners by Shabas has contributed to ratifying the annexation of the West Bank, to erasing the borders with Israel, and to the control of the Gaza Strip. It denies detainees the rights inherent to civilians in a context of occupation, infringing the provisions of the 4th Geneva Convention, according to which occupied populations must remain on their own territory, while at the same time not granting them that relating to prisoners of war as defined in the 3rd Convention, thereby rendering Palestinian detainees' judicial status indeterminate.

In Israel, placing the military prisons under Shabas control was publicly justified by its professional competence and its ability to better manage this number of prisoners; in the aim of modernizing and building new prisons; in the humanitarian motive of improving detention conditions; and by the need to end the exception that the military prison system constituted. However, other logics were at play: at the time run by Avi Dichter, who became the Minister of Internal Security in 2006, the intelligence services played a key role. They officially became members of the

<sup>56</sup> Israeli MPs, or sometimes parliamentarians from other countries, may exceptionally be allowed to visit a security prisoner, as may some politicians or officials.

<sup>57</sup> It was launched by Hamas and succeeded in obtaining that telephones be installed for the first time for security detainees. Henceforth, they are supposed to be able to call their families several times a week. However, the equipment has been slow to arrive and access to these calls is far from being guaranteed to all.

Shabas Executive Board, allowing them to fully participate in decisions. They inspired a new prison management of political prisoners instigated in 2003/2004 onwards.

This unprecedented political rationale of prison management had an economic side to it, in the quest for a greater cost-efficiency capable of sustaining an all-out prison system while at the same time reducing its cost in a neoliberal perspective. The humanitarian discourse that went with this new carceral politics contributed to reformulating the modalities of the Occupation, masking the violence of its control mechanisms and humanizing them—or at least appearing to. This approach, known as “humanitarianism” or “strategic humanitarianism,” developed strongly in the army and the Shin Bet as of the early 2000s, based on programs such as “Another Life” (Weizman 2009).<sup>58</sup> The integration of a humanitarian discourse and certain practices and thus, accordingly, of an opposition to the Occupation—that represented by many of the NGOs and Israeli activists who demand the minimum respect of Palestinian rights—facilitated the reformulation of control. The goal was to make the all-carceral less costly in political terms by normalizing it, just like other central mechanisms of the Occupation, such as checkpoints. The “checkpoint ‘civilization’” at the so-called border—that is, along the Wall—where checkpoints have been transformed into “crossing points” resembling airport terminals, and their privatization and use of a service vocabulary in their functioning (Havkin 2017), have, indeed, participated in this.

In the words of the military experts, the aim, then, was to invisibilize the Occupation (Weizman 2007) in the eyes of Israeli society and the international community. These mechanisms of control have been made “softer,” less ostensibly violent, and thus more acceptable politically. Making them commonplace has made them more easily entrenched.

#### *2004. The Hunger Strike as a Test. Act II. The Fractalization of Control and Fragmenting of the Collective*

Walid Daka is a prison intellectual. He was born in 1961. He has been living behind bars for over thirty years, in what he described on a card that his wife, Sana, gave to me in April 2010 as a “parallel time”—that

<sup>58</sup> Started by the IDF in 2003, this program aimed to limit the damage caused by the Occupation to avoid a humanitarian crisis in the Occupied Territories, which would have forced the Israeli State to take over some services to the population (Weizman 2009).



of before the fall of the communist bloc, the first Gulf War, Arab satellite channels, cell phones, and the internet.<sup>59</sup> He was sentenced to life in prison for his participation in the kidnapping and murder of soldier Moshe Tamam. He was imprisoned in 1986 at the age of twenty-four. He is an Israeli citizen and, because of this, has not been released in any of the political exchanges and releases. In 2012, his sentence was commuted to thirty-seven years in detention. Since, his lawyer Mikhail Sfard has requested that it be reduced by a third,<sup>60</sup> which is rarely granted to security detainees.<sup>61</sup> He has done the rounds of all the prison facilities. He has above all spent time in Hadarim, Gilboa, and Nafha, where Israeli Palestinians are most often regrouped, along with those from Jerusalem and Golan Syrians, two territories officially annexed by the State of Israel in 1980 and 1981, respectively. He publishes texts in collective works and in the press, notably in *Fasl al-Maqal*, the newspaper of the Tajamu', a party he is close to.<sup>62</sup> He obtained his Master's in Political Sciences at the Tel Aviv Open University while in prison. He teaches in detention a lot and supervises his co-detainees' university studies. He has inspired exhibitions and the play *A Parallel Time*, which provoked an outcry in Israel because it presents Walid Daka and his cell companions' human experience when they are usually portrayed as monstrous terrorists. When I met Sana again in October 2014, he was working on two books—one in Hebrew and the other in Arabic—for the publishing house of the Arab Center for Research and Policy Studies run by Azmi Bishara.

In *Consciousness Molded or the Re-Identification of Torture*,<sup>63</sup> a 2009 text inspired by Naomi Klein's shock doctrine, he analyzes the violent shock that Operation Defensive Shield (2002) and its aftermath represented, then the failure of the 2004 hunger strike as means used by the Israeli authorities to "shape consciousness," in the words of the Military

<sup>59</sup> *The Parallel Time* (*Al-zaman al-muazi*) became a play inspired by his texts and life story staged in 2014 by Bashar Murkus at al-Midan Theater in Haifa.

<sup>60</sup> Two years were in fact added to his sentence in 2017.

<sup>61</sup> According to lawyer Abeer Baker, only 2% of security prisoners are granted this sentence reduction due to the—undivulged—opposition of the Shin Beth, though some 30 percent of common law prisoners obtain it (Acre, October 30, 2014).

<sup>62</sup> The National Democratic Assembly is a party of Palestinians in Israel, also called Balad, which was notably founded by Azmi Bishara. Its orientation is close to that of the PFLP.

<sup>63</sup> Published in a shorter version (Daka 2011).

Chief of Staff Moshe Yaalon. Walid Daka describes the measures deployed to break the political prisoners' organization and collective values, which were avant-garde in the militant and nationalist struggle, in an attempt to destroy the foundations and political resistance of Palestinian society. He considers prison to be a laboratory for policies instigated in the Territories. Above all, he highlights the parallels between Inside and Outside in the mechanisms used to separate Palestinians from one another, to fragment, isolate, and individualize. The aim have been indeed no longer to break Palestinian bones, but rather to change mindsets by working on the production of subjectivities both Inside and Outside. A fractalization of the modes of control and government of the Palestinians can be noted; that is, they are reproduced according to similar modalities in different places and on different scales.

The determining event that changed the course of prison management was the brutal ordeal of the August 2004 hunger strike. It was triggered—intentionally, according to Walid Daka—by the arbitrary, humiliating, and coercive measures taken by the new Shabas Director, Yaakov Ganot, in 2003: notably incessant sniffer-dog searches of prisoners and their cells, and the installation of glass windows and intercoms in the visiting rooms to prevent any physical contact with their families. Previously, the mesh grills at least allowed prisoners to put their hands through to touch their loved ones. The detainees were driven into launching an open-ended strike even though most of them, who were new to prison, lacked experience (Daka 2009, 2011). This strike took place at the time that the army was repressing the Intifada and as Yasser Arafat and the Territories were besieged. It could not really receive backing from Outside. It lasted between eighteen and twenty-six days, depending on the people and places. It remains in prison memory the darkest of strikes. Yet it was the first time that all the parties agreed on its necessity (Al-Uli 2004) and that Hamas decided to take part in a hunger strike. It was observed by over 70% of the prisoners. Like Walid Daka, Seitan Al-Uli<sup>64</sup> has described a highly organized repression on the part of Shabas and an unprecedented determination not to cede, backed by the Likoud Minister of Internal Security, Tzahi Hanegbi, with the intention not only of breaking the strike, but also the leadership. Salt—an ingredient needed to retain body fluids—was taken away. The strikers were force fed, lights were left

<sup>64</sup> Seitan Al-Uli was a prisoner from the Golan close to the PFLP. He was released from prison in 2010 at the age of forty-five with invasive cancer and died a year later.

on day and night, searches were incessant. In order to break the channels of transmission of information and to break their morale, the strikers were transferred, the leaders isolated, and visits from families and lawyers suspended. Cut off from the outside world, they were subjected to loud-speaker broadcasts of false information and rumors about the leaders “merrily eating chocolates,” or about Hamas’ intention to take political advantage of the movement, and to guards who taunted them by organizing barbecues in the yard.

It was a patent failure and had long-term repercussions. It revealed the Prisoners’ Movement’ organizational weakness, as the strike ended chaotically, individually, without coordination and collective decision-making (Daka 2009, 2011). While this rout was recognized as being caused by the authorities’ head-on confrontational strategy, it discredited a leadership on the wane since Oslo and proved to all the weakening of collective prison values. It marked consciences and demoralized. Many criticized the Strike Committee’s strategy. It firstly decided to focus on the localized demands of each penitentiary, although the prisons in the north, and particularly Hadarim, were more united than those of the south, where the three prisons designated to lead the movement—namely Eshel (Beer-Sheva), Nafha and Asqalan—were located. Secondly, it did not strictly follow the initial directives, even though the administration had cut the strikers’ main channels of communication (Al-Uli 2004). The leaders decided to stop the movement too soon; they thought that the men, 80% of whom were newly incarcerated youth, would not continue for long.<sup>65</sup> Finally, they failed to stop partisan competition for the leadership of the movement from undermining collective solidarity and, *in fine*, failed to create the conditions to resist the pressure exerted by Shabas.

None of the requests were met and the strike even represented a regression with the definitive loss of major gains. The security detainees lost charge of preparing and organizing the kitchens and maintenance work, which was given to common law prisoners in all the prison facilities, where *a minima* a common law prisoners’ wing was reestablished (with the exception of Ofer, due to its location in the West Bank). Hitherto possible via the inmates delivering food, the circulation of information was severely disrupted, as were effective control, and collective organization.

<sup>65</sup> Hassan, East Jerusalem, July 26, 2012.

The new prison management was thus more easily instigated. The collective isolation measures and watertight separation between the prisons' different wings that had started to be put in place—and to which this strike was opposed—were strengthened. The prisons were henceforth hermetically divided into wings (*gassem*) of about 120 prisoners, and sometimes even into cells. Circulation and communication between these wings were prevented, exercise and visiting times separated, and the role of the representatives of these smaller units enhanced. Shabas strove to separate them according to status and geographic and social identities, and to individualize daily life behind bars. The regrouping of prisoners Inside reflected the spatial fragmentation and isolation in the Occupied Territories. In addition to the compartmentalization and general restriction of movement came the more frequent use of punitive measures isolating groups (collective isolation) and persons (solitary confinement) for long periods. Most of the partisan leaders were thus isolated from the others and grouped together in Section 3 of Hadarim prison. This section can hold up to 120 detainees in forty cells that house three inmates. In 2014, seventy Fatah members were held there, including Marwan Barghouti who has been there since 2005 and the veteran prisoner Karim Younis; twenty-five Hamas affiliates; twenty Islamic Jihad activists; and seven PFLP and DFLP members (Barghouti 2014).

In addition to the time-old play on partisan divisions, distinctions were introduced according to the detainees' place of residence, and to types of citizenship based on the territorial fragmentation of the Occupied Territories (Daka 2009; Latte Abdallah 2015): Palestinian citizens of Israel, Jerusalemite Palestinians, Syrians from the Golan, West Bank Palestinians, or again Gaza Palestinians. For years, detainees from the Gaza Strip were habitually imprisoned in facilities in southern Israel: Ktsiot (al-Naqab), Ramon, Nafah, Eshel (formerly Beer-Sheva prison), Ohalei Keidar, and Shikma (Asqalan). The 48-Palestinians, citizens of Israel, Jerusalemites, and Golan prisoners were treated in the same way and separated from the others again when that had no longer been the case since 1976. Above all, they were subdivided again into separate wings or cells according to even smaller scales of geographic origin, status, and belongings, thereby reinforcing the pre-national solidarities and interests<sup>66</sup> against which the national movement built itself. Town residents were separated from the

<sup>66</sup> Following Jean-François Legrain, we could call them ethno-localist ties.

refugees of the camps they were home to (Jenin camp, Balata camp in Nablus, etc.), and those from one town from those from another, thereby fanning local particularisms and at times rivalry between places and cities (Ramallah, Nablus, Jenin, Hebron, etc.) that were increasingly isolated from one another by the Israeli system of control. At times, villages and even families were separated (Daka 2009). In the men's prisons, they were physically separated from the other detainees. Far fewer in number, the women have managed to resist this compartmentalization.

In addition to its three common law wings, there are now four security wings at Gilboa prison: one regrouping the Palestinian citizens of Israel, Jerusalemites, and Golan residents; one those from Gaza; a third, those from Hebron and Nablus; and a fourth where West Bank Palestinians are held.<sup>67</sup> At the detainees' initiative, partisan differences have long overlapped with the division of the wings. But with the scission between the PA in the West Bank and Hamas who took over in Gaza after the 2006 legislative elections, the prison and intelligence services adroitly fanned, then institutionalized the divisions by regrouping in separate wings the secular parties belonging to the PLO, on the one hand—Fatah, the PFLP, the DFLP, and the Communists—and the religious parties, on the other—Hamas and Islamic Jihad.

With the exception of a few rapidly contained incidents, this fracture was instigated without triggering violence between prisoners who did not wish to be separated in this way. The partisan leaders imprisoned together at Hadarim on the contrary reacted first by refusing their food and threatening an open conflict with the administration if the separation between the religious parties and PLO were applied to them. Then, in 2006, they drew up the Prisoners' Document, which called for national unity and foregrounded their specific identity as prisoners in order to rally together in opposition to these scissions. The superposition of these two types of division accentuated the fragmentation; in Nafha prison, there is as a result now a Gaza PLO wing, a West Bank PLO wing, a Gaza Hamas (and Islamic Jihad) wing, and a West Bank Hamas wing. The women were transferred for a while into two different prisons: Hasharon for the religious parties, and Damon, further north, re-opened during the Intifada in 2001, for the rest.

<sup>67</sup> Sudqi al-Maqt, Majdal Shams, July 11, 2014.

Brigadier General Yuval Bitton, at present the Head of the Shabas Intelligence Division, was the mastermind behind this policy of collective pulverization. In 2018, when the Minister of Internal Security expressed the eventuality of no longer grouping together detainees by political faction, Yuval Bitton reiterated this intention during a conference at the Herzliya International Institute for Counter-Terrorism:

between each of these groups sitting in jail there is a burning loathing and hatred. The internal Palestinian conflict serves our interests and we penetrate precisely these seams and cracks ... Our job is to deepen these ruptures, not to allow them to connect because when there is a common enemy, this is the factor that unifies the Palestinian people. (Harel and Breiner 2018)

This new spatial organization has been prolonged by dispositions aimed at breaking collective modes of representation and remodeling interactions with the administration. Here, as in other contexts of political incarceration, prison “attempts to individualize the detainees’ engagement,” there, where on the contrary “within the collective, the erasure of the singular is fundamental” (Lacroix 2009). Shabas failed to impose this new regulation everywhere and at all levels, but it did affect internal political organization. In each prison, the prison staff refused to interact with the General National Committee made up of the partisan organizations’ elected representatives, or with the Administrative Committees nominated by them, or with the detainees’ representatives, the only ones habilitated to liaise with it. They only interacted with the new spokesmen of the different regions regrouped in sections, whom the prison services chose from the few names put forward by the prisoners. The administration imposed that they met the guards individually, only relayed their section’s requests, and quasi-exclusively personal requests, thereby instigating differentiated living conditions.

The maintaining of collective punishments for individual violations, on the other hand, led detainees to mutually control one another (Daka 2009). Walid Daka also describes the banning of all forms of collective celebration of arrivals, departures, deaths of friends or relatives, speeches mentioning the situation in Palestine during Friday sermons, and any national images in cells. Moreover, a policy of constant transfers was instigated to prevent democratic practices within the Prisoners’ Movement, to undermine *carceral citizenships*, and to influence the results of internal

elections by opportunely displacing people. This also maintained them in a state of permanent instability in order to undermine morale and determination, to disorientate, and to psychologically isolate particularly those considered too active.

*Isolating Prisoners, Individualizing Daily Life, Breaking Prison Culture: Toward a Neoliberal Subjectivation*

By playing on perpetual change, which perturbs and makes it harder to adapt, and on individual emulation, by employing managerial techniques typical of the neoliberal doxa and exacerbating division, the Shabas intelligence division managed to permeate the workings of *carceral citizenships*, coopting many prison representatives, isolating, and pulverizing entire facets of prison culture. This intelligence division inside the prison system indeed prides itself on constituting a “unique model,” whose mission is “managing dialogue and contact with the security prisoners.”<sup>68</sup> The processes seeking to smash the Palestinian national body developed mechanisms to individualize life in prison and to isolate detainees, not only from one another, but also vis-à-vis the Outside.

Premised on the PA’s presence, the new Shabas regulations undermined communal rules and living. In the early 1980s, the parties and the Prisoners’ Movement had collectivized the sums sent by families for commissary. Partisan representatives received the money and distributed it according to needs, while food was communally prepared in the kitchens. The PA, who took over the distribution of commissary funds in 2003, initially adopted this system by paying sums to just a few attributed prisoners. Shabas then demanded that the PA pay these monthly sums to everyone individually. Since 2007, distinct procedures have been added depending on status: Palestinian citizens of Israel, residents of Jerusalem, the Golan, and nationals from other Arab states are no longer allowed to receive this money directly. It is sent instead to their families, who give it to them, sometimes late, sometimes in part only, which has widened the gap in prison living conditions. Above all, however, it has transformed financial management and the communal preparation of meals, especially as, after losing control of the kitchens, detainees, who often refuse the food made by the Israeli common law prisoners whom they do not trust,

<sup>68</sup> [https://www.gov.il/en/Departments/general/ihsf\\_bitton](https://www.gov.il/en/Departments/general/ihsf_bitton).

installed electric hobs in their cells to cook food bought in commissary. Most of the time, however, people compensate for this inequality by sharing at cell level.

Since the failure of the 2004 strike, physical distance in the visiting rooms is now the rule; visits take place behind a window, communicating via intercom. Only children under the age of six (now under eight) were allowed to approach detainees, to embrace or kiss their fathers or mothers. Moreover, the individual or collective suspension of family visits has long been the most frequently used punitive measure. They are suspended in the event of a conflict in prison involving one or several detainees (a hunger strike, for example), or in the event of a change in the political and military situation Outside. During the First Intifada, visits were forbidden in all the prisons. During the Second Intifada, they were suspended again for everyone from 2000 to 2003.

The bans on visits were henceforth applied to distinct groups according to local, regional, and partisan criteria, again duplicating the fragmentation set in motion Outside according to a fractal logic. For Nablus families, a town where involvement in the armed struggle was widespread and repression long and violent, visits were only re-authorized again in 2007. Families from Gaza have been collectively deprived of visiting rights since Hamas took over and conjointly in response to the kidnapping of soldier Gilad Shalid in 2006.<sup>69</sup> For Gaza families, the Israeli government for a time considered the idea—rejected by all the prisoners, even though some wives had unsuccessfully requested this—of making visits virtual by videocall. Gilad Shalit's release in 2011 did not automatically lead to the reintroduction of visits, however. They were progressively reestablished as of July 2012 following the major April–May 2012 hunger strike, albeit limited to only parents, spouses, and children under ten, and to only one visit every two months, not every fortnight like families' "normal" visiting rights in the West Bank.

The visiting regime progressively became governed by a system of privileges that has essentially broken up, and thus pulverized, the collective. After Hamas members' kidnapping and murder of three young settlers in the West Bank in June 2014, visits were suspended for everyone for a month and a half. They were instigated again first only for Fatah members, then, following a complaint filed by Israeli and Palestinian

<sup>69</sup> This decision was related to the ban on all movement from Gaza except for humanitarian cases (Knesset 2013).



NGOs (HaMoked, Addameer), were restored for sympathizers of the other factions, but less often: once every two months, like for Gaza inhabitants. They were banned again in 2018 for Hamas detainees on account of the fact that the two Israeli nationals held in Gaza had no visiting rights, and as their exchange negotiations had come grinding to a halt. Following a court application, the prison services modified the regulation to be able to legally apply this kind of differentiation. Visits have since been officially allowed every two months for security prisoners, Shabas reserving itself the right to grant them more often to certain people or groups.<sup>70</sup>

According to Walid Daka, control by material comfort has developed as a means of shaping detainees' consciousness in an effort to mold a new generation of Palestinians (2009). Managerial and neoliberal techniques of isolation, detainees' material improvements, and comfort have indeed been used to forge more individualistic, more passive, or even more powerless subjectivities vis-à-vis the new modalities of control; there where political prisoners had previously always constituted and represented a single collective body rooted in a nationalist militant prison culture.

With the modernization and construction of new carceral facilities, detention conditions rapidly changed in the prisons where over a dozen prisoners used to be crammed into cells and slept on mattresses on the floor. This was notably the case at Ofer, Ksiot, the new Hadarim wing (Section 3), and the recent Rimoin building for minors, who had previously been detained in deplorable conditions above the Hasharon women's prison.<sup>71</sup> The buildings of the US-style Hadarim wing are light, divided into quite spacious rooms fully equipped with TVs, DVD-players, fans, and hot and cold water fountains. Some wings have a kitchen and even a washing machine. They are designed so that the detainees can live there in independent wings and take charge of daily life as they see fit.<sup>72</sup> This control by material comfort was first made available to all the factions' political leaders regrouped and collectively isolated in Section 3 of Hadarim, notably Marwan Barghouti of Fatah, Abdul Khaleq

<sup>70</sup> Interview with a lawyer from the NGO HaMoked, February 18, 2015. A lawsuit was underway to prevent this amendment of the regulations.

<sup>71</sup> Rachela, an academic jurist from the Hebrew University, West Jerusalem, April 7, 2010.

<sup>72</sup> *Idem*.

al-Natsheh of Hamas, Bassam al-Saadi of Islamic Jihad, Abdul Rahim Mallouh of the PFLP, and Mustafa Badarneh of the DFLP—all signatories of the Prisoners' Document, which they collectively wrote there.

The authorities sought to sway the prison leadership in this way or to encourage the emergence of another leadership aligned with the desires of the intelligence services, and in turn capable of influencing Palestinian society. The leaders were not however the only ones concerned, even if these amenities are far from being uniformly applied to all or in all establishments. The inequality of treatment toward certain people or groups, deliberately singled out by the prison services, is indeed another factor generating suspicion and dissension. It has helped elaborate a system of privileges that was previously virtually inexistant, and that is characteristic of total institutions, which, as Erving Goffman has shown, affects personalities by focusing attention on access to these advantages, while at the same time mentally and physically subjugating them to the prison staff (1979). Prison mobility, being moved closer to where their families live and access to studying at the Tel Aviv Open University are all leverage points in this system. For Shabas, university courses are not a right, but a privilege strictly conditioned by behavior. Authorization can be withdrawn at any time, even in the middle of a course, meaning that the year and the costly study fees are lost. Access, for that matter, requires significant financial means, not initially covered by the PA, which over time developed its own educational aid system for detainees. From being marginal and politically contested, higher education became highly demanded in this period and enrolments multiplied.

Finally, prison modernization was based on a new carceral technology that tends to invisibilize control and the deprivation of liberty by putting the detainees before faceless spaces and prison apparatuses, and less and less before guards. Here, the detainees now shut their own doors before the duty guard activates the centralized system to lock the hundred or so cell doors. Others live in an “independent” space without seeing guards, do their own laundry, and go “freely” about their daily occupations. Furthermore, these new technologies offer the added advantage of reducing detention costs in the logic of neoliberal economics. With Shabas' takeover of all prisons during Commissioner Ganot's mandate (2003–2007), the number of detainees doubled, rising from 12,000 to 24,000, while personnel rose from 3,800 to 7,000. The aim was to avoid an even more substantial increase in prison staff, to limit salary costs by allowing the employment of less trained, less qualified, and thus less

well-paid people among the younger and more precarious fringes of the population, notably mobilizing a thousand young women and men doing their military service.<sup>73</sup> This opened the door to a rapid and visible feminization of the guards, which changed the face and the perception of confinement.

The new prison management thus strove to shape political prisoners' subjectivities by shifting from the uniquely repression-based control that characterized the previous periods to dispositions that also draw on more productive facets of power by eliciting forms of adhesion<sup>74</sup>: in other words, a shift from subjectivation through violence to the attempt to forge more neoliberal subjectivities. I draw here on Michel Foucault's very early analysis of neoliberalism as a world vision, as a global project that is not only economic but above all political, a "biopolitical modernization"<sup>75</sup> that profoundly transforms society and the relations that individuals have with themselves, no longer through disciplinary processes but based on an "optimization of difference,"<sup>76</sup> of stratification and competition, and of emulation—a project that is elaborated thanks to the adhesion and participation of all. This political carceral management is, in certain respects, inscribed in a "post-disciplinary or governmental prison" model, as analyzed by Gilles Chantraine, who draws on the work of Zygmunt Bauman on Pelican Bay State Prison: a pure instrument of neutralization which, in its ultimate form, would see "rights be more respected, risks hyper-evaluated, security-based communications reinforced, the influence of leaders reigned in, detainees emulated, their autonomy controlled, their privileges meted out, their hopes fragmented, and their solidarity shut down."<sup>77</sup>

Former prisoners have all described a period that saw the abandoning of values, of solidarity, of the shared principles and ethics of the struggle Inside and Outside, and thus of the Prisoners' Movement—a quasi-complete loss of its culture, the root cause of which they attribute to Oslo.

<sup>73</sup> <http://www.ips.gov.il/>.

<sup>74</sup> In contrast with his book *Discipline and Punish. The birth of the Prison* (1977) and its disciplinary conception of the prison, Foucault later distanced himself from a solely repressive and negative vision of power that prevents understanding the dynamics of its hold.

<sup>75</sup> Haber (2013).

<sup>76</sup> Paltrinieri (2013).

<sup>77</sup> Chantraine (2006).

For Walid Daka, who from his position behind bars focuses his analysis on the role of Shabas, the al-Aqsa Intifada marked the beginning of this transformation. It is in reality the succession of these two periods that resulted in this situation. He describes the psychological malaise created by a material comfort that has progressively invisibilized the domination and violence of incarceration, and the difficulties in repositioning oneself vis-à-vis a new faceless carceral management:

Despite a certain material comfort, one of the prisoners spontaneously and simply described the state of the prisoners' values: "In the past, we were all together, now we are all against each other." This sentence sums up the entire Palestinian political scene, but the contrast between relatively good living conditions and the feeling of a deterioration in morale comes primarily from the prisoners' inability to identify the oppression they are facing. Because it does not appear to them directly in a brutal form, they cannot determine the means to oppose it.<sup>78</sup>

This malaise is also induced by the inability to enounce it due to the acute difference between the heroic figure of the prisoner and a political prison culture unchanged in national and societal representations and prison literature, and daily life in prison, where, according to Walid Daka, this culture almost no longer exists. A contradiction that is at the root of the powerlessness that detainees feel when seeking the means to resist this disintegration. Daka saw this in the lack of mobilization during the 2009 Gaza War, and in some prisoners' tendency to focus on themselves or on activities far removed from national preoccupations. Sport and the long hours spent watching TV shows have eaten into the time used for political training, cultural activities, and reading, which previously constituted the central axis of prison socialization. According to him, the most-read books have become astrology, personal development books, and novels, and he interprets the multiplication of university courses strictly in the perspective of individual or professional mobility.

<sup>78</sup> Daka (2009).

TAMER, FIRAS, AND SAMI. THE AL-AQSA  
GENERATION AND THE NEXT: IN-BETWEENNESS  
AND THE WORLD OF NETWORKS BEYOND WALLS

*Political Ruptures and Fragmentation*

April 2010, I have an appointment with Fadia, whom I met shortly before in a lawyer's office. Divorced, she is not adapting well to her release from prison, unable to meet her son's needs, trapped in her family although she is now nearly forty years old. A nurse, she was incarcerated in 1999 because the ambulance she was in was transporting arms. She claims she had nothing to do with it, but was sentenced to three years. We have arranged to meet at Zyriab Café; she wanted to introduce me to one of her friends. Tamer, 24 years old, single, has picked up his Political Science studies at Birzeit University again following his release four months earlier, after four and a half years in prison. His poise and build are impressive for someone so young. He is wearing a gray polyester suit, a dark shirt without a tie, black shoes, like the Fatah leaders of the previous generation. He calls me "Doctora" and addresses me with an old-fashioned deference due to my academic status and the fact that I am his elder. He describes himself as a politician. He was a member of Fatah and is still so in his heart, but is no longer active in a party that,

like Hamas for that matter, has become a "company". Abu Mazen [President Mahmoud Abbas] and Salam Fayyad [at the time Prime Minister] have "killed" all the parties, have turned them into businesses, and are only interested in the economy even though there is still an occupation going on. The moment they [the Israelis] decide to shut everything down, to stop everything, everything stops. Hamas is the same, as they have become an Authority [*Sulta*] in Gaza, and that being, it's the end. I'm against this office government [*makatib*]. The Sulta [Palestinian Authority] and Fatah are two separate things. The Sulta stops us from resisting, and there are also a lot of Fatah members in Palestinian prisons [run by the PA in the West Bank]. After my release, they came to my house to search all over to take my arms. Today, no one does anything for the cause anymore, but, you'll see, in a few years' time there will be a change. I'm not only talking about a third Intifada, but you'll see. When Arafat was besieged in the Muqata'a, I was among the group of young people who came to defend him and I spent the whole siege with him. For me, he was a leader, a great man (*kabir*). Everyone loved him, whatever the party, Fatah, Hamas, Islamic Jihad, and all those who met him. We had very little food in the Muqata'a

because of the siege. I brought him an apple that he ate, then a woman brought him some soup. He refused it saying he'd already had an apple, she insisted saying he was our leader [*qaid*], but he didn't want it.

I ask why he was sent to prison:

I was charged for having received money from abroad to support the Intifada and the al-Aqsa Martyrs' Brigades. I was put in isolation for quite a long time with about twenty other people. I was at Nafha in the Negev with Barghouti. In prison, there's no big man [*kabir*] or little man [*daghir*], everyone is the same. At the end of each day, it is an eighteen-year-old girl who shuts all of our doors. There was one who I often talked to who was studying Economics; I used to help her. I often spoke with the guards. Some were doing their military service, others were Shabas employees; they too were shut up all day long. But when they entered our cells for the searches [*taftish*], not a word. They were professional. In prison, there's a bad side and of course you only have one desire—to get out—but there's also a good side: we were all together, we supported one another, we never left anyone alone, sad. We would talk to him, say, you are a combatant (*munadil*), you are strong, you have done things for your country. We sang too—nationalist, resistance songs.

He lived the Hamas/Fatah scission on the Inside. He says that it was not that perceptible, that there were no “physical” battles, that the prisoners remained together in some facilities, and that in others, the Israelis separated them for security reasons. After having unofficially followed classes at the Tel Aviv Open University through the intermediary of another prisoner who translated for him because he did not receive authorization for security reasons (*bitakhon*—Hebrew) and because his Hebrew was not good enough to be able to follow alone, he went back to his studies on his release.

Prisoners only pay half the course fees, but for some, like me, it was totally free because I had responsibilities on behalf of the students before at university. After, I should have got a job as a director general (*mudir 'am*) in one of the PA ministries because I had studied, but I refused; I don't want to work in an office. I would like to become a university lecturer to teach my students the right things. I was shocked when I came out: the young women, the way they dress, the money, the cars. That [he points to a group of young women leaving the café, not wearing hijabs, in jeans and tight tops], that's Ramallah. I won't say any more because we

won't agree, but we are an occupied people and we are Muslim. During the Intifada, we stopped bars or shops from openly selling alcohol. I am shocked that so few youths know the history of their country, and where they come from when they live in a camp. It wasn't like that in Syria, where my family is [after taking refuge in Syria, they, like Tamer, now live in the Jalazone camp near to Ramallah]. All they think about is the latest cell phone, a new shirt to buy, both the young men and women. And we, we fought, we went to prison for that, because it's for the people that we did what we did. There are big marches on Prisoners' Day [April 17], but I get the impression that there's only one day a year when people think about them.<sup>79</sup>

With the al-Aqsa Intifada, Fatah members were sent back to prison *en masse* after having for a while become less numerous in many facilities than Hamas. They took back control of leadership and everywhere, the prisoners' general representative became Fatah-affiliated again.

The separation between religious and secular parties Inside occurred in the wake of the Hamas/Fatah rupture following the 2006 legislative elections. In the summer of 2007, this led to the existence of two competing authorities: one in the West Bank presided over by Mahmoud Abbas, and the other in Gaza presided by Ismaïl Hanieh of Hamas. This major political rift translated in detention into a spatial separation decided on by the prison services. It also often led to the election of two general representatives in each prison instead of one—one for the PLO secular parties, and the other for the religious parties—when, in places where it was possible, they for a time no longer visited nor spoke to one another. In April 2007, of the 9,250 detainees under its responsibility,<sup>80</sup> Shabas listed 4,457 Fatah members (48%), 421 PFLP members (4,5%), and 113 DFLP members (1,3%), on the one hand; and 2,389 Hamas members (26%) and 1,312 Islamic Jihad members (14, 2%), on the other; 516 remained unaffiliated (5,6%).<sup>81</sup>

This separation did not, however, follow the political fault lines between those in favor of Oslo and the parties opposed to the Accords (the PFLP, the DFLP, Hamas, and Islamic Jihad). This further weakened the internal organization. Farid of Hamas told me that at Meggido, then,

<sup>79</sup> Ramallah, 19/04/2010.

<sup>80</sup> Eighty-seven were under that of the army.

<sup>81</sup> IPS, Detailed Statistics on Security Prisoners, April 1, 2007.

the PFLP had wanted to join the wings where the religious parties were housed, a move that the prison warden refused.<sup>82</sup> The factions that had refused the Accords were on the whole in favor of all forms of combat, including armed struggle. But with the al-Aqsa Intifada, this tactical choice divided even within Fatah—a disagreement to which was added the Fatah leaders' vying for influence as they sought to assert themselves after Yasser Arafat's death in 2004.

Fatah members entering detention found few elders and a weakly-organized partisan life Inside, contrary to Hamas, Islamic Jihad, or PFLP militants. As opponents, Islamic Jihad and Hamas and to a lesser degree the PFLP had maintained their presence since the First Intifada. Well-versed in a constantly semi-clandestine partisan organization, they had conserved disciplined prison branches, whereas Fatah failed to reestablish its own, prey to rivalry and dissension, losing its ability to take unitary decisions. New Fatah prisoners indeed belonged to different and sometimes rival groups: the Fatah leaders involved in the al-Aqsa and Tanzim (the party's military organization) mobilizations, and in the al-Aqsa Martyrs' Brigades, such as Marwan Barghouti; others belonging to the party's security services who had joined the Uprising; younger local leaders engaged in the movement and seeking a place in the party; and finally, barely politicized armed youth having joined the Intifada. Fatah's decentralized structure was further reinforced after the arrest of Marwan Barghouti. Some refused to give up their arms and to abandon resistance once the PA, run by Mahmoud Abbas, had reestablished complete security cooperation with the Israeli authorities, and actively participated in crushing the armed struggle in its ranks and in the West Bank by reforming the security services under the auspices of the United States (the Dayton Plan) after 2007. Armed bands developed, at a junction between resistance actions, delinquency, and mafia trafficking. At times they were "simple expressions of localisms, clan belongings, or even strictly personal interests" (Legrain 2007), affiliated for some to Palestinian intelligence service cadres or to rival, then dissident figures within Fatah, like Mohamed Dahlan,<sup>83</sup> especially in the refugee camps, such

<sup>82</sup> East Jerusalem, July 24, 2012.

<sup>83</sup> A former head of the Preventive Security in Gaza, which he left following the split between his party and Hamas, he was expelled from Fatah in 2011 and went into exile in the United Arab Emirates, but continued to maintain important networks in the West Bank and to work for his political future.



as the Balata camp in Nablus.<sup>84</sup> Fatah was thus “undermined by its divisions (returnees/locals; the young/old; partisans/opponents to the armed struggle) and by some of its cadres’ competing appetites for power” (Legrain 2007). Some were incarcerated in Israel, while others began to find themselves in the PA prisons, along with Hamas, Islamic Jihad, then left-wing opponents. The limited political socialization of some of these new detainees, first linked to the world of arms, contributed to the disintegration of the prison branch of Fatah, which was riddled by political divergences, but also personal rivalry, clientelist interests, and diverse trafficking.

Firas worked on the Prisoners’ Document for Hamas. He is a Palestinian citizen of Israel belonging to the Islamic Movement in 48 Palestine (Israel) close to Hamas, and one of the leaders of this party in detention. He evoked the problem of leadership, particularly within Fatah:

Today, the *qaid* [leader] is no longer a *qaid*. In the Prisoners’ Movement, everyone leads their own strike [he was referring to the multiplication of individual or small group hunger strikes, mostly to protest again administrative detention orders]. When you take a decision, it no longer applies to everyone. The only one who can take a party decision and that is applied is Hamas. There are disputes, but they don’t explode the party. Why? It’s the result of Oslo, the al-Aqsa Intifada and the new generation. Marwan Barghouti is a national leader [*qaid watani*] Outside, but Inside? I don’t think so, because there are divisions between the northern Fatah and the southern one, between its military branch and the rest, etc. Oslo weakened them. The PFLP, which was the most solid, has major financial problems because it receives money from the PLO. The PLO opens and closes the floodgates to put pressure on this party, and the result is that they have difficulty in taking common political decisions. I lived in the same cell as Ahmad Saadat, and I really respect this party. We all grew up with the PFLP and here [in the Palestinian community in Israel] with Abna al-balad<sup>85</sup> [two ideologically close parties founded in the late 1960s/early 1970s]. The PFLP played a major historical role in our political culture. We were young [Firas was forty-five at the time of our discussion], we

<sup>84</sup> See Minassian (2017).

<sup>85</sup> Literally “Sons of the Land.” It is a political movement of Palestinians in Israel opposed to participation in parliamentary elections, unlike the Balad party (National Democratic Assembly or Tajamu’).

were all in Abna al-Balad, we were immersed in it, and it's the same for the PFLP.<sup>86</sup>

The rivalry and lack of unified command between those involved in the Uprising (the various groups of the Fatah camp and Hamas, Islamic Jihad, and PFLP partisans), coupled with the Israeli repressive apparatus, which constituted territorial units cut off from one another, accentuated the formation of extremely localized political and military alliances. Regional leaders competed with the partisan representatives, which had effects on detention.

After 2007, the generation that joined that of al-Aqsa Inside was all the more disparate as it was even less affiliated to a partisan system contested on every level by the youth and the new forms of civil society mobilization that constantly grew. As of 2009, it was thus the activists and youth from villages involved in the peaceful popular resistance who were most often arrested. In the village of Nabi Saleh, which has a population of approximately 600 inhabitants, over 100 people were sentenced between 2009 and 2012, not counting the foreign and Israeli activist who took part in the weekly actions.<sup>87</sup> This movement, which re-localized the resistance and which asserted its nonviolence, was born in 2003 with the creation of village committees and the launching of their first demonstrations. It spread throughout the West Bank in the villages affected by the Wall and the settlements, such as Bi'lin, Ni'lin, Beit Umar, Kufr Qaddum, Nabi Saleh, or the Jordan Valley. Through weekly demonstrations and innovative actions (performances, the *ex-nihilo* creation of the Bab al-Shams village near to Jerusalem in January 2013 and that of Ein Hijleh in the Jordan Valley in 2014), which sought to win the battle of images and rally international opinion, these village committees defended local rights to resources, to cultivating the land, to circulation, and so on—in other words, the “same rights” that the Israelis enjoy in a de facto common space (Latte Abdallah 2019, 2022). Few claimed a partisan belonging.

Bassem Tamimi from the village of Nabi Saleh—one of its leading figures at present along with his daughter Ahed—was a Fatah member of the militant First Intifada generation. He was born in 1967. He has been administratively detained a dozen times. In 2011, he was sentenced

<sup>86</sup> Umm al-Fahm, 27/07/2015.

<sup>87</sup> Bassem Tamimi, Ramallah, 19/07/2012.

to thirteen months in prison and a seventeen-month suspended sentence for his role as a leader of the popular resistance. In keeping with the methods employed by the military courts to crush these mobilizations, he was incriminated by two fourteen-year-olds whom he supposedly urged to throw stones. A civil servant at the Ministry of the Interior, his Fatah affiliation has become distended over time, as he is critical of the conflicts and the tendency to put party interests before national questions.

I was Fatah, but now I'm first and foremost Palestinian. When I agree with a direction taken by Fatah, I'm Fatah; when I share Hamas' position, I'm Hamas. Today, the problem is that the party has become more important than the cause it defends. When Fatah men come out to beat people in demonstrations [he is referring here to incidents that took place in March 2011 during the youth protests of the short-lived Palestinian Spring], I take to the streets even if I am a Sulta employee.<sup>88</sup>

He is critical of political choices that have all failed: both the Oslo Accords, which he was never in favor of, and the armed struggle, which he rejects at present. He embodies another vision of resistance, one inscribed in the prolongation of the civil society mobilizations of the First Intifada, as opposed to the armed Al-Aqsa Intifada. He is in alignment with the BDS movement's vision. Like a growing proportion of the population—albeit still the minority, around 30%—he has gone from the aim of national liberation and a two-state solution to the demand for citizen rights in a single State. Others refuse to pronounce on the alternative between one or two States, which they consider out of their range, to focus on local sovereignties; some envisage an Israel-Palestine confederation, adopting a post-State, or even post-national perspective. This represents a profound strategic rupture in militant stances in Palestine and challenges Fatah's political line and even that of the other parties and does so beyond partisan logics and discipline.

Since 2013–2014, demonstrations and riots have continued to spread in the West Bank and in Jerusalem. In June 2014, the murder of sixteen-year-old adolescent, Mohammad Abu Khdeir, burned alive by young settlers, deeply scarred minds.<sup>89</sup> It was followed by the war that the Israeli

<sup>88</sup> *Idem*.

<sup>89</sup> In a reprisal operation to avenge that of three young settlers killed by militants close to Hamas after their kidnapping in May.

army launched on Gaza in the summer of 2014, right in the middle of Ramadan. Another attack on civilians perpetrated by extremist settlers known as the Hilltop Youth on July 31, 2015, in the village of Douma, near to Nablus, constituted another deep collective shock. A firebomb was thrown into the house of the Dawabsheh family in the middle of the night as they slept. Both parents and their eighteen-month-old baby died from their burns. Protests were accompanied by a series of ram attacks (*'amelieh al-hadeth*—sing.) against Israelis in Fall 2014, then, in Fall 2015, knife attacks (*'amelieh ta'n*—sing.), and, very rarely, gun attacks perpetrated in the city of Jerusalem by often young Palestinians with no specific political affiliation. A majority indeed acted alone; others dissimulated their membership in order to avoid mass arrests in their parties. Some factions a posteriori claimed responsibility for actions that they had not planned in order to hide their loss of influence and their powerlessness to occupy a place of resistance—and this even going against the partisan line and ethos. The PFLP thus ended up honoring as martyrs two young men who carried out a knife and ax attack in the synagogue of one of Mohammad Abu Khdeir's murderers. They did not belong to the PFLP, this party rejects all operations against civilians, but their uncle, a PFLP militant, managed in spite of the waves it made internally to gain them this posthumous recognition.

Mass arrests began again in 2014. According to Israeli police figures, 13,505 West Bank Palestinians and 3,891 from East Jerusalem were arrested in 2014. After having fallen to 4,281 at the end of December 2011, the number of security detainees rose to 6,391 in late 2015.<sup>90</sup> Many young detainees from this time of the Small Uprising (*habbeh*) thus found themselves with no partisan identification on their arrival in prison. They were automatically integrated into the sections of the majority party, considered the “mother organization” (*oum al-fasayl*), that is, Fatah. According to Shabas' classification, at the end of 2015, 574 remained unaffiliated (i.e., 9%).<sup>91</sup> Non-partisans listed by the prison services thus doubled between 2007 and 2015—a minimalist proportion, as circumstantial, post-detention, or lapsed affiliations are not visible. This tendency has been confirmed. While the proportion of Fatah and Hamas members had hardly changed in relation to 2007—respectively, a half and a quarter

<sup>90</sup> B'Tselem, [https://www.btselem.org/statistics/detainees\\_and\\_prisoners](https://www.btselem.org/statistics/detainees_and_prisoners).

<sup>91</sup> Detailed statistics provided by B'Tselem.

of the 5,500 political prisoners—at the end of 2018, that of the other factions had fallen (from 20 to 15%), and 10% were unaffiliated. The remaining 1% declared that they belonged to the Islamic State or to other Jihadist groups to have emerged on the international stage.<sup>92</sup>

In addition to the difficulty of integrating a youth that claimed to answer to no authority other than fighting the Occupation in diverse, unstructured ways was that of the presence in the prisons of a minority claiming allegiance to al-Qaeda, then Daesh (ISIS) for most of the Palestinian citizens of Israel, whom Shabas did not authorize as having their own organization. Hamas refused to integrate them into its prison branch, given its conflict with a Salafi-jihadist opposition in Gaza. They therefore joined Fatah, Islamic Jihad, or remained apart. Firas told me:

When I was in prison, Daesh wasn't yet present; it was al-Qaeda. We didn't want them; I wouldn't willingly approach a snake. They are *takfiri*,<sup>93</sup> Salafi jihadists who want to divide Islam. For me, they are apostates [*qufar*], their thinking is diabolic [*shaytani*], they aren't only a danger for Christians, but for all human beings. We are very clear in our position; we are against killing, and they kill, like Assad kills. We spoke with them. Some didn't change their position, so we removed them from our wing; some moved in our direction. Who took them? The Islamic Jihad and Fatah. They are present with the other organizations, but not with us. Even as an association [Firas runs the Yussef al-Sadiq association helping prisoners, set up in 2015 in prison and linked to the Southern branch of the Islamic Movement in Israel,<sup>94</sup> but which seeks more widely to represent Israeli Palestinian political prisoners], we have no contacts with them or their families, even with those who are in a Fatah wing because they have not become Fatah.<sup>95</sup>

<sup>92</sup> Figures taken from Harel and Breiner (2018).

<sup>93</sup> A word referring to the name of an extremist group *Al-takfir wa al-hijra*, which emerged from a 1971 breakaway from the Muslim Brotherhood and advocates excommunication of other Muslims and ultra-violence.

<sup>94</sup> In favor of participation in Knesset elections, unlike its northern branch headed by Sheikh Raed Salah.

<sup>95</sup> Umm al-Fahm, 27/07/2015.

*Porosity and the World of Networks*

The carceral period that began in 2000 is described as a time of idleness, frustration, distortions, confusion, and as a cultural setback.<sup>96</sup> The figure of the political detainee remained unchanged despite the profound changes to life behind bars, for this figure continued to play a symbolic and political function: it remained a consensual image that could be mobilized in calls for unity, a safeguard containing disintegration. The history of political incarceration and the sacralized figure of the prisoner indeed unites and recounts this common experience. It is all the more convoked when political fragmentation becomes patent. Collective values were nonetheless less pulverized in prison. The neoliberal subjectivities encouraged Inside were even more so Outside. Ex-prisoners recount a more preserved time behind bars than the situation they faced on release. Despite the new management's efforts to encourage individualism, difference, and privilege, in its violence that the deprivation of freedom represents and the sharing of daily life by people from distinct social groups, imprisonment forged a common experience. From Jawad's account of the Al-Amari camp in Ramallah, we can clearly see that the feeling of social equality experienced in detention contrasted sharply with the decisive increase in inequality and social segregation Outside at that time. Prison integrated people into a diversified social body, while living standards and ways of life Outside became stratified and compartmentalized. Since the Salam Fayyad government (2009–2013), neoliberal reforms have multiplied in the West Bank, even if they have failed to stem the clientelism and corruption that have continued to grow while authoritarianism has at the same time intensified. Unlike the previous Prime Ministers, Fayyad was not a Fatah politician. A former World Bank employee, he applied neoliberal methods in an effort to revive the Palestinian economy, to end corruption, and to introduce other modes of government, while at the same time building the Palestinian State "from the bottom up."

Jawad is thirty-two years old and studying French at the Ramallah French-German Cultural Centre in the hope of marrying a French woman and building himself a future outside Palestine. He went to France for two months during a twinning program between the camp and the town of Stains in the Paris suburbs. He tells me he has not managed to get married

<sup>96</sup> The Prisoners' Museum, Abu Dis.

yet for lack of money to pay all the costs involved in a wedding here for a man. We meet at the camp. His sitting room contains a few beaten-up sofas, a coffee table, and a television. On the TV set is a photo of his big brother, a member of Hamas, who has been in prison for twenty-one years after being jailed just before Oslo for stabbing soldiers in Jerusalem. He had four more years left to serve, but was released shortly after our meeting during the Shalit exchange in October 2011. Both his parents are dead. He is tense, containing an anger that sometimes spills over in flood of virulent words. Jawad was held in administrative detention in Naqab prison from 2003 to 2004. This prison is reputed to be tough. When I ask him about his experience that year, he answers that, after a while, prison is like a home:

- I was fine, better than Outside at times. You eat, sleep, play, are in contact with lots of people, study.
- Not Outside?
- Inside, we are all the same. No one can claim to be superior to you. Outside, depending on the neighborhood, the party, whether you are rich or poor, educated or not, people won't mix with you. There's an equality in prison and, at any rate, you have no choice. Outside, there isn't. There are rich neighborhoods, like the al-Masione district, which means the district of big thieves. Outside, you have problems all the time and you can't do much. I wanted to study psychology, but I can't, and I can't manage to get married either. There's a lot of unemployment. They don't want to employ people from the camps and if they do, we are very poorly paid. I worked at the Movenpick [a luxury hotel] in room service for two months. I earned 450 dollars a month. I quit. It was too badly paid and too exhausting. If you aren't in Fatah, you don't stand a chance here. The Third Intifada is going to happen soon, in two or three months at the most because people are sick and tired and that's all we are hoping for.<sup>97</sup>

The encouragement of consumerism and home ownership through a banking policy of household debt has forged more individualistic, competitive, materialistic neoliberal money-driven subjectivities that are

<sup>97</sup> April 26, 2011.

a source of bitterness for those coming out of prison. Sami expressed this malaise before a society in which he no longer recognized himself on release, at over forty years old. Like in Tamer's account, the meaning of time spent in prison collapses on contact with the existences and values of those who remained Outside. A member of the PFLP, Sami, was imprisoned for nine years (2002–2011) for having played an important part in the Second Intifada. At the time of our first discussion in his flower shop in Ramallah, he had been out for a year and was trying to find his place and felt a little isolated. He appeared to have stepped back from his political activities, but seemed pretty happy. A year later, I dropped by and found him despondent and bitter. The shop is not very big, and the flowers quite simple, hurriedly pushed in black plastic vases. His family prepared his return by opening this shop for him, which above all survives because it sells floral decorations for weddings and other celebrations. He sighed, in a voice laced with resentment:

Life has changed 180 degrees, mentalities, daily life, the constructions everywhere, the millionaires... It's hard. No, I'm not happy; I didn't fight for this. So I prefer being with flowers than with people. This World Bank politics won't get us far. People buy cars, houses. They only think of paying back their loans to the bank, they are scared of losing their jobs. They only look out for their affairs, not those of the country. It was better before the 2000s; life was about social life, it wasn't about a new car or a new house.<sup>98</sup>

If the 2000s have seen a decline in the parties' and the Prisoners' Movement's influence over prison life to the benefit of more individual and more recreational preoccupations, they have also been a period of porosity and increased interactions between the Inside and Outside. Clandestine practices have opened the prison up to the Outside and, in that respect, they have helped make it less of a "total" institution than for the previous generations.

The Oslo generation was that of images, of the growing place of television, which impinged on the Golden Age of political detention's world of writing. The al-Aqsa generation saw the more technological worlds of phones, then digital and social media, penetrate prison. Cell phones started to be smuggled into the men's prisons while, up until May 2019,

<sup>98</sup> Ramallah, July 16, 2012.



all phone access was forbidden to prisoners whether to call their families or their lawyers. They were particularly numerous during the first decade of the 2000s, especially in the former military tent camps, such as al-Naqab or Meggido, where smuggling is easier. There were at that time about sixty in Meggido and several per cell in many facilities. These cell phones were extremely expensive and purchased collectively, in general by factions, especially the more organized ones such as the Islamic parties, or by small groups of detainees. It was thus Hamas and Islamic Jihad who began to smuggle them in as they had more means to pay off the guards, then Fatah. They were shared and owned firstly by those serving long sentences. Those who were there for a short period bought minutes on another group's phones. The prices I was told varied according to the model and the place, but remained astronomical—twenty times higher than what they cost Outside. A basic phone costs about 15,000 shekels (4 600 dollars), and a smartphone with a camera and internet access about 60,000 shekels (18 500 dollars). They are the object of a profitable business for the guards; some provide them, other seize them during searches, sometimes in concert with, and depending on, the situation.

Phones have thus become a means of daily communication with the Outside and above all with families—who in the past would often lose contact with their relatives due to the frequent bans on visits—, but also with lawyers and the associations. As the phone lines are tapped, or susceptible to being so, they are rarely used for political exchanges. Firas thus told me that in addition to Yussef al-Sadiq association's regular missions, they intervene when alerted by mobile phone calls signaling medical problems, or to meet a person's specific needs, or during periods of "oppression" by the special units, confrontations with the guards, or poor treatment. These calls add to the older means of communication between the prisons and between the Inside and Outside: including the entrance and release of detainees; lawyer and family visits; "al-Bosta," the name for journeys to court or between facilities in prison vans that stop at several places, and notably at Ramleh central prison, where detainees cross paths and can exchange; prison transfers, which have become incessant with the new management; but also, and for political information only, the sometimes coded *kapsulat* (little capsules that are swallowed), or books into which documents are slipped.

I was able to observe the frequency of these cellphone exchanges when I was with the brothers or mothers of prisoners who received, or were waiting for these calls; when an ex-detainee showed me the photos of his

prison friends taken with a phone camera while serving time; when, in a café, where I was talking to an ex-prisoner, the person sitting next to us who had overheard our conversation told me he was chatting at that very moment with one of his friends in al-Naqab and offered to give me his number. Since the early 2000s, the Israeli *Haaretz* journalist Amira Hass was thus able to correspond with Mahmoud Safadi beyond the walls by letter, then phone, a correspondence that gave rise to a theater play. A group of detainees used a smartphone to post the photo of a particularly succulent meal at al-Naqab on Facebook in 2009, in which, faces beaming, they tucked into a chicken striking defiant poses and playing up the opulence and their ability to escape the prison situation. Its circulation on social media, then in the Israeli press, caused a storm and resulted in a wave of searches, the confiscation of phones, and a clampdown on trafficking that considerably limited the number of phones in prison in the years that followed. Since, their possession has become less uniform: there are only one or two per wing, or even none at all in some facilities like Hadarim, where in any case, the network signal is jammed making it impossible to call. The installation of jamming devices to disable communications in other establishments was indeed one of the causes of the 2019 hunger strike.

For this generation, the greater porosity between the Inside and Outside has placed detainees in a between two worlds that has turned prison into a non-place, one of suspension. The detainees are thus neither Inside nor Outside, unlike in the past when they were simultaneously present and politically active behind bars and in the Territories from the late 1970s up until Oslo. It is a struggle to reconstruct prison in terms of formative seclusion, its dimension as a radical experience of the collective and the political. For Saad Nimr, at the time cabinet director to the Minister of Prisoners' Affairs Issa Qaraqe, the current generation is "in limbo," as it is too connected with the Outside, even if this reconnection has made it possible to maintain family ties.<sup>99</sup> It has also helped trajectories by enabling educational and militant paths that were previously inaccessible. Certain detainees' digital presence on the internet via social media messaging systems, but also their Facebook profiles on ONG websites, or kept going by family and friends, help them to exist Outside. It has given new collective resonance to detainees' mobilizations, which

<sup>99</sup> Ramallah, April 27, 2011.

have been massively relayed on social media by groups of friends, families, activists, and NGOs.

This mediatized prison dinner resulted in restrictions on detainee rights, which were already under discussion following the kidnapping of Corporal Shalit in Gaza in 2006 and Hamas' refusal to allow the ICRC to visit him (Knesset 2013). A government committee was set up to put an end to what were considered the Palestinian detainees' "privileges," to align their conditions of detention with those supposed of Shalit, and to put pressure on Hamas. This "Olmert Committee" led to the "Shalit restrictions" in June 2011, which the Palestinians named the Shalit Law (*Qanun Shalit*), and which above all ended the possibility of following university courses and continued the suspension of high-school exams.

University studies particularly developed in this period, however. In 2001, 290 Palestinian prisoners followed courses at Tel Aviv Open University.<sup>100</sup> Some unauthorized to enroll followed in parallel, like Tamer. Thanks to mobile phones, others were able to access Palestinian university courses, or to complete courses started before their arrest. Abdel Nasser Ferwana, a former Gazan prisoner and head of the Gaza Prisoners and Ex-Detainees' Affairs Commission, reported that in 2003, Nasir Abdel Jawad defended his Chemistry PhD in Section 5 of Meggido via mobile phone before a jury from An-Najah University in Nablus, while Nidal Rashid Sabri and Tariq Abdel Karim Fayad did the same from Ofer before lecturers from Birzeit and al-Quds for their Masters' dissertations (2007). These clandestine practices made it possible to follow courses in Arabic, in a university of their choice, and a cheaper one, and to bypass the official suspension of university studies. Figures such as the General Secretary of the PFLP Ahmad Saadat, the intellectual Walid Daka, or the PFLP deputy Khalida Jarrar hold Masters' degrees. Walid Daka obtained his Master's in Political Sciences at the Open University of Tel Aviv during detention. Marwan Al-Barghouti, a deputy and member of the Fatah Central Committee and the Palestinian National Council, completed his Political Sciences PhD at the University of Cairo, where he was enrolled before his arrest. In addition to supervising students Inside, these graduates give classes validated by the Palestinian universities. Ahmad Saadat teaches a history class at al-Aqsa University in Gaza,

<sup>100</sup> Idem.

Khalida Jarrar gave classes for the high-school diploma in 2015 and 2017 in Hasharon women's prison even though the exam was suspended, and taught a class on human rights.

Furthermore, since Oslo, and in addition to their internal and partisan elections, detainees have stood as candidates in the legislative and presidential elections in the Occupied Territories. These are clandestine practices of *carceral citizenships* beyond the walls and not an authorized exercise of citizenship, as is allowed for Israeli detainees, who can vote in parliamentary elections. In 2000–2001, following a same principle of differentiation on the one hand, and the imposition of the annexation of East Jerusalem on everyone on the other, Jerusalemite prisoners were offered the possibility of voting in Israeli legislative elections. This proposal was refused in a common political stance. A deputy at the time of his incarceration, Marwan Barghouti, was re-elected to the Palestinian Legislative Council in 2006 while in detention, then to Fatah's Central Committee in 2009 and 2016, just as Ahmad Saadat became a deputy Inside and was re-appointed Secretary General of the PFLP. These leaders are involved in political activity in detention, in the struggles against the prison service, and on the Outside, via the intermediary of their parties. They also assume public roles Outside as political and intellectual figures who regularly publish in the press and issue political communiqués. Even if the breakdown in generational transmission has marked this generation, for those doing time in prisons where long-term prisoners are held, or sharing their cell or wing with political leaders and intellectual figures, the time spent in prison remains a period of learning and intellectual and political formation, of exercising citizenship and militancy.

When he was released at the age of thirty-three in late September 2018 after over a year's administrative detention, Salah Hamouri, a Jerusalemite of French nationality, had already been held in detention four times. Since, he was again arrested and has been held in administrative detention since March 7, 2022 till present, first in Ofer and lately in Hadarim high-security prison. Out of its five time in prison, he has been held three times in administrative detention, with no charges. The first time in 2001, he was sixteen. He was violently interrogated at al-Moscobiyeh for two months, and was sentenced to six months for having put up posters of martyrs and was accused of belonging to the PFLP youth wing. This was before the siege of the towns and mass incarcerations that followed. At that time, minors—essentially from Jerusalem—were grouped together in Telmond prison (Hasharon) in a separate newly-built wing. There were

seventy-five Hierosolymitans, two or three Palestinian citizens of Israel, and one or two Gaza inhabitants. A (not respected) agreement was made with Shabas for a few adult political detainees to be present in order to organize their prison life. Only thirteen- to sixteen-year-old youths were held there, the Israeli authorities considering until 2011 that the age of majority for Palestinians from the Territories was sixteen. It was chaos. “Nothing was organized, there was just an Arabic teacher who came once a week. We had no television, no radio because the prison was brand-new. Nothing had been prepared with the Sulta either for sending money [for commissary]. It was shambolic, there were fights, it was the rule of the jungle.” This experience contrasts with his following one in 2004, when, as having reached the age of majority, he was administratively held for five months in Ofer where life was highly organized both in terms of rules and daily schedules, and in terms of learning and partisan supervision, where classes and readings were prepared by the factions. They slept in eight twenty-four-person tents, each of which corresponded to a political party. But it was above all during his third detention (2005–2011) that he became politically structured in Ohalei Keidar prison in the Neguev, then in Section 3 of Hadarim, where the leaders are collectively isolated. He was nineteen. He spent nine years behind bars for belonging to the PFLP and for being suspected of having planned the murder of rabbi Ovadia Yussef, leader of the Shas party:

In Ohalei Keidar, classes [given by the parties] were intensified because many prisoners had already done fifteen to twenty years in prison. We had at least seven or eight classes a week. There, you learn to shift from the heart to the brain, you learn the laws of the struggle ... Then I was transferred to Hadarim, to section 3; I shared Ahmad Saadat and other leaders’ cell. They are extraordinary people; they are examples for us. And later, I spent two and a half years in Walid’s [Daka] cell in Gilboa. It was a really important experience for me. He taught me a lot about the way to write, to publish declarations, and so on.<sup>101</sup>

<sup>101</sup> Ramallah, July 14, 2012.

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## Women, a Separate Experience?

### DISTINCT CARCERAL GENERATIONS

In 1967, women became involved in the national movement and found themselves placed under arrest. Unlike the previous 1948 to 1967 generation when the Jordanian State was in control of the West Bank, they were not spared by the Israeli military system. Previously, only men were imprisoned, most of whom were Communists; the women were simply banned from their jobs or placed under house arrest. Less visibly involved in the resistance and more protected, there were never more than a few hundred of them locked up by the Israeli authorities at the same time, and more often less than about a hundred. Over the years, they have represented between 1 and 2% of detainees.<sup>1</sup> Moreover, their release during prisoner exchanges has always been considered a priority, whatever the party in charge, because of gender considerations and the protective role men attribute themselves. Hamas' failure to free them all during the Shalit exchange—nine remained imprisoned—was indeed harshly condemned. Since 1967, several generations of women prisoners have followed one after the other. Few in number, relatively isolated from the channels of

<sup>1</sup> Women are few in detention worldwide. For instance, they now represent between 3 and 4% of prisoners in France and on average in Europe, except in Spain and Portugal where this percentage is respectively 9 and 10%. It is higher in Canada and the United States (between 6 and 7%). (Rostaing 2017a).

inter-prison communication, they form a society apart whose contours have been redefined with each historic period. For them, the prison frontier has proven more watertight; prison constitutes a total institution in which they have invented a female society.

In 1967–1968, women were not yet closely surveilled and took part in actions mobilizing the population, strikes, and demonstrations, but also in raising international awareness (Antonius 1981). They took in and hid militants and Fedayeen, who mostly came from Jordan, carried messages, served as relays, and helped lay the foundations of resistance in the Occupied Territories. Until the First Intifada, the handful of women detainees were essentially political prisoners, and notably Fatah militants, like Fatma Barnawi or Issam Abdel Hadi, who were affiliated to the General Union of Palestinian Women (GUPW), a women's emanation of the PLO.<sup>2</sup> Others were active in the General Union of Palestinian Students (GUPS) and the then very powerful Popular Front for the Liberation of Palestine (PFLP). Some were thus held in administrative detention, then frequently exiled to Jordan, like, for example, Issam Abdel Hadi. They also sometimes trained militarily in the Jordanian training camps and, more rarely, took part in preparing and carrying out attacks or commando operations, such as the plane hijackings in which Leila Khaled in 1969 and 1970, then Thérèse Halasa and the Jordanian Rima Tannous in 1972, made a name for themselves.

The 1967 occupation triggered their engagement. Of the protagonists I met, some were from families who settled in the West Bank after the 1948 exodus. In their testimonies, the loss of the land in 1948 and again in 1967, coupled with often traumatic family histories, a father's migration for economic reasons exacerbated by the political situation, or the arrest and imprisonment of a father, brother, or loved one, their falling victim to the occupying army are described as the foundational moment of their militancy. It is the accumulation of collective and personal shocks that triggered their politicization and taking of action. Some of them belonged to militant families, inheriting a partisan culture. Others were marked individually by the separating of their families, and reacted to the violence of the Occupation by becoming militant. Often, they lived alone with their mothers and younger siblings. They recount that they took it on themselves to defend both their families and the land. Due

<sup>2</sup> Founded in 1965.

partly to the absence of protective male figures, this notion of taking responsibility helps understand the engagement that, in their words, they symbolically address to their fathers. It is a chosen transmission that compensates for what is lost or missing.

Detained from 1976 to 1978, then from 1981 to 1984, Fatah member Rabia Diab, head of the Association of Women's Committees for Social Work in April 2009, comes from a village near Ramallah on which the Jalazone refugee camp was built. In addition to this initial loss was that of the annexing of other village lands to build the Israeli settlement of Bet El in 1967:

My father left to work in Colombia in the 1950s, and stayed there all his life. When the 1967 war broke out, I was still a child. They shut the borders. My father and my brothers, who were studying in Beirut and Damascus, could not return. We asked ourselves what we could do to resist the Occupation. They had taken our land, my father, my brothers. We staged protests. I was placed under house arrest in my village. Then, in 1976, they arrested me, and that's how I got started. My ideas developed. At first, I joined Fatah simply because we used to hear about Arafat who was in Jordan at the time. We used to listen to the news of the resistance on the radio, which broadcast from Jordan, then Baghdad. Then I read, and that confirmed my ideas, and I remained a member of Fatah.<sup>3</sup>

Imprisoned from 1979 to 1981 when she was still a minor, and today head of the Bethlehem branch of the General Union of Palestinian Women, Ahlam first took part in the student demonstrations. It was her cousin's killing by soldiers that drove her to military action:

In 1976, they killed my cousin (*ibn 'ami*). He was twenty, and it was truly murder. He was living with us. It really shocked me. From 1976 to 1979, I didn't belong to any party but went to student protests against the Occupation. In 1979, when I was fifteen and a half, I made a little bomb. I wanted to go and set it off in the army building in Nablus where those responsible for killing my cousin were. I was arrested before I managed. A girl I knew was interrogated; she told them what I was preparing and they came for me.<sup>4</sup>

<sup>3</sup> Ramallah, April 26, 2009.

<sup>4</sup> Bethlehem, West Bank, October 28, 2008.

Sentences for belonging to political parties or trade unions were severe to avoid resistance organizations taking root on Palestinian soil. As for armed action—taking up arms, preparing attacks on the army—they in general led to life imprisonment. When they killed Israeli soldiers or civilians were killed, the number of life sentences handed down was equal to the number of people killed. In 1969, there were just a handful of women prisoners in Neve Tirtza prison, next to the Ramleh men’s prison. Others were imprisoned in Nablus, or in Gaza prison. Around fifty or so in the 1970s, their number grew in the early 1980s, even if most of the first women incarcerated like Fatma Barnawi, Rasmieh Odeh, Mariam Shakshir, Samia Tawil, and Aisha Odeh, who was at the time the representative of the women political prisoners, were released during the 1979 prisoner exchange. The latter saw the release of twelve Palestinian prisoners for one Israeli pilot captured by the PFLP-General Command in southern Lebanon. At Neve Tirtza, the only women’s prison in the country, they were imprisoned with Israeli women convicted for common law offenses.

Up until the First Intifada in 1987, women prisoners were politically active in the resistance to the Occupation. Very young, their mobilization in the secular parties of the PLO was nonetheless often recent; their time in prison played a major role in ideologically constructing their political choices especially as new parties emerged at the time, and others split into new factions as they sharpened their orientations. The first women prisoners thus received their political education while serving time, in contact with each other.

Sentenced to two life sentences plus ten years in 1969 for having organized two attacks with Rasmieh Odeh, Aisha Odeh was initially immersed in the world of the Arab Nationalist Movement. After 1967, she, like most others, joined the PFLP. Once in prison, and once the PFLP split and the DFLP was founded, she joined the latter in 1974: “I changed because of its national program. They defended the idea of creating a State on every bit of land that was liberated. They didn’t want to wait to get back all of Palestine, from the river to the sea, like the PFLP advocated. And they also talked about Marxism, and I wanted a Marxist party.”<sup>5</sup> Ahlam was mobilized against the Occupation but was not a partisan (*hizbiyah*) before her incarceration: “All the parties were present in prison. I studied their

<sup>5</sup> Ramallah, November 5, 2008.

ideas, and I chose the DFLP.”<sup>6</sup> In prison, they asserted their involvement in the secular parties (Fatah and the left-wing parties), their identity as political prisoners, and became feminists. Their commitment intensified with the struggles waged Inside to improve their conditions of detention.

Like the men, the women prisoners invested prison as a Palestinian university, sharing their knowledge and teaching the young women in preparation for high-school exams Outside or, later, in detention. They organized conference-debates and training sessions in which they shared their knowledge of politics, women’s rights in the Arab world and beyond, and the revolutionary movements. At Neve Tirtza, following a hunger strike, they obtained a few books and newspapers in late 1969 (Antonius 1981). They taught English to those who did not speak it, and Hebrew, working at first using the newspapers lent by the Jewish common law prisoners. Education and prison time gradually became organized. Those with diplomas taught the subjects they knew and outside teachers also came to teach classes to the minors. Although permission to sit the high-school diploma had been suspended for several years, Khalida Jarrar, who has a Master’s in Democracy and Human Rights, was able to organize this exam in Hasharon prison in 2015 and 2017 in coordination with the Palestinian Ministry of Education.

Women’s arrests became far more frequent with the First Intifada (1987–1993). They affected an entire youth who took part in the uprising. Between December 1987 and September 1, 1991, around 3,000 of the total 79,000 arrests concerned women. The militant impulse was intense. Women joined the popular mobilizations, parties, and the many civil society organizations and women’s and feminist bodies that emerged. Women who were recently politicized were arrested and sometimes incarcerated just for being at demonstrations. During her high-school years in Nablus, Khalida Jarrar had already joined the Palestinian Women’s Committees,<sup>7</sup> before later joining the student movement at the University of Birzeit. The Intifada strengthened her commitment (Jarrar 2017). Arrested at the age of twenty-six during an International Women’s Day march on March 8, 1989, she spent a month in prison.

Rula Abu Daho is a university lecturer and researcher in the Gender Studies Department at Birzeit. She did two Master’s degrees because she

<sup>6</sup> Bethlehem, October 28, 2008.

<sup>7</sup> PFLP-affiliated.

was never able to obtain a permit to go abroad to do a PhD.<sup>8</sup> She was a student at Bethlehem University when she was sentenced to twenty-five years in 1989 for her activities in the PFLP and her participation in an “operation against the Occupation.” She was nineteen. She spent nine years behind bars before being released in February 1997, thanks to the Oslo Accords: “We, the Intifada generation, thought we were THE generation. I thought I was going to take the sun in my hands, grab freedom, smash the world, but it wasn’t to be us. We became that of Oslo. Another generation will come.”<sup>9</sup>

As of the First Intifada, different categories of women prisoners thus existed. Not all were militants; some—either very young or very elderly—were barely committed, and incarceration became an intermediary stage in their politicization (Nashif 2008). For over half, the only motive of their arrest was gathering as much information possible (Thornhill 1992). Family ties, and notably parental ties, were the cause of arrest and were used to exert pressure during interrogations: by arresting a wanted person’s relatives to find out where they were; the temporary detention of mothers or fathers; violence and physical, psychological, and sexual threats to relatives or in front of them. These relatives were sometimes held in administrative detention for more or less lengthy periods. Political repression has always instrumentalized family relations, resorting to family and gender-based repressive mechanisms, as has also been shown in works on Ireland (Feldman 1991), Morocco (Guessous 2007, Slyomovics 2004), Syria (Karabet 2013), Peru (Boutron, Constant 2014), Iran in the 1980s (Talebi 2011, 2014), or Francoist Spain (Lorenzo Rubio 2014). In interrogation accounts collected and corroborated by multiple written sources and emanating from international, Israeli,<sup>10</sup> and Palestinian NGOs and lawyers, Shin Beth officers’ use of affective and familial ties for psychological blackmail, and the use of violence to make men and women speak are constants, whatever the period (Latte Abdallah 2014). Before the Supreme Court’s 1999 decision limiting physical torture, these widely documented methods were even more brutal. One of the most terrible examples is that of Rasmieh Odeh, who recounts having seen her fiancé

<sup>8</sup> There was no doctoral program in the Humanities in the Occupied Territories. The first was established in 2014 at Birzeit University.

<sup>9</sup> Ramallah, October 30, 2011.

<sup>10</sup> Especially the PCATI reports.

tortured, even though he did not belong to any organization. Her father and sisters were brought to her interrogation at al-Moscobiyeh and beaten in front of her. They were told her activities were not militant, but sexual. She was raped in front of her fiancé and father, and the latter was verbally incited to have sexual relations with her (Antonius 1981). Theresa Thornhill recounts that, in 1987, according to the testimony of her lawyer, Naila's interrogators threatened to bring her husband, mother, and brothers to al-Moscobiyeh and to rape her in front of them, and to rape her mother (1992).

More than the men even, women were not only arrested for their political involvement or their acts, but also due to their family ties with those wanted or under interrogation. The mothers, sisters, or wives of suspected men were accordingly arrested. Due to the gendered social imaginary projected by interrogators on Palestinian society, they were the main targets of this psychological blackmail. It was indeed imagined that, due to their maternal sentiment, they would be more susceptible to pressure (Cardi, Latte Abdallah 2014), and that their men would speak all the quicker if they were directly threatened in front of them and they were unable to fulfill their protective role.

Following the Oslo Accords, plus a hunger strike in protest at the most heavily sentenced remaining behind bars, all the women prisoners were released in 1997. Women's arrests resumed again during the Second Intifada. In 2004–2005, 115 women were locked up again, of whom six in administrative detention and sixteen minors (PCATI 2005). The female prison population changed. Still very young at the time of their arrest, it was no longer just the militants of the secular factions (Fatah and above all the PFLP), but also women involved in Hamas or the Islamic Jihad who found themselves behind bars as a result of their political activity. Furthermore, women's armed action radicalized during the repression of the uprising (2002–2006) that followed the Israel Defense Forces' re-invasion of Palestinian towns in 2002 (Operation Defensive Shield). This uprising very rapidly became an armed one. Just as men had done in 1994 after Baruch Goldstein's attack on the Hebron mosque, women took part in martyrdom operations that also targeted civilians.

On January 27, 2002, Wafa Idriss, a twenty-six-year-old member of Fatah from the Al-Amari camp, was the first woman to blow herself up in a West Jerusalem shopping street. A wave of attacks involving mostly very young women followed, widely covered by the media. Ten were actually carried out, but around seventy young women were involved in



planned attacks and arrested before executing them (Schweitzer 2008). Most were executors, often on the fringes of parties that they had just, or not even joined. Barely visible, others, however, as political leaders or independently, masterminded attacks that they directly participated in by, for example, driving the young man due to carry it out. Hamas member Ahlam Tamimi was thus sentenced to sixteen life sentences for having planned the attack on the Sbarro pizzeria in Jerusalem that killed sixteen Israeli victims in August 2011. Arrested the same year, Amneh Muna planned the murder of a young Israeli she had flirted with on the Internet to lure him to a fake amorous rendezvous.<sup>11</sup> Others were imprisoned during this period for having recruited candidates for martyrdom for the Islamic Jihad.

Many women detainees became devout while serving their time, religion bringing them solace and meaning to their time in prison. For some belonging to the secular parties (and to Fatah in particular), this personal and at times mystical experience of the religious translated into a new political socialization and a shift to Hamas or the Islamic Jihad. Life in prison is thus now more governed by religious practice and knowledge. Programs of activities are less structured than in the men's prisons, and the internal regime is less structured than in the 1980s. Nonetheless, time in prison remains a period of intellectual and militant education. Its content has changed, however. While politics and languages are still essential, feminist literature has largely been replaced by religious texts. In Hasharon prison, classes in interpreting (*tafsir*) and reciting (*tajwid*) the Qur'an, later validated by the Palestinian Ministry of Religious Affairs, were informally given by a woman prisoner who was a graduate in these disciplines. These classes provided the opportunity to study something other than the human science courses at the Tel Aviv Open University, which very few women had access to due to the shortness of their sentences, before they were suspended for everyone in 2009. In an effort to broaden debates, Khalida Jarrar, a political and feminist figure respected as much on the left as she is in the religious parties, gave classes in human rights when she was imprisoned again in 2015, then in 2019. She taught the history of the Palestinian revolution, its nationalist, pan-Arab, left-wing, secular, and Islamic ideas and its

<sup>11</sup> Both were released during the October 2011 prisoner exchange.

both Muslim and Christian actors, and re-introduced debates on political pluralism. She thereby sought to broaden reflection and to counter “a deep social and political conservatism” among the young women prisoners (2017), and the unanimously religious vision of their engagement specific to their generation. A young generation who did not experience the previous periods when secular values and parties predominated and were the most active in the resistance.

Women’s activism has transformed over time in a similar manner to male militancy, but on a different temporal scale and with more limited participation. Women were most active in the civil society mobilizations of the First Intifada firstly, then in the popular resistance launched in the mid-2000s, and later in all civil society’s new forms of non-violent action, in which they participate in equal numbers to the men: youth movements, social media and press activism, or in the resistance economy (*iqtisad al-sumud*), and the mobilizations around the threatened neighborhoods of Jerusalem (Cheikh Jarrah, Silwan), and so on. Sixteen-year-old Ahed Tamimi and her mother Nariman Tamimi were thus arrested in December 2017 for having opposed the presence of soldiers in their village of Nabi Saleh: Ahed for having shoved an armed and fully equipped Israeli soldier, whom she slapped and kicked, and her mother for having posted the video on social media. Whether party members or independent, women have found themselves behind bars for their political engagement and unarmed actions.

This latest female prison generation is also that of the Small Uprising (*habbeh*), which broke out in 2014–2015, and during which very young women—often minors—mostly with no partisan affiliation or acting independently from their parties, attempted to stab soldiers or civilians, most often around the settlements. About twenty were killed on the spot, and several dozen were arrested for what were considered dangerous attitudes or acts. Whether real or feigned, these alleged attacks intensified with the *habbeh*. Nonetheless, in the late 2010s, young women, at times minors, started going to checkpoints armed with knives in the sole aim of getting themselves arrested because they were encountering social or family problems. The act of resistance of some and the personal motives of others became indistinguishable in similar convictions and reposed the question of the nationalist motives—or otherwise—of some women’s armed attacks. Khalida Jarrar, who carried out a study of women prisoners during her 2015 incarceration, noted the frequency of cases in which personal difficulties determined their taking of action (2017).

This generation is thus less politicized, which has impacted internal organization Inside. In December 2015, there were thirty-nine women detainees, four of whom were minors. The majority of them were accused of knife attacks, whether proven and carried out or not; several for attempted Islamic Jihad attacks or reconnaissance missions; others were arrested on the spot while visiting prison and sentenced for trying to smuggle a Sim card or a mobile phone to a husband, brother, or son. One or two were more seriously suspected of transporting funds for prisoners, and the Qatar Charity secretary for having transferred funds to a hostile organization (see next chapter). Several others were behind bars for inciting violence and endangering State security on social media, such as the poet and Israeli citizen Dareen Tatour, or because of their charity or political activities in the religious or left-wing parties—mainly the PFLP—for example, Khalida Jarrar. Lina Jarbouni, a Palestinian citizen of Israel, was sentenced to seventeen years in 2003 for belonging to the Islamic Jihad, and thus for colluding with the enemy and complicity in organizing attacks. On July 14, 2022, there were thirty women among the 4,650 Palestinian political prisoners.<sup>12</sup>

### INSIDE/OUTSIDE STRUGGLES: ALL-FEMALE SPACES AND FEMINISM

The struggle against the Occupation, and in particular prison, is presented as emancipatory and as having galvanized their determination (*sumud*). It is seen to have consolidated their female independence and, for the first generations, encouraged sensibilities, intellectual development, then feminist engagement. For all, the distancing from social norms and at times their family environment, and above all compulsorily being together in an all-female prison environment served as a catalyst in raising their awareness, then their autonomous organization, profoundly questioning existing forms of domination and developing other subjectivities. Aisha Odeh thus describes her combatant past and her incarceration as a founding moment in her perception of freedom and her own self-esteem—an ordeal that also won her society's respect:

<sup>12</sup> <https://www.addameer.org/statistics>. All websites included in this chapter have been verified in July 2022.

In prison, we were free inside us, we felt independent, we took our decisions freely. All the things that hold women back in society—neighbors, the people who gossip about you, who are angry, mothers—didn't concern us. We built an independent society, one that progressed enormously. I learned a lot from this society.<sup>13</sup>

Rawda Basir was sentenced to eight years for “taking part in the resistance against the Occupation” within the ranks of Fatah. She replaced Aisha Odeh as representative of the women prisoners from 1980 to 1985. According to her, her intimate connection with her mother was rebuilt by her carceral experience as, thanks to her studies, her feminist conscience took shape. In the women prisoners' account, while engagement is most often expressed in terms of the father and the male members of the family, prison re-positions the feminine at the heart of the political:

Before, I was very close to my father, but in prison, I felt what it was to have a mother and to be far from her and her world. I thought deeply. I thought about women's suffering in this society. I realized how much a mother suffers; she is oppressed. I began to read and to study the feminist movement, and that brought me much close to my mother.<sup>14</sup>

“Prison is not at all easy,” she told me. “But there I learned how to concentrate, to evaluate situations. On release, I was a strong woman. I knew exactly what I wanted.”<sup>15</sup> Such feminist awakening during political confinement is frequent, as the former Moroccan detainee, Fatna el-Bouih, recounted, for example (2002). Itaf Alyan, an Islamic Jihad figure, observed that freed women prisoners often wished to transform their lives and have more ambitious expectations and personal projects once Outside:

When they are in detention, the women are torn from their homes, their families, and their environment. Although they are forced to resist the occupier and the jailer, they are freed from internal societal struggles and gain their independence. With the prison experience, the father supports and is in solidarity with his detained daughter, which gives her more confidence and force. In prison, the women influence one another; they

<sup>13</sup> Interview in *Women in Struggle*, op. cit.

<sup>14</sup> Interview in *Women in Struggle*, op. cit.

<sup>15</sup> Nablus, July 8, 2012.

are encouraged to develop their skills and to be active, which contrasts with the time before they were detained. The organizational structure in prison, including the Committees and political movements, offers them more possibilities to develop their personal abilities and leadership, and allows them to become leaders within their communities. As for me, even though I had a certain autonomy before my arrest, I can say that my experiences of detention gave me an incomparable independence and mobility. (Alian 2011)

Struggles to improve detention conditions played a role in this militant and feminist education. In 1970, the women joined the strike held in all the prisons, but as there were few of them, and as they were relatively isolated from the other prison facilities and their clandestine channels of communication, they organized their struggle autonomously. These struggles were at time extremely harsh, taking the form of long hunger strikes, and met with violent repression and notably the use of teargas against the prisoners and long periods of solitary confinement. As a result, the Neve Tirtza women's prison society emerged independently. It chose its battles according to the specific realities of detention at Neve Tirtza and built its own models and heroines. In the beginning, the objective was to obtain notepads, pens, books, newspapers, then those of their choice, more frequent visits, healthcare, and to be allowed outdoors longer than an hour a day. Moreover, they revolted against the negation of their identities Inside. All Palestinian national signs were forbidden, whether images of the flag, patriotic songs, and so on. They rejected attempts to assimilate them via an immersion in Israeli culture. Initially, only books on Zionism or the pro-Israeli Arab language newspaper *al-Amba* were allowed; Arab-speaking lecturers came to laud the *kibboutzim* and the realizations of the Israeli State (Antonius 1981). The women prisoners then refused the work demanded of them by the administration, such as making uniforms for the army, or batteries. Through their hunger strikes, they obtained an agreement in 1984: they would only work on things directly concerning Palestinian prisoners and no longer for the guards or the common law prisoners, all of whom were Israeli.<sup>16</sup> They took responsibility for running their wing, their kitchen, and made clothes for the prisoners. In taking over the kitchen, they won control over their prison life, circulating and communicating more easily.

<sup>16</sup> Rawda Basir, interview in *Women in Struggle*, op. cit.

The women prisoners demanded complete separation from the Jewish common law prisoners, who initially always had a room in their wing. More rarely, as a punitive measure, one of them could be placed in the same cell as the common law prisoners. Their presence undermined the constituting of a society of political prisoners. They were constantly up against surveillance, harassment, and in conflict with the Israeli detainees. According to reports written by the ICRC, in the summer of 1969, all the Palestinian women prisoners wanted to be transferred to Nablus prison due to their difficult relations with the Israeli women. Some emptied their plates over the Arab women at the canteen, stole their laundry, threw stones at, and insulted them. Fights regularly broke out and they had to be separated at work. The ICRC delegates relayed this request to be separated to the Neve Tirtza prison warden Raya Epstein, then to the Commissioner of Prisons, “given the different motives that have led to these women’s incarceration and the difference in their intellectual and education levels.” Raya Epstein dismissed any distinction between these two groups, indistinctly qualifying them as criminals and denying the existence of friction or a preferential treatment of the Jewish women, of with the Palestinian women nonetheless complained.<sup>17</sup>

For the Palestinian women prisoners, establishing a physical and symbolic frontier and having an independent daily life in prison was not just a matter of improving their detention conditions. It was a way of redefining incarceration to assert their status as political prisoners, and thus to challenge the assignments of the authorities and the prison service. The organization of their time and the cells, the centrality of knowledge, and taking charge of cleaning gradually distinguished them from the common law prisoners. The acquisition of knowledge, the fact of making prison a dignified place of living that could even serve their cause and their individual and collective construction, reinforced their identity as political prisoners as opposed to that of criminals. “We turned prison into a place to study, we taught each other, we produced a newspaper, our rooms were always clean, we were organized. It wasn’t like that for the Jewish women, sentenced for drugs or for prostitution.”<sup>18</sup> Rasmieh explained that after ten years’ contact, the Neve Tirtza’s female warden no longer referred to them as “child killers, backward, and underdeveloped,” but

<sup>17</sup> ICRC archives, eod.loc.

<sup>18</sup> Rabia Diab, Ramallah, April 26, 2009.

began to tell visitors “that we were educated and knowledgeable and that we considered ourselves Palestinian and nationalists” (Antonius 1981).

They were progressively separated into independent wings, then, in the late 1980s, the Palestinian women were mainly incarcerated separately in Hasharon prison (Telmond) near to Netanya. A few detainees nonetheless continued to be sent to Neve Tirtza as a punitive measure. By the end of 2003, following violent conflicts between the Palestinian women and the administration on the one hand, and the common law prisoners on the other, no more Palestinians were held in Neve Tirtza. In the early 2000s, they were split between Hasharon prison, where the women claiming to belong to the religious parties were quasi-exclusively held, and Damon prison in northern Israel (Mount Carmel, near to Haifa) for the secular women prisoners. Following a Supreme Court ruling on the minimum space required in a cell and the smallness of those in Hasharon, all the Palestinian women were transferred to Damon in 2018 and united again irrespective of their political sensibilities.

The all-female environment created by prison confinement had beneficial effects on autonomy, the affirmation of trajectories, and opened the field of possibilities. These women often climbed the ranks of their parties and the national movement following their carceral experience when the organizations took it upon themselves early on to honor and hold up exemplary female figures: exiled to Jordan on her release, Aisha Odeh thus joined the Palestinian National Council in 1981. The desire to assert oneself politically and socially, the possibility of regression once confronted with masculine universes again and once the urgency of the national struggle has waned, encouraged them to prolong this single-sex aspect by setting up or joining women-only feminist organizations on their release. Following her feminist education in prison, Rawda Basir has continued to work for the women’s cause since her release in 1985 during the Ahmed Jibril prisoner exchange. By July 2012, she was head of the Center of Women’s Studies in Nablus. Just like for Itaf Alyan of the Islamic Jihad, for this Fatah member, the liberation of the land is intrinsically related to that of women.

It is thus former women prisoners who constitute the core of the third-generation feminist organizations, whose project was elaborated during these long periods spent behind bars. That was so for in 1978 the DFLP-leaning Women’s Work Committees, which split along partisan lines into several organization in the early 1980s, and later on became the Palestinian Federation of Women’s Action Committees. Women from the

PFLP founded the Union of Palestinian Women's Committees in 1980; communists the Union of Palestinian Working Women's Committees in 1981; and Fatah affiliated women the Committee for Social Work in 1982 (which became the Association of Women's Committees for Social Work). Whether at the origin of these movements or not, most of them became involved in the feminist sphere. Rawda Odeh, who served several sentences from 1969 to 1973, then six months again in 1975, recounted how the women's branch of the PFLP was set up in 1980 by a group of ex-detainees to concertedly advance the female cause:

We live in a masculine society (*zukunft*). We had seen what happened after the Algerian Revolution: the women returned to the kitchen and we did not want that. Before, we worked with the men, but our society is not mixed, and we needed a women's organization because women cannot join men in a whole host of activities.<sup>19</sup>

### ARMED STRUGGLE: PROTECTION VERSUS VICTIMIZATION, ASSERTING AGENCY

During the al-Aqsa Intifada, violent mobilization intensified. Unlike the first, this uprising was armed, and women were initially excluded from taking up arms. Some of the first-generation women had carried out military operations and asserted their participation in all forms of national struggle as an egalitarian, or even feminist demand. Incarcerated for a decade (1969–1979), Rasmieh Odeh grew up in a family she describes as conservative, and in which national engagement and prison were male affairs:

Arms were present in the region, and we received theoretical training in how to defend ourselves if the Israeli soldiers shot at us during our demonstrations. I wanted to use a gun in reality, and not only to study how it worked. But to do so, I had to go abroad, and my family was opposed ... They agreed to let me continue my studies in Beirut, thinking that would keep me out of trouble. I met a collaborator and cultivated his friendship because the collaborators could obtain travel permits. I also thought that my relationship with him would divert suspicion from my political activities, and this reasoning proved to be right. This collaborator got me

<sup>19</sup> East Jerusalem, October 29, 2008.



my authorization to study abroad, and I went to the Arabic University in Beirut, where I enrolled in Political Economics. In Amman and Beirut, I made contact with many people, including Wadi Haddad, who was in charge of military affairs for the PFLP. (Antonius 1981)

Even though it has often been overlooked, women participated in planning military operations very early on. Women activists of the first generations involved in making bombs devised attacks or contributed to their conception inside the military cells. Their choices were all the more denied during the al-Aqsa Intifada, when some carried out radical suicide attacks (which they called martyrdom operations, *ameliyeh istishadiyeh*—sing.) targeting soldiers, but also civilians. Yet recourse to this type of operation targeting soldiers and civilians dated back earlier than the 2000s, even if the first attacks planned or carried out by women failed. In the mid-1980s, during the Lebanese war, a few rare young women like Itaf Alyan and Ismat went to Beirut to study, but also to train in military action.

In Lebanon, Hezbollah initiated this type of attack in the early 1980s, which were most often car bombings using vehicles driven exclusively by men. Just like in Palestine later, it was, however, the secular parties who first—and here only—sent women to carry out these attacks. Known as “the Bride of the South,” the first Lebanese female martyr, Sana Mehadli, launched a car full of explosives at Israeli soldiers in the zone they occupied in southern Lebanon. She was sixteen and had belonged to the Syrian Social Nationalist Party for only three months. Others followed suit, including Sana and Loula Abboud. They became legends, and in the Palestinian camps too (André-Dessornes 2013). These Lebanese women’s example combined with that of the glorified figure of Dalal al-Mughrabi, a young Palestinian woman from the Shatila camp in Beirut, considered the first female Palestinian martyr. In March 1978, she led a Fatah commando operation in which she died targeting a bus near Tel Aviv, which killed thirty-five victims. It was not a suicide attack, but was represented as one: a posteriori, she became the one to have inaugurated this type of violent female action in Palestine.

In Lebanon, Itaf Alyan and Ismat, approached Fatah and trained for two years before returning to Palestine just before the First Intifada to carry out their projects. Itaf Alyan had joined the Islamic Jihad Brigades (SAJA), an Islamic-leaning armed group within Fatah. Her role grew progressively, from the simple passing of information between groups and

a logistical role to fully belonging to an armed cell, then to the preparation of an attack with Suleiman al-Zahiri. She was supposed to drive a car full of explosives into government buildings in the Sheikh Jarrah district of East Jerusalem (Alian 2011). Both failed and served long prison sentences. Itaf Alyan unsurprisingly joined the Islamic Jihad in prison.

When the al-Aqsa Intifada broke out, women were marginalized by its rapid militarization. Paradoxically, this incited them to volunteer for radical operations that required no military training or preponderant roles in the partisan hierarchies. Most of the women who died in these attacks, or who were arrested before committing them, had thus approached the military wings of parties they did not belong to, or that they had only joined a few months before. They were not previously militants.

Interpretations of female armed action, and particularly their martyrdom operations, as simply being the result of male decisions, or for social reasons that they were the victims of (family problems, domestic violence, etc.), or as reflecting suffering or suicidal psychological profiles, were very widespread in Israel and abroad, thereby dispossessing the women of any agency. Also representing Palestinian society as uniquely governed by an oppressive patriarchy, these interpretations were circulated by journalists,<sup>20</sup> novelists, playwrights, and some researchers, such as Anat Berko and Edna Erez (2008), while other works called them into question (Hasso 2005, Schweitzer 2008, Larzillière 2011, Latte Abdallah 2013, Abdo 2014). They were also used by the Shin Beth in interrogations to get women to denounce third parties by offering them a way out, in keeping with conservative gender representations: “They wanted you to tell them that you didn’t do it for your country, but because you were told to,” protested Itaf Alyan.<sup>21</sup> She describes the psychological pressure exerted during her interrogation: “It was clear that they wanted to convince me that, as an Arab woman, I could only be exploited in the interests of ‘patriarchal and male Islamic Arab society’,” (Alian 2011).

Added to these analyses and culturalist social imaginaries is the more widespread difficulty in conceiving of violent acts in the feminine, women being perceived more as victims or as actors in the peace (Cardi, Pruvost 2012; Latte Abdallah 2013). Their violence could only be the result of male manipulation, of being subordinated to the violence of men who, for

<sup>20</sup> See, Victor 2003.

<sup>21</sup> Ramallah, April 14, 2010.

their part, are truly dangerous (Cardi, Pruvost 2012; Rostaing 2017b). And when, more rarely, their violence is taken into account, they are deemed to be even more deviant than men or portrayed as monstrous because, what is more, they do not confirm to “traditional” gender norms. More generally, when it comes to militant women’s violence, the accent is often placed more on their psychological profiles, their affects, and their relational worlds—elements that, while certainly important, are only taken into account for them, when they equally concern men who join the struggle (Bucaille 2013).

All of the young women whose operations failed, and whom I met after they had served their sentences, clearly expressed their militant resolve even if, for some of them, their more confused decision to take action manifestly resulted from a plurality of motivations that were personal, social, psychological, religious, and political. The documentary film *Shabida*<sup>22</sup> was shot in Hasharon prison in the mid-2000s by an Israeli woman director at the time when these young women were serving their sentences. Present daily for three years, she captured moments when the women spoke freely despite the presence of the camera, which is not ideal for creating confidence. On screen, we see one young woman asking Qaera Saadi, the eldest detainee whose opinion is respected, what she should answer and whether she should recount her problems at home, or something else instead. Saadi replies, “no, that’s shameful [*‘eib*], don’t talk about that...”; before going on to recount her act in political terms. Older, in her late twenties and already the mother of four, Qaera Saadi accompanied a young man to blow himself up at a bus station in West Jerusalem, killing three people. In the film, she describes her difficulties in the refugee camp she lived in. Married at fourteen, she wore neither the hijab nor jilbab (an ample tunic covering the body), which attracted gossip and tarnished her reputation. While refuting that these critiques drove her to act, she claims she is thankful that her time in prison “taught her her religion” and how to dress properly.

Disentangling their motivations introduces a gender bias, and one that is above all meaningless in the sense that, like in any after-the-event narration, the story is endlessly rewritten from a present perspective. As prison socialization has become a political and religious socialization, it transforms subjectivities. The nationalist dimension is necessarily reinforced in

<sup>22</sup> Natalie Assouline, 76 min, Israel, 2008.

contact with others during the time spent in prison. Here, therefore, I will essentially focus on the way in which the women represented their experiences and told them to me at the time of my research; I will focus, then, on their self-subjectivation.

Those I talked to, who had committed or intended to commit these acts, took full responsibility for them and refused to make the excuses that gendered discourses could provide. They refuted any idea of suicide or social difficulties. Itaf Alyan described a succession of collective and individual traumatic events, set against a backdrop of national renaissance: the first exodus in 1948, lived through the accounts of her parents who took refuge in Ramleh; childhood memories that began with the occupation of the West Bank; the demonstrations in Bethlehem where she lived; echoes of the revolution and of Fedayeen operations; Arafat's speeches broadcast on the Voice of Palestine radio, which marked the existence of a Palestinian "we": "We had a voice (*fi sawt ilna*)," she recalls. A personal tragedy then sealed her decision to act: at the age of fourteen, the death of her seventeen-year-old brother, who died after being beaten at an Israeli roadblock. As soon as she arrived in Beirut, and in secret from her family who thought she was at her aunt's, she volunteered for a martyrdom operation. She was eighteen. She waited several years. Preparing the attack required long training: "it lasted two years. When it's a suicide attack, you change your mind beforehand. I had to learn to drive, to train in all the logistics."<sup>23</sup>

The need to distance themselves from victimization and to assert their individual, militant resolve grew in a context in which, since the end of the Second Intifada, un-politicized young women whose motivations were often social or familial were frequently sent to prison after having deliberately gone to checkpoints armed with knives. The protagonists I met on the contrary talked about their right to participate in the armed struggle on an equal footing with the men. A right that Fatah, the PFLP, and the secular parties had previously recognized, and which was not challenged with the transition to these radical forms of action, even if the male militants initially sought to dissuade them. Martyrdom operations by women were initially not allowed by the religious parties Hamas and Islamic Jihad, however. The first women to carry out martyrdom operations were all trained by Fatah's Al-Aqsa Martyrs' Brigade, even if they

<sup>23</sup> Ramallah, April 14, 2010.

were members of religious parties, for example Dareen Abu Aisheh, a recent Hamas member. Fatah's military branch was indeed the first to deploy a woman, Wafa Idriss, in January 2002. Immediately afterward, and for the first time, Yasser Arafat used the term *shahida*, the female form of martyr (*shahid*), in a speech in reference to her act, thereby placing her on an equal footing as the men. Wafa Idriss' posthumous popularity and the strategic and media advantage of deploying women, who were seen as less suspect and were less surveilled, and who were more emblematic, convinced the Al-Aqsa Martyrs' Brigades to continue. They were later followed by the armed wings of the religious parties, who did not want to be outstripped by Fatah.

Initially, in the view of the spiritual leader of Hamas, Sheikh Yassine, there were enough young men willing to volunteer for this kind of action. He also considered that the main role of women—who, moreover, should not venture out alone without a male chaperone (*mahram*)—was to be the mother or the wife of a martyr. Although Hezbollah had not deployed women, from the outset, its spiritual leader, Hussein Fadlallah, encouraged these female roles, and Sheikh Mohamed Al-Tantaoui of Al-Azhar University in Cairo contradicted Sheikh Yassine, considering these women to be martyrs just like the men, but only if these operations targeted the military, not civilians. The backing of the region's religious leaders thus contributed to Hamas and the Islamic Jihad's change of position in 2003, when they accepted that women carry out suicide attacks. It was, however, some women's insistence and their refuting of the arguments opposing them that finally persuaded them. The young women members of the Islamic Jihad whom I met all evoked their difficulties in convincing militants to take them along to martyrdom operations. Some of them cited other religious texts highlighting the need for mobilization and everyone's free will, whether men or women, when the land of Islam is under attack. Itaf Alyan furthermore contested the need for a male chaperone, whose presence is neither obligatory, nor possible in practical terms in such a context. She insisted on their resistance motivations. For her, participating in all forms of the struggle, including violent actions, was both a means of asserting the place of women and of advancing the national cause. On the contrary, assigning women to "traditional roles" because of "backward mentalities" that are in contradiction with the egalitarian message of Islam at the time of the Prophet would only result in defeat (Alian 2011).

Hiba Daragmeh of the Islamic Jihad, who was doubly accompanied by her party and the Al-Aqsa Martyrs' Brigades in May 2003, and above all Hanadi Jaradat, prepared solely by the Islamic Jihad in October 2003, overcame reticence by publicly justifying their participation as a response to the Arab leaders' failure to defend the Palestinian cause (Hasso 2005). This argument of the leaders'—and more generally the men's—lack or insufficient political protection was also used by the young women arrested. More than a seasoned leading female militant figure like Itaf Alyan who, what is more, has the religious knowledge that allowed her to assert an egalitarian reading of the Islamic texts, these young women needed to justify their acts in the eyes of society and their families, while at the same time calling in their declarations on the men and leaders to act. This line of argument cut short the religious parties' objections, and reiterated the more classical notion of the necessary taking on by women of male roles of any kind when these are not fulfilled by the men (Latte Abdallah 2006)—and this without their femininity being affected. “Of course you think of your mother and your parents, but you have to do something to defend the nation [*watan*]. If my brothers say no, if so-and-so says no, who will do it?” explained twenty-seven-year-old Asma from the Islamic Jihad, who wanted to carry out a martyrdom operation in 2003.<sup>24</sup>

Some evoke the need to protect their fathers or menfolk when they are in danger or powerless, and the notion of redress if they have failed or their image and reputation have been tarnished. Seventeen-year-old Ayat al-Akhras, who grew up in the Dheisheh camp in Bethlehem, carried out a martyrdom operation at the entrance to a West Jerusalem supermarket on March 29, 2002, killing two people. She had been prepared by the al-Aqsa Martyrs' Brigades, even though she was not a Fatah member. Her mother described her attack to me as motivated by “Abu Ammar's [Yasser Arafat] siege in the Muqata 'a [presidential building]. She went crazy when she found out that he was encircled, the President who is there for the people.”<sup>25</sup> The father of the struggle, of the nation, the symbolic father shackled, entrapped, thus appears to have triggered her act. Other accounts evoke different, unspeakable reasons, however. Some claim her action was prompted by accusations against her father, employed for years

<sup>24</sup> Ramallah, October 31, 2010.

<sup>25</sup> Dar al-Qaddum, West Bank, October 29, 2016.

by an Israeli construction company on numerous building sites in the settlements, and having reached a standard of living and enjoying circulation facilities that made the family stand out in the camp. When the al-Aqsa Intifada broke out, some accused him of being a traitor. Her act may then have been a way of reinscribing her family in the resistance, within the collective community of the camp, in order to protect them, and him, from being targeted. Whatever the profound motives for her attack, the narratives around it both evoke the preservation of father figures, themselves the guardians of the family, local, or national community.

Others describe their participation in radical action as the result of being left no choice by the political and military situation. In this case, it is the idea of necessity that is advanced. Born in 1984, Sawsan lives in Nablus. As a child, she was marked by the First Intifada and the death of one of her brothers:

It was at the time of the 2002 invasion, during the siege of Nablus. All my brothers were either in prison, or in hospital. We were living in the old town. There were lots of martyrs, destruction, people in prison everywhere, the army regularly entered our homes. It affected every aspect of life. All people talked about was that. I had just finished my high school diploma. I was in my first year of accountancy at university. I had met a girl from Jenin; I wanted to do something for my country. We decided to do an operation to change things, to not remain silent. We'd belonged to the Islamic Jihad since we were sixteen.<sup>26</sup>

This need they felt derived from the penetration of the repression into the very heart of people's existences (traumatic events; the loss and suffering of loved ones; sieges) and the intimacy of their homes (the army knocked holes through their walls to make passageways from house to house, particularly in the old town of Nablus), erasing the frontiers between battlefronts, sites of conflict, and family life and togetherness, between the world of combatants and that of civilians. The sense of self-dispossession enhanced the desire to serve the community and, in the eyes of those who took part, masked the self-annihilation of martyrdom operations. These young women nonetheless described themselves as personally happy before their act, and spoke of their love of life, turned toward

<sup>26</sup> Nablus, April 21, 2010.

building an individual trajectory, far from any suicidal thoughts. They insisted on their fulfillment, the fact that they were studying, were well-loved by their families, and sometimes engaged to be married. In all their accounts, the voluntary act of self-destruction was absent.

In the documentary *Shahida*,<sup>27</sup> Qaera Saadi thus answered the director's insistent questioning as she attempted to understand how Qaera Saadi could have committed such an act, reconstituting with her step by step her regular gestures that morning, then her reaction before the horror of the attack that took place before her eyes: "You can die whatever you do, even if you don't help a *shahid*... They don't distinguish between civilians and combatants," before going on to completely reject any responsibility by invoking divine will, which, she claimed, is impossible to oppose.

### BODIES, VIOLENCE, AND CARCERAL FEMININITIES

In the testimonies of the first generation, the only violence recounted is that sustained, during the exodus and the Occupation firstly, then the loss of friends and relatives, and most often male family members; then during interrogation and in prison, and in the battles waged against the prison service. Their bodies were exposed to violence through their own or a family member's engagement, military action, or detention. From the Occupation to the brutal repression of the First Intifada, women paid a very high price when the Shin Beth used gender norms and representations to obtain confessions and to repressive ends. In addition to beatings, and particularly blows to the face, interrogation methods thus included forms of sexual pressure, ranging from harassment to molestation and threats of rape. In a few cases, rape by means of baton was reported: that, in the 1970s, of Aisha Odeh, who fiercely fought back and partially managed to escape, and of Rasmieh Odeh.

While recently, men and above all adolescents have also been subjected to intimidation and more rarely sexual assault, this has long been used against women because their bodies and sexuality were considered at stake in Palestinian society. The first female militants suffered the most terrible abuse in an attempt to break female resistance after 1967. The reality of

<sup>27</sup> Op. cit.



what might be qualified as “strategic” rape—that is, committed for political reasons—<sup>28</sup>and the fear that women had been subjected to sexual assault or harassment at one time brought women prisoners into disrepute in Palestinian society. Other practices such as photographing them in staged sexual positions and threatening to circulate the photographs in their entourages were used to get them to confess or to turn them into collaborators (*isqat*) (B’Tselem 1994).

Exerted in front of their relatives or sometimes on their families in their presence, these threats and brutality left painful scars: the women talk about the fear they felt for their fathers, their desire to protect them and other family members, or the prisoners summoned during their interrogations. The militant women of these generations used this language of protection, allowing them to preserve their dignity and to maintain an active role in these extremely harrowing interrogation periods. Moreover, the most politicized women spoke out publicly about this corporal assault to thwart any possible social disrepute. Very early on, the women—and the political parties—developed a line of argument aimed at countering the opprobrium heaped on female detention and engagement. Since the 1948 war, in which rape was used to sow panic and prompt departures from the villages, a memory of this strategic use of sexual violence emerged that contributed to formulating a discourse associating female honor and resistance, rather than associating it with sexual matters (Latte Abdallah 2006). The First Intifada marked a turning point. Women began to denounce the sexual harassment they were victim to, even if the younger ones still had more difficulty in speaking out about it (Thornhill 1992). During the 1990s, tongues loosened (Shalhoub-Kevorkian 1993; Sharoni 1994). Already in 1981, Rasmieh Odeh recounted having been subjected to rape (Antonius 1981). In 2004, Aisha Odeh published a book in which she recounted her interrogation and the way in which she had been severely sexually assaulted with a baton and managed to escape from a veritable penetration. This book was much commented and received a remarkably favorable reception on the part of Palestinian society. Today, the specter of sexual violence that women may be subjected to on arrest no longer dishonors them, and the former women prisoners are more respected.

<sup>28</sup> As defined by Yannick Ripa in her work on the Spanish Civil War (1997).

Female political figures' accounts of the violence they suffered sought to avoid both disrepute and victimization, which they have always strongly refuted. They accordingly portrayed the confrontation that is the interrogation and its traces of violence as markers of their respectability, commitment, and their loyalty as those who did not betray by divulging any information. They attributed a militant—and even more so, a historic—meaning to their suffering, which liberated them from the humiliating discourse of victimhood and asserted their position as resistance fighters (*munadila*—sing.).

I was arrested in 1979. I was fifteen and a half years old, very active, and they wanted me to give the names of people in the organization [*tanzim*]. I refused and they smashed my nose against a wall. I have undergone several operations to fix it, and it's still not over. They also smashed my teeth, but when I look in the mirror, it's my badge of honor (*sharafi*). I didn't talk and I advanced the people's cause. It's like a General's stars.<sup>29</sup>

If the body is above all presented as a wounded body, it is also presented as something that it is possible to dissociate oneself from, and forget. This surpassing of the female body goes beyond prison and forges other femininities. Some describe themselves as liberated from corporal sufferings, from which they draw a force superior to men. This heroic self-narrative gives meaning to their wounds. Ahlam told me she never sleeps on a mattress, only directly on the ground. Rawda Odeh recounted that the day she learned she had breast cancer, she still spent the entire day out attending one of her son's trials, then went to visit another already incarcerated, before going to the hospital.<sup>30</sup>

The stigma is re-signified by turning their assaulted bodies into resistant ones, seeking to liberate themselves from a corporeality and from experiences in which the social contradictions of female activism were inscribed. The narratives of these secular feminist pioneers, who, unlike the following generations, did not cover their hair or their bodies with the hijab and jilbab put their bodies at a distance. Some represent them as strong, as invincible, thereby adopting a posture that in some respects masculinizes them; here, surpassing the wounded body takes the form of performing a *virilized femininity* that momentarily desexualizes.

<sup>29</sup> Bethlehem, October 28, 2008.

<sup>30</sup> East Jerusalem, October 29, 2008.

While it is above all the most politicized among them who project this *virilized femininity* and articulate a heroic discourse rooted in the physical suffering experienced, for all of them, the carceral experience was embodied. It is recounted as a time without temporal limits with lasting repercussions in their affective relationships.

The prison experience has left even more lasting traces in these women's lives. While after a long sentence, men are able to marry women far removed from the prison world, who are much younger than them and able to bear their children, most of the women have either remained single or got divorced. All of those who have got married did so to men sensitive to their experience, themselves ex-detainees and militants, thereby founding prisoner couples. For the women, the traces of prison necessarily perpetuate themselves in their conjugal and affective ties. While militant couples have at times formed, their activist lives, added to periods of confinement, have often meant the renouncement of their personal lives. Only the women are desexualized by their militantism and the time spent in prison; heroic virilization, then the chosen or necessary detachment from the body has carved lives that renounce marriage, sexuality, and maternity. This link between female militantism and celibacy has also been noted in less violent contexts (Loiseau 1996).

In this period, the families of prisoners, of whom there were still few, were ostracized, with close relatives turning their backs on them, even. The women prisoners suffered from this even more than the men when they were perceived as likely to have been subjected to violence, and above all as risking to return to prison and not being able to fulfill their maternal role, or were considered too strong to manage to get on with a man. And if they were sentenced to several periods in detention, they would come out at about the age of thirty, an age deemed too late for a union. Others had been wounded, lost their youth and their beauty. Frial Salem was making a bomb with comrades in a house in her village of Taibeh when it exploded. She was seriously wounded, lost an eye, and was disfigured for a while. Released in 1979 during an exchange, she went to Paris to continue the Master's in Geography that she had begun in Algiers, and to begin restorative surgery. On return, she married her cousin: "He understood very well what it meant to have been a woman prisoner. That was very rare, especially after what happened to me, my wounds and my face which

had completely changed.”<sup>31</sup> Less acute today, this reprobation and social exclusion of former women prisoners still exists in some non-militant and often rural milieux, where the social fabric is more close-knit and reputations more exposed, despite the banalization of the prison experience for all families.

The corporal violence endured and repression’s scars are determinant in these life stories. Prison is perceived as a period from which one does not completely emerge; it worms its way into relationships, feelings, and emotions. Even though Aisha presents prison as what enabled her to feel free and respected, its enduring impact is also a result of her traumatic attempted rape, which had repercussions on her personal and intimate life, making it henceforth impossible to live serenely and triggering her divorce. This separation did not result only from her forced exile to Jordan on her release in 1979, while her husband was forced to leave Jordan when he was put under house arrest in the West Bank:

At a personal level, I paid a high price not only because I went to prison, but also on the outside. . . . My relationship with my husband was neither healthy nor serene; I’m sorry to bring this up, it’s the first time I’ve spoken about it. Everything I suffered under torture made me a woman who isn’t completely normal. The most important thing I felt when I was exiled was that I was being freed from a man, because I was incapable of being normal with him due to the interrogation. What happened during the interrogation became a part of my human nature, of my body’s chemical make-up. It stopped me from becoming a mother. I wanted to be a mother at all costs.<sup>32</sup>

Others like Myriam, who was incarcerated several times in the 1980s, remained single because their activism and time in prison pervaded personal lives that were difficult to embrace materially and psychologically when their families had been affected by the Israeli prison system and the Occupation. Many former detainees are from activist families, whose fathers or brothers died or were in prison, leaving them in charge of the family, reducing their chances of meeting a future husband.

<sup>31</sup> Ramallah, April 20, 2011.

<sup>32</sup> Aisha Odeh, interview in *Women in Struggle*, op. cit.

I didn't think for a second about getting married. We had two *shuhada* [sing. *shahid*, martyrs] in the family. My father was sent to prison, I remember, when I was eight. I used to go to visit him in Ramallah prison,<sup>33</sup> and would cry. Then he was exiled to Jordan and died in Lebanon. We were left with our mother, then she remarried. She didn't live far, but we were left on our own. I was fifteen, I was the eldest. I looked after my brother and sisters. My father was very important to me and from then on, I decided to forget the idea of marriage. And then in 1989, my twenty-five-year-old brother was killed here. He had just got married and his wife was pregnant.<sup>34</sup>

For the al-Aqsa Intifada generation, the question of acts of violence against others and against oneself was posed, contrary to the previous generations for whom the only violence that existed was that they were subjected to. This change is explained by the new modalities of the struggle—attacks against military targets versus martyrdom operations targeting soldiers and civilians—and the repression, namely, the abandoning of the most violent physical and sexual torture after 1999, particularly vis-à-vis women, but the maintaining of strong, often gendered psychological pressure.

Notwithstanding, in most accounts, violence is distanced. The death of civilians is passed over in silence. All the young women arrested in 2003 belonging to the Islamic Jihad, Fatah, or the PFLP only mentioned attacks destined to kill soldiers and ignored the rest. Forty-five-year-old Ismat, who served thirteen years in prison for preparing an attack when she was a member of Fatah, mentioned the eventuality of killing civilians only to insist on her incapacity for violence. As she described it, the fact of dying along with the rest appeared to facilitate the violent act, for it invisibilized it for the perpetrator, while at the same time removing the burden of later responsibility:

For me, it is very hard to kill, even a chicken, even the sight of blood. I would find it hard to even look at a wounded person. What could I do? Political work [*tanzim*]? But I don't have the patience for that kind of thing. I told them, "I'm willing to give everything for my country, even my soul. Think about it." I underwent military training, I handled bombs

<sup>33</sup> It was located in the Muqata'a, which became the headquarters of the Palestinian Presidency.

<sup>34</sup> Bethlehem, October 30, 2008.

and a Kalashnikov. I was excellent. ... I was arrested before the operation. I was meant to attack Jaffa Street [West Jerusalem], a café. I would have also killed civilians, those who were in front of me. The idea of killing civilians is hard, but in Israel, they are all in the army and they came to take the land. I tried to convince myself. And it was a café for adults, with a lot of soldiers. If there had been children, I would have called everything off.<sup>35</sup>

In the documentary *Shabida*, all of them defend their act. Samar Sabih told the director: “That is our right. We have no arms, no tanks. It’s the men’s right, but also the women’s. We have nothing but our bodies.” When the filmmaker confronted them with their violence, of the actual or possible consequences of their acts, they eluded this or hid behind carrying out divine will.

This denial of violence is as much an attempt at self-justification, and justifying themselves to the public and their interlocutors, as it is a gendered representation that makes it hard to see women as violent without them becoming doubly deviant. In a similar manner, perceptions of the IDF women soldiers studied by Orna Sasson-Levy and Edna Lomsky-Feder reflect an unconsciousness, or an erasing of the Israeli army’s violence. Those who have risen up the military ranks to occupy posts in the combat units concentrate their accounts on their crossing the gender line that kept them in subaltern roles, on the difficulties this entails, their satisfaction, and so on. The critical voices of the women soldiers who testify to the NGO Breaking the Silence<sup>36</sup> in order to denounce the IDF’s methods highlight “military sexism,” while also describing violence and the Occupation as a “masculine phenomenon” (2013). This erasure of violence is more acute among the women, but is not only a gender-based phenomenon. To a lesser degree, it concerns the men too—those among the prisoners having perpetrated, or who wanted to commit attacks, but also Israeli soldiers:

Because it goes against the national image of a moral society bearing the highest legitimacy that there is—that is, offering the persecuted Jewish

<sup>35</sup> Ramallah, November 2, 2010.

<sup>36</sup> This Israeli NGO founded in 2004 by former conscripts and IDF veterans denounces IDF practices in the West Bank and Gaza based on soldiers’ testimonies. It organizes guided tours. <https://www.breakingthesilence.org.il>.

people a country—the army’s violence is denied or occulted in the civilian world by a whole range of sociocultural discourses. There is the discourse of trauma, for example, which represents the soldiers not as aggressors, but as victims, the confusion between the two being reinforced by an infantilizing vocabulary that makes them beings in need of protection. (Sasson-Levy, Lomsky-Feder 2013)

This derealization of violence is thus constructed as a mirror image in a conflict in which the occupying army’s brutality is constantly erased, and in which one of the stakes is qualifying the Other as intrinsically violent and “terrorist.”

While these women prisoners resolutely reject the posture of victim, their narratives also distance any brutality against others or against themselves, rejecting the idea of self-annihilation and suicide. On the contrary, they insist on their investment in projects, their personal trajectories, their happiness. Their body is represented as leaning towards life, beautiful, and feminine:

I recorded a cassette in which I gave my name, profession, the reasons why I wanted to carry out this operation. I also wanted people to realize that I was a successful woman who wasn’t doing this out of desperation. At that time, I was studying in Lebanon, I had a car, I was studying theatre and acting, I was very happy. And people could see that I was beautiful. I was a free woman; I wanted my country to be free.<sup>37</sup>

This considerable presence of female bodies was reinforced by the videos recorded by the future martyrs, and the photographs and posters that circulated in Palestine and in the regional Arab press (Hasso 2005). The sexualization and even hyper-sexualization of female combatants’ bodies have been demonstrated in other contexts of armed struggle, such as Peru (Boutron 2012). In Palestine, this was a new phenomenon, even if some rare revolutionary women of the first generations, like Leila Khaled, were the object of an iconography that exalted their beauty and youth.

The metaphor of marriage was often used in reference to their act. Like the Lebanese women, they were brides, and whatever their partisan affiliation, for them, the religious register predominated. These betrothals

<sup>37</sup> Ismat, Ramallah, November 2, 2010.

were absolute, symbolic, with no reference to a land, a place, and—unlike the young men—without the fantasizing promise of carnal relations with young virgins in the afterlife. They were referred to as “Allah’s brides,” “brides in paradise,” and “eternal brides.” This nuptial semantics is strongly linked to the sacrifice of the *shahida*, who most often dies young and unmarried, denoting a cause that surpasses their person. This metaphor is a form of symbolic compensation. It was already observable in the 1980s, for example in Salah Qaddoumi’s film *A Palestinian Wedding*, which portrays that of a beautiful, pure young woman in a white dress, carrying a red rose, who blows herself up in a car inside an Israeli military zone. This nuptial metaphor is deployed too for the young male martyrs, whose beauty is also exalted; physical qualities reflect here the so-called moral virtues of the act and vice-versa. Finally, insisting on the vitality and beauty of bodies is a way of prolonging them, of erasing the terrible dispersion of flesh caused by this type of attack, of leaving them unscathed by an act which henceforth becomes just a useful political passage between two worlds. It is a way of eclipsing death as, according to the Qur’an, the *shahid*—and thus the *shahida*—lives on. Commonly relayed, this belief in the eternal life of the *shuhada* and *shahidat* is a form of public disavowal of death that facilitates action or comforts families, but in which few really believe. It is above all a declaration that has an intrinsic purpose and performativity. Despite being a practicing Muslim, Itaf Alyan thus expressed a more pragmatic and utilitarian vision of martyrdom: “All humans die. We are all going to die, but I wanted to die differently, doing something. After my brother’s death, I wanted to carry out an operation. When I was younger, I was full of anger, of rage.”<sup>38</sup>

For the first, secular generations of female militants, despite their feminist ideas, the violence endured and the contradictions often experienced between their personal (affective, intimate, sexual) lives and collective engagement left traces well beyond their time in prison. This contradiction was inscribed in their bodies and permeated their lives. Over time, the antagonistic injunctions that deeply impacted the lives of the first women prisoners were surpassed. The young women candidates for martyrdom during the Second Intifada were all, or became religiously observant in detention and dressed accordingly (wearing jilbabs and hijabs, and very occasionally niqabs—a face covering). Yet their bodies were less a site

<sup>38</sup> Ramallah, April 14, 2010.



of contradiction and their femininity less placed under tension by their time in prison. Added to this new corporal presence—that of a body hidden from view, but assumed as a sexualized and desiring body—was a new apprehension of individual, marital, and affective trajectories, of the connections between individuality and the collective, for both the men and women. Being subsumed by the collective and the abnegation inherent to the national cause and to the prison ethos gave way to personal voices and expectations. Pursuing these personal trajectories was, on the contrary, perceived as a way of consolidating the collective. The different stages of personal life (studies, marriage, maternity) and the women prisoners' sexuality were thus less hindered by their mobilization and time spent behind bars.

These changes took place at a time when militant and carceral socializations were less openly feminist and more religious. This resonates with other works that highlight the “paradoxical” effects of women's struggles in groups which are at times far removed from a feminist ideology, or are even “conservative” (Gayer 2012; Avanza 2009). Here, religious socialization indeed contributed to the elaboration of this new presence of the female body and sexuality, valorizing marriage and encouraging reflection on the means of conceiving children while in prison. This evolution invites us to more systematically think the plasticity of referents, be they religious, “progressive,” or feminist, and the multiple possibilities that they engender in specific places and historic moments.

But *in fine*, it is truly mass incarceration over several generations that metamorphosed female experiences of prison and gender relations, which necessarily surpassed the carceral moment and were lived differently, both during and after. As the *prison web's* hold over lives grew, so did the idea that one had to live come what may, in spite of, and beyond the repeated detention periods. This understanding encouraged marriages during incarceration, and mother and fatherhood, couched only in part in the old bedrock of natalist policy. For the new generations, personal, or even intimate and amorous life was thus no longer opposed to collective engagement and was less stymied. Marriages contracted while serving time were presented as exemplary; love stories were relayed, lauded, and the more positive perception of former detainees facilitated their unions once Outside.

More women gave birth, or kept their children behind bars where, legally, they could stay with their mothers until they were two. However, Shabas caters little for these maternal ties. The prevailing maternalism

among common law prisoners in penitentiaries in France, Europe, or Israel does not concern security detainees. The conditions in which they raise their children are precarious, ill-adapted, and with no particular amenities or forms of care. The security detainee regime that applies to them is no different to that of the men. While paternity is unrecognized by the prison institution, maternity is conceded *a minima*.

It thus took the intervention of the Palestinian NGO Mandela<sup>39</sup> and several lawyers to obtain the removing of handcuffs during labor in 2005, and for them to only partially be put back on during the postpartum stay in hospital. Cells are not equipped, and neither Damoun nor Hasharon has childcare facilities. When these mothers go to court, they take their children with them or leave them with their co-detainees. As they are rarely distinguished from their mothers, the children have at times been subjected to collective punishment (like the long bans on leaving cells) and periods of repression. They are not considered free people whose rights and protection must foremostly be guaranteed, but are, rather, treated as the extension of their mothers. It is the figure of “terrorist” that always prevails over that of mother. They are above all considered terrorists having taken part in acts that are deemed morally indefensible and this, even more so, because they are women. Indeed, it is also through the lens of conservative gender norms that they are judged to be deviant. Depending on who they are and the motives of their conviction, their right to keep their children can be challenged.

Twice married—the first time while she was serving a sentence, and the second at the very late age of forty-two to an Islamic Jihad writer who saw her on television entirely covered in a niqab and jilbab, an age when women are considered too old to marry—Itaf Alyan has built her story into a model. When he was released, they got married and she gave birth to a little girl, before being arrested again. She went on a sixteen-day hunger strike until Shabas agreed to her eighteen-month-old daughter joining her.

These transformations result from the emergence of a collective and of networks of former women prisoners that have been built up over time between the generations and between the parties. A collective of former women prisoners of the first generations set up the association Masira in 2011, consolidating a common experience and a system of mutual

<sup>39</sup> Founded in 1989, it pioneered the defense of prisoners’ rights.

assistance whereas previously, the women were far less organized than the men both Inside and Outside. The men indeed founded the Prisoners' Club back in 1992. These female networks are also forms of mutual acquaintance that encourage unions with each others' brothers, cousins, and male friends. These men have apprehended and often experienced detention first-hand. Having both been to prison, the men and women have the impression of sharing a singular experience, even if it has become commonplace in the Occupied Territories. Their political engagement and carceral experience forge closer amorous relationships and couples. More and more men now want to marry former female prisoners. The prison experience is no longer seen as stigmatizing, but as the possibility of building more balance relationships between men and women, as an ability to change social norms and gender-based experiences.

All place the accent on pursuing individual trajectories beyond prison as a response to the *prison web* and the carceralization of daily life, be it the increasing pursuit of university studies, unions, parenthood during detention, and so on. The new technological tools, mobile phones, and social media that emerged in the 2000s have densified ties between the Inside and Outside and facilitated suspended existences in the intervals and interstices of the carceral. Mobile phones are not smuggled into the women's places of detention, however. Behind bars since 2003 before the advent of social media, Lina Jarbouni learned their names, functions, and so on from the new arrivals. With no access to phone lines, ties with the Outside have been maintained for the women via radio programs, which serve as visiting rooms, through which families send messages, notably *Asra al-huriyeh* (Prisoners of Freedom) on the Voice of Palestine, which broadcasts several times a week and which they impatiently await; via prison visits and their communalization for those who have none; and via television which periodically rebroadcasts programs for political prisoners.

### ITAF ALYAN'S HAIR SALON, CLOCK SQUARE, RAMALLAH

In April 2010, after an unsettling call in which she informed me she would talk to me whatever the degree of trust between us, I join Itaf Alyan in her children's hairdresser's. She opened it just after her release in a pretty gloomy Ramallah shopping mall—a project imagined behind bars. Everything is designed for kids: the three raised red, blue, and pink cars with large spotlights that serve as chairs, the walls decorated with cartoon characters, the bright colors. Itaf is cutting hair while the child's mother

waits. She is dressed in off-white, a niqab slipped below her chin, ready to be pulled back up if a man enters. I sit next to two young women, their hair covered by white hijabs and wearing grey and beige jilbabs. We start chatting; I learn that they have all known one another since prison, or even earlier. Hiam, thirty-something, works at the salon.

Itaf welcomes me with a flurry of questions about my research. She tests my intentions, perceptions, and preconceptions. She immediately mentions the film made by Natalie Assouline while she and a few other young women in her entourage were in Hasharon. She encourages me to watch it because she thinks it gives a fair vision of their experience and of their commitment. She explained that the left-wing Israeli filmmaker took the time to grasp their points of view: she came to Hasharon every day for three years, her attention could not have been feigned; emotions were shared. Above all, the film helps to understand that their actions were political and not the result of social problems which, for her, is the most important. They also, in her view, appear strong and determined and in their full humanity. Itaf Alyan first spent a decade behind bars from 1987 to 1997, from the age of twenty-five to thirty-five. She belongs to the First Intifada prison generation, even if she was sentenced for an act unconnected to the uprising. She lived the uprising from Inside and reinforced her political stature and leadership within the female prison society. She represented the Islamic Jihad. She forged her reputation for resistance Inside with Ismat when they attacked a guard who treated the detainees contemptuously and brutally. On her release, she enrolled in a BA in Sociology, founded a nursery and a Center that delivers social and educational aid in schools and the university. She tells me her story, which she wants to be exemplary, destined to inspire others, and to back the choices and trajectories of former women prisoners. She evokes her second marriage and becoming a mother later in life, then her studies followed during the intervals Outside and her intention to complete them with a Master's in Management. She is forty-eight at the time of our conversation: "I have faith. Hope motivates. A human being must continue, not stop. There is no age for doing anything."

In October, I return to the salon. Amal is there, like the last time, Hiam, the salon employee too. Hiam was sentenced to nearly three years for her involvement in the association offering assistance to Islamic Jihad detainees. After just six months Outside, she went down again for three more years for her activities in the Center set up by Itaf Alyan. Amal is married to Hiam's brother. They were very close in prison; he asked

his sister if she knew a former prisoner, someone worthwhile. She introduced him to Amal. They evoke the very strong ties between the women behind bars; they become “like sisters.” Hiba, who is twenty-five years old, spent three years in prison for her activities in an association helping the families of prisoners and martyrs affiliated to the Islamic Jihad, which was shut down with the arrest of its members in 2006. She obtained her high-school diploma in prison, and was released two years ago. She is currently studying accounting and has just got engaged. She met her future husband, who belongs to the Islamic Jihad, through her mother, with whom she shared her prison years. He was released only just two weeks ago after six years in prison and has not yet had the time to find a job. As we talk, Itaf reads the Qur’an on her laptop between two clients, then prepares her future trip to Mecca via a virtual visit.

## FEMALE MODELS AND LEADERSHIP

*Ofer Military Court, September 20, 2015*

At the entrance to the cafeteria, we wait for the audiences to resume after the lunch break. A young woman, who has been to prison herself, tries to reassure a mother come to follow her daughter’s trial:

- Don’t worry, Lina [*Jarbouni*] is there; she’s like a mother. She’ll come out stronger; it’s a good experience. You’re worried, but she’s fine there. They do lots of things, they have a program.  
The mother smiles, half ironically, half bitterly, not convinced:
- A good experience...
- Yes. Yes, a good experience. And her fiancé, will he understand?
- Yes. The problem isn’t the fiancés, it’s other people.  
I intervene.
- But everyone is familiar with this experience, aren’t they?
- No, not everyone. A lot of people, yes, but don’t think that it makes it something normal (*‘adi*).  
We talk about her lawyer, the charges, etc. The mother speaks again, soothed.
- Nowadays, young women are stronger than the young men. They are like rocks.
- Yes. Instead of saying “I’ve got three boys and a girl”, my mother says, “I’ve got four boys.
- But in people’s eyes, there are difference between girls and boys.

Despite social transformations, according to milieu, whether militant or not, urban or rural, the perception of women prisoners and the field of possibilities open to them once Outside remain contrasting. Verbal masculinization still—sometimes—allows the acceptance of their acts. In Hamas and the Islamic Jihad, most valorize their political and armed involvement nowadays. More prevalent than in the 1960s to 1980s, strong social and religious conformism is nonetheless articulated in certain condemnations targeting some because of their corporal postures. While the body is present, and while the performance of a *virilized femininity* is no longer necessary, an engaged—and thus visible—female body that is not covered up or veiled, in proximity with men, or in attitudes not conforming to the segregation between the sexes and to the current socio-religious conservatism is susceptible to reprobation.

Leading female figures have the means to escape criticism and to vocally defend their choices, on the strength of their national stature. Ahed Tamimi was attacked for the freedom of her wild, curly blond hair, and Khalida Jarrar for having been carried on men's shoulders by the crowd who came to welcome her at the Jabara checkpoint where she was released in June 2016. Khalida retorted in her powerful and esteemed voice, denouncing her detractors' superficiality, their "reactionary views that view women as chattel," adding that "those whose distorted view sees women purely in sexual terms exhibit an inferior and primitive mindset" (Jarrar 2017).

Ahed Tamimi was still a minor and it was her father who riposted. In a letter posted on Facebook on February 1, 2017, to wish her a happy seventeenth birthday, which she celebrated behind bars, he firmly challenged those who questioned his daughter's morality because of how she dressed, protecting her with his paternal stature of a respected militant:

My little angel... Do not bother yourself with the words of those who trade in politics and religion like merchants in the market. Religious men, pious in their own eyes, want to discuss your hair in order to take attention away from your struggle and its legitimacy. The indoctrinated, unadulterated in their own eyes, do not recognize the humanity and truth in anyone who does not blindly plead loyalty to their dogmas.

Then there are those who are always absent; the ones who refuse to take a stance for that which is right, who shiver at the idea of standing up in the face of oppression. They refuse to confront brutality, and those who struggle for freedom, like you, tear off their masks to show them for what they are.

Don't worry about those who criticize you now, my little girl. Your bravery has turned you into a lightning rod and those who fear their own hypocrisy revealed want to hide by hurting you. All their criticism of you is made up so that they can continue to hide behind their fears. They know, it is your courage that has reminded everyone—the emperor has no clothes.

He contested their national probity and their courage, thereby faulting them on the terrain of resistance and masculinity. He spelled out that they were dishonoring the gender roles that they claimed to defend. He continued his letter with a gendered reading of the event that led to his daughter's imprisonment, highlighting the cowardice of those who were slandering her and at the same time ridiculing the IDF, saying they were as bad as each other. Rather than erasing Ahed's still virginal female body, Bassem Tamimi positioned it as an *iconic femininity*—one of resistance—like the *iconic masculinity* of the prisoners. In other words, the *iconic femininity* of a teenage girl capable, with a slap, of ruining “their military manliness and [putting] their fragile institutions at risk of collapse.”

Particularly strong for young men ever since the time of the First Intifada, *heroic subjectivation* has gradually spread to the young women, who have upended gender representations and more openly asserted themselves as heroines too, as shows the emergence of the ultra-mediatized figure of Ahed Tamimi. Despite her young age, and beyond her iconic dimension afforded by her angelic physique, the way in which her act revealed her stunning courage, the inequality of arms, and the injustice, her highly politicized public declarations made her a contemporary incarnation of female engagement, spread by the speed of images and social media. From a militant family, she was socialized since childhood into the popular resistance mobilizations. The visibility of female commitment and leadership has grown considerably, impacting the ways in which all the incarcerated women are viewed.

Organization and the degree of politicization Inside, and their participation in the key inter-prison mobilizations, such as the major hunger strikes, largely depended on the sociology of the women incarcerated, but also on the presence of political figures capable of organizing prison time and linking up with the Prisoners' Movement. Older than the average at forty-something, Lina Jarbouni, a Palestinian citizen of Israel, thus disposing of the resources to serve as an interface with the administration and condemned to a long sentence, was the representative of the

women prisoners from 2003 until her release in 2017. She ensured a certain organizational continuity. She is close to a religious party, just like Itaf Alyan, who joined her behind bars from 2003 to 2006. They thereby intensified a carceral socialization linked to religious and Islamic nationalism. The small number of women prisoners, their limited connections between prisons and with the Outside have always made their organization less solid than that of the men. Highly susceptible to the fluctuations of those entering and leaving prison, it is more fragmented, less lasting, and with less possibilities for transmission between the women. It has had to be recreated at each period, and depends heavily on the political figures present. When Khalida Jarrar arrived at Hasharon in 2015, she noted the lack of “organized resistance” Inside due to the absence of female partisans and the diversity of profiles. Beyond the political dimension, collective organization was weak, and education limited. She strove to unite the women prisoners by forging the collective and erasing social inequalities. She contributed her knowledge to widen the field of subjects taught—English, human rights, Palestinian history and society—organized taking high-school exams with the Palestinian Ministry of Education, and organized debates on pluralism in politics. She reestablished a collective management of the money destined for common items (*sandug*), making sure to reintroduce a financial equality by asking her husband to complete the amount of commissary money so that all the women had 1,200 shekels (370 dollars) a month. They were thus able to replace all the sheets, add furnishings that benefitted everyone, provide clothes to those who were lacking, and so on.

Khalida Jarrar is an influential PFLP voice, and an advocate of both its social and feminist political resistance values. Her integrity is widely recognized. She enjoys the legitimacy of opposition to a Palestinian authority deemed powerless and corrupt, that of grassroots activism and of her long-standing involvement in the women’s and prisoners’ causes, having run the NGO Addameer and being in charge of this question in Parliament. She is highly educated,<sup>40</sup> at fifty-something of a respectable age, and is a deputy. She thus represented a consensual figure in detention, who was able to reinforce the community and the transformative dimension of the prison experience. Associated with that of Lina Jarbouni, her leadership brought about notable changes Inside. Moreover, she enjoyed

<sup>40</sup> She is, since 2021, a researcher at the Muwatin Institute for Democracy and Human Rights at Birzeit University.



enough credibility to denounce a “dual oppression” impacting the young women in particular, due to the Occupation on the one hand, and to “our patriarchal society” on the other, and shed light on the question of female incarceration as a means of escaping abusive behavior (Jarrar 2017), concealed by everyone, and the frequency of which came as a surprise to her. Out of the forty-six women detained at the time for the threatening possession of a knife, she noted that a majority were motivated by social difficulties (refusal of an arranged marriage, domestic violence, etc.). She strove to help these young women by interceding with the family via the intermediary of lawyers sent in her name. Using her stature, she pleaded to their families for these young women’s free will in choosing their husbands to be respected and for their right not to be subjected to violence, and alerted feminist and prisoners’ rights organizations to the matter (2017). Her efforts and the study she carried out in prison frontally uncovered a significant phenomenon that was hinted at but until then a taboo for politicians, militants, ex-detainees, and the NGOs because it crystalized tensions concerning the recognition of women’s role in the parties and in the resistance to the Occupation. She resolutely ended the impasse that the primarily conflict-driven representations and postures constitute, aligning herself within a feminist and independent position. The feminist formulation of this dual oppression experienced by women goes far back in the Palestinian context (Latte Abdallah 2006, Pouzol 2008), but the possibility that Israeli prisons be a refuge for some of them went well beyond this problematic, by mobilizing the sacrosanct and iconic figure of the prisoner and that—less consensual and widespread, but nonetheless defended—of the woman prisoner.

Since the first generations, women have constructed their female models: arrested in 1969, prisoners such as Aisha Odeh evoked the Algerian figure of Jamila Bouhired, whose biography she read as a teenager, while Rawda Basir, incarcerated ten years later, grew up with Aisha Odeh’s story and the accounts of her bravery before the interrogators, then took over from her as the women prisoners’ representative. The airplane hijackings of Leila Khaled and Thérèse Halasa, Dalal al-Mughrabi’s commando actions, or, later, the first female martyrdom operation of Lebanese Sana Mehadli were references for some wanting to take up arms, like Itaf Alyan, who also became a female model for others. Beyond these exemplary trajectories and figures, who have varied according to the generation and modalities of struggle, female militancy and leadership were strengthened by the time spent in prison, for it forged peer groups

united in an exceptional and founding experience. It singularized the women prisoners.

If the carceral moment no longer assigns trajectories as it did in the past, if it has become a parenthesis in life not its be all and end all, and if women prisoners have gained society's respect, it is also thanks to the prolongation of carceral sorority Outside. The positive identity of former women detainees is now foregrounded by the active networks of women prisoners, which have consolidated ties beyond and after prison. These networks, which only in part align with partisan belongings, create opportunities to meet future husbands, to find work, to share experiences, difficulties, resources, and joys. They build up around figures such as Itaf Alyan, her Center and hair salon, but also around immaterial places, suspended between the Inside and Outside, such as the *Asra al-Huriyeh* radio program on The Voice of Palestine, on which women are extremely present. A community has grown around this program and its presenter. Those who have been released continue to call the show, giving news and practical information to those still inside, keeping abreast of releases so they can go to visit the newly released, and entrusting one another with keeping watch over their children Outside. While visits to the released were one of the mainstays of post-carceral male sociability, the women, who are more spread out across the territory and more limited in their movements, used to do it less.

Like Nadi al-Asir, the women's association Masira prolongs the female carceral community Outside, consolidates relations, and reinforces an inclusive community by having a branch and a female representative in every governorate. Aisha Odeh, Rawda Basir, Frial Salem, Rawda Odeh, and Sonia Nimr took the initiative, but it also federates the youth. Elected to her administrative committee at the age of twenty-five in 2012, ideologically close to the PFLP and an activist in the youth movements, Aïda is one of its active members. She claimed to be happy and proud to join the women she had read and admired, who made her stronger to affront her arrests. If Nadi al-Asir is politically marked by its Fatah founders, the women who founded Masira belong to the often left-wing secular parties, but a figure of political Islam such as Itaf Alyan also became involved in it, bringing with her young women of other sensibilities.

Their intention was primarily relational: not to let the former women detainees confront the post-carceral moment alone, including those far from the urban centers or who were not politicized, and thus to take measures to make the association known to all; to prolong the sharing of

experiences and mutual assistance, organize meetings, group discussions, and outings and activities together; and finally to inform and to facilitate their access to the Ministry of Prisoners' Affairs existing resources. But it was also social and feminist, offering concrete aid, professional training, or women's confidence and empowerment sessions, financial backing to the neediest, and so on. Still in its early days when I followed its first events, this association was nonetheless already integrated into the associative and organizational network, and particularly that addressing the women, and benefitted from the backing of the Ministry of Women's Affairs. This strong imbrication was facilitated by the personality of its founders, engaged in feminist activities since their release. The then Minister of Women's Affairs, Rabia Diab, was a former Fatah prisoner of this generation, introduced to feminism during her years behind bars. Transgenerational and trans-partisan, the Masira association seeks to weave a web of solid and solidary relations, and to open the field of possibilities for all women Outside.

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## After Oslo: The Endless Dematerialized Borders of the *Prison Web*

“There are dozens of arrests every day. Here, it’s like eating or drinking.”<sup>1</sup> In the wake of the al-Aqsa Intifada (2000–2006), the Israeli authorities implemented new territorial, military, and institutional control mechanisms despite the illusion of creating a territorial border between the West Bank and Israel via the construction of the Wall in the West Bank,<sup>2</sup> initiated by the Ariel Sharon government in 2002, and still unfinished (Latte Abdallah, Parizot 2011, 2015, 2017). On the ground, territorial separation is not a reality, then. The overarching project of separating from the Palestinians was not abandoned, however, but another form of separation was envisaged; that is, separation without ending the Occupation. Control mechanisms were progressively redeployed for a territory designed to be discontinuous, completely at odds with classic border logic: that of the boundary lines of the modern State, which form a protective perimeter around homogeneous territory, on which international law is based. Over time, they have erased the delimiting border recognized by international law—the Green Line dividing the West Bank

<sup>1</sup> Helmi al-Araj. July 25, 2011.

<sup>2</sup> This Wall, and more broadly the Walls, have a performative political dimension intended to reassure the citizens of the countries concerned, even if they do not function alone and are most often not the most structuring or the most effective border device.

and East Jerusalem from Israel—and sought, in managerial terms, to manage a low-intensity conflict considered durable while at the same time actively pursuing the colonization of East Jerusalem and the West Bank.

The disappearance of this physical frontier has erased judicial, social, and political borders. A series of boundaries and separations have been introduced that espouse neither the contours of national borders in the making that would ultimately establish a form of Palestinian sovereignty in the Occupied Territories, nor the contrary—namely, the complete responsibility of an occupying power. Scholars Ben-Naftali, Michaeli, and Gross (2009) pertinently point out that the corollary, or even the objective, of this lack of clearly defined territorial borders was the erasure of other distinctions, between occupation and non-occupation, annexation and non-annexation, the temporary and the indefinite, and thus between the rule and the exception, which has created a temporally and legally indeterminate space beyond the Green Line. This indetermination has deprived Palestinians living in the West Bank of the protection of international law concerning occupation on the one hand, and, on the other, of the rights of Israeli or Palestinian citizens, replaced by government by a series of regulations, procedures, and military orders. This state of exception has de facto enabled the re-composition and entrenchment of the modalities of a judicially unlawful occupation (Ben-Naftali, Gross, Michaeli 2009). The close and heightened imbrication of spaces has densified relations that may be qualified as colonial, and which I consider to be a *colonial relationality*, despite the specificity and the hybridity of the mechanisms in place. The annexation of settlements in the West Bank and the Jordan Valley planned in the summer 2020 in the wake of the Trump Peace Plan, and the spatial and dematerialized mechanisms introduced by the Plan and the Benjamin Netanyahu government are in continuity with those put in place since the end of the Second Intifada. Combined with the acceleration of constructions in the settlements in 2020, these projects illustrate the intended irreversibility of the colonization project.

The Israeli authorities have henceforth devised two categories of control mechanisms in the Occupied Territories themselves, that is on the territory of the Other. These mechanisms are based on contemporary surveillance technologies, developing a dual movement of “fencing in” and “fencing out” (Bauman, Lyon 2013; Virilio, Lotringer 2002). Firstly, visible territorial measures have been rolled out in the West Bank on the other side of the Wall on the one hand, such as fixed or mobile checkpoints and different types of obstacles (roadblocks, gateways, control

towers, earth mounds, trenches, concrete blocks, etc.), and have been the object of the most studies. They are destined to maintain a stranglehold over the hundred or so enclaves around the Palestinian villages and towns of the West Bank, and to control Palestinians' circulation between these territorial units, and from these enclaves to the Israeli settlements in the West Bank and to Israel. After the 2005 withdrawal, Gaza became one of these territorial units.<sup>3</sup> This isolated Palestinian towns and villages from one another and came in addition to the territorial division into Areas A, B, and C instigated by Oslo. These obstacles have fragmented the territorial continuity of the West Bank well beyond the Wall. In June 2020, the United Nations identified 593 mechanisms of this type in the West Bank, of which seventy-one permanent checkpoints and 108 partial checkpoints.<sup>4</sup> The Wall's torturous route has, moreover, created pockets cutting Palestinian communities off on two, three, or even all sides (Latte Abdallah, Parizot 2011). Tunnels, bypasses, walled roads, and, in future, bridges create controlled connections—opened or closed according to the Israeli authorities and army's interests—between these spaces. The entire road network, farmland, and the aquifer zones remain under Israeli control. The growing implantation of Israeli settlements on the other side of the Wall has increased Israeli presence in the West Bank and created a phenomenon of “debordering” by expansion (Parsons and Salter 2008).

Secondly, non-territorial mechanisms—less visible, but durable and having a highly structuring effect—have been developed and become more sophisticated. These involve a system of permits to enter Jerusalem, Israel, followed by the West Bank settlements, gradually put in place as of 1991, and which has been systematized, individualized, and diversified; and the renewal of a politics of mass arrest and incarceration that has deployed and intensified a *prison web* over the Territories and turned prison into a mode of managing the Palestinian population. These two mechanisms, which mutually feed off one another, are based on an extended system of surveillance and intelligence that they both help to construct and perpetuate. They have produced a vast network of data that enables biosocial profiling and risk management, making it possible to control mobility, circulation, and confinement inside a discontinuous

<sup>3</sup> See <https://www.ochaopt.org/content/gaza-strip-access-and-movement-july-2022>.

<sup>4</sup> [https://www.ochaopt.org/sites/default/files/westbank\\_a0\\_25\\_06\\_2020\\_final.pdf](https://www.ochaopt.org/sites/default/files/westbank_a0_25_06_2020_final.pdf). All websites included in this chapter have been verified in July 2022.



territory. The Palestinian population is thus entirely managed according to a paradigm of dangerousness. This draws on the managerial practices of the new penology, which attributes degrees of neutralization and confinement according to a personalized risk evaluation, and applies it to everyone. The *prison web* is deployed well-beyond just the “terrorist” or criminal acts and infringements of some. This management is, moreover, designed to be cost-effective. Penal practices are thus part of a specific mobility regime applied to the Palestinians of the Occupied Territories, and of the bordering system. Like in Critical Border Studies, I envisage borders here not as territorialized boundary lines, but according to the way in which they function through a system of networks and by organizing the flow of movement: that is, via the articulation of networks of heterogeneous actors and the flow of control operations aimed to filter, channel, and organize the movement of people and goods in the framework of a territory conceived of as discontinuous (Bigo 2010).

The attribution of distinct possibilities of circulation has created spatial and temporal disjunctions that result in extremely heterogeneous perceptions and experiences of time and space—and conflict—among Israelis and Palestinians, but also within the Palestinian population. By “mobility regime,” I mean the ensemble of institutions, regulations, infrastructures, and practices that, since the 1990s, have enabled the Israelis to regulate and police Palestinians’ daily movements in and from the West Bank, East Jerusalem, Israel, and Gaza (Latte Abdallah, Parizot 2017). This mobility regime has proven to be all the more effective as it shares certain traits with the global mobility regime at play in European migration management policies, for example, which are characterized by a differential access to movement, organize unequal spaces of circulation, sidelining, and confinement, and constitute a major force of stratification and hierarchy (Bauman 1998). Here, however, the intent is different, as this mobility regime is instigated in a context of colonial occupation; in other words, inside the Palestinian Territories themselves.

The redrawing of the territory has separated circulation in the West Bank to avoid friction between the two populations living in the same territory. They have made circulation smoother for the settlers living in the West Bank, while at the same time constraining the movement of Palestinians. They have done so in a segmented manner too, as distinct categories within the Palestinian population have seen themselves attributed different circulation possibilities according to statuses

that depend on where they live. Considered permanent residents, Palestinian citizens of Israel and Jerusalemite Palestinians are allowed to travel the entire Israeli-Palestinian space. Governed by the immigration law, the Jerusalemites' revocable permanent resident status likens them to what Berry has in another context called "virtual nationals" (2009). West Bank Palestinians have to request a permit to leave this territory, and must go via Jordan to travel abroad. The Palestinians of Gaza are restricted to Gaza, which they can only very rarely leave on an Israeli permit, or via Egypt.

While detainees are completely immobilized for often long periods, others see their movement restrained or hindered. Since the Second Intifada, the practice of blacklisting has considerably intensified, and at the end of the 2010s, over 260,000 people were blacklisted by the Shin Beth to the point of no longer being able to obtain a permit to enter Jerusalem or Israel, or to leave the West Bank or Gaza (Braverman 2010, Machsom Watch 2008). In addition to differences in mobility inherent to residential status, the permit system splinters people's movements even more, tributary as they are to individualized criteria that on the whole remain opaque to them.

The projection of these control *dispositifs* inside the Occupied Territories has indefinitely multiplied and pulverized the border according to a fractal logic that is reproduced on different scales and through several mechanisms. This widening of the border and its mobility maintain an interstitial space that is impossible to cross, endless, and unlimited. This is particularly the case in the West Bank, which, in some respects, has totally become a borderland, or what Brighenti has elsewhere qualified as an "in-between border space" (Brighenti 2013). Moreover, the permit and penal systems have "pixelized" (Bigo, Guild 2005) and dematerialized the border at the same time. It has indeed partly become a network of personalized data, for the contemporary borders are "smart borders," which function as a data network (Amilhat-Szary 2015). The border is thus "networked" (Popescu 2012) and individualized; according to their profile, to each their own mobility possibilities, which may vary according to the time of day or night.<sup>5</sup> In this respect, and notably because arrests offer possibilities to add to this data network, the entire

<sup>5</sup> The film *Inner Mapping*, that I co-directed with Emad Ahmad, is an artistic experimentation of borders in the West Bank (2017).

penal system is one of the key devices governing the Occupied Territories and, particularly today, East Jerusalem and the West Bank.

Various authors have highlighted the growing carceralization of the Occupied Territories by means of three mechanisms: prisons, checkpoints, and walls (Bornstein 2008). They have been qualified it as a “carceral society” (Bronstein 2008), or a “carceral archipelago” (Gregory 2004, Parsons 2010). Others have focused on the effects that territorial control mechanisms have had in fragmenting space and movement (Weizman 2007). Drawing an analogy with the South African apartheid system, Hilla Dayan characterizes this spatial architecture as a “domestic border regime” (2009). Finally, other researchers have examined non-territorial mechanisms, bureaucracy, the complexification of administrative documents (Parsons and Salter 2008), and the central role of the permit system (Berda 2017).

None, however, have focused on the policy of mass incarceration and the carceral domain per se in such a context of multi-scalar confinement and production of a plethora of borderlines. Yet, the penal system targeting Palestinians has been used to manage Israel’s national borders—endless networked borders that are mobile in time and space. By means of its intelligence service-based structuration, the ethnicization of its practices, and the constant imbrication of the right to circulate and criminalization, it contributes to a specific bordering. The *prison web* has been cast wide. Government by prison has been entrenched through the application of neoliberal reforms and mechanisms to the penal system (externalization, the privatization of services, and so on), and through its monetarization and the development of a carceral business that have made the military judiciary and prisons more profitable and less costly both economically and politically. Part of their cost and their implementation have been off-loaded to public and private actors of Palestinian society and the international community.

## CONTROLLING MOVEMENT AND THE NATION’S NETWORKED BORDERS THROUGH CONFINEMENT

### *The Ethnicization of the Penal System*

A dual judicial system (Hajjar 2005) has gradually been established according to ethno-national criteria that opposes Israelis and Palestinians, and sometimes Jews and Arabs. This ethnicization of the penal system

is based on two main types of disjunction: on the one hand between the territories concerned and the respective legal competences of Israeli military and civil justice (both Israeli and Palestinian); and on the other between the type of crime and the competent jurisdiction that ultimately tries cases. Moreover, the very category of “security detainee (A),” as distinct from that of “common law prisoner (B),” formalized during the Second Intifada, is ethno-national as it only concerns Palestinians or Arabs and is not applied to Jews. A crime’s qualification as a security or common law violation is indeed not sufficient to determine the category of the prisoner: only the Jewish Israelis Udi Aviv and Ygal Amir, Yitzhak Rabin’s assassin, were considered security prisoners, even if the latter benefited from a special more clement regime (the right to phone calls, more frequent visits not behind a window, etc.). Other Jewish Israelis having committed crimes against State security have always been considered common law prisoners. Palestinians, however, whatever their citizenship and status (citizens of Israel, Jerusalemites, inhabitants of the West Bank or Gaza), and more generally Arabs (Golan Syrians, Lebanese, Jordanians, Saudis, etc.) are significantly more likely to be considered security prisoners. This classification is an administrative decision that depends on Shabas’ internal regulation, not a statutory regulation.<sup>6</sup> It is taken by the prison warden, or by the head of Shabas’ intelligence division, after consultation with the police and the Shin Beth.

In 2014, Abeer Baker, a lawyer from Acre in Israel, defended a common law Gazan prisoner who had obtained Israeli citizenship a few years before his arrest. It was revoked following his conviction. Until his trial came to an end, he enjoyed common law conditions: he worked in prison, received frequent visits, was able to circulate relatively freely inside the prison, had phone access, and so on. Once his sentence was handed down, his status was requalified as category A (security), and he lost these rights and became a dangerous person due to his change in citizenship.<sup>7</sup>

Military justice has no territorial jurisdiction, but is also ethno-national. Palestinians and Israelis living in the same place are subjected to separate forms of justice. That was also the case in other colonial contexts, such as in French Algeria (Blévis 2013). Israeli settlers are not judged by the

<sup>6</sup> Israel Prison Service, Ordonnance 04.05.00, updated on March 18, 2014. Over time, it *de facto* became a secondary law.

<sup>7</sup> Acre, October 30, 2014.

military courts, unlike Palestinians—that is, residents of the West Bank, and of Gaza up until the Israeli withdrawal from the Strip in August 2005. Since 1996, East Jerusalemite Palestinians are no longer tried in military court due to Israel's annexation of the city after the 1967 War, nor are Palestinian citizens of Israel, which was previously possible.

In July 1967, a law was voted to grant Israeli civil courts competence in the Occupied Palestinian Territories (OPT) exclusively to try Israeli citizens (Hajjar 2005, Tsemel 1985). While the military courts' vocation was initially also to try Israelis for so-called security crimes committed in the OPT, this was completely abandoned in the early 1980s, however, on the grounds of the problems that this might cause the settlers (Yesh Din 2007). Military courts have extraterritorial competence, however; they can try cases involving other Palestinians—from Jerusalem or Israel—if the crime incriminating them also concerns a Palestinian from the OPT or an Israeli resident of the West Bank. The same goes for Diaspora Palestinians, who are sometimes kidnapped and brought back to be tried by military court, or for other Arab foreign nations (Syrians of the Golan annexed in 1981, Jordanians, Lebanese, Saudis, etc.) for security-type offenses. Moreover, for Palestinians and Arabs, some common law crimes can be considered security cases if they are motivated by nationalism.<sup>8</sup>

Since the Second Intifada, this ethnicization has intensified. Previously underused, the military courts' jurisdiction has been expanded to progressively cover a majority of non-security offenses in the West Bank. According to the Israeli lawyer Leah Tsemel, they have thus become the West Bank's courts for Palestinians, dealing with civil law infractions and common law crimes if an Israeli or Israeli goods are involved, such as drug trafficking and the theft of Israeli cars, smuggling, infringement of property in the settlements or in Israel, land conflicts, traffic violations committed in Area C and in Area B, or illegal entry to Israel—qualified as leaving the territory without a permit. The military courts thus above all try minor civil offenses committed by Palestinians: and not only in Area C—which, according to the Oslo Accords, remains under Israeli control and represents 60% of the West Bank and includes all the farming land and road network—but also in Area B, which includes most Palestinian villages (22% of the West Bank) where the Palestinian Authority is meant

<sup>8</sup> The Israel Prison Service, Ordonnance 04.05.00, March 18, 2014.

to be in charge of civil affairs and public order, while the Israeli authorities manage external security. In Area A, where the towns are situated (18% of the West Bank), the PA is supposed to be in charge of civil and security questions. Yet, the Israeli Defense Force's many incursions into Areas A, most often at night, to arrest suspects or to carry out diverse control operations, illustrate the plasticity and the temporality of borders supposed to delimit these so-called sovereign Areas that are inexistent by night. Furthermore, these operations undermine the PA's authority. Yehuda Shaul of *Breaking the Silence* recounts: "In Area A, the understanding between the Palestinian Authority and the army is 'you by day, us by night'... And when the army needs to come in during the day, the PA forces receive the order to look the other way, which means that the lowest-ranking Israeli soldier is superior to the highest-ranking Palestinian one."<sup>9</sup> All security offenses are now tried by the Israeli military courts, whatever the Area concerned. This considerably poses a challenge to the PA's sovereignty, even in Area A.

This continuous extension of the Israeli military courts' scope of intervention and its corollary—the shrinking of the Palestinian civil courts' jurisdiction and the PA's sovereignty in the enclaves it controls—mark the affirmation of a colonial politics that ultimately aims to completely annex the West Bank.<sup>10</sup> The settlers' influence inside the military courts and the civil administration created in 1981 by the IDF to manage the Palestinians of the Occupied Territories' civil affairs, in which settlers hold a majority of key positions, has, moreover, considerably increased since the 1990s (Berda 2017). This domination is particularly visible when settlers are summoned to court, as reported by Court Watch during a trial opposing a Palestinian family from the hills to the south of Hebron and members of the Mitzpe Yair settlement. The Palestinian inhabitants had been attacked by these settlers while they were farming land that the court had previously recognized as theirs. Summoned as witnesses by the prosecutor, these settlers entered court on the same side as the lawyers and court members. They had their phones on them, despite them being

<sup>9</sup> Hebron, 27/09/2015.

<sup>10</sup> It is confirmed by the February 2017 law that aimed to regularize the so-called "illegal" settlements in the West Bank.

banned, which they even used during the hearing<sup>11</sup>; they thus displayed a flagrant posture of familiarity and complicity with the military court.

Including both “hostile terrorist activities” and “disturbances of the peace,” so-called security crimes have fallen from 46.3% between 2002 and 2006 to 39.7% in 2017. Civil offenses, on the contrary, have risen sharply, and particularly traffic offenses, which now concern an overwhelming majority of the cases dealt with by the military courts.

As of 2000, the military justice apparatus thus expanded. A so-called administrative court was created, along with an appeals court, then in 2009, a juvenile court. The administrative military court validates administrative detentions and, since 2000, deals with road offenses. In 2010, its jurisdiction was expanded to land conflicts (the Military Courts Unit of Judea and Samaria, 2015). Its role is to rule on land ownership according to Israeli legal provisions for land most often situated in Area C, but also in Area B. These legal provisions draw on Ottoman and Jordanian laws, and on military orders, and settle the conflicts opposing individual settlers, or those regrouped in private companies, and Palestinians, or Palestinians and the IDF; or again, more rarely, between Palestinians when for instance there is a dispute on a land that has been sold to settlers and/or is claimed by two different people.<sup>12</sup> The 1976 revival of Article 78 of the Ottoman Land Code of 1858, which stipulates that land not having been cultivated for ten consecutive years automatically falls into the hands of the State,<sup>13</sup> indeed triggered a rise in complaints against the army, who requisitions these lands.

Security coordination notwithstanding, which has never been called into question since the Palestinian security services were redeployed in 2007, their members are viewed with suspicion. Low-ranking members of the Palestinian security services are even automatically classed as security threats (Berda 2017). The Palestinian forces’ movements in Areas A or B are controlled and require coordination with the Israeli authorities as they involve circulating on the road network—the main axes of which are in Area C—via places situated in Areas C or B that are thus under partial or complete Israeli control. Palestinian police interventions

<sup>11</sup> Ofer - Interrogation of Witness, 22/02/2015, <https://machsomwatch.org/en/daily-reports/military-courts>.

<sup>12</sup> A military judge, 08/06/2016.

<sup>13</sup> Three years only if the plot has not been duly registered in the land register.

are restricted by this zoning as that they have to wait for coordination that can take from twenty minutes to two hours to simply cross a road. They have to give their guns' serial numbers to be allowed to carry them if they exit Area A—an authorization that is sometimes refused—and in some instances they are obliged to remove their uniforms. Many delinquents or criminals wanted by the Palestinian justice system take refuge in Area C (or even B) where the Israeli forces do not systematically arrest them as that would require coordination, which, depending on the political conjuncture, may be undesirable. As a result, petty crime and diverse forms of trafficking have notably increased in these spaces, creating zones of lawlessness. The criminal networks are then instrumentalized for intelligence purposes. By arresting these delinquents or criminals when it suits them, and by contributing to the appropriate hearing of trials before the military courts, the Shin Beth disposes of multiple forms of leverage to obtain desired intelligence. In addition to the post-Second Intifada territorial mechanisms and the extension of the military courts' scope of intervention, the re-division of space into Areas A, B, and C following the Oslo Accords has led to an entanglement of Palestinian and Israeli jurisdictions that poses serious obstacles to the exercise of Palestinian civil justice in Area B and even in Area A. Trials are indeed even harder to hold given the difficulty of moving the accused, some witnesses, and detainees from area to area.

*Sentences and Mobility Regime. A Temporal, Individualized Border:  
To Each Their Own*

The al-Aqsa Intifada imploded the coordination systems put in place by Oslo. Henceforth, Palestinians were no longer considered a hostile population but, rather, dangerous enemies (Berda 2017) despite the reestablishment of solid security coordination after the Palestinian security forces were redeployed in 2007 under the aegis of the United States. Profiling and collective punishments had existed since 1949, yet, after Oslo, it was no longer just a matter of profiling suspects or specific communities to gather intelligence, but of profiling of the entire population in an effort to manage and control daily life (Berda 2017).

Sentences depend on the accused's mobility rights and often influences their freedom of movement on release. Their family members are also susceptible to having their movements restricted following convictions.



This contributes to the role that the penal system plays in managing flows, and thus in the management of the nation's borders.

Palestinians' citizenship and residential status are taken into account in convictions and sentencing. For similar offenses, Palestinian citizens of Israel and Hierosolymitan Palestinians are more often considered security prisoners than Jewish Israelis, as their act's "nationalist" motivation may be invoked. They thus share the same conditions of detention as the vast majority of Palestinians from the OPT, and Arab foreign nationals. They are, moreover, more heavily punished as "enemies from within." As citizens, or, to a lesser extent as permanent residents—the Jerusalemites—, for the Israeli State they are excluded from political release negotiations and from prisoner exchange deals.

It is for this reason that the exceptional release of forty-five Hierosolymitans and seven Palestinian citizens of Israel during the soldier Shalit exchange for 1,027 Palestinian detainees was seen as a success for Hamas. The rights of movement accorded by their citizenship or residential status influence the nature of sentences; it is also because they are allowed to circulate freely in the Israeli—and Palestinian<sup>14</sup>—space that they are more harshly sanctioned. At the age of twenty-two, the Franco-Palestinian Salah Hamouri received a seven-year custodial sentence in a plea bargain for belonging to a PFLP related group. The sentence mentioned recidivism because he had already been sentenced at the age of sixteen on similar charges, and for his role as leader in this group. He was also accused of having planned to assassinate the leader of Shass, rabbi Ovadia Youssef, which was not proven and to which he pleaded not guilty.<sup>15</sup> According to his lawyer Leah Tsemel, the length of his sentence was due to his militant involvement at university as a Jerusalemite and, what is more, French. He thus disposes of unfettered movement and international networks, which gives him considerable influence. His "European" blond with blue eyes physique also played a role according to her,<sup>16</sup> as, through a mechanism of identification, it was susceptible to afford him a greater aura, facilitating his crossing of

<sup>14</sup> After 2000, Israelis were prohibited from entering Palestinian areas (Areas A and some Areas B) because they were considered dangerous for them. Still in force, this provision is not enforced and Palestinian citizens of Israel move freely between these areas.

<sup>15</sup> Military Court of Judea, Judgment of April 17, 2008, file no. 2491/05.

<sup>16</sup> Denise and Hassan Hamouri, Ramallah, 30/10/2011.

symbolic borders and giving him an audience abroad. A similar perception of physique was manifest in the accusations made against Ahed Tamimi and her family during her trial in February 2018.

While the citizenship, status, and mobility of 48-Palestinians and Hierosolymitans gives them extra “dangerousness” when charged and convicted, they are nonetheless less subjected to administrative detention than the inhabitants of Gaza<sup>17</sup> or the West Bank. The decision to administratively detain the latter requires a simple military order from the head of the IDF in the town or region concerned, whereas validation from the Minister of Defense is required for Jerusalemites, and the signature of the Prime Minister for Israeli citizens.

Jerusalemites, Golan Syrians (annexed in 1981), and Palestinian citizens of Israel can, however, be placed under house arrest as an alternative to pre-trial detention.<sup>18</sup> This measure dates to 2014 for Hierosolymitans when riots and mobilizations broke out in the Holy City following the murder of Mohammad Abu Khdeir, then the war on Gaza, the incessant intrusions and clashes at the al-Aqsa mosque compound, then the Small Uprising in October 2015. These house arrests have above all facilitated the increasing arrests of Jerusalemite youth and minors in order to control the city. This type of detention is not counted as part of the sentence, and lawyers do not encourage their clients to opt for it. If an exclusion order from the al-Aqsa mosque compound and the Old City is issued and they live there, they have to rent or, through their contacts, find another place to live in Jerusalem or Israel during their house arrest.

Palestinian citizens of Israel are not subjected to deportation orders or foreign travel bans as a part or in place of their sentences, however, unlike the inhabitants of Gaza, the West Bank, and Jerusalemites. Since 1967, deportation orders after prison as a condition of early release, or as an alternative to certain sentences at the time of their judgment have been frequent (Sfard 2018). Since the mid-1990s and the introduction of the permit system, they have become even more common. This policy of exile or forced self-exile has imposed unprecedented migrations abroad and internal exiles (Dayan, 2009). These expulsions can be temporary or indefinite.

<sup>17</sup> Since the 2005 disengagement, the equivalent of administrative detention for Gazans is the “illegal enemy combatants” status.

<sup>18</sup> The rare use of electronic bracelets as a modality of sentencing is reserved to Israelis.

Despite the efforts of the Hamas negotiators to avoid the application of deportation measures to the first wave of 477 Palestinian prisoners exchanged for soldier Shalit in October 2011 (the Shalit exchange or Wafa al-ahrar exchange), which included those chosen by agreement by the two parties, who, for the most part, were serving life imprisonment or long sentences,<sup>19</sup> different categories were distinguished. These distinctions reflected the relationship between mobility restrictions, sentences, and citizenship status.

All 132 Gazans bar one, due to his condemnation to sixteen life sentences, were allowed to return home to the controlled territorial unit that is Gaza. Of the 300 West Bank detainees, 22% returned unconditionally to the West Bank, and 16% with restrictions on their movement according to the location and the time of day or night (referred to as “security arrangements”). The vast majority were exiled (66%), half of whom (52%) were given the choice to move abroad or to Gaza for an indefinite period, and 6% of whom were given this same alternative but for a three-year duration. Finally, 8% were exiled abroad to Turkey, Jordan, and Qatar. Of the forty-five Jerusalemites, an even higher proportion were exiled (69%), as the inhabitants and activities in the city are particularly surveilled and sanctioned, and as the policies implemented since the Second Intifada have tended to force Arab residents out. Among them, 29% had to leave the country, and 40% were given the choice of going to live in Gaza or abroad for three years. 20% returned home unconditionally, but 11% were assigned perimeters in which they were authorized to circulate (“security arrangements”). Finally, only seven Palestinian citizens of Israel were released, but thanks to their citizenship status, almost all (6) returned home. Exceptionally, only Amneh Muna, a woman sentenced to life for having committed a murder deemed particularly heinous, was expelled and had to choose between Gaza or abroad.<sup>20</sup>

The PA and the Israeli government’s agreement regarding elder prisoners (*qudama*),<sup>21</sup> which should have led to the release of 104 people, saw the release of seventy-eight prisoners in 2013 with spatial and temporal restrictions on movement to respect for two years. They were

<sup>19</sup> The other 550 released in a second round in December 2011 were chosen by the Israeli authorities alone; they were people whose sentences were about to end.

<sup>20</sup> “List of security prisoners” 15.10.2011, the Israel Prison Service.

<sup>21</sup> Those imprisoned before Oslo.

given a map delimiting the perimeters of circulation in their region according to the time of day or night, and they were forbidden to leave the country for ten years. This arrangement broke down with the final wave (twenty-six people), which comprised of a majority of Palestinian citizens of Israel whom the Israeli authorities did not wish to see return home.

Subject to variations according to the time of day or night, these personalized circulation conditions even inside the West Bank regions illustrate both the pulverization of the territory and its mobile borders, which are not only individualized but also time-dependent. This pulverization and the spatial-temporal mobility of borders renders them omnipresent and endless. They are a source of great uncertainty and violence, subjecting everyone to a distinct, variable, unstable border regime that disjoins perceptions and experiences of time and space and, beyond this, social and political representations, and imaginaries, thereby contributing to the pulverization of the social fabric, of the common.

At the time of their release, some thus receive restriction orders and perimeters in which they are allowed to circulate, which are renewable for no specific reason, and vary according to the time of day, plus a ban on leaving the territory—that is, the West Bank and/or their regions. Rula Abu Daho has thus not been able to leave the country since her release in 1997 at the time of Oslo. Her appeals have all been rejected without any other clarification than the standard response: that she represents “a threat to regional security.”<sup>22</sup> Following the complaint submitted to the Supreme Court by Oussama Barhan’s lawyer aiming to prevent his forced expulsion from the West Bank, conditions of circulation were imposed on him. On his last release from prison in the early 2000s, he indeed received a map of the West Bank marked with different colors: in purple, the places he was always forbidden to go; in blue those where he was allowed to; and in green, those where he was not permitted after midnight. These circulation restrictions were in addition to a ban on leaving the territory that he received following his first sentence in 1982. Ahmad Amireh is a Jerusalemite resident of Kufr ‘Aqab, a district of Jerusalem but situated on the West Bank side of the Wall and the Kalandia checkpoint, who was released thanks to the 2011 the Shalit exchange: at that time, he was notified of his three-year ban on entering the West Bank—and thus the city of

<sup>22</sup> Ramallah, 30/10/2011.

Ramallah, which his district is attached to by social connections and daily, commercial and cultural activities, under penalty of returning to prison to finish his fifteen-year sentence. Since 2014, many young Jerusalem residents have been put under house arrest and ordered not to approach the Old City or the al-Aqsa mosque compound.

In addition to the intelligence services' major role in interrogations, rulings, and the management of detention previously described, the Shin Beth strongly influences sentencing and the ex-detainees' capacity of movement on release from prison. The Shin Beth has become the main actor in managing the Palestinian population through its systematic classification of people on a risk and threat to security scale based on changing criteria that take into account age, sex, geographic area, family, place of residence, political affiliation, economic status, the intelligence available on the person, their proximity to, and ties with Israel, the type of movement authorized, its duration, the time of day, and so on (Berda 2017). Besides the stratification of Palestinians' mobility according to their citizenship status and their place of residence (the West Bank, Gaza, or Jerusalem), their possibility to circulate differs depending on biosocial profiles that take into account a myriad of criteria that they are not informed of and which, for many, remain obscure, and depend on a temporal scale. This intense control and fractioning of movement are manifested in the permit system which, having multiplied its criteria after the Second Intifada, delivers over 100 different types of travel permits (Abu Zahra et Kay 2012, Berda 2017). Permits that are heterogenous duration are thus granted to travel abroad, to go to Jerusalem, to enter Israel or the settlements, for medical appointments, to work, to pray at the al-Aqsa mosque, to visit a relative in prison, to enter Gaza, and so on.

With the Second Intifada, the Shin Beth's heightened control over arrests, imprisonment and movement, increased the recourse to blacklisting. While only several thousand were blacklisted before 2000, approximately 260,000 were blacklisted between 2000 and 2005, to the point at which they could no longer obtain a permit to enter Jerusalem or Israel, or to leave the West Bank or Gaza (Braverman 2010, Machsom Watch 2007). In 2007, approximately 20% of the male population of the West Bank aged sixteen to fifty-five years old were thus classified a security threat (Berda 2017). Moreover, the Shin Beth does not declassify people put on the blacklist; only court proceedings initiated by those concerned may possibly get them removed from it. Any person involved in legal proceedings is considered a "criminal security threat" and cannot

obtain a permit to enter Israel (Berda 2017). Former detainees are thus automatically blacklisted.

Family members are also liable to face restrictions on their movements. Young men in particular are often blacklisted and face difficulties in obtaining permits to leave the country, enter Jerusalem or Israel, go to Gaza, or to visit a relative in detention. With the re-localization of all the prisons in Israel and their integration into the Israeli prison system (Shabas) in the early 2000s, first-degree relatives aged over sixteen (spouses, parents, children, siblings)—the only ones authorized to visit detainees—need a permit to enter Israel to visit them. “Security permits” have been specifically created for family visits. While some relatives hold “normal” year-long permits authorizing them to visit once a fortnight, all those classed in whatever risk category must obtain special authorizations. Age and sex are determining criteria; young men aged between sixteen and thirty-five must quasi-automatically file a request. Attributed on a case-by-case basis after a long and complicated bureaucratic procedure, they are only valid for a single visit (Latte Abdallah 2014).

Taken collectively, all these criteria and their application constitute decisive elements of bordering, which have individualized and also temporalized the border. Depending on their profile, to each their own movement rights, their own border; everyone is thus subjected to their own “borderity”<sup>23</sup> that is variable in time. Dispersed throughout the entire territory and within society, the border functions as a network of constantly updated and modified data. Mobile, everywhere, and at the same time invisible, this endless networked border forges an “in-between border space” in the West Bank characterized by violence, uncertainty, and disorientation.

### *The Criminalization of Mobility*

The resulting criminalization of mobility partakes in this bordering process. Arrests for “illegal entry to Israel,” which includes “leaving an area—*haezor* [Hebrew]—without a permit,” have risen sharply these past few years. Coupled with the economic pressure on the West Bank, the stranglehold of blacklisting forces ever more men to work in the settlements but also to clandestinely cross to work in Israel. Others go to

<sup>23</sup> According to the concept developed by Anne-Laure Amilhat-Szary and Frédéric Giraut (2015).

Jerusalem or Israel for personal reasons without requesting a permit, unlikely to be granted in time, or out of refusal to interact with the system. Since 2013, illegal entry into Israel, which most often comes under the charge of “leaving an area without a permit,” has progressively become a frequent motive of arrest (Machsom Watch 2018). It can also cover the fact of entering a settlement, or of unwittingly entering land suddenly declared a military zone in the West Bank. It has become one of the most common reasons for court appearances. The generic term *haezor* is sufficiently broad to designate heteroclitite spaces, from the smallest—a neighborhood—to an a priori unspecified area, to a region, or to the Occupied Territories in their ensemble. It moreover has the advantage of not employing the word “territories [*shtachim*],” which evokes the Occupied Territories (*shtachim kvushim* – Hebrew), and the idea of an occupation, which is officially denied. This terminology covers a whole host of offenses and clearly illustrates the progression and shrinking of the perimeters of territorial confinement, and the military courts’ validation of the incessant territorial appropriations in the West Bank. Judicial practices indeed reveal the constant narrowing of the concept of “area,” notably the multiplication and mobility of borders, and the pulverization of the West Bank’s territory into a plurality of zones through the superposition of spaces with instable, opaque, hazy, and arbitrary statuses that the Palestinian inhabitants of the West Bank are supposed to be aware of and respect, at risk of arrest.

For West Bank residents, the penalty for a first offense is a month in prison and a 1,000-shekel (260 euros) fine. For Gazans who attempt to cross over into Israel, they are often simply taken back to Gaza if their reasons prove to be only personal and economic after at times long interrogations destined to gather intelligence or to turn them into informers. Despite the limited chance of success, many young men—often minors—try their chance at getting through the barrier; one or two people a day since 2015. The very violent and destructive 2014 Gaza War, then that of May 2021, have exacerbated the inhabitants’ demoralization. Young people attempt to get out by any means: “Gaza is a land without hope,” a Gazan friend told me.<sup>24</sup> Convictions are stiffer for re-offenders. Men

<sup>24</sup> Gaza city, 14/07/2015.

entering Israel without a permit (*shabaghim* – Hebrew)<sup>25</sup> have been identified in Shabas statistics since April 2011. Their number rose between 2011 and 2013, as did their proportion in relation to common law Palestinian prisoners from the Occupied Territories<sup>26</sup>: they were 1,065 in April 2011, then 1,280 in September 2013 (detainees or serving their sentences), that is, almost 67% of Palestinian common law prisoners in Israeli prisons. After rising to 1,415 at the end of January 2014, these figures have fallen since 2015. Meanwhile in the West Bank, restrictions on movement were relatively relaxed for a while; permits were no longer necessary to enter Jerusalem and Israel for the over-fifties, which unquestionably resulted in a corollary fall in clandestine passages and a certain tolerance toward them: on September 30, 2020, there were 545 of them in prison, eight of whom were from Gaza.<sup>27</sup>

Since 2005, it is during the periods of war in Gaza involving terrestrial invasions (in 2008–2009, and in 2014), during military incursions, and, on a more daily basis, at the border that Gaza inhabitants have been arrested: that is, when they attempt to clandestinely cross or, on the contrary, when they are among the rare people to obtain a permit to cross Israel or to enter through the Erez checkpoint. They above all include businessmen, severely ill people authorized to go for treatment in Israel or abroad, people traveling abroad to study or on business trips, or those wanted for arrest given a permit only for that purpose. Most of the time, those with permits detained are so in an attempt to obtain information and to coercively recruit informers, whom the Shin Beth cruelly lacks since the withdrawal, even if the interviews carried out before a permit is granted are already an opportunity to put the pressure on. Gaza has become a *terra incognita* for the Shabak, whose technological spying and tapping skills do not suffice since Hamas has developed a relatively watertight system of communication. To make up for their sociological lack of knowledge and to influence the behavior of Gazan inhabitants, Israeli authorities at the Erez checkpoint even handed out a questionnaire on daily life and the conditions of happiness in Gaza in 2016—to little avail, unsurprisingly. Short arrests are not very effective

<sup>25</sup> There are indeed very few women (less than 0.5%) and minors under the age of 18 (a maximum of 2.5% in September 2011) among these *shabaghim* in the Shabas statistics.

<sup>26</sup> The category to which they belong in detention.

<sup>27</sup> [https://www.btselem.org/statistics/detainees\\_and\\_prisoners](https://www.btselem.org/statistics/detainees_and_prisoners).



given that Hamas security services systematically detain these people on their return for counter-interrogations to discourage any collaboration. Given the uncertainty, some Gazans avoid leaving via Erez for fear of being apprehended, then suspected by Hamas.

Finally, arrests also occur in the terrestrial and maritime border zones. In this case, it is peasant farmers on border land who are arrested, or the demonstrators who mobilized in solidarity with the *habbeh* in the West Bank and Jerusalem, or during the Great March of Return launched on March 30, 2018, who got too close to the border fence that encircles Gaza.<sup>28</sup> Presence in these zones can provoke death either by army gunfire, or that automatically triggered in certain zones when sensors detect human presence. Fishermen get arrested either because they are suspected of smuggling or for having gone beyond the border limits, which shift depending on the situation, yet that they are nonetheless supposed to know. Gaza is confined by land, sea, and air. The terrestrial buffer zone inside the border fence, which Gazans are forbidden from entering, measured 1,200 m in 2014. After the 2014 war, conflicting messages were sent by the army and the Coordination of Government Activities in the Territories (COGAT), which handles permits and circulation. Mobile, deliberately indeterminate, the buffer zone depends on the period, people, chance, and technologies of control. According to July 2022 data, between 100 and 300 m from the fence around Gaza, only farmers can enter their land, uniquely on foot; and the final 100 m are forbidden to all (the “No go zone”).<sup>29</sup> In April 2019, a so-called risk zone, where anything is thus possible, lied even further, 1,000 m from the fence.<sup>30</sup> By sea, the limit for the people of Gaza was fixed at twenty nautical miles after the Oslo Accords, then unilaterally reduced by the Israeli authorities to six miles at the start of the Second Intifada. Depending on circumstances, however, and without the people necessarily being directly informed, the limit can be restricted to three miles, as was the case between 2009 and 2012, and shortly after the launch of the Great March of Return in March 2018. Limitations fluctuate regularly, but they

<sup>28</sup> Since the Great March of Return began in Gaza, in addition to arrests in border areas, the IDF has shot at protesters and used riot control devices. By August 31, 2019, 316 people had been killed—including 62 children—and 34,137 injured, including 7,545 by gunfire (WHO 08/2019).

<sup>29</sup> <https://www.ochaopt.org/content/gaza-strip-access-and-movement-july-2022>.

<sup>30</sup> <https://www.ochaopt.org/content/gaza-strip-access-and-movement-april-2019>.

above all trace a convoluted geometric shape that is twice as narrow in the north as in the south. In April 2019, the limit was extended to fifteen miles for the southern part of the coast, with an extremity at twelve miles, and six miles to the north,<sup>31</sup> and it was in July 2022 roughly similar with forbidden corridors of 1.5 and 1 miles close to the Israeli and Egyptian borders.<sup>32</sup> Allegedly for security reasons, the presence of underwater gas resources off Gaza far closer to the northern coast than the south, and which the Israeli authorities are preparing to exploit, is the main reason for this irregular maritime border.

Here too, the borders unilaterally decided by the Israeli authorities inside the Other's territory are mobile. They are subject to constant changes that the people of Gaza are supposed to be aware of, at risk of arrest, and more often even of death. In Gaza, even if the border appears to have been fixed by the withdrawal and has limited arrests, the border uncertainty and the stakes of crossing at Erez, coupled with the military incursions and invasions, suspend borders which here too—but even more dangerously and violently—are individualized.

### OFF-LOADING THE COST OF THE ALL-OUT CARCERAL. THE NEOLIBERAL POLITICAL ECONOMY OF THE PENAL SYSTEM

“Tomorrow, they’ll make us to pay the electricity and rent.” This joke has been doing the rounds of the prison world ever since the military justice and prison systems were monetarized after the al-Aqsa Intifada. With the expansion of the military courts’ competence into the West Bank and this monetarization, interactions between military judges and prosecutors, Israeli and Palestinian civil servants, lawyers, defendants, and their families have also given rise to, and developed a veritable *prison business*. The monetarization of the system has made it more cost-effective for the Israeli authorities, who make defendants and their families, but also NGOs, the Palestinian political parties, the PA, and its international financial backers pay an increasing part of its cost.

The penal system thus partakes in the impoverishment of fringes of the Palestinian population, defendants, and their families, while also creating

<sup>31</sup> Idem.

<sup>32</sup> See <https://www.ochaopt.org/content/gaza-strip-access-and-movement-july-2022>.

an Israeli—but also Palestinian—penal economy with its intermediaries, brokers, and beneficiaries. While these transformations render military justice and governing by the carceral profitable for the Israeli authorities, they force certain Palestinians into more lucrative activities, such as (often fraudulently) working in Israel or in the settlements, which can land them in court and in prison. They encourage an informal economy, and an illegal one of diverse trafficking,<sup>33</sup> whose actors are easily turned into informers, and the existence of lawless zones facilitated by the obstacles that hinder the proper functioning of Palestinian justice in Areas B and C, but also in Area A. The deployment of the *prison web* is hinged on the Shin Beth's growing role in people's arrest, interrogation, trial, detention, and later. Along with running the permit system, the *prison web* and the military court's growing field of action are indicative of the intelligence services' taking over of bordering. The settlers, and among them the companies and private individuals who have set up in these settlements, have also become major actors in border processes and management alongside the Shabak. Settlers have indeed acquired remarkable power within the civil administration in charge of delivering permits (Berda 2017), and a considerable number of military judges are settlers.

The expansion of the *prison web*, the renewal of mass incarceration policies and of the bordering regime have been made possible by the monetarization of the penal system and the growing *prison business*; and by the introduction of neoliberal reforms (outsourcing, the privatization of services, etc.) reliant on the presence of the PA and private and public international actors to whom a significant part of their costs has been transferred.

### *The Monetization of the Judiciary and the Prison Business*

*Offer Military Court, September 20, 2015*

On the way in, the large sign on the second metal grill door everyone enters by—the one giving a website and a phone number for paying fines received in military court—has been removed. It is busy, the hearings running one into the other. By the lunch break, there are still over forty or so of us waiting for the afternoon session to start. Groups form, families exchange, some comment. Israeli activists who have come to support

<sup>33</sup> See: Natsheh, Parizot 2011; Parizot 2017.

the inhabitants of Nabi Saleh village during their trial join the discussions, which, for a moment, continue in Hebrew. Nitza from Court Watch is present, as she often is. She asks in Arabic about different people's situations. One man tells her that his son has been in prison for ten months for having thrown a Molotov cocktail and stones in Betunia. Another, about fifty years old, adds with derision: "Yes, that's how it is. In and out of Ofer [Ofer prison, a few yards away]." A young man ups the ante, smiling: "The first fifty years were the hardest, now it's normal ('*adi*)... It's routine. We have a department in our name in Ofer. It's like a *waqf* [the property of religious or charity foundations]: we have a ninety-year lease." Laughter and smiles abound. Dark humor and derision help keep an even keel, verbalizing an active role, albeit an absurd one—the long-term rent-to-own of Ofer—and making light of the subjection imposed by the forced wait and the anxieties that military court generates.

A considerable proportion of the courts' cost has been transferred to Palestinian society: "It is the Palestinians themselves who fund the courts. What matters most in this system is money, and poor people can't fight."<sup>34</sup> The *prison business* has developed thanks to the unprecedented role that money plays in the penal system. Since 2005–2006, money's increasing sway is visible in the systematization of fines as part of a conviction, or in lieu of a prison sentence, and in the considerable spike in their amount. Every sentence is now accompanied by a high fine when that is less the case before the Israeli civil courts. Money's place in the sealing of plea bargains (*safqa*) is also growing. Replacing months in prison for offenses that are not punishable by long periods of incarceration has become routine; at present, one month in prison is equivalent to approximately 1,000 shekels (310 dollars). According to the lawyer Abeer Baker: "That's the going rate."<sup>35</sup> Fines range from 1,000 to 20,000 shekels (6000 dollars) in general, whereas the minimum wage in the West Bank—which is not in reality guaranteed to all—is 1,450 shekels (445 dollars) a month.

The total amount of fines that defendants have been sentenced to during legal proceedings has risen from 7,051,305 shekels (approximately 2.1 million dollars) in 2002 to almost 12 million (3.6 million dollars) in

<sup>34</sup> Hava Halevi, West Jerusalem, December 6, 2014.

<sup>35</sup> Acre, October 30, 2014.

2006 (Yesh Din 2007), to over 20 million in 2017 (6.1 million dollars).<sup>36</sup> In the three years from 2015 to 2017, the military courts thus handed down 16 million dollars worth of fines (Hass 2019). Aware of its involuntary footing of military justice's cost, the PA's Ministry of Prisoners' Affairs first of all limited its participation to 4,000 shekels (1230 dollars) per person for court fines in an attempt to prevent their constant inflation. In 2010, aid from the Ministry of Prisoners' Affairs for paying of fines (that is, part of the sanction imposed in court, or those received in prison) totaled at 1.1 million shekels (338,000 dollars a year), and contributions to lawyers' fees stood at about 9.7 million shekels (2.9 million dollars).<sup>37</sup> In 2014, before the evermore considerable hike in fines, the Ministry refused to contribute to funding the courts and more radically changed its policy by completely stopping paying them. Some families have since taken out loans to cover them.

In addition to the increase in fines and their amounts, the profitability of the system is guaranteed by the extension of the military court's competence to include civil offenses since the beginning of the 2000s, and specifically all traffic infractions committed in Area C and Area B. Road offenses at present represent the overwhelming majority of cases dealt with by the military courts: from 33.7% from 2002 to 2006 (Yesh Din 2007) to 50% in 2017.<sup>38</sup> They are most often minor offenses, but they are common and above all financially penalized. Previously collected by the PA, these fines contribute significantly to making the Israeli military courts more profitable.

Added to that are bail bonds. Release on bail while awaiting sentencing, or for simple arrests followed by a hearing, is frequent. This procedure is even more lucrative as arrests have risen in the past few years, particularly those of minors and young Palestinians in the West Bank, and even more so in Jerusalem.<sup>39</sup> This notable rise in arrests is not visible in Shabas' statistics because many are released if they pay bail. They are often re-arrested shortly after, and several times over the course of the year. Bail amounts vary between 1,000 (310 dollars) and 20,000 shekels

<sup>36</sup> Figures from the Military courts, <http://www.addameer.org/publications/military-courts-occupied-palestinian-territory>.

<sup>37</sup> Ministry of Prisoners and Ex-Prisoners budget division 2011.

<sup>38</sup> <http://www.addameer.org/publications/military-courts-occupied-palestinian-territory>.

<sup>39</sup> Mostly appearing before the Civil Court of Jerusalem.

(6000 dollars), or even sometimes 25,000 shekels (7,700 dollars). Other forms of bail exist: third-party bail bonds, or committing to them financially without payment. In this case, the person concerned has to be what one military judge qualified as “good bailors;” that is, Israeli citizens or, failing that, residents of Jerusalem.<sup>40</sup> For the rest, the sums demanded are higher.

An approximately thirty-year-old man from the village of Beit Umar was on trial for illegal entry into Israel. While awaiting his sentence, the judge decided on November 5, 2014 to release him on bail, which was set at 2,500 shekels (770 dollars). While his lawyer shared a joke with the Shabas guard, the distress on his face was visible. He asked to speak and explained to the judge that he had a young child and had entered the country to go to work to feed his family. Smiling ironically and looking to play the room, the judge replied: “Oh yes, so you wouldn’t get shouted at by your wife!” His words falling on deaf ears as everyone just went with their occupations, the man hung his head.<sup>41</sup> During Khalida Jarrar’s trial, the judge’s laughter deflated the absurdities of the file and notably the delusional identification of Khalida by the witness, she being the only woman in the lineup, akin to what Gwénaëlle Mainsant has described as the way in which humor in the French police expresses and validates the “incoherency between practices and discourse” (2008). The judge’s laughter diminished the judicial consequences of this incoherence, the trial proceeding ultimately as if it did not exist. At the same time, it created a normality, like here where the joke banalized the situation and furthermore, placed it in a shared space, without social and political alterity, ignoring the military occupation at the origin of the court procedure, and producing a colonial relation that speaks not its name.

This system is particularly profitable as the bail money is practically never retrieved, despite the legal provisions to do so. Contrary to the procedure in civil court, which is computerized and returns the money within a fortnight, repayment of bail is not automatic in military court; the bureaucratic procedure is almost impossible to complete, especially for West Bank inhabitants. Most banks in the West Bank are not recognized by the army and an account has to be opened in an endorsed bank. A whole host of documents are required, including one that the

<sup>40</sup> West Jerusalem, June 8, 2016.

<sup>41</sup> Ofer, November 5, 2014.

military judges begrudge delivering because they consider it unnecessary. Moreover, it can only be obtained by returning to the military court, which West Bank Palestinians are banned from doing unless they are due to appear for a hearing, or attending that of a relative. People thus ask activists or Israeli friends to get it for them—or a lawyer, which may well mean paying him. They must, moreover, give power of attorney, which is also costly. Just one woman in the civil administration is in charge of returning bail money, and people are often left without an interlocutor, lost in the administrative labyrinth and the restricted working hours of this civil servant averse to speeding up procedures.<sup>42</sup> Hava Halevi calls her Harpagon. The procedure drags out and many give up. Before the magnitude of the phenomenon, lawyer Gabi Lasky’s firm and the NGOs Court Watch and HaMoked launched measures several years ago to guarantee the return of these sums to the people concerned: “The blocked sums are colossal. Everything is done to stop people getting them back, and it takes an incredible amount of time if they manage. That is part of the bureaucracy of the Occupation.”<sup>43</sup>

These are indeed characteristics of occupation bureaucracy, namely its personalization, and what Yaël Berda calls its “efficient inefficiency” (2017). More so, these bureaucratic practices are the reflection of a management that on the one hand implements a colonial policy of extortion to reduce the political costs of mass incarceration and the bordering system, and, on the other, that results from the neoliberal reform of the civil administration aimed at reducing its personnel and cost. Increased bureaucracy is indeed one of the outcomes of the neoliberal reforms, as has been demonstrated in other very different contexts (Hibou 2013). These bureaucratic procedures also induce the implementation of a package of norms and administrative procedures that contribute to a legitimization by routinization of the mobility bordering, and colonial regimes. The Israeli NGO Combatants for Peace, which brings together former Palestinian political prisoners and Israeli soldiers, submitted a request to the army in 2018 to obtain the annual sum of fines and bail paid in military court. Their request was rejected because, according to the NGO, the amounts were too high to be divulged. To

<sup>42</sup> Haggai Matar, journalist, Tel Aviv, May 19, 2016.

<sup>43</sup> Gabi Lasky, Tel Aviv, July 22, 2012.

even obtain a response, the case was entrusted to the Israeli lawyer Eitay Mack (Hass 2019).

Finally, since 2014, damage claims introduced by Israeli citizens have started being heard in military court, where a first case set a legal precedent. An Israeli family demanded compensation from a prisoner for the death of a family member after the stoning of his car. On November 11, 2014, the prisoner was sentenced to pay them 3.5 million shekels (1.07 million dollars).

Paid by Palestinian NGOs, the Prisoners' Affairs Commission, political parties, or working privately, the lawyers who plead in military court are key actors in the functioning of a penal system that, over time, has become monetarized. The workings of military justice, and notably the quasi-automatic practice of plea bargaining, which requires negotiations between lawyers and judges in which the sum of the fines and financial aspects are central, represent a form of *prison business*.

To reach a decent settlement, you have to know the military judges' and prosecutors' way of working, their professional ethics, but also their position regarding the Occupation and colonization—many of them live in West Bank settlements—their personality, and even their psychology. This fosters cronyism and buddy networks—that is, forms of socialization governed by professional interests—and encourages constant interactions between lawyers, the IDF, and police representatives. A Jerusalemite lawyer friend affiliated to the Palestinian and Israeli Bars told me that he at times held sustained relationships with Israelis concerned by his cases to better defend his clients, while at the same time doubting the propriety of these professional practices. “I try to navigate between these two spaces, but it's not easy. I don't know if what I do is good or not. In general, you see both sides separately, but in reality there are lots of things that crossover, a lot of grey areas.”<sup>44</sup>

This ties sometimes build common interests, and notably economic interests. Unlike the big faceless civil courts like the one in Beer-Sheva where, since 2005, Gazans are tried, the military courts' smallness fosters a proximity, forms of sociability, and a familiarity between the judges, lawyers, and prosecutors, who regularly rub shoulders. It is to the judges' advantage to favor certain lawyers: “For the judges, it's beneficial to

<sup>44</sup> Ramallah, October 22, 2016.



engage smooth negotiations with the lawyers they like. It creates an easy and useful bridge between Palestinians and the army.”<sup>45</sup>

This *prison business* is based on the evaluation of what clients can pay depending on their social status and what they are willing to do to avoid their kin spending too much time in prison. Pressure and tensions can arise in families when mothers ask their husbands or sons to find the necessary sums to get a son, daughter, brother, or father out. All want them to be released as quickly as possible. A race for the best lawyers ensues—that is, in general, those who are able to secure the most advantageous plea bargains. Some practice high rates on the grounds of their good reputation and their ability to negotiate with the system. Most of the time, it is not their professional qualities or probity that make the most money and military court lawyers’ reputations, but their adaptability and their conscious or unconscious participation in forms of extortion destined to sustain a colonial system built on mass incarceration and a specific bordering regime. The limited margin of maneuver that lawyers dispose of in this context of *justiceless law* means that they are the object of both harsh criticism and the overinvested expectations of the defendants and their families.

This overinvestment also translates into a form of faith in the money paid to a lawyer to find a solution, which helps make this *prison business* profitable. Many lawyers work both for the legal department of the Prisoners’ Affairs Commission or for the NGOs (the Prisoners’ Club, Addameer), and privately. These NGOs pay the lawyers’ fees. It is not unusual, however, to see a lawyer offer to obtain a more favorable *safqa* if they plead in their own name, on a higher fee. It is not unusual for either the same reason to see defendants or their families prefer to call on a private lawyer, likely to be able to spend more time on their case even if, *in fine*, the sentences handed down tend not to be significantly more clement. Paying a lot for a lawyer if the means can be found reinforces the impression of doing all one can for one’s offspring or relatives.

October 27, 2013, I attend the hearings in prefab n° 5. Several defendants enter, their hands and feet shackled. They sit briefly, are given a piece of paper, and leave. Barely a few words are exchanged. The lawyers come and go. The judge appears satisfied, plowing quickly through the

<sup>45</sup> Hava Halevi from Court Watch, Jerusalem, December 6, 2014.

cases. The plea bargains have already been negotiated, and the brief hearings simply enact them. I am sitting next to a lawyer, who helps me follow the expeditious exchanges, confused by the fact that the translator does not deign to do his job this morning. He occasionally mumbles a sentence or two, his words lost in the noisy comings and goings and slamming of doors. There are over twenty or so of us in this confined space. “You see; it’s a circus here,” the lawyer tells me, “a factory.”

Dressed in civilian clothes and a kippa, the forty-something, red-headed prosecutor comes over and asks me in perfect American-accented English who I am, whether everything is OK, and says he is happy to enlighten me if I have any questions whatsoever. A Palestinian lawyer aged about fifty with light eyes, a tanned complexion, and chestnut dyed hair enters. He is wearing a shiny gray suit, a mauve shirt, which stand out from the lawyers’ usual attire. He is rumored to be corrupt. Appearing for having forged an entry permit to Israel, his client is pronounced free. Still standing near me, the prosecutor comes to check that I have understood that he has been acquitted—a case that is indeed so rare that it is worth pointing out. The lawyer is radiant and wishes the Israelis present “Shabbat Shalom [have a peaceful, or happy Shabbat] everyone!” before sweeping out of the room. The other defendant sitting in the dock looks at his mother and father and says: “You see! When you get a private one, you get out. Not with the Prisoners’ Club.” His lawyer steps forwards. He is very tall. He is wearing his hurriedly pulled-on lawyers’ robes open over black trousers and a white shirt. He is from Nazareth and works for the Prisoners’ Club. He treats the cases a lot more seriously and pays no attention to the disparaging remark of his client, who has been in detention for twenty-five days for a weapon found in his car. The vehicle has been confiscated and his mother tells me that they do not know how to take their daughter to her dialysis. He is a fireman. He claims not to know who put the gun in the car. The lawyer requests that he be allowed out for the duration of the trial. The family is asked to leave the room. His father, sitting near to me, asks me to stay with them until the verdict. I get the impression that he thinks that my status as a foreign academic, which earned me the unusual consideration of the prosecutor watching the hearings, might play in their favor. We find ourselves—the father, mother, a sister, and I—in front of the prefab and share our hope that he be released. They in turn pray, hope, pray again. A quarter of an hour later, the verdict falls: he will remain in detention until the trial, set for November 1. Their faces grow stony, their eyes downcast, silent. The son

in the dock protests; he is angry at them for having made do with the Prisoners' Club lawyer, even if it no doubt would have made no difference to have another: "You see, I'm staying in prison! I told you! That's what you get for not having paid for a private lawyer!" The father hangs his head even lower; the mother looks sadly at her son, they sidle off toward the door, crushed. Barely looking at me, the father mumbles a goodbye in response to mine.

The circulation of cash between clients and lawyers, the sociability and information exchanged, appear to suggest the existence of different forms of corruption. While I was following the trial of a man from Hebron accused for the second time of arms trafficking, I heard the exchanges between his lawyer and his brother, who had himself been charged for trafficking Viagra and recently released after a few months in prison following a plea bargain and a fine of 30,000 shekels (9230 dollars). The facts were proven by a video turned over by an informer. Renowned for trafficking, the family disposed of considerable means. The lawyer had already managed to get the arms trafficking case reduced from a security crime in connection with Hamas—for which he would have been heavily convicted—to a criminal offense. The stake at present was to get him released on bail while a deal was found. "How much can you pay, maximum?" the lawyer asked the brother, adding, "I reckon that 40,000 (12,310 dollars) should clinch it for arms trafficking." Looking pretty content, the defendant in the dock enquired about my presence, which did not appear to trouble his brother. The latter brought me into their discussion, which made the lawyer uncomfortable. And me too. The discussion was cut short by the judge's summing up of the facts and the prosecutor's arguments. I commented to the lawyer: "It's a lot of money, 40,000 shekels." He did not find the sum that exorbitant: "Yes, maybe, but they can pay, and he gets out!" He leaned toward the brother again, and away from me, insisting in a low, muffled voice: "When you've got the money, bring it to my place so I can show it to the judge."<sup>46</sup>

In some cases, negotiating can also be a way of turning the system around to apply pressure to one's own advantage, playing on the possible corruption of a prosecutor or a judge, as a former prisoner told me. Her lawyer, whom she described to me as a Bedouin citizen of Israel, kept ostensibly close relationships with the prosecutor and had promised him

<sup>46</sup> Ofer, September 23, 2015.

a sum of money in return for a less severe conviction for his client. He then threatened to disclose the procedure and managed to get her out and to obtain an even lighter sentence.<sup>47</sup>

The criminalization of mobility also encourages instances of corruption and a border business where networks involving military, civil administration employees, and Palestinian intermediaries are forged, cashing in on counterfeit Israeli entry permits. One Court Watch report referred to a wide-reaching case involving a senior Israeli civil servant whose bank account was credited with over 200,000 shekels (61,550 dollars) thanks to such a traffic. He had contacted a Palestinian businessman to propose a deal. The latter contacted a third party, whose job was to find people interested, in return for keeping the excess sums he obtained on every permit he managed to sell for over 4,000 shekels (1230 dollars). The latter alone appeared in Ofer court, not just for fraud, but also for violating an “Area declared closed” and “leaving an Area without a permit,” whereas the (absent) Israeli civil servant was brought before a civil court, where he was convicted only for fraud and counterfeit documents.<sup>48</sup>

Here too, corruption practices can be subverted by Palestinians who take advantage of them, and by lawyers wanting to assert their clients’ interests. A Jerusalemite lawyer told me that he had agreed to defend several clients who had turned on their unofficial employer—a West Bank settler—who, as he was able to easily obtain a large number of permits, systematically asked for more, then sold them to Palestinian workers who could then go to get hired here or there independently. The policy of the government and the civil administration—a majority of whose staff and officers themselves live in the settlements—indeed makes it extremely simple for employers in the settlements to obtain work permits, whereas permits obtained by employers in Israel are subjected to quotas, which severely limits their number (Berda 2017). These people thus appealed to this lawyer to attack this employer—for whom they never worked—for not paying their leave and social benefits, and for damages and interest. Although he was uncomfortable with his clients’ undertaking, which he considered dishonest, he nonetheless felt that it was fair enough in the

<sup>47</sup> Fadia, Ramallah, November 6, 2009.

<sup>48</sup> Ofer – Administrative detention, Appeal, January 28, 2015, Court Watch, <https://machsomwatch.org/en/daily-reports/military-courts>.

colonial context of exploitation, extortion, and the pauperization of the Palestinian population to take advantage of this border business.<sup>49</sup>

Observing trials reveals that the lawyers are not the only ones to evaluate the sums that the accused and their families can pay in order to determine how to settle a case. The prosecutors and, at last resort, the judges weigh up the financial capacities of those involved and the institutional, partisan, or professional backing available to them. These estimates seek to set fines and bail amounts as high as possible. This reveals the extortion mechanisms in practice, determined by evaluating the money that people are in a position to pay, and that their trial can thus bring the courts. The Qatar Charity case is an eloquent example.

### *Extortion and Politics: Qatar Charity on Trial*<sup>50</sup>

On November 22, 2015, I followed the hearing of the Qatar Charity employees at Ofer. In September 2015, Jamal Jodeh, the director, Fadi Manasra, the accountant, Najwan Odeh, the secretary, the head of the Ramallah office, and two other staff members of the international Qatari charity organization were arrested. This organization emanates from the State of Qatar and is involved in education, entrepreneurial, and social programs. Based in Palestine since 2008, the legally PA-registered charity carried out activities in the West Bank and Gaza, and funded numerous projects: courses at al-Quds University, an orphanage in Hebron, companies, solar panel and reconstruction projects in the Gaza Strip following the 2009, 2012, and 2014 wars, and so on.

When Israel officially broke off diplomatic relations with Qatar, it was declared a terrorist organization in October 2009 by virtue of a law banning the funding of terrorism.<sup>51</sup> Despite maintaining different forms of economic exchange with this country, Qatar was declared an enemy state because of its funding of Hamas and its donations and massive investment in Gaza to rebuild the enclave after the 2009 war. The permit

<sup>49</sup> East Jerusalem, July 25, 2017.

<sup>50</sup> The following is based on my observations and Court Watch reports on this trial between 2015 and 2017, <https://machsomwatch.org/en/daily-reports/military-courts>.

<sup>51</sup> The Qatar Charity's foundation and fund have been declared terrorists even if no official proclamation has been made, <http://nolegalfrontiers.org/military-orders/mil089cd2.html?lang=en>. A law passed in 2005 indeed endorsed the criminalization of funding terrorism (Ajzenstadt, Barak 2008).

allowing Qatar Charity's vehicle and staff to circulate was not revoked, however, and it continued to work in the Occupied Territories, to journey between the West Bank and Gaza, and thus to enter and cross Israel. It would seem that the organization's increasingly wide-reaching and visible activities after the 2012 and 2014 wars finally upset the Israeli authorities, sparking these arrests; they took place too at a time when the organization found itself at odds with the PA due to its interactions with Hamas at a time of heightened tensions and in light of the suspected prospective opening of a Qatari official representation in Gaza following the visit of a Qatari delegation in October 2012. The director, a Palestinian Jerusalemite, and the accountant, a West Bank Palestinian living in Qatar, were recruited in 2011 after two job adverts were published in the Palestinian press.

All appeared in court for belonging to, and activities in, a terrorist organization. Jawad Boulos, a leading member of the Bar, represented the director and the accountant, whereas the secretary initially hired another lawyer. Jawad Boulos adopted a defense that foregrounded the contradictions of the accusation: the charity was officially active, no ban had been issued concerning its staff, and they had not been informed of the charity's classification as an illegal organization. The other lawyer made a different argument and the secretary's provisional release was denied. This meant an identical refusal to release the other defendants as the oneness of the case was argued. The prosecutor thus had a supplementary means of pressure to obtain a favorable plea bargain, as it was expected that the rich Qatari organization would pay on behalf of its staff.

The prosecutor made a first offer in which the fine was set at the astronomical sum of 1,200,000 shekels (370,000 dollars) for each of the six defendants. Two charges were finally made: belonging to, and activities and employment in, an unlawful organization. An agreement was reached for the secretary and the employees on February 8, 2017: eighteen months in prison as of the date of their arrest in September 2015, a twelve-month suspended sentence (with a probationary period of five years) and a 100,000-shekel fine (30,780 dollars), or eighteen months in prison and a fine that was in the end reduced to 70,000 shekels (21,540 dollars). They were thus released two days later. For the directors and the accountant, the financial negotiation was even harsher. On July 24, 2017, the judge refused to lower their fines below 1,000,000 shekels (307,800 euros) per person plus a prison sentence equivalent to the pre-trial detention already served. In the event of a refusal of the defendants,

an additional one-year custodial sentence would be applied. The evaluation of the importance of the directorial positions on the one hand, and of their financial standing on the other, determined the maintaining of these extremely high penalties. Their lawyer was satisfied because the charges could have led to far longer prison sentences. Their families were furious. The organization refused to pay these fines, and they were forced to take out loans to pay the 250,000 shekels (77,000 euros) necessary to get them released immediately while looking for solutions to pay the remaining sums.

### *Neoliberal Reforms and the Externalization of the Prison Web*

Since they began incarcerating Palestinians, the authorities' aim has been to reduce the cost. During the 1948 war, incarcerated civilians were thus forcefully made to work for the Israeli war effort (Abu Sitta, Rempel 2014). Following the 1967 occupation, the testimonies of former detainees and the ICRC archives indicate that they were forced to make military equipment or goods destined for the Israeli economy, at times in return for a few cigarettes a day. They even built the Beer-Sheva prison, in which common law Israeli prisoners served as cheap guards (Langer 1975). While their work was initially forced labor, it later became a choice following prisoner mobilizations and the 1972 hunger strike in protest of any work benefitting the Israeli army or economy. In the 1970s, the Palestinian political parties took firm and unanimous positions against all work in detention, and in the early 1980s, all the political detainees stopped working all together.

Following the Second Intifada, all the military prisons were integrated into Shabas. The justification given for this integration was Shabas' professional knowhow, and the humanitarian argument that it would improve detention conditions, modernizing the penitentiaries. This integration primarily stemmed from other logics, however. Not only did the intelligence services step up their role and inspire a new political management of Palestinian detainees, but transferring the military prisons into Shabas' fold was also motivated by the desire to reduce the political cost of the all-out carceral and to make it economically viable. A new prison economy emerged.

The reduction of detention costs was made possible by the use of more sophisticated prison technology, making it possible to cut back prison

personnel on the one hand, and, on the other, by an increasingly neoliberal management. Permanent positions were revalorized. At the same time, a contingent of thousands of young conscripts were put at the prison services' disposal, and less well-trained and less paid temporary workers were employed. Although the prisons themselves were not privatized in the end, many of the prison's services were, starting with commissary where, ever since the mid-1970s, detainees buy food, cleaning and washing products, clothes, cigarettes, and so on. They started to be privatized in 1994, before being transferred to a new company, Dadash, in 2005.

This economy of means was also the fruit of the off-loading of a significant share of the cost of military justice and the detention of Palestinians in Israel to the Palestinians themselves and to the international community: to detainees, prisoners, and their families with the monetarization of military justice and the prison system, but also to the political parties, the PA, its international financiers, the PLO, international organizations, and NGOs. Other actors have de facto found themselves involved in the workings of the penal system. In addition to its classic missions, the ICRC submits the permit requests of West Bank and Gazan Palestinians wishing to enter Israel to visit their relatives in detention—necessary since their re-localization in Israel—and organizes their bus transportation to the prisons for visiting time.<sup>52</sup> According to a Knesset report (2009), the ICRC supervised the visits of 192,000 people in 2008, which represented a cost of 4 million Swiss Francs (approximately 4,3 million dollars). Moreover, the NGOs provide legal assistance during trials: the Prisoners' Club (Nadi al-Asir), which is more of a semi-governmental organization mainly funded by the PA and the PLO; Addameer; the Palestinian Center for Human Rights and Mizan in Gaza; or the Yussef al-Sadiq association in Umm al-Fahm, which works with Palestinian citizens of Israel. They also file appeals and petition Israeli jurisdictions and the Supreme Court along with the Israeli NGOs involved in this question.

Military justice and mass political incarceration have thus become more profitable for the Israeli State over time. Since the 1990s, the

<sup>52</sup> For Gazans, these arrangements have been in place for a long time: on the one hand, they have all been imprisoned in Israel since the closure of the Israeli military prison in Gaza in 1994, and it previously functioned as a remand prison, meaning that only detainees awaiting trial or with short sentences were held there.



IDF has indeed undergone a managerial revolution, embracing neoliberal measures such as outsourcing, staff cutbacks, and the introduction of the values of competition, performance, and good governance (Havkin 2017). These major changes in public governance aimed to reduce costs and redefine State intervention and responsibility. In addition to military justice and so-called security incarceration, these reforms have been applied to other key apparatuses destined to control the Palestinian population. The management of so-called border checkpoints has been privatized (Havkin 2017); and the majority of the Israeli army's civil administration costs in the West Bank have been transferred to the PA via different cooperation mechanisms that have reduced its labor force by 90%, while at the same time increasing its hold over the Palestinians (Berda 2017).

Similarly, a considerable proportion of the cost of Palestinian detention in Israel has been off-loaded onto the PA, which has de facto become a financial and administrative cog in this prison system (Latte Abdallah 2011, 2015). In this respect, the PA and its European and international financiers can be seen as contributing to the running and the economic cost-effectiveness of the military justice system and the Israeli prisons. With the resumption of mass incarceration at the time of the al-Aqsa Intifada, the role of the Ministry of Prisoners' Affairs and its financial investment have increased. While the PA is virtually no longer Israel's political interlocutor for the release of prisoners, it has sought to maintain its national role and to increase its social function by helping the families facing the detention of a considerable number of men, thereby fighting against penal pauperization and social death. It has increased its assistance to all Palestinian or Arab security detainees during their incarceration, whatever their political affiliation or habitual place of residence (Jerusalem, the West Bank, Gaza, occupied Golan, Israel, or the Arab nations).

Replacing the Ministry, the PLO-dependent Commission has continued to offer legal assistance and to pay a monthly allowance to every Palestinian or Arab security detainee, as formalized by the 2004 law n° 19 known as the Prisoners' Law (*Qanun al-asra*), plus a supplementary sum for buying necessities from the prison commissary. The amount varies according to the time spent in prison, family status, and place of residence. Since the re-evaluation of these sums in 2011, the minimum is 1,400 shekels (430 dollars) for a single person from the Occupied Territories incarcerated for under three years. The amounts increase according

to family situation—an additional 300 shekels (92 dollars) for a spouse, and 50 (15 dollars) per child—and the cost of living in their place of residence—an extra 300 shekels for a Jerusalemite, and 500 (150 dollars) for a Palestinian citizen of Israel. For a person having spent ten to fifteen years behind bars, then, the basic sum is 6,000 shekels (1,840 dollars). The maximum sum of 12,000 shekels (3,690 dollars) is attributed to those having spent over thirty years in prison.<sup>53</sup> It is paid to a close relative of the prisoner's choice: a sister or their mother most often receives their money for them, or their wife if they are married. In 2010, the total sum of the monthly allowances paid to detainees during their sentences stood at 150 million shekels, that is, 46.1 million dollars.<sup>54</sup>

Shabas used the creation of the PA, then in 2003 and 2004, the payment of a commissary allowance and of a standardized and increased monthly sum to the families as an opportunity to considerably reduce the basic necessities provided to detainees (detergent, soap, basic clothing, shoes, etc.). The quality of the food deteriorated again. It increasingly incited prisoners to buy foodstuff from commissary and to collectively prepare their meals on hobs bought for each cell after they progressively lost responsibility for the kitchens following the failure of the 2004 hunger strike—with the exception of Ofer prison, where there is no Israeli common law prisoner wing to take over. They do not trust the food made by the Israeli common law prisoners, who have little liking for them and whom they suspect of sometimes making the food deliberately inedible. Donations from the ICRC and other bodies have been limited or banned, and there have been drastic cutbacks on what families are now allowed to bring.

Multiple daily purchases at the prison commissary, whose prices have increased due to privatization, have thus become a necessity (Latte Abdallah 2011, 2017a). Prices are much higher than those on the Palestinian and even the Israeli market (Addameer 2016). Families send money to relatives for commissary because the sum of 350 shekels (197 dollars) given by the Commission no longer suffices; they can thus top up their allowances to the maximum authorized sum of 1,200 shekels (370 dollars) per person. In 2010, the Ministry of Prisoners' Affairs spent 297

<sup>53</sup> Figures from the Ministry of Prisoners' Affairs, Ramallah, April 27, 2011.

<sup>54</sup> The Ministry of Prisoners' and Ex-Prisoners' Affairs budget division 2010.

million shekels a year (9.1 million dollars) on commissary.<sup>55</sup> According to a study carried out by the NGO Addameer in 2012 and published in late 2016, each Palestinian political prisoner was thus spending 150 US dollars a month on cleaning and hygiene products and food purchased at commissary. According to the Israeli Ministry of Finances, between 2009 and 2011, the commissaries of all the prisons generated 33.8 million US dollars a year for Shabas, paid to it by Dadash, a considerable share of which was paid by the Palestinian detainees who, at the time, constituted 36% of the prison population (Addameer 2016).

Furthermore, since the Second Intifada, Shabas has over time systematized a lucrative system of fines (of the order of 400 shekels /120 dollars) for all infractions of internal prison rules (refusing a strip search, possessing a mobile phone, participating in, or organizing a hunger strike, etc.), on top of the usual punishments: being put in the pound, in long-term solitary confinement, bans on family visits, and so on. These fines are directly debited from the sums that the Commission and families send for commissary. The Ministry, then Commission of Prisoners' Affairs were also responsible for the organization and cost of the high-school exams and secondary education of prisoners when it was authorized (up until 2008), and, until it was banned in 2011, also funded their higher education at the Tel Aviv Open University. This private institution—the only establishment authorized by Shabas—is particularly expensive. In 2010, the Ministry spent approximately 1.1 million shekels (338,500 dollars) on education costs in prison.<sup>56</sup> Finally, the Ministry contributed to the construction of buildings and seasonal repairs, isolation work on tents every winter in the detention centers still made up of temporary shelters and tents, such as Ksiot (al-Naqab) in the Neguev Desert or Ofer. It also sent clothes, shoes, books, and other essentials to Gazan detainees, who were not permitted to receive family visits between 2007 and 2012. Around 191 million shekels (approximately 58 million dollars) were thus paid directly to Shabas by the Ministry or spent yearly on the political prisoners in detention.<sup>57</sup> Finally, the PA set up an entire system of aids to facilitate released prisoners' reinsertion into society: a monthly allowance

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Calculation based on the figures of the Report on the Ministry of Prisoners' and Ex-Prisoners' Affairs expenditures for the year 2010 in shekels (The Ministry of Prisoners' and Ex-Prisoners' Affairs budget division 2010).

while finding a job, social security, a contribution to studies or training, loans, and so on. In 2010, the Ministry of Prisoners' Affairs' budget, including the individual monthly allowances paid to detainees and ex-detainees, totaled at 208 million shekels (64 million dollars),<sup>58</sup> that is, approximately 2.5% of the PA's overall annual budget. It was the third most endowed ministry after the Ministries of Education and Health. According to the former Minister of Prisoners' Affairs, Issa Qaraqe, whom I met in December 2019, these figures and this proportion are even higher now: he estimated the monthly spending on prisoners at around 40 million shekels, and 480 million a year, that is approximately 147 million dollars.

The fact that the PA itself imprisons certain detainees previously incarcerated in the Israeli facilities further lessens costs and responsibility for Shabas. Security cooperation between the Israeli army and the Palestinian security forces for the arrest of these militants since the Oslo Accords was considerably bolstered in 2007. The development of the Palestinian security forces was notably linked to their capacity to disarm the active militia during the al-Aqsa Intifada, then to arrest and detain opponents to this policy, notably members of Hamas, but also the Islamic Jihad, who were thus fewer in number dealt with by the Israeli prison system. The 2007 division between two competing authorities furthermore increased the arrest of Hamas members for political motives, just as Fatah members suddenly found themselves behind bars in Gaza; there were over 1,000 of them at that time in both territories.<sup>59</sup>

The redeployment of the Palestinian security forces in the West Bank was overseen through the renewal of training contracts between the United States and the PA security services, under the stewardship from 2005 to 2010 of General Keith Dayton. The General Intelligence Services, Preventive Security, and, to a lesser degree, Military Intelligence all administer special detention centers. Over time, an increasingly wide array of political opponents has been detained for security or criminal offenses, by virtue not only of a security cooperation that has been pursued despite the strong protest it has attracted in Palestinian society,

<sup>58</sup> Precisely 208,056,239 shekels (The Ministry of Prisoners' and Ex-Prisoners' Affairs budget division 2010).

<sup>59</sup> According to an ICRC staff member, the number of security prisoners in Palestinian prisons was around 2,000 in 2009. This figure should be compared with the similar decrease in the number of prisoners in Israeli prisons between 2007 and 2009.

but also despite internal considerations. These arrests have also become a means of silencing criticism and stacking the political cards in favor of the Fatah group in power, with an authoritarian bent becoming manifest in the West Bank over time.

Ofer, October 27, 2016. Prefab n° 7. A thirty-something man from Hebron appears in the dock. Wearing what appears to be the same off-white tee-shirt, the Druze police representative previously seen at al-Moscobiyeh systematically answers the judge that the information is in the secret file. A woman sitting next to me gives me a wry smile, her eyes mocking and exasperated by the charade taking place here: “He’s come in his gardening clothes.”—Also next to me, the father is seething:

The secret file means that it comes from the Authority. They’re all the same. He spent a year and a half in prison in Israel, then six months in prison in the West Bank. He was released just before Eid and was arrested again by the Israeli army last Thursday. They broke down our door at 1:00 A.M. It’s political. They’re going to class him an administrative detainee (*idari*), for sure. In seventy-two hours, he’ll be an administrative prisoner.

A third defendant sits in the dock. The charges are kept secret and not divulged to the court. He has just been released from the Palestinian prisons. His custody is prolonged. A lawyer sitting in the row behind me elaborates, pointing in the direction of Ramallah: “It’s the same thing still. It comes from there. With that, they’ll put them in administrative detention. The Authority [*Sulta*] works for them like their employees. This is what the Oslo coordination looks like [*tansiq Oslo*].”

The afternoon’s hearings are over. We all make our way out. I came via Ramallah and make the return trip with the last remaining families. We recover our belonging in the lockers in the fenced-in area reserved for visitors by the entrance. Then we take the entirely fenced-in long narrow tunnel to a little drop-off point, where everyone has already gone. A van awaits the final visitors. The last defendant’s father refuses to let me pay the minibus despite my efforts to persuade him otherwise: “We are Arabs,” he insists. I give in, overwhelmed by the day. In the minibus are also a mother and daughter who have left their car in the carpark after the checkpoint and who are going to Ramallah. They offer me a lift. They are exulting because even though they had not wanted this lawyer who is not a “big shot,” their son is going to be released in a few days’ time. He was accused of trafficking drugs. The mother calls everyone, overjoyed and

relieved: “He’s coming out on Sunday! Yes, at last, he’s definitely coming out! He did nothing! You see, he’s white (*abiad*) [in the sense of white-washed]! He did nothing!” They drop me in the town center and urge me to come to visit them, jubilant and proud that the military justice’s verdict has proven to everyone their son’s innocence.

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## Inside/Outside *Carceral* Citizenships: Post-second Intifada Mobilizations and Politics

### THE RETURN OF PRISON AS A POLITICAL SITE?

#### *The Prisoners' Document: An End to Fragmentation*

Incarcerated together in Sect. 3 of Hadarim Prison, the Fatah, Hamas, Islamic Jihad, PFLP, and DFLP leaders met on many occasions to draw up the “National Conciliation Document,” better known as the “Prisoners’ Document (*Wathiqat al-asra*)”. The 2005 municipal elections, then the January 25, 2006 legislative elections, had just been won by Hamas, who formed a government led by Ismail Haniyeh. Tensions grew with the President of the Fatah-run Palestinian Authority. Mahmoud Abbas’ refusal to accept the electoral result was intensified by the campaign that the Israeli authorities were waging against the PA at the same time that the repression of the al-Aqsa Intifada was still ongoing. It was even more exacerbated by the pressure that the United States and most of the European countries were putting on a new government that they had not recognized and which was isolated, notably by suspending international funding to the PA. The Ramallah Authority found itself in a politically and economically untenable position. Marwan Barghouti thus appealed in vain for this democratic choice to be respected. The primary objective of the Prisoners’ Document was to contain the political division and to avoid a civil conflict Outside as clashes escalated, especially in Gaza, while also seeking a common strategic position toward Israel. It was

discussed by several leaders from each faction and by the heads of the prison branches in each of the penitentiaries, and signed by a representative leader from each party: deputy and Secretary General of Fatah in the West Bank, Marwan Barghouti; Abd al-Khaliq al-Natsheh, one of the founders and leading figures of Hamas; Bassam al-Saadi for the Islamic Jihad; Abd al-Rahim Malluh, member of the PLO Executive Committee and Vice-Secretary General of the PFLP; and Mustafa Badarneh of the DFLP.

The text included several determining, unprecedented points. On the one hand, it was the first document signed by all the influential parties calling for the creation of a State in Palestinian Territories occupied in 1967. Hamas and the Islamic Jihad had up until then opposed this. On the other hand, it called for a democratic and inclusive reform of the PLO, the legitimate and sole body representing the Palestinians in the homeland and the Diaspora, that would integrate the unaffiliated religious parties. It called for the formation of a national unity government, in agreements with the parliamentary representatives of the parties, in order to improve the situation on a domestic, regional, and international level. The document specified that the PLO and President Abbas of the PA were in charge of negotiations with Israel, and that any agreement had to be ratified by Parliament, and possibly by referendum. It restated the “sacred national duty” to free all prisoners, which had to be defended by all political forces and institutions, along with the commitment to the right of return and compensation for refugees. It enjoined all the political and social forces and actors to adopt a global strategy and to form a unified front of resistance known as the “Palestinian Resistance Front,” and denounced any division and the use of arms to settle internal conflicts. It proposed to reform the security services to better defend citizens and the nation and to oppose attacks and the Occupation, so that they would coordinate their action with that of the resistance and not partake in seditious undertakings within Fatah. Finally, it recalled of the need to respect democratic principles, public freedom, equality, non-discrimination between citizens, and the advancement of women, and to draw on international solidarity and law (Shweika 2009).

This document marked the hitherto weakened Prisoners’ Movement’s return to the political scene. It was made public on May 11, 2006. It owed its existence to the leaders sharing their daily life in this collective isolation wing, whereas other prisoners were separated along partisan and geographic lines. It drew on a shared carceral experience and on the

legitimacy that this conferred in order to influence the disputing parties Outside. From the very outset of the al-Aqsa Intifada, Marwan Barghouti, who initiated the meetings and the text, had taken steps to unite a disparate uprising and to establish an “Intifada government,” on the model of the First Intifada. This initiative was part of a same desire to unite forces to achieve national liberation, as the slogan he employed indicated: “partners in blood, partners in decision-making.” According to him, the Hamas leadership in prison, which was made up of fifteen members headed by Abdel Nasser Issa, unanimously approved the document (Barghouti 2009a). Nonetheless, while the text immediately met with a favorable reception on the part of the PLO factions and public opinion, it provoked tensions between the Hamas and Islamic Jihad prison branches and their parties Outside. To the latter, it marked a major rupture with their previous public positions by limiting the borders of a future independent Palestinian State to those of 1967.

It was above all Mahmoud Abbas’ political instrumentalization of the text that exacerbated the reservations and tensions between those behind bars and the Outside. Abbas indeed gave Hamas ten days to officially ratify the document, then announced a referendum on July 26, in which the population was called upon to pronounce on the text. Hamas staunchly opposed this referendum, which aimed in their eyes to legitimize Abbas and the power of his party over the Hamas government, while also using the figure of Barghouti, emblematic of the young resistance guard, to rallying the Fatah rank and file:

Taking advantage of the debates generated within Hamas over certain points of the text, the President thereby transformed a document drawn up by the forces themselves to achieve unity into a tool destined to reinforce the Presidency and Fatah to the detriment of Hamas (Legrain 2007)

Opinions about the Outside Hamas leadership’s reactions diverge, but the text certainly caused intense internal debate. Hamas leadership first of all rejected its prison branch, despite having previously given it *carte blanche* to carry out this negotiation: “What mattered was to obtain reconciliation. We all signed Inside, and this imposed it Outside.”<sup>1</sup> The leadership invalidated the prison branch leaders’ signature, declaring the document

<sup>1</sup> Firas, Umm al-Fahm, July 27, 2015.

only valid for them. It insisted that this text did not signify the recognition of the State of Israel nor a renouncement of its charter. The Islamic Jihad did the same. Then, after internal negotiations, Hamas adopted the position of its leaders in detention, and a marginally amended text was finally adopted by all factions on June 27, 2006. Since then, its influential prison branch, whose head belongs to Hamas' politburo, and which is part of Hamas' consultative Shura Council, has nonetheless been more strictly subordinated to the party Outside. Above all, it was no longer habilitated to take decisions concerning the movement's foreign policy.

This major act of political prison leadership resulted in the Mecca Agreement and a unitary government that brought together all the parties, with the exception of the PFLP and the Islamic Jihad. Strongly backed by the population, it lasted three months. The Prisoners' Document was a reflection of the incarcerated leaders' political vision, but less so that of all the detainees, deeply marked by the troubles Outside. It failed to quell the clashes that were multiplying between the two factions. These ended in Hamas' forced takeover of power in Gaza in June 2007, the revocation of Prime Minister Hanieh and his government in the West Bank, and the lasting installation of two competing governmental authorities: one in the West Bank presided by Mahmoud Abbas, and the other by Ismail Haniyeh in Gaza. Marwan Barghouti attempted to mediate, calling for the Prisoners' Movement to agree on a second document, in vain. But the document provided a basis for later discussions and agreements for reconciliation and institutional reunification. It also represented a step toward peace by giving the PA President a mandate to go forward in one name to seek a definitive agreement on the 1967 borders.<sup>2</sup> According to Barghouti, it was the first time the path was paved for negotiations in which the Palestinian position was united.<sup>3</sup> This text still constitutes a solid and mobilizable reference for reconciliation between the two entities and was the basis of the Fatah-Hamas agreement that allowed the setting in motion of the aborted electoral process in Spring 2021.

<sup>2</sup> It also aligned with the 2002 Saudi proposal (Abdullah Plan), which offered recognition of Israel by all Arab League nations in exchange for the establishment of a state on the 1967 borders and a just settlement of the refugee question.

<sup>3</sup> "Marwan Barghouti écrit à Shalom Arshav. 'Les Palestiniens sont prêts à un compromis historique' 8 avril 2008" (Barghouti 2009b).

*The Prison Alternative? Marwan Barghouti*

Already highly engaged before and during the first Intifada, Marwan Barghouti was a fervent advocate of the Oslo Peace Accords until he realized that they were an impasse, then became involved in the al-Aqsa Intifada. During this uprising, he became a major resistance figure in the young Fatah guard in the OT, and played a considerable leadership role in the armed struggle. Arrested in April 2002, his trial stood out as an example. He did not recognize the civil court appointed by the Israeli authorities despite him being a resident of the West Bank, mandated no lawyer to defend him, and delivered a political speech as his final argument. Mistrustful and critical of the PLO leadership in exile,<sup>4</sup> notably due to certain leaders' corruption, he did not join it in Tunis between 1987 and 1994 when he was banished by the Israeli authorities and deported to Jordan. He nonetheless took part in the First Intifada as a liaison officer between the PLO command and the leaders of Fatah in the OT coordinating intelligence, commands, and strategies for action. Without being tainted by certain practices of the PLO in exile, he however got to know its workings and networks. During the al-Aqsa Intifada, he was in direct contact with Yasser Arafat, who ended up tacitly encouraging the armed struggle. Convinced, like Arafat, that only a show of force can bring about change, he is recognized as a consensual figure inscribed in his political heritage.

Barghouti's time in detention—in total solitary confinement until 2005—has contributed to forging his standing as a resistance fighter, a combatant (*munadil*), and an upright figure, far removed from the corruption and the clientelist, authoritarian abuses that the Sulta (PA) and its backbone, Fatah, are strongly accused of, all the more so since the death of historic leader, Arafat. Yasser Arafat has indeed, in spite of everything, remained shrouded in the glory of his revolutionary past, and, besides, died, as a resistant, under siege. Inside prison, Barghouti's political stature has increased thanks to various communication means and circulations between the Inside and Outside, and notably thanks to his lawyer, Elias Sabbagh, who, deprived of a legal role following Barghouti's refusal to interact with the Israeli judicial system, has positioned himself as the conveyor of his interviews and tribunes published in the press and his letters addressed to Fatah and the other factions; his interventions

<sup>4</sup> Based outside Palestine, unlike the OT leadership.

during Fatah Congresses, conferences on prisoners, or commemorative events. His wife, Fadwa Barghouti, a lawyer and member of Fatah's Revolutionary Council, is also his emissary and is intensely involved in the Free Marwan Barghouti and All Palestinian Prisoners campaign.

Bolstered by his mandates renewed Inside, he has never ceased to exercise a clandestine *carceral citizenship*, drawing on his aura as a detainee. He has championed the democratization of Fatah in an effort to end the corruption of its elites and to breathe new life back into a party corroded by internal divisions. He has never stopped calling for its Congresses to be held. This was finally the case in 2009, twenty years after the previous one—despite what is stipulated in the movement's statutes—and for the first time in Palestine, then again in 2016. He strongly condemned the lack of representation and access to the governing bodies (the Central Committee,<sup>5</sup> and the Revolutionary Council, which were not re-elected for many years) for a considerable proportion of its active members, particularly, until recently, the young Fatah guard from the Territories. He has emerged as the spokesman for the prisoners and, more widely, of militants from the OT who had been unable to attend any Congress since the birth of the party as these had until 2009, all been held outside of Palestine. At times looked down on by the Diaspora cadres, some of whom consider themselves a kind of revolutionary aristocracy, they were indeed *de facto* long marginalized. This longstanding question of the place of Palestinians of the Occupied Territories in the leadership in part overlapped with that of the prisoners and former detainees, unrecognized as a distinct group during the Congress, when those having spent the most time behind bars hail from the West Bank and Gaza:

The Congress planning committee indeed decided not to include any prisoners' representatives, which was a stab in the back for these militants, resistance fighters, combatants, who bore arms against the Occupation, who preferred the path of honor and dignity, the path of freedom, to any privileges, as they had learned in Fatah. This was highly revelatory of the mentality of this leadership and of its way of thinking, and the way in which it resolves the questions of the Movement.<sup>6</sup>

<sup>5</sup> Consisting of eighteen elected members, it is the executive body of the party, while the Revolutionary Council has eighty members.

<sup>6</sup> "Adresse au 6<sup>ème</sup> congrès du Fatah 4 août 2009" (Barghouti 2009c).

Militant probity and the sacrificial dimension of the prisoner as a person and symbolic figure are foregrounded here to highlight the internal contestation of a dysfunctional and undemocratic partisan order. It is a major political resource, a sacred, incontestable common cause that Barghouti always highlights in his discourses, just as he convokes the martyrs (*shuhada*), from all parties, and first and foremost the tutelary figure of Yasser Arafat.

The forced exile from the country imposed on many activists and ex-prisoners by the Israeli authorities since 1967 nonetheless relativizes the idea of a strict caesura between militants in the Occupied Territories and those abroad, some of the former having joined or developed their networks with the PLO and the Diaspora political organizations abroad.

Barghouti has also defended the need to make place for the new generations, women, and academics too, who became central actors in the civil society mobilizations sparked by the BDS movement and the revival of the popular resistance in 2005 (Barghouti 2009a). During the preparation of the 2009 Congress, he vehemently criticized the quasi-absence of under-forty-year-old militants (1%) despite them constituting 75% of the Fatah base, that of women, who represented 29% of the movement's members and only 7% of those at the Congress.<sup>7</sup> He identified this democratic deficit as the major cause of the party's internal conflicts (which he called a "state of anarchy"); of the dissensions with the other factions and the split with Hamas; and of its lack of strategic vision and failure to achieve national liberation. The 2009 Congress in Bethlehem indeed failed to fulfill its promises of renewal. Restating the necessary accession of Fatah members from the Occupied Territories to the leadership bodies due to be elected, he nonetheless also warned of the effects of the absence of most of those living outside Palestine. Indeed, as of 2009, homeland Palestinians progressively acquired more power within Fatah's bodies than those abroad in the Diaspora (*shatat*). This influence was accentuated at the 2016 Fatah Congress. In addition to the marginalization of members of the movement in Jordan, Lebanon, and in Syria, those from the West Bank largely dominated the Gazans (Dot-Pouillard and Guignard 2017).

It is in the name of Arafat's heritage, of his incarnation of Fatah's resistance tendency, of the "choice of the Intifada" and the prisoners' cause that Marwan Barghouti stood in the 2005 presidential elections,

<sup>7</sup> Ibid.

before withdrawing and calling to vote for Mahmoud Abbas. Just after, he set up The Future (al-Mustaqbal) party, in alliance at the time with Mohammed Dahlan, to constitute an alternative electoral list in the 2006 parliamentary elections, before abandoning an approach that could only lead to more political fractures. He managed to get chosen as head of the list, and obtained the presence of several prisoners and ex-prisoners in good positions; also behind bars, Abu Ali Yata was second on the list. On the strength of Israel's withdrawal from Gaza in 2005, which he publicly interpreted as the result of the Second Intifada and Gazan resistance, he spoke out against disarming the factions and the al-Aqsa Martyrs' Brigades. He, on the contrary, wished to combine keeping up the pressure of the Uprising and negotiations in order to end the Occupation and secure the release of prisoners. The prisoners' candidacy asserted their place in the national movement, the centrality of their cause in the perspective of future negotiations, and legitimized them on the international stage vis-à-vis the Israeli authorities, for whom they were, and still are, uniformly "terrorists."<sup>8</sup> The other parties also included detainees on their lists. The PFLP list was headed by Ahmad Saadat, held for his own "protection" in the Palestinian prison of Jericho on Israel's orders; and that of Hamas included about a dozen.

Advocating the creation of an advantageous power balance in the aim of negotiating a peace agreement with Israel, Barghouti took part, in the midst of the Second Intifada, in discussions with the imprisoned leaders, held via the intermediary of the Egyptian intelligence services, which led in July 2003 to a ceasefire respected by all factions. He was then one of the actors in the Geneva Initiative that proposed a durable solution to the conflict. It was signed in December 2003 by one of his close allies, Qaddura Fares, and by Yasser Abd Rabbo, who represented Arafat, and, on the Israeli side, by Yossi Beilin and other opponents to the hawkish policy of Prime Minister Ariel Sharon, who insisted there was no Palestinian partner to negotiate with.

Barghouti is the most popular Fatah member and Palestinian politician. Opinion polls always place him as the victor of an eventual presidential election, which he is preparing for.<sup>9</sup> He is recognized by most of the

<sup>8</sup> Ibid.

<sup>9</sup> In March 2022, he again would win against Ismail Haniyeh with 59% of the vote according to the Palestinian Center for Policy and Survey, <https://pcpsr.org/en/nod/e/906>. All websites included in this chapter have been verified in July 2022.



faction leaders, with whom he holds good relationships, for the quality of his analyses and his knowledge of the political stakes and Israel's way of functioning, his courage, and the honesty of his engagement. He has lived in Hadarim with their leaders, notably Yahya Sinwar, head of the current Hamas government in Gaza. He is respected by his former prison companions and perceived as capable of federating, of smoothing dissensions with Hamas to achieve an institutional reunification between the West Bank and Gaza, and of pacifying the tense relations with the left-wing opposition to the PA, and notably the PFLP. Determined to secure his release in the Shalit exchange, Hamas had to relinquish this goal at the last minute, but firmly committed to doing so in the next exchange, in discussion for over five years now.

In detention, and despite Fatah's fragmentation, Barghouti has become the foremost leader who, via clandestinely sent letters, settles the problems that arise in the different prisons' Fatah leadership. Karim Younis, a Palestinian citizen of Israel and currently the longest-serving prisoner behind bars (thirty-eight years), nominated a member of Fatah's Central Committee in May 2017 by Mahmoud Abbas, obtained the right to move from establishment to establishment in the event of a conflict or dispute. The prisoners' representative (*mumathil al-mu'taqal*) can indeed ask Shabas for a person to be moved. Frequently transferred, Younis circulates Barghouti's opinions, as there is no cellphone at Hadarim. In the party Outside, however, his position remains fragile. Even though the influence of the current Marwan Barghouti embodies has grown in the past decade, he has often found himself at loggerheads with Mahmoud Abbas as his opposition to Abbas' policies has become more frontal. He stood up to the unconditional disarming of the military wings, calling to protect the "arms of resistance," including Fatah's al-Aqsa Martyrs' Brigades, and denounced the criminalization of this resistance that Mahmoud Abbas initiated by reforming the security services, under the aegis of the United States. He opposed the repression of opponents, who have increasingly been placed under arrest by the Sulta (PA), sharply exacerbating its authoritarian bent. His public criticism of the Sulta has become vehement when it comes to its maintaining of security cooperation with Israel despite the latter's continued policy of colonization and occupation, its wars on Gaza (in 2009, 2012, 2014 and 2021) and their ever-higher number of civilian casualties, the major prison hunger strikes (2012, 2017), and the Israeli authorities' resumption of mass arrests since 2013–2014, then throughout the *habbah*, calling on the PA to stop being the

“security guard” of the Occupation. Mahmoud Abbas indeed remained silent about this latest uprising. In May 2014, he even declared that security coordination was “sacred” (Tartir 2019)—a security cooperation that has long been staunchly denounced by the Palestinians of the West Bank and Gaza. In March 2020, 77 percent of the people wanted it to end.<sup>10</sup> Despite repeated pronouncements, Mahmoud Abbas has never renounced it, bar a few months after the announcement of the implementation of the Trump Plan in June 2020, a period when all exchanges were suspended.

As Israeli governments have backed an ongoing colonial policy, demonstrated their refusal of a Palestinian State, and instrumentalized peace talks and peace-building to pacify the Palestinian population (Turner 2014), Barghouti has enjoined the PA leaders to adopt a global strategy of the complete diplomatic and economic boycott of Israel. He has indeed sought to federate the different forms of resistance at play. He thus supported Abbas’ strategy of internationalizing the Palestinian question (the steps taken to get the State of Palestine recognized at the UN and its accession to all its agencies, the Rome Convention, and the International Criminal Court), while at the same time pushing him to do so faster and to immediately take advantage of the leverage that this has offered.<sup>11</sup> He has called for a mass popular resistance movement and called on the PA to officially embrace the BDS program, which has continued to gather strength, when it has only endorsed the boycott of goods from the settlements.<sup>12</sup> He has ceaselessly called for reconciliation with Hamas, whose resistance he lauded during the summer of 2014 war,<sup>13</sup> and again during the May 2021 war, which saw Hamas gain in popularity as it claimed to be the defender of Jerusalem and the holy sites. Meanwhile, Abbas’ postponement of the legislative, presidential and PLO National Council elections respectively, which should have been held in May, July, and August 2021, discredited the Fatah branch in power even further.

<sup>10</sup> Palestinian Center for Policy and Survey, <http://pcpsr.org/en/node/154>.

<sup>11</sup> “Tribune en mémoire de Yasser Arafat dix ans après sa mort (en arabe)” (Barghouti 2014); “Entretien avec des journalistes à l’occasion du 13<sup>ème</sup> anniversaire de son arrestation, 16 avril 2015” (Barghouti 2009d).

<sup>12</sup> “Entretien avec des journalistes...”, *op. cit.*

<sup>13</sup> “Réponses à Reuters transmises à travers le Nadi al-Asir, 18 septembre 2014” (Barghouti 2009e).

Marwan Barghouti faces the clans and infighting for Mahmoud Abbas' succession. Some used their influence—unsuccessfully—to get Abbas to nominate him Vice-President of Fatah when he gained the most votes in the Central Committee elections in 2016. His partisans face lobbies backing other heirs: first, Hussein Sheikh, Minister of Civil Affairs, who in February 2022 was appointed to the Executive Committee of the PLO in the aim that he becomes its Secretary General; and Majed Farraj, head of the General Intelligence Services, who, although he is the only one not belonging to the Fatah Central Committee, is in a strong position because he is part of the security world. Both are very close to Abbas and have moreover long and good professional relations with Israeli officials. Next, Jibril Rajoub, Secretary of Fatah, who, what is more, was leading the negotiations with Hamas in view of elections in 2021; Mahmoud Aloul, consecrated when he became Vice-President of Fatah in 2017, and head of the legislative Fatah-Abbas electoral list for the 2021 aborted elections; and Mohammad Shtayyeh, the current Prime Minister, who is an economist, academic, and a technocrat.

Barghouti confirmed his opposition to Abbas during this failed electoral sequence when he backed one of the two dissident Fatah legislative lists—that led by Nasser al-Qudwa,<sup>14</sup> Yasser Arafat's nephew, who for a long time was PA ambassador to the UN—on which his wife was number two; and when he announced that he would run in the presidential elections from his cell. For Saad Nimr, his imprisonment “is a technicality, as he could nominate a vice-president until his release. It could even help him get out earlier. A prisoner-president could raise international pressure. The Israelis know that he can bring unity and that is why they are not letting him out.”<sup>15</sup> Tension exists between the person likely to be chosen by the electors and the one whose personality could achieve a consensus within Fatah and beyond, given that a future president will have to obtain the approval of the Israelis and the Americans to be able to govern, and from regional actors, such as Jordan and above all Egypt.

Advocates of his Arafatist line had already sought to internationalize the struggle for the freeing of Barghouti and all prisoners. Two campaigns were launched. The first, “The People's Campaign to Free Marwan Barghouti and All Prisoners” was launched immediately on his arrest in

<sup>14</sup> The other dissident Fatah list was supported by Mohammed Dahlan.

<sup>15</sup> Ramallah, May 26, 2016.

May 2002 at the initiative of his friends, relatives, and partisans, including his wife, Fadwa. The second nationwide one, whose vocation was more global, was launched in October 2013. Both appealed internationally. While these campaigns concerned “all prisoners,” they revolved around his embodiment of the cause; they thus marked a turning point in the political prisoner culture in which the “we” had always predominated over an ill-viewed “I.” The PA’s Ministries of Foreign Affairs and of Prisoners’ Affairs officially supported this second campaign launched from Nelson Mandela’s cell on Robben Island in the presence of charismatic figures from the anti-Apartheid movement, including Ahmad Qatrada. What was referred to as the Robben Island Declaration was signed by all factions, 120 internationally renowned figures, and Nobel prize-winners Desmond Tutu and Jimmy Carter. Launched in several countries, including France, which hosted a press conference in its National Assembly, this campaign was inscribed in a broader effort to internationalize the prisoner question. It contributed to the turning point in the Palestinian struggle brought about by the popular resistance mobilizations and by BDS by positioning itself in the lineage of the anti-Apartheid and US Civil Rights movements.

Notwithstanding, both the PA and Barghouti have maintained their classic national liberation project, that is, the two State solution. They have not adopted that of a fight for rights within a *de facto* shared territory, whatever the model imagined. They thus mobilize references to anticolonial struggles, the fight against Apartheid being one of the powerful symbolic resources convoked. At the time in charge of the prisoner question at the Ministry of Foreign Affairs, Majed Bamia explains:

We had to deconstruct Israel’s security-related image of prisoners, the image of terrorists. Mandela was also considered a terrorist. To do so, we needed to embody this cause. With Marwan, this was possible. We’d never had a symbol because it wasn’t acceptable to the people, to the detainees themselves, for the mothers, who will always prefer that we speak about their sons. But anonymity is not the best tool ... It’s true that we “use” the figure of Marwan, Fadwa knows this, but she agrees that it serve everyone. She is the real prisoners’ ambassador; she does a lot. She meets an enormous number of people in the entire world. She has been received by all the French Ministers of Foreign Affairs, for example.<sup>16</sup>

<sup>16</sup> Ramallah, December 5, 2013.

For the PA, this campaign was also a way of taking back political control of the prisoner question at a time when it was failing to secure significant releases in its dealings with the Israeli authorities. It was also a way of visibly re-placing it at the heart of its preoccupations at a time when the Diaspora Fatah cadres were being virulently attacked for not having made it enough of a priority during the Oslo negotiations.

These campaigns triggered other international actions. Among them, several towns in the Paris suburbs (Stains, Ivry-sur-Seine, Gennevilliers, La Verrière, Vitry-sur-Seine, Valenton, La Courneuve, Pierrefitte-sur-Seine), or cities such as Palermo, made Marwan Barghouti an honorary citizen. In 2016, previous Nobel prize-winners and international figures put his name forward for the Nobel Peace Prize. They gave greater visibility to the political prisoners' cause, while at the same time reinforcing Barghouti's international stature, positioning him more decisively as a political alternative.

## THE PRISON EXPERIENCE COMPROMISED: INTRA-PALESTINIAN DETENTION

*The Ministry of the Interior, Ramallah, May 31, 2016*

I long tried to find a way to approach the highly inaccessible Palestinian prison system. After being dissuaded several times by the fact that, considering I was interested in political detention to boot, I was certain to get nowhere, I managed, via one of his close acquaintances, to get hold of the contact details of a high-ranking civil servant at the Ministry of Interior. He finally agreed to receive me in one of the Ministry's new buildings in the outskirts of Ramallah. This tower block was still under construction, and I took the stairs up, making my way through the paint pots and protective sheeting. Only workmen were present on the unfinished upper floors. On the floor indicated, the long corridors were empty. It was a Saturday and the very few people already working in this ghostly building were off for the day. On my arrival, I had noticed a big, slightly rotund fifty-something man with a mustache getting out of a somewhat dilapidated little car, hurrying to the entrance, and waiting for an improbable elevator that had nonetheless manifestly come as there he was sitting at the desk. He looked up from his files, greeted me, asked what I wanted to drink—tea or coffee—ordered it, then apologized as he had to make a call. He clearly had no intention of allowing me a place in this exchange

that he had reluctantly agreed to, and which was wasting his time. He kept fidgeting about, looking for files, answering his cellphone, or blowing his nose.

Visibly annoyed, he told me to ask my questions. I launched into them in a roundabout way to avoid immediately announcing that my work focused on those detained for political reasons, asked for some general figures, then expressed my desire to meet the wardens of certain prisons—officially known as Correction and Rehabilitation Centers—and the prison staff. He presented the situation, then assured me he would email me the statistics of the Centers in the different governorates and the wardens’ contact details. Meticulously avoiding the word “political,” I moved on to mentioning the “security” detainees, a term that was sometimes used by the Palestinian Security Services arresting them, both here and in Gaza, in a rather surprising imitation of Israeli terminology. His irritation switched to a kind of cold rage that made him jump up, lean across the desk at me, raising his voice in a clear attempt to intimidate me:

This security prisoner business, it’s the lawyers and NGOs who use the term, but since 2013 (*sic*) [2011], not a single civilian has been convicted by a [Palestinian] military court. It’s very clear in the law. The military courts are for the military, and those appearing have always committed a crime. All the prisons meet international standards. New ones have been built and the oldest ones have been, or are being, renovated. Seven will be operational very soon, one in each governorate. We are working with EUPOL COPPS on staff training,<sup>17</sup> and on the Police Centers. We work in complete cooperation with the ICRC in respect of their mandate; they regularly visit all the prisons.

His anger was growing and his face was clearly hostile. I tried not to cower on my chair and continued, maintaining a semblance of calm even though I was torn between anger and a very strong desire to get out of there. It was clearly what he wanted, to cut this interview short by wielding his imposing male stature and voice. I simply replied that I had used the expression “security detainee” because I had heard it, nothing more. “We don’t have any political prisoners,” he shouted in my face,

<sup>17</sup> The EU mission to support the police in the Palestinian Occupied Territories set up in 2005, notably assisting the construction and renovation of Correctional and Rehabilitation Centres and the training of their staff.

having definitively abandoned any pretense of civility and determined to intimidate me once and for all so that I would go. He was so close I could practically smell his breath:

No one is incarcerated here without a court ruling. From the start, we have no political prisoners. They have all committed an infraction, like possessing arms. Initially, some were put in prison for their own protection [*himayeh*]. We used to hold them to avoid them being detained in Israel, but that's no longer the case now.

I acquiesced, trying to smile naturally despite the intense tension in the air. He broke out into a fit of coughs. I politely wished him a swift recovery: “Salamtak [get well; literally, peace be with you],” to which, according to the standard formula, he should have responded, “Allah yasalmik [may God give you peace].” He did not utter a word. I strove to reinject a pleasant tone to the end of this impossible dialogue, confirming my intention to write to him for the various elements and contacts that he had agreed to send. He gave me his card and shook my hand. I hurried down the stairs of this unpleasant place, wrote to him several times, but he never replied.

*Security Cooperation, Controlling the Resistance,  
and the Hamas/Fatah Conflict*

Completely re-hauled and stepped up in 2007, the IDF/Palestinian Security Forces security cooperation has led to the disarming of all the armed resistance militias, the arrest at the Israeli authorities' behest of suspects belonging to these groups and opposition parties—notably Hamas and the Islamic Jihad—and to their various departments' sharing of intelligence.

Despite the Ministry official's denial, in the summer of 2007, the split between Hamas and Fatah led to a wave of mass intra-Palestinian arrests—about a thousand people on each side—in the West Bank and Gaza. These detainees were most often qualified as security prisoners (*amniyyin*), and more rarely as common law prisoners (*jinaiyin*). They were incarcerated in Jericho prison and in the detention centers of the PA Security

Services, and in the prisons of the Hamas administration's Internal Security,<sup>18</sup> and military police in Gaza. Engaged in an open conflict at the time, the two competing authorities recognized holding members of the opposite party for political reasons (*siyasiyin*) in a clear power play. The Fatah press clearly evoked them (Hill 2016). Since, the number of Hamas and Fatah detainees has fluctuated depending on the situation and on the level of tension between the Ramallah and Gaza governments in a policy of reciprocity; when a preventative round-up is carried out in the West Bank before, for example, the commemorations of the date of Hamas' creation, then, another is carried out on the anniversary of the beginning of Fatah's operations. The arrest of these exclusively male political prisoners in both the West Bank and Gaza have never entirely ceased at times when a reconciliation seemed to be on the horizon, but in 2011/2012, they nonetheless did fall to around 50 to 100 people. In April 2016, they totaled at twenty-nine in the West Bank, and fifty-nine in Gaza.<sup>19</sup>

In addition to Jericho prison, various security services in the West Bank have administered unofficial detention centers in each of their own governates, including the General Intelligence Services—*mukhabarat al-‘ameh*—run by Majed Farraj, the Preventive Security—*al-amen al waqai*—, and Military Intelligence—*al-istikhbarat al-‘askariyeh*. Up until 2012, most of those, including civilians, arrested in this framework were by virtue of an old PLO law tried by military court for “crimes against the Palestinian revolution,” “harming revolutionary unity,” for “jeopardizing the Palestinian Authority,” or “opposing the policies of the Sulta,” or again for “assistance or affiliation to an armed militia.”<sup>20</sup>

The presidential decree-law n° 4 passed by Ramallah in 2007 first of all declared the Hamas militias' bearing of arms illegal; this was then expanded to Hamas members, and finally to all those directly or indirectly supporting the armed resistance or opposing the PA's political line. Major disarmament operations aimed to restore the exclusive power of the President and the Fayyad government—formed after the revocation of the Haniyeh government—over zones of resistance or contestation, such as the Jenin camp and Balata camp in Nablus. They targeted not

<sup>18</sup> Established in 2007 by Hamas, it depends on the Ministry of Interior.

<sup>19</sup> The Independent Commission for Human Rights, Ramallah, May 16, 2016.

<sup>20</sup> The Revolutionary Penal Code and the PLO Criminal Procedures Law of 1979.



only the opposing Islamic or left-wing factions, but also the al-Aqsa Martyrs' Brigades, and many young people affiliated more or less closely with Fatah.<sup>21</sup> With the "one gun, one law, one authority" slogan, a clear message was put out that the PA was the only organization in power authorized (Tartir 2019)—a message that was addressed to resistant armed groups just as much as it was to the Israeli authorities to demonstrate the PA's respect of the security cooperation.

In November 2010, three years after his release from the Israeli prisons in which he spent a decade, Ahmad was arrested by the Sulta's services. He had volunteered at the Ansar al-Sajin association close to Hamas, and continued his activities after its closure in 2006. Above all, he helped support families of detainees by transferring them the financial aid attributed by the party. He had already been challenged by the Israeli military court for this reason without being convicted. It cost him an extra year in administrative detention. He was then taken to Palestinian military court.

I wanted to be tried in civil court. I had studied Human Rights in Montreal and I knew I shouldn't be there. I had seen no one for seventy days, no lawyer, no judge. Then I was brought before the [Palestinian] Military Court and I was able to get a lawyer. My wife contacted Addameer, who brought my case before the [Palestinian] Supreme Court, which ruled several times that I should be released, but the ruling wasn't applied. Finally, I was sentenced to two years for opposing the Authority's policies. I was released after serving two-thirds of my sentence. It was a political arrest and trial. I was sent back to Jneid prison, the same where I had been detained by the Israelis. That was really very hard. And the interrogation at the Sulta was also very tough. I was beaten, tied up for hours, but I wasn't strung up by my arms with my hands tied behind my back like others were [a method that was also used by Israeli interrogators]. Some died, others were left infirm. The Independent Commission [for Human Rights] wrote about it. Jneid prison is next to An-Najah University. We received visits every week; fifteen minutes, then half an hour, then three-quarters of an hour. Little by little, it improved. Initially, there was no TV, the [cell] doors were only opened for an hour, then much longer. There were no criminals [*jinaiyin*] there; it's a military prison [a prison where

<sup>21</sup> In addition to criminal armed gangs.

several security services, including military intelligence, have cells]. They were political prisoners [*siyasiyin*].

– How many?

About seven: five from Hamas, one from the PFLP, and two from the Islamic Jihad. There were also detainees from the Authority [*mu'taqaleen an al-Sulta*; I asked him to clarify]. They are Security Service people who have committed faults or offenses; on the whole, they didn't stay long. There were also twenty-five Fatah members who were there as they were wanted [*matlubeen*] by the Jews. Nowadays, they take the people like me to the civil court, not to military court anymore [since 2011], but there's no justice; the Intelligence Services [*mukhabarat*] request what they want; human rights aren't respected. The Intelligence Services, it's the President. Preventive Security run [at the time] by Dahlan, it's the government. They don't say it's political; they say it's for activities against the Israelis, or terrorism. There's a lot of cooperation [*tansiq*] with them. The Israelis call and say so-and-so is active, either you arrest him, or we do. For example, several people get arrested for a same case; some are sent to Jneid, the rest to Israel. They interrogate them at the same time, and they swap intel ... It's 100 percent certain that there is a very strong *tansiq* between the Authority, Israel, and Jordan too. And if Abu Mazen [Mahmoud Abbas] wasn't OK with that, it wouldn't happen.<sup>22</sup>

Other people get kept behind bars, supposedly “for their own protection” (*himayeh*). That was the case of the current Secretary General of the PFLP, Ahmad Saadat, wanted in the murder of the Minister of Tourism Rehavam Ze'evi affair in 2001.<sup>23</sup> Many PFLP militants were arrested by the Sulta's forces. The Israeli authorities put pressure on Arafat to have Saadat arrested and to obtain the names of those directly involved. Arafat refused, but had them apprehended by his own Services. Saadat was tricked by the Head of Intelligence, Tawfiq Tirawi, into a rendezvous supposedly to sort out the situation. They were taken to

<sup>22</sup> Nablus, July 8, 2012.

<sup>23</sup> In August 2001, the PFLP Secretary General Abu Ali Mustapha was assassinated by the IDF in a targeted helicopter strike on his office building in Ramallah. A few weeks later, Rehavam Ze'evi, an Israeli minister with extremist views, was killed at the Hyatt Hotel in Jerusalem. This revenge crime was attributed to PFLP.

Arafat at the Muqata'a where they remained throughout the siege of the presidency, then Arafat had to agree to transfer them to the Palestinian prison in Jericho in exchange for his own freedom—a prison that was also under British and American supervision. In 2006, two years after Arafat's death, the IDF gave the assault to capture them without meeting against any resistance from the PA forces. Only the prisoners fought fiercely. Behind bars in Israel ever since, Saadat gave his view of this “protective [*himayeb*]” detention by the PA eight years later:

For political reasons, and specifically the Kadima party's general election campaign that year, the Israeli government reclaimed me as their charge in 2006, uncovering the true meaning of the term "al-Himaya [*himayeb*]", the moniker for the wave of political arrests carried out by the PA in compliance with Israeli security dictates. The term was touted to the public by the PA to justify widespread arrests. (Saadat 2014)

Given *a posteriori* in 2014, this analysis largely reflects the evolution of the security cooperation and intra-Palestinian detention as, before Arafat's death in 2004, and even up until 2007, this so-called protection policy to avoid incarceration in Israel did correspond to a certain reality. But over the years, and while it did still concern a few Fatah members, it became a way of masking the extent of the security cooperation, then the neutralization—and even repression—of opponents.

### *Muzzling Opposition, Asserting Power*

In the West Bank, NGO and civil society mobilizations and international pressure led in 2011 to a reform of the judicial system that put an end to civilians appearing before military court. The transition to a civil penal code normalized these political arrests, and charges were brought in line with common law offenses. These most frequently became, “illegal possession of firearms,” “collecting and receiving illegal money,”<sup>24</sup> “insulting higher authorities,” or “endangering the public order of the State” (Human Rights Watch 2018). This did not prevent such detentions, however, which, on the contrary, affected a wider range

<sup>24</sup> According to lawyers from the Jerusalem Legal Aid and Human Rights Center (JLAC), Ramallah, October 20, 2016.

of people if they expressed criticism or represented a threat to the power in place.

Such detainees are mainly Hamas political prisoners, only some of whom are serving fairly long sentences for armed activities; members of the Islamic Jihad or the PFLP; or again Security Force dissidents or armed Fatah groups, including some of Mohammed Dahlan's partisans, who was officially excluded from Fatah in 2011. Moreover, arrests are used to control and contain the political arena to guarantee not only Fatah's predominance, but also that of the Fatah group in power. In April 2018, the Preventive Security declared that they were holding 125 people, and the Intelligence Services sixty-one (Human Rights Watch 2018). Internal detention and security cooperation are thus used to stem the influence of the other movements, particularly during elections to student bodies in the universities and the trade unions, in which the Islamic bloc often wins a majority, like at Birzeit University, for example. Along with the 2017 and 2021–2022 municipal elections, these are the only elections that have been regularly held in the past decade.

One of his university friends took me to the al-Bireh Red Crescent hospital where Khaled works. A short salt and pepper beard, he was wearing his white medical coat. His is a long history of mainly short administrative detentions in Israel from 1994 to 1997. He was only convicted once, in 1996, to eleven months in prison for his activities in the Islamic student movement. He has clear ties with Hamas and has since become its representative in the West Bank. In 2008, he was taken to the Palestinian General Intelligence Services facility on al-Ersal Street, where he spent two months in interrogation. They found nothing on him and he was let go. "A month later, it was the Israelis who picked me up. I was an administrative detainee [*idari*] for twenty-five months. I was held in al-Naqab and Ofer. Three days after my release, I was arrested again by the Palestinian Intelligence Services with three other brothers: two weeks' interrogation. They asked me why I had been imprisoned, who I was with, stuff like that." A month later, another service—Preventive Security—in turn wanted to debrief him on his carceral period in Israel. It lasted five months this time, with no accusation. "It was a political arrest." He claims to have been tortured. Then, forty-five days later, the Israeli authorities held him in administrative detention again for fifteen months. He added:

Between all these arrests, I was kidnapped by Palestinian Military Intelligence. I was kept tied up for three days. I was the head of the medical

imaging Union, and there were elections, so they started putting pressure on me as I oppose the Sulta. There is a lot of coordination [*tansiq*], of course. Sometimes you are held five months by the Sulta, then arrested by the Israelis who sentence you to two years, and who deduct five months. In what they ask you too: both of them told me I mustn't be active in the Union.<sup>25</sup>

Militants and sympathizers of the Islamic movements, but also of the left-wing parties—mainly the PFLP, but also the DFLP and the Palestinian People's Party—those involved in the popular resistance or BDS, and those belonging to rival Fatah groups are also targeted by the Sulta Services' one-off arrests and intimidation methods in an attempt to weigh on local elections and to limit their influence and political roles. Let go by the judges, they can be re-arrested again within the hour following their release, or be kept longer in detention despite the judicial decision. They can also be held without any charges at the discretion of regional governors, who, by virtue of a 1954 Jordanian law, are allowed to administratively detain people for six months without bringing them before a judge or letting them contact a lawyer, theoretically to protect citizens and public order. In 2015, eighty people were the object of this measure<sup>26</sup>; in 2017, there were about a hundred of them.<sup>27</sup>

As its authoritarian turn intensified, voices contesting the PA's orientations were increasingly reduced to silence. In the late 2010s, Hill reports that vehement criticism from all quarters was made of the Sulta's services and police or Fatah leaders, accused of being the subcontractors of the Occupation, or even collaborators (2016). In recent years, freedom of expression and public liberties have been scaled back. Journalists, bloggers, and many students have accordingly been arrested for articles or posts considered hostile. In 2016 and 2017, Preventive Security declared they had detained 220 people for their social media posts, sixty-five students, and two journalists for publications falling “outside the bounds of criticism and expression of opinions,” that “could have truly endangered the lives of civilians”, and for having defended the “criminal ideas of the illegal militias that seek a coup in the Gaza Strip” (Human Rights Watch 2018). People are not generally held for long for this type

<sup>25</sup> October 26, 2016.

<sup>26</sup> UNHCHR, Ramallah, October 24, 2016.

<sup>27</sup> According to figures provided to Human Rights Watch by the NGO al-Haq (2018).

of offense of opinion, being taken in and released frequently. Nonetheless, in 2017, a wide-reaching law on cyber-criminality strengthened the existing judicial arsenal and granted considerable authority “to monitor and restrict online activity” (Human Rights Watch 2018).

Khaled’s case is a prime example of the continuity between the Israeli and Palestinian intelligence services and prison systems. It explains why in 2014, Mahmoud Abbas declared that security cooperation was “sacred” and, until the Trump Plan episode in June 2020, always refused to terminate it, despite his declarations and the 2018 decision taken by the PLO’s National Council on this matter. Imposed by the Israeli authorities, it also took on a non-negligible internal function, as it constituted a form of leverage to indirectly control the opposition, politics, and society in the West Bank by conveying relevant intelligence to the Israeli counterparts, and at times deliberately using detentions in one system or the other, or in one then the other. This continuity is embodied in experiences like Khaled’s, or Ahmad’s, both of whom were held in the same detention centers and subjected to torture methods similar to those they were subjected to in the 1990s when interrogated by the Shabak. Most of those released from Israeli prisons after administrative detention, or for belonging to a party other than Fatah, get re-arrested by the Palestinian Security Forces and sometimes convicted on the same charges. Inversely, a period in a West Bank detention center may be followed by incarceration in Israel, by virtue of their common interests and, more broadly, of the suspicion sparked by periods spent behind bars in Palestine or Israel, thereby instituting a toing and froing between the Israeli and Palestinian prisons known as the “revolving door” (*al-bab al-dawar*)—a revolving door that constitutes a form of double penalty. For Hill, security cooperation has thus created a joint Israeli-Palestinian carceralism (2016). It is this continuity that made a lawyer say when I asked whether he was working on incarceration in Palestine that he limited himself to the prisons of “the Occupation, the classic ones [*al-klasikieh* – Israeli], not those of the interior, the belly [*min al-batn* – of the Sulta].”<sup>28</sup>

These counter-interrogations take place not only between the Israeli and Palestinian Services, but also within the Palestinian Services, who compete all the more fiercely since the emergence of major dissensions within Fatah. Each head of service defends a current or a group, or even

<sup>28</sup> Ramallah, November 22, 2016.

their own current in the name of political and sometimes economic interests, and in a context exacerbated by the battle for eighty-six-year-old Mahmoud Abbas' imminent succession—a succession for which Fatah has not officially designated a candidate. More and more Fatah dissidents or critics of Abu Mazen's politics are currently interrogated and detained as conflicts intensify, for example, in a town like Nablus where, in the past few years, the Security Forces have constantly affronted the Balata camp's armed groups and in particular the partisans of Mohammed Dahlan. These battles are internecine and thus all the more violent. In this camp in 2016, it was the brother of Tawfiq Tirawi, former head of the General Intelligence Services, himself head of an armed group affiliated to Dahlan, who led a fierce battle against the Sulta Forces. More broadly, Fatah's atomization has contributed to the reinforcement of authoritarianism in the West Bank.

In Gaza, there has not been an increase in the repression of opponents since the early years of Hamas' takeover of power in 2007, the mass arrests of Fatah members, and the torture that was then carried out. It has fluctuated, rather, depending on the wars and Hamas' ability to provide Gazans a decent daily life. Gaza has undergone periods of relative interior openness when Hamas has had to consolidate power undermined by the economic situation, especially during the years that followed the ending of the tunnel economy after 2013.<sup>29</sup> Along with the Fatah members arrested according to the state of relationships with Ramallah, and who only remain behind bars for short spells, others are more seriously accused of spying for the PA or for international interests, or for “collaboration with the Occupation”. They are detained in the Internal Security or Military Police centers. Interrogations there are brutal and people commonly tortured.

This question being ultra-sensitive in Gaza, I did not try to meet anyone having spent time in the Hamas-run centers. The military justice system has kept the old PLO laws and often convicts people for “harming revolutionary unity.” According to the Gaza branch of the Independent Commission for Human Rights, in February 2016, there were 300 (Fatah) “security prisoners (*amniyin*),” plus 150–200 Salafis categorized

<sup>29</sup> For example, prison visits and the work of the Independent Commission for Human Rights interrupted by Hamas in Gaza between 2008 and 2012 were restored.

as common law prisoners (*jinaiyin*), sentenced in criminal court,<sup>30</sup> apart from those belonging to Hamas, who are tried in military court. The Salafi-Jihadists are rounded up and punished all the more violently, in part because they pose a head-on challenge to Hamas' authority and its political, military, and societal orientations. They consider Hamas to be insufficiently offensive and not rigorist enough religiously, and in 2008 attempted to take over areas to declare an Emirate. Moreover, some are dissidents from Hamas' military ranks or have broken away from the Izz al-Din al-Qassam Brigades. Members of the police or the armed wing of Hamas have indeed joined their ranks for ideological and/or economic reasons, because of the regular pay.<sup>31</sup> This internal dissidence is thus more of a problem and more necessary to quell.

Moreover, since 2015, a finance department in the Ministry of Interior has focused on embezzlement and on political destabilization attempts via capital flows; an increasing number of people have been imprisoned for these motives. Until a recent rapprochement, groups and NGOs receiving subsidies from the Fatah dissident Mohammed Dahlan were very closely monitored, especially as, as a Gazan and former head of Preventive Security in Gaza, he has a considerable network.

The arrest of journalists, bloggers, activists, or simple demonstrators for expressing their opinions are common. From January 2016 to 2018, forty-five people were held for social media posts, for "publishing lies, promotion of rumors, and incitement to hatred and disrespect." The charge brought against them was "misuse of technology" (Human Rights Watch 2018). This is most often a form of intimidation to curb criticism and street demonstrations. People are thus released shortly afterward, but the recurrent, at times brutal pressure put on them and their families does have a dissuasive effect that silences, brings them into line, or forces them to leave Gaza. Those involved in the youth movements and demonstrations in early 2011 at the time of the brief Palestinian Spring were the object of intimidation and harassment by Hamas' Security Services. As a result, the number of independent demonstrators declined rapidly, and most of those who stayed were co-opted, or self-censored their demands. A thirty-something journalist, who has since left Gaza due to

<sup>30</sup> Among the 2,000 common law prisoners at that time. Independent Commission for Human Rights, Gaza City, February 16, 2016.

<sup>31</sup> In 2015, a first-grade police officer was paid 100 shekels every three months only.



the problems that her job and her involvement in the civil society protest movements was causing her family, told me that, following the March 15, 2011 demonstration in favor of Palestinian unity and democratization among other things, she was arrested several times for several hours. She was also seriously threatened for her articles denouncing the infiltration of cortèges by hundreds of plainclothes members of the Security Services, who beat the demonstrators, breaking their arms and legs.

It is very easy to incriminate people. They charge them with collaborating with Israel. For the women, the accusation of prostitution or the threat of defamation in their entourage is common. If they find a woman out alone at night, they can do so legally. But in any case, they use their reputation and moral, sexual questions to discredit them. They start the rumor that they are sleeping with this woman or that, or that they use drugs, or disrespect religion. They ruined the reputation of all those involved. They tried to do the same with me, but I am extremely careful; I am twice divorced and no longer wear the hijab, but I have no problem with anyone. But they only care about appearances. When I was arrested, they called my father to tell him so he would come to get me, then the second time, they did the same with my family neighborhood's *mukhtar* [local representative and relay for the administration]. Nowadays, people don't believe the rumors as much as before, as they have all been more or less affected ... At the moment [July 2015], the situation is a bit better because they are weak. Before, they used physical or death threats; now, they act more with the law ... They teach the police to behave differently, but some fail to understand. But I think that if Fatah came, it would be worse. I, at any rate, am blacklisted by the Israelis, Hamas, and Fatah. When I leave here, I can only pass via Rafah [via Egypt].<sup>32</sup>

The aim in summoning the male authority figures in her entourage was that they condemn her acts. The treatment reserved for women in political questions or the freedom of expression is couched in gendered representations and roles. Although based on the notion of masculine control, it is also more paternalistic. As a result, it remains a lot less brutal than the treatment reserved for men; in both Gaza and the West Bank, women are not—or very exceptionally and briefly—imprisoned, and are not tortured.

<sup>32</sup> Gaza City, July 13, 2015.

It is thus independent mobilizations that are *in fine* perceived to be the biggest threat, notably those denouncing the deteriorating living conditions blamed on Hamas' poor running of a Gaza Strip asphyxiated by the Israeli blockade since 2007 and by the more measured one imposed by Sissi's Egypt since 2013; since 2015, responsibility for this is also blamed on the PA's regular financial sanctions targeting Gaza following the collapse of the 2014 national unity government. Such mobilizations include the frequent demonstrations since 2015 denouncing the lack of access to electricity, and the "We Want to Live [*Badna nahish*]" movement that emerged in March 2019 to denounce rising prices and the hike in taxes on foodstuffs and basic necessities. According to a staff member of the Office of the UN High Commissioner for Human Rights in Gaza, "a certain level of criticism is possible on the part of political factions; that doesn't really worry them. They are far more afraid of independent demonstrations, like those for Rafah [the border crossing with Egypt] to be managed by the Sulta again, or the electricity protests."<sup>33</sup> Repression has intensified again in light of such ongoing protests. According to data from the Al-Mizan Center for Human Rights, between March 2018 and March 2019, the Hamas Security Services arrested 742 people on political grounds. This was not counting the hundreds of demonstrators from the *Badna nahish* movement, interpreted as a destabilization attempt by Ramallah and Israel and brutally quashed, along with any media reporting on it, thereby doubling the number of people detained for their opinions in Gaza (Abu Jahal 2019).

In Gaza, it is not the continuity between two repressive systems but, on the contrary, the isolation and state of siege imposed by the Israeli authorities, and the rupture with the Sulta in Ramallah, that increase the duration and harshness of the time spent behind bars. Judicial congestion is all the greater as, since the split, the majority of the judges have been ordered to stay at home by Ramallah, while the Hamas administration has not been able to train judges and has struggled to recruit and pay them. There were about forty-seven judges in service in 2016. Most lacked training, as they were hastily recruited to make up for the twenty-nine judges paid without working, and given that about 180 would be needed

<sup>33</sup> Gaza City, February 17, 2016.

to guarantee that the justice system functioned “normally.”<sup>34</sup> There are five-year court waiting lists.

For several years after Hamas’ takeover (2007–2013), the accused were all the more poorly represented as all the civil society organizations that provide lawyers to those who cannot afford private ones boycotted the courts. They refused to work with a system that had been allowed to run wild. This congestion has caused prison overpopulation, especially in the Police and Internal Security Centers. Untried prisoners cannot be transferred, and there is not enough space in prison to do so anyway. In February 2016, over 1,100 people were held in Centers built to take only 250 prisoners.<sup>35</sup> This figure has since doubled. In April 2018, 4,017 men were in detention, of whom 1,468 in prison, 2,038 in police stations, and 145 in the Security Centers, prosecuted by the military justice system for “security-related” cases, including “collaboration with the Occupation.” 150 were held by the military police.<sup>36</sup>

Prison staff belongs to the police. They have practically no training and their salaries are minimal, when they are actually paid.<sup>37</sup> After Hamas took power, only 40 percent of police officers stayed in their jobs and, despite a rushed recruitment, police officers are lacking, especially in the penitentiaries. The existing five prisons were on the whole not designed for this purpose, and their renovation and the construction of new establishments are hampered by the Hamas government’s perpetual financial crisis and the lack of donors for no one, apart from the Qatari government, has invested in Gaza’s prisons. Everything is lacking in Gaza, and all the more so in the prisons, disapproved of spaces where shortages are the norm, and where the families must provide food, covers, and medication to guarantee a decent daily existence.

<sup>34</sup> Mahmoud al-Madhoun, Gaza City, 17/02/2016.

<sup>35</sup> According to local NGO heads, February 2016.

<sup>36</sup> Figures from the Gaza Ministry of the Interior (Human Rights Watch 2018).

<sup>37</sup> While former PA civil servants—30,000 belonging to the Security Services and 30,000 others—have been paid since 2007 to stay at home, those currently employed by the prison services receive only 30 to 40 percent of their salaries, depending on the fluctuating means of the Hamas government. The payment of all civil servants by the Sulta is the subject of reconciliation negotiations: about 40,000 of them are waiting for this to be taken over by Ramallah. The Gaza prison service is under the authority of the police and therefore of the Ministry of the Interior. The prison system’s reintegration into a joint Ministry of the Interior is one of the most difficult issues to resolve, along with everything related to security and the military.

The prisoners fare even worse in moments of belligerence. The Israeli army targets police stations, Security Force facilities, interrogations centers, and prisons during wars. Considered military targets, they have regularly been raised to the ground, endangering the detainees firstly, and then exacerbating the overpopulation. Unsuitable places destined for other purposes have thus been hurriedly converted into prisons; Khatibeh Prison was a sports center, for example. In 2008–2009, nearly all the detention facilities were destroyed, including Gaza City Prison (Saraya), yet again reduced to rubble in 2012. During the summer 2014 war, Rafah Prison was evacuated before being destroyed. During conflicts, the least dangerous prisoners are authorized to return home for the duration of the hostilities. Common law prisoners sentenced for more serious offenses are hidden, and those held there for collaborating are expediently executed. In a terrible spiral, war and the threat to the places of detention accelerate the decision for, then the application of, the death penalty.<sup>38</sup>

## REPRESENTING THE SACRED PRISONERS' CAUSE

### *The PA: Social Questions and Maintaining a Contested National Role*

In Palestinian society, the prisoner cause has become a sacred one, a consensual militant resource, just like Jerusalem and the refugees, and, at another level, martyrs. In a context of partisan and territorial division between the West Bank and Gaza, it constitutes a common foundation upheld inside the prisons by a Prisoners' Movement that is fragmented, but less damaged by divisions than the parties Outside. Behind the unitary discourses, inter-Palestinian imprisonments, security cooperation, and the “revolving door” mechanism have nonetheless seriously compromised the old representation of the sacrality of the carceral. Moreover, it is the object of a diffuse political competition to represent the cause as it impacts everyone. With every family experiencing, or having experienced it, prison deeply marks collective history.

The prisoner question is one of the major national causes, like Jerusalem, the refugees, and the right to self-determination. It has to be extricated from political divisions; it has to rise above them. It's a human rights, social, and cultural question, not a partisan one. But ultimately, you realize

<sup>38</sup> It concerned eleven people in 2012 and at least twenty-three in 2014.

that the political prisoner [*asra*] cause is like the rest: Jerusalem, the refugees; we all agree, but in practice, we all defend different things and disagree.<sup>39</sup>

It is a militant resource and an influential question of which it is vital to be, or to remain the representative, the last bastion and the emblem of a resistance abandoned or shattered by discord. Fatah was already criticized for having insufficiently defended this cause at the time of the Oslo Accords, which did not achieve the unconditional release of all political prisoners. Yet, since the al-Aqsa Intifada, the Sulta has practically no longer been the Israelis' political partner in negotiations for their release. Under the auspices of "goodwill gestures" intended to pave the way to the reopening of talks, 200 people were freed in 2007. Prime Minister Olmert reached an agreement with Abbas to free as many as those due to be released in the Shalit exchange, and, first and foremost, all those already behind bars before Oslo (*qudama*). They indeed embody the brutality of the carceralization of Palestine existence and the failure of the peace agreements and the PA to free prisoners, especially as the Sharm el-Sheik Memorandum signed in 1999 already provided for their release. Called "the abandoned" by the opposition at the time of Oslo, they represented a particularly pressing issue for the Sulta to resolve. For Israel, at a time when soldier Shalit was in Hamas' hands after his capture by several armed groups in Gaza in June 2006,<sup>40</sup> and when negotiations for a prisoner exchange had begun, it was a matter of sending a different message than one that appeared to retribute kidnappings and to strengthen the Hamas government. For the Sulta, it became even more urgent to obtain releases by means of negotiations.

Netanyahu, who was in power by the time the Shalit agreement was enacted, did not keep Olmert's promise. The agreement with the PA finally concerned 104 of the longstanding prisoners (*qudama*), who were due to be released in four waves. The first three waves were honored in 2013, but the last twenty-six prisoners were not released on the grounds that they were Jerusalemites or citizens of Israel and that it was not desirable that they return home. The Israeli authorities wanted to send them

<sup>39</sup> Firas, Umm al-Fahm, July 27, 2015.

<sup>40</sup> The military wing of Hamas, the Popular Resistance Committees (an armed entity that has nothing to do with the non-violent popular resistance in the West Bank) and Mumtaz Duqmush's Army of Islam.

to the West Bank, but Abbas refused any exile. Moreover, the conditions laid down considerably weakened the internal political impact of these releases for the PA; they were liberated with a map stipulating the places they could go in the West Bank, depending on the time of day, were not allowed to leave their regions, and were banned from leaving the territory for ten years. Also demanded was the maintaining of security cooperation, the cessation of the PA's efforts to integrate the UN, that they be freed at night, and finally that the construction of new housing in the settlements be announced along with every batch of releases. The Palestinian government appealed to John Kerry to remove this last condition, to no avail, so the discussions with the UN continued. Majed Bamia, a diplomat involved in these negotiations, refers to a less far-reaching outcome to these negotiations than that obtained by Hamas in the soldier Shalit exchange for 1,027 prisoners in 2011:

They told us that the announcement of building in the settlements was for their public opinion—as if we didn't have a public opinion. They destroyed any political impact for us. For those backing the peace process, it was very hard to celebrate these releases. We said, if that's how it is, we're going to the UN. And what's more, the releases took place at night, so they couldn't be welcomed, celebrated while the Shalit releases took place in the daytime. And in the Shalit agreement, there were 140 elders (*qudama*) [actually, 172].<sup>41</sup>

In the May 2012 period, the Sulta managed to secure the return of ninety-one bodies withheld for years in what are known in Palestinian society as the “cemeteries of numbers (*maqabir al-arqam*),” referring to the unmarked graves where those buried as so anonymously, classified by number. These corpses are confiscated by the Israeli authorities, at times for dozens of years, following their death in military operations, clashes, attacks, or, more rarely, after their death in prison (Latte Abdallah 2017a, 2022). For Abbas and the government, however, the question of the detained bodies was under no circumstances to be included in the range of the political negotiations and valorized as such; they were to be returned on strictly humanitarian grounds. These returns were, though, the object of an official national ceremony, returning these bodies to their

<sup>41</sup> Ramallah, December 5, 2013.

families, organized by the PA at the Muqata'a in presence of the President. Since 2009 indeed, he and Prime Minister Salam Fayyad backed the National Campaign to Retrieve War Victims and Unravel the Fate of Those Missing, launched on August 23, 2008, by the Palestinian NGO, the Jerusalem Legal Aid and Human Rights Center.

To make up for the limited advances in talks over releases, to seize the initiative on the domestic front again, and to continue to represent the sacred prisoner cause, the Sulṭa launched a series of conferences destined to internationalize the question, to engage political and legal actions on that level, in a strategy similar to that adopted more widely vis-à-vis Israel. The first was held in Jericho in 2009, followed by those in Morocco, Algeria, then in Baghdad in 2012. They brought together institutional figures from the Sulṭa (the Prime Minister, the Minister of Prisoners' Affairs), civil society, experts, ex-prisoners—especially those close to Fatah, but also from the left—local and international NGOs, international specialists, and international and Arab League political leaders. Moreover, these conferences initiated a legal reflection defended by the Minister, then President of the Commission for Prisoners' Affairs, Issa Qaraq (2009–2018), who firstly fought for the recognition of political detainees' status as prisoners of war. Then, before the inappropriateness of this status for all the detainees and the possible reduction of their rights it entailed, the idea became, rather, to call on the International Court of Justice to pronounce on the thorny question of their hazy legal status, undetermined by the Israeli authorities. Since the Palestinian ratification of the Treaty of Rome in 2015, the aim has been to make the violations of international law affecting them one of the causes to bring before the International Criminal Court, after the settlements and the Gaza War of 2014.

The PA is barely Israel's interlocutor for prisoner releases anymore, superseded by Hamas, who detained soldier Shalit and currently holds other Israelis. To maintain its political and national role with regard to prisoners, the PA has constantly increased its financial investment. It first of all extended its assistance to everyone, whatever their place of residence or political affiliation. Prior to that, each party sent money and the PLO paid a monthly allowance of the order of 200 shekels to the families of those belonging to PLO-affiliated factions—to the exclusion, therefore, of Hamas and the Islamic Jihad. With Oslo and the creation of the Sulṭa, all prisoners without distinction began to receive 1,000 shekels (260 euros). This institutional aid has increased over time: in 1998, the Ministry of

Prisoners' and Ex-Prisoners' Affairs was set up to replace the Ministry of Social Affairs department that previously handled the prisoner question, and which was initially meant to have disappeared with the peace agreements. Then in 2004, Law n° 19 on Prisoners and Released Prisoners (Qanoun al-asra) formalized a higher scale according to the composition of the family, and which was considerably re-evaluated in 2011. These monthly allowances are still paid for six months after release. Civil servants and elected deputies do not receive them but continue to receive their pay. With the political and institutional division in 2006, Hamas created its own Ministry of Prisoners' Affairs. Lacking in means, it has nonetheless allowed a handful of former PA civil servants who were turned out of their offices to keep working from home to handle the files of Gazan detainees with Ramallah. The Sulda indeed disposes of sufficient resources, has the means to pay Palestinian lawyers of Israeli citizenship to defend Gazans in the Beer-Sheva civil court, and can officially interact with Shabas.

Furthermore, a system of aid designed to reintegrate released prisoners was created. The Sulda indeed attributes an administrative rank to those held in detention for over five years. This allows them to receive a monthly allowance while they are looking for a job or employment in the PA civil service, and, for those who are already elderly, to receive a pension. The women dispose of this aid after three years' detention. The amount varies from 1,200 (370 dollars) to 1,400 shekels (430 dollars) a month (Addameer 2016). These ex-detainees also have access to free social security. Those imprisoned for more than twenty or twenty-five years and released at an elderly age are given a military rank. Moreover, the PA funds professional training schemes and a proportion of the Palestinian university fees—half the fees for a Social Sciences degree, and 75 percent for a Science degree—where equivalences allow the ex-detainees to obtain their degrees in a shorter time.<sup>42</sup> Since 2009, their children are also given study grants. A sum is paid on release from prison, and loans are attributed to those wanting to set up small businesses.

This financial investment is largely due to the uncontested engagement and probity of the former Minister of prisoners Issa Qaraq. He is held in high esteem by all the political forces and society. Nonetheless,

<sup>42</sup> The amounts allocated in 2010 for university courses were 1.8 million shekels—about 555,000 dollars—and 1.5 million for vocational training, about 461,000 dollars (the Ministry of Prisoners and Ex-Prisoners' Affairs budget division 2010).



the former detainees' relative marginalization from positions of responsibility, or, when they hold such positions, their absence from the real decision-making circles within the PA, PLO, and Fatah—the Minister himself being considered to have little power inside Fatah and the PLO—plus the lack of results on the release front have generated bitter criticism. It is felt that prisoners have been sidelined as major political actors to now only being treated as a social or humanitarian question, not to mention criticism of the neoliberal Israeli policy that seeks to make Palestinians pay for their detention themselves, on the grounds that means are available thanks to the aid provided by the PA.

### *Hamas: Securing Prisoner Releases*

“I’ll tell you what Hamas should have done,” begins a friend, a sparkle in his eye. “They should have brought Shalit a *shalite* [woman] and waited a bit until he had kids. Three kids and it was a done deal: all the prisoners would have been released.”<sup>43</sup> This joke, which did the rounds shortly after the Shalit exchange, was met with laughter or smiles. The wry humor pinpointed the PA’s powerlessness to secure releases through negotiations, the unequal value of Palestinian and Israeli lives—a soldier being worth 1,027 prisoners—and the possibilities that this imbalance could allow if Hamas’ kidnapping methods were adopted. It also insinuated that despite the violence of soldier Shalit’s capture and hostage taking, he was treated well. Having become so precious as the unique way of getting so many people released, his evocation reflected an affective proximity.

On October 18 and December 18, 2011, 1,000 men and twenty-seven women were released in exchange for Gilad Shalit, held in Gaza for a little over five years, and after long, hard negotiations. The first wave (477 people) included those who were the object of these fraught discussions. Chosen entirely by the Israeli authorities, the second wave above all concerned those serving short sentences or about to finish serving their time (65% before the end of 2012). The Israeli authorities talked directly to Hamas leaders in prison, such as Abbas Sayyed and Mohamed Erman, the latter communicating with the Hamas leadership Outside via little coded capsules—*kabsulat*—and via the Egyptian Intelligence Services, designated as the official intermediaries in these negotiations.

<sup>43</sup> There were about 5,000 at that time.

The Turkish and German Intelligence Services unofficially took part. The Shalit exchange (*tabadul Shalit*), known on the Hamas and Palestinian side as the “Wafa al-ahrar” exchange (“The loyalty of free men”), took place one month after the Sulta applied to the UN for Palestinian State recognition, overshadowing the PA’s internationalization strategy and once again emphasizing the aporia of Oslo’s mechanisms. Hamas gave this exchange a national dimension, positioning itself as the only body really representing the prisoners.

Wafa al-ahrar is inscribed in the history of the major prisoner exchanges of deceased or living soldiers most often taken capture in Lebanon, which, up until the Oslo Accords, was the only way to obtain releases. Since the 1960s, the Palestinian parties have indeed exchanged prisoners with the Israeli authorities. Deceased Israelis have at times been returned in exchange for living Palestinian detainees when the IDF adopted the firm principle of the repatriation of all its soldiers, dead or alive. Palestinian parties and PLO have only ever been able to seek the release of living militants, however, as they have little to exchange and as so many Palestinians are incarcerated.

The exchange that has remained engraved in all memories is that known as the 1985 Ahmed Jibril exchange, named after the leader of the PFLP-General Command, the major architect in the negotiations, along with another pro-Syrian, left-wing faction of Fatah that refused the Arafatist line, namely Fatah al-Intifada, set up in May 1983.<sup>44</sup> These two groups united in the broad Palestine National Salvation Front opposing Arafat in March 1985. They were engaged in the common strategy of freeing prisoners from the OT in reaction to a previous 1983 agreement obtained by Fatah, which had focused on freeing those from the Ansar camp in South Lebanon in exchange for six soldiers. While it sealed the release of over 4,000 people, they were essentially exiled Palestinians from Lebanon or the Diaspora, and Lebanese involved in the Palestinian revolution, whose center of gravity had shifted to this country after the expelling from Jordan of Palestinian institutions and groups following the conflict with the Hashemite Kingdom and Black September in 1970. Only sixty-seven Palestinians from the Occupied Territories were released in the 1983 exchange.

<sup>44</sup> Around the leaders Saleh Nimr, Abu Moussa, and Abu Khaled al-Omla.

In May 1985, the Ahmed Jibril exchange saw the release of 1,270 people in exchange for three Israeli soldiers kidnapped in Lebanon, as based on the kidnappers' terms. Most this time round were militants from the OT; 1,120 were in detention in Israeli prisons, about a hundred of whom had just been transferred there following the closure of Ansar, and 150 were held in Khiam Prison in Southern Lebanon. According to what I was told by the person responsible for this exchange from inside prison, an order was set out in the negotiations: first, the non-Arab left-wing militants having joined the revolution were to be released (Japanese, Germans, a Cypriot, and an Israeli Jew, Udi Aviv); then the women, the sick, and the non-Palestinian Arabs having served more than five years; then the heavier sentences, in decreasing order.<sup>45</sup> In addition to freeing homeland Palestinians incarcerated in Israel, the priority was to ensure that the released could choose to return to Palestine or go abroad, refusing forced exile. Finally, a general amnesty was demanded for these prisoners.

The Shalit agreement failed to meet certain conditions considered primordial by its detractors politically opposed to Hamas, whose criticism was all the more virulent as their own were not released. Mainly leveled by Fatah members and the left, these reproaches on the one hand denounced Hamas' alleged amateurism, as they did not lay down as a non-negotiable condition the refusal of banishments and constraints on movement that indeed impacted most of those released during the first wave, and did not demand a presidential amnesty either. This resulted in the almost immediate re-arrest of about seventy people. On the other hand, they were criticized for not have sealed the release of all the women,<sup>46</sup> when, by virtue of gendered considerations and the protective role that men attribute themselves, the women ought to have taken precedence,<sup>47</sup> nor that of all the elders, nor any major leader, and for very clearly having favored Hamas members over other factions (64 percent of the first wave).<sup>48</sup> Hamas was thus refused the role of national representative of the prisoners, and it was accused of factional practices similar to those

<sup>45</sup> Ramallah, November 6, 2018.

<sup>46</sup> Less than ten remained incarcerated.

<sup>47</sup> Twenty were freed beforehand in exchange for a videotape showing Gilad Shalit alive in October 2009.

<sup>48</sup> 307 out of 477.

deplored in Fatah. Issam, a Jerusalemite whose PFLP-affiliated brother was release during this agreement and exiled to Gaza, told me that:

Those from Jerusalem nearly all returned to prison to finish serving their sentences after the Shalit agreement. Some didn't have time to do a thing outside. There wasn't a presidential amnesty like with the other exchanges. Legally, for the Israelis, it wasn't really an exchange ... Hamas boasted it had obtained this agreement, saying that the prisoners are a sacred cause, a red line. They put on a big show, giving [those who were released] money, houses, helping them to get married, sending them on Hajj [on pilgrimage to Mecca], but there were discriminations between those from Hamas, the PFLP, or Fatah. They didn't give everyone the same, and the Sulta does the same thing when it attributes ranks, for example. You aren't given the same sum according to your administrative or military rank and the time spent in prison, and there are lots of preferences made and corruption in all that. With Shalit, the Sulta gave everyone a military rank, but they didn't give the Hamas members a salary. When you see that they refuse even to help their wives or children get their papers to be able to go and see those exiled in Gaza, you can see they hate each other. I spent just under five years Inside, so I'm not entitled to a salary. A Nadi al-Asir employee who liked me offered to get me one by showing a medical certificate, but I refused. I would have had the impression I was stealing this salary; to be entitled to it, I would prefer to serve an extra year.<sup>49</sup>

Others denounced the Fatah leaders' patent failure and, on the contrary, pointed out what was achieved by the agreement, in particular, the release of 278 prisoners condemned to one or several life sentences, 172 elders, and that of groups for whom the Israeli authorities were no longer willing to negotiate and who went home despite the virulent opposition of a section of Israeli public opinion, namely Jerusalemites (forty-five) and Palestinian citizens of Israel (seven). Settlers indeed plastered Jerusalem's shops with posters putting 100,000-dollar prices on their heads.

Over time, the partisan criticism became rarer. A rapprochement between Fatah partisans of Barghouti and Hamas leaders developed, and a common position of opposition to the policies of Mahmoud Abbas, which included Fatah members and the left, grew stronger between those in prison and supporters of the Prisoners' Movement on the Outside. Hamas clarified what had prevented the release of the leaders. About fifteen

<sup>49</sup> East Jerusalem, May 8, 2015.

names had blocked any agreement, including those of three women; all these leaders, apart from Marwan Barghouti and Ahmad Saadat, belonged to Hamas. The Israeli negotiators gave way on two of the women, sentenced to life for particularly brutal acts: Hamas member Ahlam Tamimi, and Amneh Muna. There had been an internal debate between Mahmoud al-Zahar, who was willing to finally agree without this group, and Khaled Meshal, who was more inclined to pursue the negotiations; Egypt had put pressure on to obtain a result. Their margin of maneuver was slim, however, as Hamas only had one person to exchange.

Since the 2014 Gaza War, Hamas has again found itself in the position of negotiator and liberator. Secret Israeli-Palestinian talks over prisoners are one of the major—albeit hidden—issues concerning Gaza, and thus relations and the state of conflict with Hamas. Qaddura Fares, who published a text listing the failings of the Shalit agreement, multiplied contacts with Khaled Meshal and Hamas leaders in an attempt to ensure that Marwan Barghouti be released next time. Many Hamas leaders trust Barghouti and think that his release would help national reconciliation, and that he could constitute a political alternative. He is among those over whom Hamas has announced it will no longer compromise, along with Ahmad Saadat, Walid Daka, and Hamas political and military figures such as Ibrahim Hamed, Abdallah al-Barghouti, Hassan Salameh, Abbas al-Sayed, Salama al-Qatawi, elected the representative of Hamas' prison branch in December 2020, and Abdel Nasser Issa, the deputy representative. Hamas is indeed in a position of strength as it holds at least two soldiers, Oron Shaul and Hadar Goldin, captured during the 2014 War, declared dead by the Israeli army but whose deaths have not been confirmed by Hamas. Two civilians are also being held: Hisham al-Sayed, a Bedouin of Israeli citizenship, and Avera Mengistu, of Ethiopian origin. Suffering from mental health problems, both voluntarily infiltrated Gaza. While it is known that Hamas holds at least four people, it has not divulged the exact number, living or dead, thereby keeping its cards in hand to keep up the pressure and to negotiate an agreement in two stages. The plan was for the seventy people re-arrested after their release in the Shalit agreement, including Nael Barghouti, the longest-standing prisoner, to be exchanged simply for information about the fate of those held. In April 2020, amid the Covid-19 crisis that saw requests for the release of those serving short sentences, of administrative detainees, and prisoners suffering from chronic illnesses spiral, Hamas revised these priorities. The first stage should thus see the release of 250 people: firstly,

elders (*qudama*) and the sick, minors (“children – *atfal*”) and women. Most of these *qudama* are Jerusalemites and Palestinian citizens of Israel who should have been released in the fourth wave promised to the PA, including Walid Daka and doyen Karim Yunis. It is most unlikely that they will be included in this first round of releases, but they will remain a bargaining chip in the coming stages of the negotiations.

### *The Progressive Factionalization of the Prisoners’ Cause*

The PA responded to the Shalit exchange, which positioned Hamas as the representative and flagbearer of the sacred prisoners’ cause, by increasing its financial aid. It granted all those released in this context an exceptional release premium and a military rank, giving access to a better pension. But it was not extended to Hamas members. With the 2006 split, assistance to everyone stopped at the penitentiary doors and no longer systematically concerned the post-detention system of allowances, contrary to the legal provisions. Case-by-case provisions began to prevail. Post-incarceration financial aids were thus no longer attributed to active Hamas members receiving assistance from their party but, until 2018, they like the others received a monthly allowance and a sum for commissary Inside. Discriminations facing factions not belonging to the PLO (Hamas and the Islamic Jihad), preferential treatment, and even corruption to obtain certain advantages became accentuated over time as enmities crystalized with the power in place in Gaza. In early 2018, the PA’s use of substantial financial sanctions against the Gaza government to coerce it into accepting Ramallah taking back control of Gaza resulted in sporadic cuts to Gazans’ allowances and commissary money. For those affiliated to Hamas, this policy continued, with them continuing to receive only half their allowances, in spite of the Prisoners’ Law. Such measures broke with the national policy that had until then concerned all political detainees, and with the common perception of the sacred prisoners’ cause. The much-feared factionalization of this question became an institutional reality instigated by Mahmoud Abbas’ PA despite protest from all quarters, including from within his own ranks.

This factionalization was facilitated by the 2014 transformation of the PA’s Ministry of Prisoners Affairs into a Commission dependent on the PLO in response to Israeli and international pressure. The Commission initially maintained identical services. It nevertheless became easier to discriminate against the parties still not belonging to the PLO, including

Hamas. This change of policy was above all the result of longstanding Israeli pressure, relayed by the United States and to a lesser degree by the international community concerning the PA's support to prisoners in general, uniformly qualified by the Israeli authorities as terrorists despite the small proportion incarcerated for violent acts. A campaign against the PA, accused of supporting terrorism and all the more so with funds attributed by the international community considering that approximately 50 percent of its budget is provided by international backers, was launched by the Minister of Foreign Affairs Avigdor Lieberman in 2012, lobbying the European countries and the United States. This campaign resulted in the Ministry being replaced by the said PLO Commission. Despite this, in 2017, a virulent press campaign against the Sulta leaders for assisting detainees, ex-detainees, and the families of martyrs was relaunched by the Israeli authorities, and relayed by the Trump administration, which demanded the end of this support as a preliminary condition for reopening any negotiations. A law voted by the Knesset in July 2017 established the non-repayment of the same sum of customs duties, which the Israeli authorities collect for the PA at the borders and which are supposed to be paid back to it by virtue of the Paris Accords (1994), as the sums paid to the prisoners, ex-prisoners, their families, and the families of martyrs. This money was then be used to compensate the families of Israeli victims and soldiers who died in the conflict. In February 2019, the Israeli Prime Minister announced that he would apply the law, deducting 134 million dollars for 2018.<sup>50</sup> This policy is ongoing and in 2021 substantive deductions were made. The PA opposed this interference in its domestic affairs, refusing all the customs duties, before resigning itself to accepting them minus these sums. The PA nonetheless maintained its existing financial aid, the prisoners' and martyrs' case being the red line over which the PA refused to compromise.

Discontent at the factionalization and growing inequality in the treatment of prisoners intensified. Hamas-affiliated prisoners freed during the Shalit exchange filed complaints to the Independent Commission for Human Rights contesting the immediate termination of their monthly allowances, so that it could defend their cases before the Prisoners' Commission and President Abbas (the Independent Commission for Human Rights 2017). Furthermore, the exceptional premiums paid to

<sup>50</sup> AFP Afrique, "Prisonniers palestiniens: Israël bloque des millions de dollars pour Ramallah", February 17, 2019.

those freed in the Shalit exchange prompted demands on the part of those belonging to Fatah and to the other PLO parties released earlier, who did not see what justified the former being granted additional benefits. Heated debates on the granting of premiums to all ensued, calling for the retroactive attribution of 2,000 dollars per year in prison to all, starting with the elders.

This raised other discussions about the prisoner status. Some provocatively declared that they would like to be incarcerated to obtain this sum, buy a house, and so on. Such discourses, which dismiss the duress of prison, the lost time, the precarity that those serving long sentences experience once Outside if their families do not prepare their release, illustrate in a context that is hard for everyone the condemnation of a potential professionalization of the detainee status. Some criticized monthly salaries that offer a better standard of living to families with someone in prison than those without. Others, such as Walid Daka, disapproved of the ex-detainees' call for these aids to be increased (2009). The high demands made on the PA were seen to unite prisoners in a professional body more preoccupied with its social rights than with the national cause and resistance.

This system of assistance is, moreover, facilitated by the international funding that the PA receives and is thus inscribed in an individual and collective dependency criticized for its depoliticizing role and for being a means of control and pressure. Issam felt it was preferable for the Sulta to step aside and let the occupier shoulder the cost of an occupation that has become too easy for the Israeli authorities to maintain—a position widely shared by the opposition and the youth. I asked about the fate of civil servants in such an eventuality. He replied that it was the price to pay for freedom:

As it now stands, people are completely ensnared by the politics of the World Bank: loans, a house, a car; as a result, they do nothing. And we are stuck at the national level when the donors cut off funding, when Israel no longer hands over taxes. It is problematic that so many people here live off Sulta handouts, ex-prisoners included. Even if my friends benefit from this, I think it poses a problem: how do you expect us to carry out a revolution in this context?<sup>51</sup>

<sup>51</sup> Jerusalem, May 28, 2015.



## THE CARCERAL FRONT IN OPPOSITION TO THE PA

### *Hunger Strikes as a Political Test. Acts III and IV: Unitary Strikes, the Return of the Prisoners' Movement?*

Outside, on April 16, 2012, the Central Committee of the Strike Leadership announced the “first spark of the prisoners’ Intifada from inside the cells of the Occupation’s prisons” set to begin at dawn on April 17, annual Palestinian Prisoners’ Day. That morning, 1,200 people went on an open-ended hunger strike and 2,300 refused their meals in solidarity. Three weeks later, nearly 2,000 were observing the Dignity Strike (*Drab al-karameh*). The strikers demanded the cessation of the practice of prolonged solitary confinement, inflicted on some prisoners for almost ten years; the reintroduction of family visits for Gazan prisoners who had been collectively deprived of them following the kidnapping of soldier Shalit six years before, a ban that was still effective despite his release. They demanded the improvement of the conditions of detention; the end of the so-called Shalit Law repressive measures, and notably to be allowed to study again, to take the high-school diploma, to have access to more newspapers, books, educational materials, and television channels; and the end to the renewal of administrative detention.

For the first time, the decision to launch this strike came from Hamas prison branch. It appropriated what had previously been the Prisoners’ Movement’s mode of action. In the wake of the Shalit exchange, Hamas sought to obtain the relaxing of the punitive measures that particularly targeted its members and prisoners from Gaza. Since this exchange, the party enjoyed a strong wave of support and had considerable potential to mobilize. The political conjuncture was in its favor as the traditional intermediary in negotiations concerning detainees—Egypt—was governed by Mohamed Morsi, a member of the Muslim Brotherhood, just like Hamas. This movement was nonetheless not properly speaking a “Hamas strike (*drab Hamas*),” as some tried to imply. It was backed by the leadership of the Islamic Jihad and the PFLP, members of the DFLP, and a sizeable group of Fatah members (about 20 percent), and notably the most directly concerned, Fatah in Gaza, despite the non-engagement of most Fatah leaders. Although the communiqués of the committee in charge of the strike were presented as unitary, Hamas and the parties frontally opposed to the PA’s policy played a major role in this mobilization.

Marwan Barghouti did not take part in this strike that he initially considered too partisan and its objectives, which above all concerned

prison living conditions, insufficiently political. This position was *a posteriori* considered a mistake by Fatah members close to his political line given the collective momentum that the strike sparked Inside and Outside. It indeed largely surpassed partisan divisions and gained the support of new militant actors in Palestine and the Diaspora. Made possible by phone and digital networks, the multiplication of exchanges between the Inside and Outside encouraged common mobilizations on both sides of the prison walls. It was a major political test for the Prisoners' Movement, which resurfaced thanks to it; the strike was refashioned as unitary, as a renewed symbol of national cohesion, breathing new life back into the struggle against the Occupation. All the social and political forces, from the Popular Resistance Committees to the Stop the Wall and BDS groups, to the general population, widely backed the movement. Demonstrations, regular protest marches, sit-ins, and commercial strikes were held every Friday in the West Bank and Gaza, and in Israel, where Palestinians organized solidarity actions. The youth movements that emerged in the brief March 2011 Palestinian Spring espoused the cause. Uniting actors from what was known as the March 15 Movement, the Palestinians for Dignity Collective formed at the time, adopting a name similar to that of the strike. One of their information sites, Sawt-al-Manara, actively relayed information about the Dignity Strike (Latte Abdallah 2012, 2017a). After March 2011, they had indeed gradually reoriented their militantism, associating with the Popular Resistance Committees and putting political prisoners in Israel at the heart of their actions. Drawing on the carceral consensus, they initially demanded the release of intra-Palestinian political detainees, a return to unity, an end to the scission (*inqisam*) between the Hamas and Fatah governments, and a democratization of the PA, and especially the PLO. The PLO is indeed the only institution held to be legitimate because it represents all Palestinians (of the Occupied Territories and the Diaspora), but it suffers from a major democratic deficit given that it does not include two major parties—Hamas and the Islamic Jihad—and given that the Palestinian National Council has not been renewed since 1996.<sup>52</sup> These protesters from the Youth movements, who went on hunger strike on March 13, 2011, drew on the repertoire of action of the detainees.

<sup>52</sup> A proportional election voting system was also required in lieu of the obsolete quota system for party representation. It was, however, renewed in spring 2018 without any structural reform.

Largely relayed by the Palestinian and Arab press and satellite channels, then by the international press, and above all Internet and social media campaigns initiated by multiple militant networks backing it well beyond the parties, the hunger strike reached an unprecedentedly more global audience. The speed of the transmission of information thanks notably to the mobile phones present in the prisons and to the digital circulations between the Inside and the Outside on the one hand, and between Palestine and overseas on the other, massively amplified the impact of the Dignity Strike and the resonance of the prison mobilizations. It was the first 2.0 strike. It came in the wake of the Arab Springs, to which its leadership's communiqués referred, translated into English, and circulated via diverse websites and support groups, such as the Samidoun Palestinian Prisoner Solidary Network, set up at the time. It inaugurated the global and innovative mediatization of the strikes and Palestinian prisoners' cause. Activist artistic collectives joined the movement, such as Visualizing Palestine, which circulated data visualization graphics. Graphic designer Hafez Omar symbolized the strike and thousands of people used his drawing as a profile picture.

The strike ended a month later following an agreement that met the detainees' main demands concluded on May 14, 2021, between the Strike Committee and the Palestinian lawyer Jawad Boulos on the one hand, and the Shabak, its judicial adviser, and the head of Shabas on the other. Egypt acted as guarantor via the intermediary of Nader al-Assar, the representative of its Secret Services, the "Egyptian Brothers" to whom the communiqués appealed to weigh on the negotiations. It was agreed that detainees be removed from prolonged solitary confinement within seventy-two hours, that Gazan family visits resume, and that the conditions of detention be improved. A committee including the strike leadership, Shabas, and a Shabak official were in charge of monitoring these changes. Finally, an agreement was reached concerning the non-prolongation of administrative detention without a motive, and the release of six administrative detainees who individually went on strike for over a month before the Dignity Strike, in protest at their continuing prison custody.<sup>53</sup> The final communiqué ended with these words:

<sup>53</sup> Notably Mahmoud Sarsak, a Palestinian football star from Gaza who was detained as an illegal enemy combatant.

We present you this victory after the battle of dignity that we believe has restored our dignity and an important part of our rights, saving 6 human souls that were very close to death, putting an end to the torturous policy of solitary confinement, putting an end to the horrific isolation of prisoners from their families, and many humanitarian issues related to life inside the jails. Finally, we all salute, and praise, everyone who contributed to forcing the occupiers to kneel and achieving this victory, and carving it into the walls of history. This includes our revolutionary nation inside and outside Palestine that rose like never before, and the free people who rose up around the world to call out in the name of our rights.<sup>54</sup>

The Dignity Strike was thus presented as a victory, even if its gains—the fruit of a political settlement—<sup>55</sup> were, as always, chipped away at by the time of their application and, over time, partially called into question. Those in solitary confinement were taken out, just as the striking administrative detainees were released at the end of the period underway, but neither the practice of administrative detention nor solitary confinement changed. In July 2012, Gazan visiting rights were progressively reestablished, but they remained more limited than those of other detainees, and the other Shalit dispositions remained in force.

In 2017, also on April 17—a symbolic day in honor of prisoners—the Freedom and Dignity Hunger Strike (*Drab al-huriyeh wa al-karameh*) led by Marwan Barghouti began, making the same demands already formulated in 2012, plus others that had in the interim been the object of individual strikes, or those of small groups.<sup>56</sup> In addition to the abolition of the Shalit provisions, the improvement of the interminable transportation conditions during transfers and journeys to court (“*al-bosta*”), an end to prolonged solitary confinement and administrative detention,<sup>57</sup> it demanded the restoration of a second monthly visit for families from the Occupied Territories. For budgetary reasons, in July 2016 the ICRC had indeed refused to continue to shoulder the cost and organization of two monthly visits. The aim, more generally, was to improve the duration of

<sup>54</sup> Statement n° 8: Statement of Victory by the Strike Leadership, May 16, 2012.

<sup>55</sup> Without a written version that constitutes a mobilizable legal instrument, it is not really binding.

<sup>56</sup> That are not promoted because they reduce the effects of collective strikes by fragmenting mobilizations, but also because of their excessive length. They are carried out with recourse to vitamins and some adjuvants that prolong the body’s resistance.

<sup>57</sup> More than half had been there for more than six months.

visits, visiting room conditions, and family exchanges, so that the women, firstly, could have physical contact with their children as, since 2004, visits were carried out behind a window for anyone over the age of eight. They also demanded that phones be installed so they could regularly communicate with their families instead of using just the mobile phones smuggled into prison. Finally, the detainees wanted to be able to be photographed with their spouses during the photo session that they are allowed to pay for every six months, and not with just their mother or father if over sixty, or with their young children.

Already decided upon in August 2016 by all the parties' prison branches, this major strike was postponed when Hamas pulled out of the initiative as it had entered into stepped-up negotiations for a future prisoner exchange and no doubt considered the strike too centered on Barghouti. Hamas' capacity to negotiate an exchange with the Israeli authorities and a satisfactory resolution of the situation in Gaza, and to create a permanent powerplay in detention concerning daily life Inside encouraged it to put its internal strategy and its own timetable first.

Despite this defection, Barghouti engaged his party in a movement sparked after several weeks of fruitless negotiations between the leadership and the Shabak. Power struggles within Fatah Inside and Outside pulverized this collective impulse even further, calling into question the Central Committee's decision to call on all Fatah prisoners to take part in the movement: less than 1,000 Fatah members out of the 3,500 behind bars (out of a total number of 6,300 prisoners) followed it, and only half its leaders. The doyen, Karim Yunis, joined forces with Barghouti as the leader of the mobilization. The PFLP and the DFLP declared themselves participants. While not at the forefront, the prison branches of Hamas and the Islamic Jihad nonetheless announced that they backed the strike, and some of their members immediately joined it in solidarity (*rahu tadamun*). The women declared a symbolic strike even if, few in number—sixty-one detainees on April 1, 2017—, lacking a charismatic leader, and cut off from the channels of communication, they were not fully associated with the movement. Lina Jarbouni, who represented them for many years, had just been released in April, and the PFLP deputy Khalida Jarrar had been released in June 2016.

Eighteen days later, there were 1,500 strikers and the leaders of all the parties' prison branches had rallied the movement, which gradually grew in strength. Alongside Marwan Barghouti and Karim Yunis were Ahmed Saadat for the PFLP (its Secretary General) and Ahed Abu

Ghulmeh<sup>58</sup>; for Hamas, Ibrahim Hamed, Hassan Salameh and Abbas al-Sayed, a member of the political bureau; Zaid Bseiso from the Islamic Jihad; Wajdi Jawdat of the DFLP; and Bassem Kandakji, member of the Central Committee of the People's Party.

Lasting forty-one days, it was the longest collective strike since 1967. It was met with the intransigence of the extreme-right-wing Minister of Public Security, Guilad Erdan, who refused all negotiations addressing requests that were nonetheless recognized as legitimate by international law. Maneuvers aiming to discredit the strike multiplied, like the video montage showing Barghouti from behind, eating a chocolate bar. Efforts were also made to divide by trying to open separate negotiations with the various groups, including Karim Yunis and excluding Barghouti—placed in solitary confinement, along with many of the strike leaders—or with the Secret Services of the Sulta, invited to weigh on the movement by playing on internal Fatah divisions. Like all collective strikes, it was deemed to be a serious disciplinary infraction and an attack on State security; Marwan Barghouti's op-ed published in the *New York Times*<sup>59</sup> was qualified as “journalistic terror attack.”<sup>60</sup> The repression was violent; the conditions of total solitary confinement were extremely tough (tiny constantly lit cells, deprivation of books and all personal effects, and so on), and fines high. In addition to family visits always being banned for any striker, lawyers had to lodge an appeal to see their clients. Transfers were incessant, salt confiscated, the strikers physically and morally harassed by Shabas and by a virulent press campaign led by the far-right Israeli leaders and Ministers.

Guilad Erdan threatened to force feed the strikers, as authorized by a law voted in 2015, calling on foreign doctors after the Israeli Medical Association made a statement of its refusal to comply. Militants from the extreme-right party The Jewish Home, led by the Minister of Education and of Diaspora Affairs Naftali Bennett,<sup>61</sup> organized barbecues in front of Ofer Prison so the strikers would smell the smoke.

<sup>58</sup> Since June 2022, he is the head of the prison branch of the FPLP.

<sup>59</sup> Marwan Barghouti, “Why We Are on Hunger Strike in Israel's Prisons?,” *The New York Times*, April 16, 2017.

<sup>60</sup> Notably by some MPs.

<sup>61</sup> Prime Minister between June 2021 and July 2022.

Harsh, a physical ordeal—about 1,000 detainees held out for the entire duration—the Freedom and Dignity Strike brought together all those in favor of a position of resistance, who sought to turn the struggles in detention into a fresh battleground against the Occupation, federated around a Prisoners' Movement having signed and sealed its political return. Its leaders' communiqués and its civil society partisans' declarations thus frontally rejected the policy defended by Mahmoud Abbas' PA and, emblematically, the security cooperation maintained during the strike. As the days went by, the movement was backed by all political and civil society forces (BDS, the Popular Resistance Committees, the Palestinian Human Rights Organizations Council, the Commission Against the Wall and Settlements, the High Follow-Up Committee for Arab Citizens of Israel, etc.). It systematically and unprecedentedly associated the detainees' cause with the boycott of Israeli goods, while the PA limited itself to boycotting those from the settlements. The National Strike Support Committee, which coordinated actions Outside, called on shopkeepers to replace all Israeli goods with Palestinian ones. Operations prevented trucks transporting these goods from entering, or piled them up near the checkpoints and the Wall, spectacularly signifying the alliance of means of action against the Occupation. The strike benefited from even more intense coverage in the media than that in 2012, thanks to a social media campaign launched by Barghouti's son (#SaltWater-Challenge) that soon went viral, and to the backing of Palestinian and international artists' collectives, students, activists, parliamentarians, and politicians from around the world, some of whom, like in 2012—for example, the mothers and students in the Occupied Territories—launched symbolic solidarity hunger strikes.

The strike consolidated an oppositional carceral front. It was founded on the idea of a necessary federation of all forms of struggle, and constituted a major political test for the national movement, more clearly redrawing the political lines. On May 3, during a press conference held conjointly in Ramallah and Gaza bringing together the PFLP, Hamas, Islamic Jihad, DFLP, and Fatah leaders and Issa Qaraqe, the President of the Commission of Prisoners' Affairs and also a Fatah member, Khalida Jarrar called for the immediate end to the security cooperation and denounced the Sulta's attempts to restart negotiations while the prisoners were starving. On May 4, the spokesperson for the armed wing of Hamas sent a 24-hour ultimatum to the Israeli authorities calling for them to meet the strikers' demands or risk them in increasing their demands in

the negotiations for future prisoner exchanges (and adding thirty people to the list for every day delayed).<sup>62</sup>

Under the constraint of public opinion, Mahmoud Abbas backed it verbally, while at the same time seeking on the one hand to control it by heading parallel discussions—excluding Barghouti—between the Shabak and the heads of the Intelligence and Preventative Security Services, Majed Farraj and Zeid al-Rih; and, on the other, seeking to limit the demonstrations of popular support that were growing as the movement dragged out over time and as its influence grew beyond the prisons. In the West Bank, perceived as disengaged, the ICRC responsible for family visits and the United Nations were forced to close their besieged offices. Clashes with the IDF intensified at the checkpoints, which the demonstrators converged toward, went to pray at or to stage sit-ins, answering the call of the Prisoners' Movement to express their solidarity and to engage in demonstrations of force.

Half-victorious or half a defeat, the strike ended on May 25. The principal of re-introducing a second visit for the inhabitants of the Territories signaled the end of a movement whose duration had pushed the strikers to corporal extremes, but the prison services conceded almost nothing other than an arrangement that barely concerned them. The ICRC agreed to organize this second visit again, on the condition that the PA picked up the cost.

*Federating Struggles Inside and Outside: "The Real Leaders Are in Prison"*

Even though the strike constituted a carceral front, this opposition did not share a vision of the future nor a common political project, some pursuing the demand for citizenship rights in a shared territory, while others had not abandoned the project of national and territorial liberation.

Nonetheless, convergences did emerge. Beyond challenging Shabas to obtain legitimate rights, these two strikes were moments of intra-Palestinian rupture in which the issues were redefined in two stages. The 2012 strike set in motion the formation of a carceral front that stood up both against the Occupation and Mahmoud Abbas' political line, uniting on both sides of the prison walls the opposition parties

<sup>62</sup> "Qassam Brigades give Israel 24 hours to meet prisoners' demands (in Arabic)", *Al-Ayyam*, May 3, 2017.



and civil society mobilizations. The sacred prisoners' cause—the carceral consensus—became a militant resource publicly shared by figures from divergent activist domains with different modes of action. Having penetrated the prisons, the world of digital networks found an echo Outside and instant resonances in all four corners of the world.

Among them, using a new grammar that was hard to openly repress, the up-and-coming dissenting youth of the Palestinian Spring in the West Bank and Gaza frontally expressed a virulent critique of a partisan system that had failed before the Occupation and was responsible for the factionalization of the country, while at the same time backing the common prisoners' cause as a mobilizing force and protective figure before the repression. In the West Bank, the Sulta was all the more destabilized as these young activists quashed Abbas' attempt to co-opt the political momentum of the Arab Spring in his appeals to the UN for State recognition, placed under this same banner of a people freeing itself from oppression, and here the Occupation.

The strike leadership's communiqués also made reference to the Arab Spring, and the Dignity Strike mobilizations made objective and strategic connections between previously distant militants and modes of action, forging a new opposition front to the PA's policy of controlling the political arena, repressing opponents, and cooperating with the Israeli authorities. While the partisan cadres had mostly played down civil society's independent actions, and in particular those of the Popular Resistance,<sup>63</sup> and treated the Palestinian Spring's youth movements with condescendence, their multiplication, their successes, and their ability to federate activists of different generations and trajectories, plus—or above all—the growing influence of BDS, changed this perspective. Widely discredited in the eyes of society, the parties now more or less instrumentally and circumstantially back the popular resistance and have associated themselves with civil society initiatives. A recent example is Hamas' co-opting of the Great March of Return launched by civil society in Gaza on March 20, 2018. Since 2012, those belonging to the parties opposing the PA's political line and those belonging to the so-called resistance wing of Fatah have more seriously envisaged the plurality of mobilizations as a

<sup>63</sup> They criticized them for representing only a handful of Palestinians and a globalized educated elite, for focusing on overly localized demands, for being ineffective, for addressing only international opinion, and even for promoting normalization through activism with Israelis. The parties in favor of armed struggle challenged their pacifism.

useful diversification of the means of struggle, seeking to federate them, as Ahmad Saadat described in a 2014 interview, evoking the model of the First Intifada:

The Palestinian Intifada was a model for popular resistance and our compass as we navigated through multiple and effective spheres of resistance: peaceful, violent, popular, factional, economic, political and cultural ... We are up against an all-encompassing settler-colonialism that relies on the most extreme forms of violence conventionally associated with occupation combined with apartheid policies ... What is necessary, then, is the creative combination and integration of all legitimate methods of struggle enabling us to deploy each type or method of resistance according to the specific conditions warranted by different political junctures. (Saadat 2014).

Many political figures have called to federate the struggles, whether belonging to the PFLP, Fatah—notably Marwan Bargouthi or Qaddura Fares—and more recently Hamas. While Saadat and Hamas do not refuse armed struggle, Marwan Bargouthi and Qaddura Fares, without condemning the Small Uprising in 2015, clearly back peaceful resistance. Serious defenders of a reconciliation between Hamas and Fatah, these Fatah leaders conjointly evoke the importance of adopting a strategic turn, given the limited results obtained by some through negotiations, and others through arms. In 2015, Qaddura Fares wrote a text setting out the vision of a renewed popular revolution and a global strategy of combat inscribed in a long filiation of peaceful struggles against colonization and Apartheid that have enjoyed strong international legitimacy, invoking the figures of Gandhi and Mandela, and associating local resistance and international action. The major stages he described were the end of the recognition of the State of Israel for as long as this recognition failed to include that of a Palestinian State; the re-establishing of the PLO's central role in implementing strategy, and the creation of a government in exile for the struggle internationally; and the end of all relations with the occupier, including the Israeli authorities' registering of civil status (burning identity cards, and only declaring oneself under one's grandfather's name in the Territories). He also called to paralyze the occupying military authorities and settlers by closing the bypass roads that permit settlers' segregated circulation between the settlements and to Israel via sit-ins, marches, piling up stones, bulky waste, and so on; sabotaging all the civil infrastructures built to maintain the settlers' presence

(electricity pylons, water systems, etc.); the massive occupation by thousands of people of the West Bank space and peaceful marches to Jerusalem and the Al-Aqsa mosque compound; the boycott of all goods and of the Israeli military and civilian courts; and finally, joining all the international treaties and organizations, launching proceedings against the Israeli authorities before the International Criminal Court, Diaspora marches on Palestine, demonstrations in front of Israeli embassies, and joint calls to action with Israeli civil society.<sup>64</sup> The idea was that this plan be borne by the entire society and all the factions, and was shared with the Hamas leaders, notably Khaled Meshal and Moussa Abu Marzouk, who approved it. Marwan Barghouti was the one who could realize this political and popular union, but President Mahmoud Abbas was to lead the march to Jerusalem and the al-Aqsa compound.<sup>65</sup>

The authoritarian turn of the group in power intensified, driving a growing number of Fatah members to open dissidence, starting with Barghouti's partisans. The November 2016 elections to the Fatah Central Committee and Revolutionary Council were tightly controlled to guarantee the dominance of the West Bank camp close to the PA (Dot-Pouillard and Guignard 2017). Certain Fatah cadres openly evoked a fraud destined to limit the representation of the other currents, and particularly that of Barghouti. Highly popular, the sole representative of the prisoners, and re-elected with the largest share of votes to the central Committee, Barghouti was not declared Vice-President of the movement. The launching of the 2017 strike thus took on an internal, intra-Fatah political objective for Marwan Barghouti, who intended to remind them of his influence.

With this strike, a resistant carceral front opposed to Abbas' line was truly manifest, the fault line within Fatah gaping wide open. In a letter written on the occasion of the commemoration of the Nakba on May 15, Marwan Barghouti called for the launching of the biggest popular national and civil disobedience movement ever, declaring that the battle for freedom and dignity was an integral part of the struggle against the Occupation and to overthrow "the oppressive apartheid regime in Palestine."<sup>66</sup> Backed by civil society, this carceral front did not decisively rally

<sup>64</sup> Fares 2015.

<sup>65</sup> Qaddura Fares, Ramallah, May 26, 2016.

<sup>66</sup> Samidoun, May 15, 2017.

all the parties Outside, however. While the PFLP position was aligned with that of its prison branch, Hamas applauded the involvement of its members in the strike, and singularly that of the Hadarim leaders, and publicly backed the movement at a crucial moment. It did not, however, throw all its weight behind the mobilization as it did during the very short strike it decided to launch in April 2019 against the mobile phone signal jammers that Shabas wanted to install in the prisons, against measures limiting visits to Hamas prisoners, and notably reiterating the longstanding demand to be able to call one's relatives. In the space of a week, it led to the granting of the majority of its requests, including the installation of phones when Hamas Outside fully participated and was in solidarity with its prison branch. Rockets were fired when Shabas took repressive measures against the strikers and Hamas threatened to apply equally harsh treatment to its hostages in retaliation, contrary to what had been the case for soldier Shalit. The prisoners' living conditions and the reasons behind the strike were discussed in the wider framework of a truce between the Gaza factions and Israel, with as a backdrop, exchange negotiations. Since May 2019, the political prisoners normally have access to a phone three times a week to call their families, even if it is still diversely applied according to the establishment.

In 2017, the tacit failure of the strike resulted from Fatah's disintegration on the one hand, plagued by its internal divisions, and whose Outside instances did not back the strike, considerably weakening its prison branch and its capacity to negotiate with Shabas. On the other, it resulted from Hamas Outside's insufficient backing to the struggle Inside. At present, it is indeed the only party capable of establishing a significant enough powerplay to get the Israeli authorities to cede.

For Fatah, this strike constituted a major political test and rupture. Despite Fatah's discourse, Mahmoud Abbas did not back it. Furthermore, his declarations in favor of reconciliation with Hamas were undermined by increased financial pressure on the Gazan administration when his government suspended the payment of civil servant salaries, refused to pay the electricity, and so on. In mid-May, Fadwa Barghouti publicly denounced the PA's underground attempts to derail the strike by holding separate negotiations and the efforts to marginalize her husband within Fatah. She restated that his detention attested even more to "his role of leader" and of his "capacity for sacrifice," adding that while it does not grant him any privileges, nor should it strip him of his rights; it is not an absence,

but a “sacred, cruel and honorable mission.”<sup>67</sup> Other political figures like Khalida Jarrar and Leila Khaled repeated declarations that the true Palestinian leaders were in prison and that their struggle was an alternative to the path chosen by the leaders of the Sulta. The incarnation of militant probity, accepting to pay a high cost for their commitment, by engaging and endangering their bodies and lives, the striking detainees demonstrated that they were upright men, sufficiently united to implement a political strategy and future, inverting the Inside/Outside balance of power. As the prisoners represent one of the rare militant resources shared by all, capable of rallying the greatest number, it is the prison leadership that is approved by the parties, and by many Fatah militants, civil society, and youth initiatives. Re-boosted by the strike, the Prisoners’ Movement clearly revealed to all the PA leaders’ double language and discredited them even further by highlighting their inability to represent the sacred prisoners’ cause, which they constantly claimed to defend.

The Fatah partisans of the line of resistance, the “sons and daughters of Arafat” as some called themselves—and in this respect close to the opposition factions and to Hamas—even more visibly took their distance from the rest. Barghouti captured Fatah’s revolutionary heritage. He is perceived as Arafat’s most worthy heir, both in his political ideas and his personality, described as caring and well-liked, unlike the isolated Abbas, or Dahlan, who is often considered to be violent. This prison front, which Abbas perceived as a revolt and dissidence within Fatah, which it was impossible for him to react to while the strike was going on, provoked reactions *a posteriori* that exacerbated the rupture. Those close to Barghouti were marginalized, and notably the prison voices, such as Issa Qaraq, the highly popular Minister, then President of the Prisoners’ Affairs Commission for nine years, replaced in 2018 by Qadri Abu Bakr; and Qaddura Fares, firstly instructed not to stand again for the position of the President of the Prisoners’ Club that he had held for over a decade, and which he ultimately managed to hold on by renouncing his openly oppositional position. He indeed featured on the Abbas Fatah list in the aborted legislative elections in May 2021.

<sup>67</sup> Sama News, “Fadwa Barghouti: Members of Fatah and the Palestinian Authority are trying to derail the prisoners’ strike (in Arabic)”, May 18, 2017, <https://samanews.ps/ar/post/302735>.

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## The Incorporated Prison: Living Beyond Detention

### RAMALLAH, THE NIGHT OF OCTOBER 25–26, 2016

At around 2:30 A.M., I hear a commotion, what sounds like gunfire, vehicles, moving tanks. I smell tear gas. Half asleep, I stumble into the large sitting room of my friend Marwa's apartment. She appears in the doorway of her bedroom. Beams of light sweep the room; we mechanically duck out of sight, creeping doubled-up toward the windows of the dark apartment to peep at what is going on out in the street. On the living room side of the apartment, a line of a dozen Israeli army jeeps and a huge, long contraption mid-way between a tank and a vehicle, with antennae and covered in prongs and spikes, like some kind of monstrous, yellow-eyed woodlouse, beams a dim light. A few soldiers are visible. Moving in silence, their gestures appear to be in slow-motion. They are strapped into bullet-proof vests, helmets, boots. The light is confusing: billowing teargas, the sweep of their headlamps and searchlights, the timid halo of the streetlamp. We hear shots, clamors, shouts. We rush to the other side of the apartment. With a street view on both sides, and big windows on three facades, the apartment offers a view of the entire block of houses and the streets leading to it for quite some distance. One, then two young men, their faces masked by keffiyehs, advance, leap upwards, and throw stones at a jeep and soldiers 100 m away, who respond firing who knows



what, bullets—“rubber” perhaps—and teargas.<sup>1</sup> Tires burn next to the youth (*shabab*). A large trash can provides a first point of retreat; further away, shielded by the corner of a building, other youths are waiting to make their dash forwards and shout guidance to those running several meters in front of them throwing their projectiles. They then come running backwards, without taking their eyes off the soldiers. Another then advances, exposing himself entirely as he does, then pulls back. The movement is perfect, repeated over and over, like waves crashing against a shoreline. They are dancing. The soldiers march toward them, then turn back, their movements mechanical, tin soldiers, disoriented, the jeep hesitates, the orders change. The youth gain ground in a succession of surges.

On the other side, the soldiers and military vehicles appear to have multiplied. The soldiers scurry, enter the surrounding buildings. Marwa returns to her room before coming back out fully dressed, carrying her ID, ready. She fears that the soldiers will come up to her floor, ring, ask questions, carry out a search, or to take us away ... She does not know for sure, but the panic can be read on her face in the semi-darkness. She calls a friend, Firas. She describes the scene on each side of the building to him. He offers to come, appears to be practically out of the door even, but she dissuades him; he won't be able to get here, the district is cordoned off. I am calm. I am not familiar with this scene, shrouded in the unreality of night. She is. I am used to clashes between the youth and the army, but never before have I seen so many soldiers armed to the teeth enter homes, backed up by a whole arsenal of vehicles. We wait. Her friend calls several times. We hear the muffled sound of clashes out on the other side, but here the sounds hang in suspension. All the jeeps start up again, the woodlouse attempts a U-turn in a street it is too big for. The light in the stairwell of the building opposite switches on, then soldiers come out the door; we can just make out the rest of the squad, at least twenty of them, descending. In their midst is a man in plain clothes, handcuffed. They take him to a vehicle. He gets in, the soldiers all climb back into their vehicles and drive off, their M16s and rifles pointed back in our direction. Their movements, their vehicles' maneuvers, are labored. We cough, the air thick with the teargas they let off as their long convoy pulls off and away at last.

<sup>1</sup> They are only wrapped in rubber.

The residents of the building opposite come out, those on the lower floors choking on the gas. An ambulance arrives to take two or three people who are having serious difficulty breathing to hospital. The Sulta police arrive. The inhabitants talk vaguely with them, then turn their backs on them and return inside. Firas rings at the door. We are pretty dazed, have a herb tea with him, and stay there talking a while. He has spoken to the neighbors downstairs: they arrested Salah al-Khawaja, involved in Mustafa Barghouti's al-Mubadara Party,<sup>2</sup> the Popular Committee Against the Wall and the Settlements, and above all Secretary General of BDS Palestine, all forms of non-violent activism. He is just under forty. Despite all the stories experienced and told, we cannot shake off our stupor at this display of military force. Still shaken by the terror that came over her, Marwa tells us about the siege of Nablus when she was in her twenties. It is this memory that triggered her panic. She tells Firas that she was rushing about, hurriedly dressed and expecting to find the soldiers in her apartment when I seemed calm and was still in my pajamas. I wasn't, but from our different reactions we measure the weight of the repetition of events, the way in which violence socializes, the fear incorporated, learned, and lurking within. We say goodbye to Firas, who repeats several times to call him if anything happens, and we go back to bed. It is almost 5 A.M.

## CARCERAL SUBJECTIVITIES

### *Heroic Subjectivation, Fiction, and Incorporation*

In accounts of the arrests made by the Israeli army, their deployment of disproportionate force often comes up. It is above all present in the accounts of youth and women, no doubt because it is less anticipated and more surprising than for older men, who have been involved for longer and who are used to such arrests and practices. These arrests always take place after 1 A.M., in the middle of the night, when the temporal mobility of the borders opens an unobstructed highway for the IDF, who can reinvest all the streets of the Palestinian towns, camps, and villages without

<sup>2</sup> In 2002, with the Palestinian-American intellectual Edward Said and the former peace negotiator in Madrid Haidar Abdel Shafi, among others, Mustafa Barghouti created the Palestinian National Initiative in order to propose a third way between Fatah and the PLO parties, and Hamas and the Islamic parties.

coordination, while the Palestinian Security Forces are even less likely to bear witness. Many thus recount the deployment of astronomic numbers of soldiers, some perched on the roofs of their houses and neighboring buildings, sometimes accompanied by a helicopter lighting the scene. The raids are either noisy and violent—the soldiers break down the door, or pound on it furiously until someone opens, then hold those present at gunpoint—or, on the contrary, are almost silent, the sleeping people waking up to find themselves face to face with a soldier’s gun. The army justifies these night sweeps by the greater probability of finding those wanted at home. While those having little or nothing to do with it find themselves present, the military leaders, the leaders of parties engaged in a temporary or more enduring confrontation with the IDF, or those having plotted armed action or about to carry it out, are on the alert and do not sleep at home.

The soldiers burst into the intimacy of people’s homes during the night and the vulnerability of their sleep. The feeling of uncertainty created by the way in which the *prison web* hovers is thus intensified by methods of arrest that demonstrate a lack of legal protection, and thus a lack of privacy in a judicial sense, of immunity, not to mention a modicum of territorial sovereignty. Iman described the fragility that this uncertainty causes: “You are in your own home, but you don’t feel safe, protected. That is the nature of the Occupation.” Butheina ironically referred to the virtual imprisonment that hangs over the very crux of people’s existences, their inner selves and minds, creating the impression of a carceral continuum and triggering a sense of self-dispossession: “You’re in your bed and haven’t even thought of carrying out a [martyrdom] operation yet and they’re already coming to arrest you.”<sup>3</sup> In people’s accounts, the night raids and the scale of the means deployed disorient and elicit a kind of derealization, a momentary descent into fiction. The greater the gap between the excessiveness of the military force mobilized and the degree of the protagonists’ activism or involvement in protests, the more this derealization intensifies. When it involves public activities, or the arrest is simply connected to people’s family or social networks, the difficulty in believing what is going on and the derealization are all the greater. This impression of fictionality helps embed the virtuality of the *prison web* in people’s minds and the possibility of everyone and anyone being

<sup>3</sup> Nablus, July 7, 2012.

arrested. When arrests are dissociated in this way from tangible acts and logical sequences, this impression leaves a lasting trace.

Ismat was arrested for the first time at the age of seventeen while taking part in demonstrations every afternoon following attempts made by extremist settlers on the lives of the mayors of Ramallah, Nablus, and al-Bireh in 1980. She described her efforts to escape the soldiers with a certain joy, then the way in which she stood up to her interrogators. She did not belong to a party yet, but was suspected to. The army came the first time but, after a short chase, she managed to shake them off. When she came out of her hiding place, she recounts how people were amazed to see how unimposing she was, so young, weighing barely fifty-five kilos, when, given the military deployment, they were expecting to see a seasoned, older figure. When she was forced out of her house the second time, she describes being very surprised to see that all these soldiers and tanks had come for her. She found it funny. She loved theater at the time and felt like “being in a play.”<sup>4</sup> While these impressions were marked by her revolt and her youthfulness, the derealization effect that this military overkill creates is far from exceptional and also affects older people well-used to the techniques of arrest. Khalida Jarrar thus described her 2015 arrest:

They broke in without a sound. Suddenly dozens of soldiers were swarming the house and its environs, guns drawn, terrorizing us. As they separated my husband from me, I immediately recognized the voice of the Shin Bet officer who had served my deportation order. “You didn’t comply with [it]”, he said, “so now we’ve come to arrest you.” I told him to go right ahead. I went to the bedroom to dress suitably for prison—something I had learned from my husband Ghassan’s own earlier arrest... I hugged my family good-bye and stepped outside under the escort of several soldiers; there, I almost laughed at the sight of maybe two hundred troops surrounding my home, in combat mode, guns pointed, in a blaze of lights. I looked at them with scorn and felt proud of myself as a public figure ... I had mixed feelings. On the one hand, I found it odd that they had sent so many troops just to arrest a Palestinian woman ... The soldiers were so jumpy, so over-the-top, and their questions were so ridiculous. But on the other hand, there was no denying the reality, which was that I was being arrested and that they had decided to place me under administrative detention (2017)

<sup>4</sup> Qaddura Camp, Ramallah, November 2, 2010.

Her daughter Souha, who returned to Palestine after studying in the UK, was present during her second arrest on July 2, 2017. She described it as follows, while Khalida was still held in administrative detention a year and five months later:

At 4 A.M., fifty soldiers and seventeen vehicles surrounded the house. They burst in violently, shoved me and pinned me down on my bed because I was shouting. I wanted to say goodbye to my mother, but they wouldn't let me. I asked the three women soldiers if they were able to sleep after doing such things to people. One of them replied: "Yes, on the contrary, very well because I arrest terrorists like you and your mother." The number of vehicles, soldiers, all that to arrest a sleeping woman. It's ridiculous, a huge joke. You feel like you're in a film, and that there is someone up above playing with us.<sup>5</sup>

In these accounts, it is clear that the disproportionateness plunges people into an atmosphere of fiction that creates an impression of comicalness, ridiculousness, of farce, cinema, theater, while very real violence is at the same time inflicted on those concerned. This violence is materialized very shortly afterward during interrogations and prison, causing a shock. The derealization of such scenes suggests an off-screen presence directing and determining them. What I qualify as *military mises-en-scene* not only addresses those subjected to it, their loved ones, neighbors, and Palestinian society; it also has a domestic performative function. The young conscripts and enlisted soldiers involved in this type of action are all the more inclined to believe in their own role and in the dangerousness of those they come to capture if there are a lot of them, armed to the hilt, and in combat mode. In the same way that the exercising of military justice is normalized and embedded in the existences of the accused and their entourage, but also in that of the judges, court clerks, translators, and all the actors in this *justiceless law*, both in its convictions and its mise-en-scene (the hearings). Jointly experienced by all those present, these *military mises-en-scene* are equally representations that participate in forms of belief, despite their manifestly overblown nature and travesty. The excessiveness, the speed, and the violence of this bursting into intimate family universes in the suspended time of night veer into the realm of fiction—a fictional suspension with real effects far more real that

<sup>5</sup> Ramallah, November 7, 2018.

the reality of the arrest itself, notably due to the incredible number of people convoked in these *military mises-en-scene*, who are actors, spectators, and witnesses all in one. Just as Jean-Louis Comolli remarked in reference to the images created by cinema, the sharing of representations through a “seeing together” leads to a phenomenon of belief, to a “believing together.”<sup>6</sup> This saturation of space entraps in an image that is brutally impressed and plunges people into the fiction that intensifies the grip of the *prison web*—a contourless state of suspension that is both visible and always out of frame, invisible—on bodies and minds.

The effect that these *military mises-en-scene* have is not simply to stupefy, or to “petrify the person apprehended and their entourage” (Nashif 2015); they create a distancing effect from the self, from one’s self-perception. This is particularly felt by adolescents—young men and women whose identities and trajectories are still under construction and who constitute the majority of those arrested for the first time. The military performativity, then the severity of sentences and the way in which they are applied by the carceral system all combine to fabricate an image of dangerousness, and thus to attest to it. Detained for the first time at the age of seventeen, held for over two years, Issam expressed this: “They treated me as a dangerous person. They put me in Sect. 3 of Hadarim. I lived with the leaders, I was the youngest, they took good care of me, and they helped me a lot.”<sup>7</sup> Other young men share the same prison experience in Sect. 3, like Salah Hamouri. The way in which sixteen-year-old Ahd Tamimi was presented as “harming the security of the area” also reflects this; this qualification officially justified refusing her bail during her trial and the heavy eight-month custodial sentence she received for slapping a soldier in front of her house. Others recount how the Shabak investigators or army officials approached them, treating them like important people during interrogations or when they convoked them after their release. Salah Hamouri thus received a call from the Commander of the Region asking him to come to see him. He thought it was his friends playing a joke, but after several insistent calls, then ones threatening to come to get him, he had to go to the appointment made, but only after having first requested the presence of the French Consul General, who

<sup>6</sup> This “*voir ensemble* (seeing together)” analyzed by Jean-Toussaint Dessanti (Mondzain 2003).

<sup>7</sup> East Jerusalem, May 28, 2015.

waited for him to avoid any incident or new arrest. He was welcomed with these words: “I’ve heard a lot about you. I didn’t know who you were; I wanted to meet you.”<sup>8</sup>

Using such forms of distinction is just one of the many forms of psychological leverage used by the Shabak, destined to individualize and single out so that those involved in the armed struggle abandon the collective and talk. Sami, a military leader in the Second Intifada, also received the same type of welcome on the part of the Shabak before being subjected to a very violent interrogation.<sup>9</sup> Nonetheless, for the majority, who are far removed from armed action—the demonstrating, protesting youth who throw stones, take part in different forms of popular or peaceful resistance, or who are members of a party—the *military mises-en-scene* and performances, the severe treatment by military justice, then other distinctions that are applied to them contribute to a *heroic subjectivation* whose effects are more remarkable. This is all the more so as, among their peers and in part of Palestinian society, they are seen as heroes. Even though the image and ethos of the political prisoner are less valorized than they were in the past, they remain major figures, even if this above all concerns those having spent long years behind bars and having followed a veritable militant path, and thus less these youths arrested for the first time for benign acts. This *heroic subjectivation* is first and foremost something generational.

Enhanced by social media and generational modes of communication, this *heroic subjectivation* of the youth is largely due to interactions with the devices and authorities of the Occupation, to the *mises-en-scene*, and to the military and judicial performativity. Here, they—like the new prison management—operate by drawing on the productive dimension of power and on processes of differentiation; that is, by foregrounding distinctions and playing on egos. In the letter that Bassem Tamimi addressed to his incarcerated daughter Ahed, he warned her of this *heroic subjectivation* and the pitfalls of the ego, which distance people from their selves and from the shared goal. The rapidly viral video of her act against the soldiers sped around the world, bringing her sudden and extraordinary local and international fame: “The Occupation is ugly, and it is made to disfigure the face of humanity. My daughter, free people do not get lost in their

<sup>8</sup> Ramallah, July 11, 2012.

<sup>9</sup> Ramallah, July 16, 2012.

own narcissism, for none of us alone are anything if we do not connect to a deeper purpose and do not dedicate ourselves to positive action.”<sup>10</sup> Still minors at the time of their release, they sometimes get the impression they are leaders. Those who recount their first release from prison evoke their feeling of all-powerfulness and their challenging of all authority: “At the age of fifteen, during a demonstration, I got a M16 bullet in the foot, which is still there. In 2001, at the age of sixteen, I was imprisoned for six months. When you come out of prison, it leaves traces, you think that you are right about everything. I didn’t listen to my parents anymore, or my teachers.”<sup>11</sup> Jamal is a lawyer. He was released during the First Intifada at the age of sixteen, after two years Inside:

When I got out, I too was the same [as those today]. I was wild, I wanted to leave school, I hit a teacher. And there was nothing to help us, no rehabilitation program. I was sent to a Center where they suggested I became a garage owner, stuff like that. Luckily my family was strong and stopped me from dropping out of school. They told me to pass my high-school diploma and to see later, and little by little ...<sup>12</sup>

Julie Peteet has shown that during the First Intifada, the beatings that teenagers received from soldiers were reconstructed as rites of passage and tests of masculinity attesting to their maturity, moral superiority, their capacity to resist, and their virility. These rites of passage into adulthood (beatings, imprisonment) take place outside the family. They are an individual experience inside a community of young men that disrupts family relations by encouraging a transfer of power from the parents and elders—who could not protect them from the violence of the occupation—to these young men (Peteet 2000). Since the First Intifada, this *heroic subjectivation* has expanded to include young women, who have subverted gender representations, and more frequently and more visibly than before asserted themselves as heroines too, as the emergence of the iconic figure of Ahed Tamimi attests.

This *heroic subjectivation* considerably challenges parental roles and fragilizes families. The powerlessness of parents—and more specifically

<sup>10</sup> Facebook post, February 2, 2018.

<sup>11</sup> Salah Hamouri, Ramallah, July 11, 2012.

<sup>12</sup> East Jerusalem, October 22, 2016.



of fathers—to prevent these spectacular arrests of fifteen or sixteen-year-old children in the middle of the night during which they cannot even accompany them to the station, apart from the girls if a female soldier is not present, helps shatter the image of a protective authority. Moreover, this *heroic subjectivation* steers an increasing number of these youths away from their educational trajectories and self-construction. Having missed a year or two, they find themselves in class with younger pupils, without their friends, and they are less likely to resume their studies. Furthermore, their time in prison structures partisan engagement less nowadays, as the youth has increasingly turned away from the political parties of their elders. Their prison socialization more rarely signifies access to a leadership position in a party. In a context of the recent massification of young people's arrests, especially in Jerusalem, this *heroic subjectivation*, which is little governed by the parties, is putting the future of a generation in peril—a generation which on the one hand is growing poorer and, on the other, for whom the prison experience can lead to delinquency or diverse trafficking. As Jamal explains:

When a young person comes out of prison, he is seen as a hero. From then on, all his decisions are considered to be right. Yet he is young, troubled ... And young people make bad decisions, they drop out of school ... Many of them end up taking drugs, doing any old job, trafficking, they throw away their lives. There is no rehabilitation, no follow-up provided for these youths, and there are a lot of them these past few years. Their families are not strong enough today to stop them getting into trouble. I had the project to set up a Rehabilitation Center with personalities well-known in the prison world and respected by society, like Amjad Abu Assab [head of the Committee of the Families of Jerusalem, Golan, and 48-Palestinian Prisoners] or lawyers like Mohamed Mahmud. You need figures to get people to accept the project because as soon as you talk about social work, they think psychiatric problems and the like, yet [they are not supposed to have any problems because] they are heroes. The idea would be to let them take their own decisions calmly, to give them the time to think, to stay in school, to prepare their futures, and not be “forced” to behave in such and such a way because they are too young and are considered heroes. And that they do internships, or get training, or are employed in NGOs depending on what they want to do later. We need to invest in education so that they have other tools to fight in other ways. In my opinion, it's a

deliberate Israeli policy to prevent these generations from finishing school, finding themselves with no training, living off unskilled jobs.<sup>13</sup>

### **Carceral Masculinities *and Gender***

This heroic image is above all performed and verbalized by women and young men. Thirty-something Jawad described his time in prison as a confrontation with the guards and, beyond them, with the army, one in which moral and physical superiority and force rooted in masculine values played out. Hoping for a Third Intifada, which he believed to be on the horizon, he claimed to be waiting for just that:

We aren't scared. Once you've seen them Inside, you're not afraid of anything, not the checkpoints or anything. From time to time, we caused trouble with the guards to get things. They were armed, but they weren't reassured. One time they encircled the prison with tanks to calm us down.<sup>14</sup>

More than a form of bravura rooted in a solid, resisting, and political masculinity like that at times expressed by the men of the older generations, especially when they recount their struggles in detention or their interrogations as Marwan Barghouti did in his book *1000 Days in Isolation* (2011), Jawad's words expressed an unstructured, more bombastic attitude, albeit one just as determined to stand up to the occupier on the terrain of masculinity.

As for the women, it is both the young ones and those of the first generation of prisoners who construct this heroic image. For the pioneers, the stake was elaborating female heroic, resisting figures who occupied a place in the national narrative and were rid of the opprobrium that came from the eventuality of having been subjected to sexual abuse. They re-signified the stigma by turning their assaulted bodies into resisting ones. As told by the protagonists, these corporal violations were above all inflicted on the strongest women. For the rest, psychological pressure sufficed. Contrary to the men, who are more discreet about the violence inflicted on them during interrogations, which they experienced as a profound violation of their dignity, the women recounted it in detailed,

<sup>13</sup> Jerusalem, December 3, 2019.

<sup>14</sup> Al-Amari camp, Ramallah, April 26, 2011.

adopting a heroic posture that put their female body at a distance, an object of the gendered and sexual violence of the Shabak interrogators, brandishing a *virilized femininity*.

These accounts are of course a matter of personality, but the young women often recount their arrest with an ostensible pride: the number of vehicles, the snippers on the rooftops, and a multitude of details that testify to their supposed dangerousness and thus their importance. It is a position that they, like the younger men, have to fight harder than the party cadres to reach, whether they are party members or not, given the political parties' reproduction of patriarchal structures that rarely offer youths and women decision-making roles. They recount their exchanges with the military or their interrogators, their ability to deceive them and turn their culturalist, stereotypical representations of gender roles in Palestinian society to their advantage, and their defiant, resisting postures. These more distanced and sardonic accounts reflect both the desire to perform another femininity, the transformation of gender roles and relations, and interactions with the Shabak during interrogations that remain brutal, but relatively less so that they used to be, particularly for the women.

I am going to meet Aïda at the Jerusalem Hotel café. She is there with the rap band DAM. She and I go to sit at the next table. She is small and very petite, with mid-length dark hair with lightened streaks. Her physique contrasts with her verve and her energy. She is twenty-five and has already been arrested three times. She is regularly convoked by the police and the Shabak wanting information about the new people active. She is close to the PFLP and an activist in a whole host of movements and collectives (the PFLP-affiliated Women's Union, the Massirah association, Stop the Wall, and the Youth Movements of the Palestinian Spring). She describes her very early engagement as being due to the militancy of her parents and her family, many of whom were incarcerated: her father for fifteen years, her cousin for twenty-five. Ever since she was a child, she has been immersed in a politicized atmosphere of debates and readings; during the al-Aqsa Intifada, she was already out demonstrating at the age of thirteen. After her high-school diploma, she refused to go abroad to study, and enrolled at the University of Bethlehem. Her third, extremely grueling arrest culminated in a twenty-eight-day interrogation, a month in prison, a month's house arrest, and a ten-month suspended sentence and period of probation. She was nineteen, it was in December 2008, and she was in Jerusalem at her parents' house:

We were having a party at home. At 1 A.M., more than fifty vehicles showed up, hooded soldiers, some had climbed the trees around the house, others were on the roof ... They burst in, searched everywhere, especially my bedroom. They smashed stuff, tore books, hit my father and my brother, and took me down to al-Moscobiyeh. For eight days I saw no lawyer or anyone. They kept me in a narrow cell with dark walls, no window, a dim light, a hole in the ground for a toilet, all alone for twenty-eight days. I was handcuffed and blindfolded most of the time. I lost eight kilos and after ten days, I was sent to hospital because I had a kidney problem. The interrogation was really harsh, the sessions at times lasted twenty-four hours non-stop. I was tied to a chair. They questioned me about my activities, my relationships. They threatened me, told me worrying things about my family: “We’re going to arrest your whole family, your father has had a heart attack ... we’ve arrested your sister”, and I heard a young woman crying as she called my name next door, stuff like that. I didn’t even ask if it was her, or anything, and in fact it wasn’t my sister. I decided to be strong as I had nothing to lose. There were five interrogators, including one woman. Each played a different role. After a very difficult moment, one of them talked to me about the movies, playing the nice guy. There was the nice one, the sadistic one, the fatherly one ... he was old and spoke to me like I was his daughter:

- “I interrogated your father, and I knew that I was going to interrogate you. And if you carry on like this, I will be interrogating your children too. You could go to parties, fall in love... otherwise, you going to get five years, you’ll never finish your studies, and I will break you.
- No, you’ll make me a heroine. And if you kill me, you’ll have my face on all the walls of the city staring at you.
- Shut up, you’re a whore and I never want to set eyes on you again.”

I wound them up, I danced the *dabkeh* [a dance from the region] and sang in my cell. After, they put me in with the criminals, the dealers ... both Jewish and Arab. They beat me during the interrogations and then brought me back there. So I went on hunger strike. The warden came, asked me what I wanted. I told him I wanted to be in a prison with the political prisoners, not criminals. He said: “You’re PFLP, right? So you have to go to Damoun. I refused to say if I was PFLP. He got angry and sent me to Hasharon with the women from Hamas and the Islamic Jihad.<sup>15</sup>

<sup>15</sup> July 25, 2012.

In this interrogation episode, this *heroic subjectivation* makes it possible to not crumble and to use the psychological sparring over egos to an advantage. It echoes with the experience of a man from the Golan detained in the 1970s, who recounted how he, who was very young at the time, answered these destabilization attempts with a similar approach, reminding the Shabak officer of his inferior status in the service, denigrating him to destabilize him in turn: “I said, ‘Who are you to ask me that? If it were the head of the Shabak, maybe, but you? At best, you will write my biography saying that you interrogated Fakhreddine.’”<sup>16</sup>

Among the women, strength and bravura—attributes of combatant, resistant, and *carceral masculinity*—are more frequently foregrounded than in the men’s accounts of arrests, interrogations, or struggles in detention. Some women insist on the fact that they were carried on men’s shoulders on their release, a form of honor that was long reserved for men. On the contrary, very few men apart from the very young develop a discourse ostensibly emphasizing their bravery or endurance before the ordeals undergone, or bragging. They display a quiet stoicism, rather. The undisputable status of hero, of *munadil*—which is imposed on them even—as very many have spent between ten and thirty years behind bars, confers a certain discretion. This is also out of respect and humility toward others, so as not to singularize themselves by claiming to be exceptional; *carceral masculinity* is above all a common body and an egalitarian ideal. They have little to prove in this respect; the women who have a recognized partisan role, like Khalida Jarrar for example, present their experiences in a similar manner. On the whole, they rarely evoke the episodes of torture they were subjected to, or mention them without elaborating, briefly evoking their forms and modalities known to all, stating that “it was the same as for everyone else.”

This silence only in part stems from the difficulty of talking about moments of weakness in which they were at the mercy of the Shabak, particularly to a foreign woman not part of the prison world. Sami thus recounted that the interrogators worked on people’s psychology to break them: “They bring along your wife, for example, and tell you they are going to rape her, and you can see on the camera that, in the room next door, they are starting to touch her up—or your mother, can you imagine!

<sup>16</sup> Majdal Shams, July 25, 2014.

In fact, it's not so much to obtain information as to destroy you nationally, psychologically, socially. I saw people broken. There are prisoners who are ashamed, who don't dare repeat what happened." He retraced the extremely harsh interrogation that he was subjected to for forty-eight days with no access to a lawyer, which he qualified as military (*tahqiq 'askari*) because he held a position of responsibility in the armed struggle during the al-Aqsa Intifada. He was violently beaten, humiliated, tied up for four days in painful postures like the one known as the banana position (bent backwards with one's hands and feet tied), hung by his arms, subjected to very hot then very cold temperatures, to blaring music, sleep deprivation, and so on. He expressed his endurance and the confrontational dimension laconically, modestly: "They wanted me to scream with pain. I had tears in my eyes at times, but I didn't yell or cry."<sup>17</sup> The accounts relayed in Raed Andoni's film *Ghost Hunting*, in which ex-prisoners reconstruct the scene of al-Moscobiyeh Interrogation Center and revisit these moments with the director who shared this experience, are equally restrained and sober.<sup>18</sup>

Others among the few who recount their torture express their fragility, their emotions, and the way in which they were affected by this ordeal. Met in Nablus, Salim launched into a detailed account of his interrogation in the dilapidated al-Farah Prison in 1984, during which he nearly died when he swallowed a bunch of keys in an effort to put an end to his interrogation ordeal. It was his second arrest, he was accused of belonging to a political organization (*tanzim*), and he was just sixteen. As he spoke, he could not hide his psychological scars or contain his vulnerability, the tears welling. Having been shot during his arrest, he received blows to his wound and his genitals:

It went on for eighteen days, but I didn't confess to a thing, then the court renewed the interrogation period for another month. I went on hunger strike so they would take me to hospital because it was very painful and swollen. They kept saying: 'If you confess, you'll be cared for, otherwise not.' So I thought of committing suicide, but I had nothing to do it with. I saw the guard's keys, stole them, and swallowed them. I thought I was going to choke, but no, I swallowed them. A doctor came, then they took me to Rafidia Hospital in Nablus. It didn't hurt, but I said my

<sup>17</sup> Ramallah, July 16, 2012.

<sup>18</sup> Op. cit.

stomach hurt and they took an X-ray; the keys were still in the trachea. They gave me a swab and some water to dislodge them, and they went straight down. But they had to operate me for the blows to my leg and testicles. My lawyer, Felicia Langer, filed a complaint at the Supreme Court against the person who hit me; he was called—or went by the name of—Abu Fathi. He was suspended for three months. And they sentenced me to eleven months in prison.<sup>19</sup>

In other contexts, works on *carceral masculinities* have evoked a “prison hyper-virility,” rather, that exacerbates tensions around masculine values constructed in relation to the other sex (Bessin and Lechien 2002), and creates “fratriarchies” that guarantee the cohesion of groups and protect in this homosocial environmental (Remy 1990; Symkovych 2018). Marc Bessin and Marie-Hélène Lechien nonetheless stress that this concentration of men also encourages practices that trouble masculine identities (2002). Here in these accounts, it is more the women who seek to take on the attributes of masculinity, whereas the men are stoic and silent or show themselves to be affected and sensitive while at the same time avoiding presenting themselves as victims, far from a virilist posture. Masculinities, gender, and male–female relationships are transformed by the prison experience. It is through their embodiment of what I call an *iconic masculinity* given the strong connection that remains in social imaginaries between masculinity and resistance, masculinity, national engagement, and the sacred cause that the political prisoners represent that a considerable proportion of them distance themselves from a so-called hegemonic masculinity.<sup>20</sup>

Freshly released, some did not attempt to hide their disorientation and their ignorance of life Outside, nor their innocence with regard to affective—and carnal—relationships between men and women when they came out at an advanced age after serving prison sentences of almost twenty years, begun when they were eighteen to twenty. Hassan had just been

<sup>19</sup> Nablus, July 10, 2012.

<sup>20</sup> The notion of hegemonic masculinity developed by Raewyn Connell is a configuration of practices, not simply a set of expectations or an “identity” that allows the reproduction of male domination (Connell and Messerschmidt 2015). While it has allowed us to understand the plurality of masculinities, it remains permeated by the prism of domination limiting the analysis. Moreover, it remains difficult to characterize given the highly localized, historical, and shifting dimension of what in various societies might be defined as hegemonic masculinity.

released three months before, after spending eighteen years behind bars. At the end of our conversation, he confided in me that after all this time in a masculine prison world, he had completely lost touch with the feminine even if, in the past few years, there had started to be women guards. This was even reflected in his language; he systematically used the masculine form. He said that he wanted to get married, “because here, you can’t have a girlfriend and live with her like in Europe. It’s not permissible. You have to get married, but I need some time to get used to women first, then to find someone.”<sup>21</sup>

Drawing on their image, their experiences, and this *iconic masculinity*, they are able to reveal their fragilities and to develop other, less divided and more egalitarian gender relations and roles without it affecting their virility. These transformations are often joked about. A friend told me the joke doing the rounds at the time about the way in which prison led to dispositions considered feminine: “After five years,” he told me, laughing, “the prisoners become women. They spend their time gossiping about others, do the cooking and cleaning, and even bleed [in their stools] because of the poor quality of the food.” While this quip plays on conservative sexual roles to better subvert them, it illustrates a self-confidence in this *iconic masculinity*, which allows evoking the at times humiliating or painful consequences of detention, and to laugh at oneself.

Women are the object of particular esteem, firstly because it is predominantly they who go to visit the imprisoned men. They indeed obtain permits more easily because they less often have a prison record and are less likely to be considered dangerous. They also fulfill a care role,<sup>22</sup> an extension of maternal, supposedly feminine functions. Wael, who spent eighteen years Inside, told me that his eldest sister, who raised his siblings, was very well-known among the prisoners as she never missed a possible visit during these long years, and began again when her son was detained too. Sana, Walid Daka’s wife, recounted:

<sup>21</sup> East Jerusalem, July 26, 2012.

<sup>22</sup> In short, everything that has to do with care and solicitude. Developed by Feminist Studies since the 1990s, this concept includes both the study of ignored social practices and a methodological, theoretical, epistemological, and political approach around the ethics of care centered on the idea of vulnerability and attention to all human life, and more widely to the world.



Once Walid told me that prison teaches respect for women. 90 percent of the prisoners' visits are from their wives, sisters, mothers, so prison helps respect them. The prison walls are covered in photos of the women in the family. You don't find the same degree of affection among the men. Women are more compassionate because they have more sacrificial potential and resistance, more so than the men.<sup>23</sup>

Next, it is in the name of a common experience—the ex-detainees seeing themselves as a distinct group—that these men have shown themselves to be more sensitive to the life stories and price paid by incarcerated female activists. They either formed militant couples before detention, or married former women prisoners. They have contributed to changing social perceptions after the first generation of women encountered difficulties in getting married due to the opprobrium they were often the object of, or the fear they inspired because of their strength and what was perceived as their headstrong characters. Among these generations, the scars of prison necessarily impacted the women's conjugal and affective relationships. Sentenced to life in prison for having prepared a bomb that went off while it was being made, Rawda Basir spent eight years in prison from 1977 to 1985 before being released in what was known as the 1985 Ahmed Jibril exchange. She described how the prisoners' families inspired fear and were ostracized by society. She was engaged to be married. She felt that her fiancé did not support her; he did not come to visit her in the first months, and she took the initiative of breaking off their relationship. After her release, while taking part in conferences and ex-prisoner meetings, she frequently met a man who had been in prison from 1969 to 1985. She was not thinking about marriage and especially did not want to fight for a personal affair due to their difference of religion—he was Muslim, and she Christian—which is not always easily accepted socially, when there were so many other public, national causes to fight for. She nonetheless did marry him. In the account she gave of her future husband's proposal, the importance of the lasting mark of prison was manifest: "One day he said he wanted to speak to me about a personal matter. He said, 'We prisoners, we can't build a family like others. I don't want to marry an ordinary person [*adieb*] and you won't manage to either.'<sup>24</sup>

<sup>23</sup> Kfar Saba, May 07, 2009.

<sup>24</sup> *Women in Struggle*, op. cit.

It is also due to these common experiences, to the burden of prison on lives, of its grip on the formation of social imaginaries and identities, that the experience of confinement is seen as an opportunity to forge loving relationships and closer, deeper couples who share responsibilities. A carceral past creates other expectations in both women and men. While the latter are strongly incited to quickly get married on their release, they often say they want to take time to find themselves in this new life on the other side of the bars and to meet the right person. Families but also their political entourage indeed often tend to push men into rushed unions, especially when they are getting on in years, so that they can start a family and make up for lost time. The women are not subjected to the same injunctions and attention, or at least they are not expressed publicly, for their marriage is considered less probable, especially if they are released in their late twenties.

Hamas thus funded collective marriages and attributed house to those released during the soldier Shalit exchange to make up for the Gazan families' lack of means. Fatah also more occasionally distributes aid to this effect. In some instances, the welcoming out of the freed men recalls nuptial symbolism; comrades from the party, prison, and family travel by bus to the gates of the penitentiary when they are Jerusalemites or 48-Palestinians, or, for the rest, to the checkpoints where they get dropped off. They are carried on the men's shoulders and sometimes awaited with a horse, are fêted as resistance fighters but also, for those still single, like fiancés (*'aris*—sing.) who people come to fetch to accompany them on the journey to their new life. Families open their doors for several days and put up a tent in their honor to host the flocks of visitors: "It's like a wedding, a big national celebration," Ibrahim's sister told me on one such occasion. While their families do their best to help their menfolk embark on married life, most are aware of the hiatus they experience, of the time they need, of their unique maturity and personality forged in detention, which prevents them from simply conforming to social expectations concerning couples and children. Ibrahim's sister continued, expressing more a wish for happiness than one for social conformity:

It would be good if he got married soon. We need to leave him a little time—he needs it—but not too long. May he bring a good girl [*bint al-balal*] to the apartment [that we prepared for him] but it's not us who are going to find him someone. He's forty-four, he's a prisoner, he needs to find someone he gets on with, so they understand one another ... He's

forty-four, he's not young. For the time being, he's getting used to a lot of things again, the cock crowing, the moon, the stars, being able to see the entire sky.<sup>25</sup>

If, unlike women prisoners, the men all get married and at times rush into unions with much younger women far removed from the prison world, the age of those released and their experiences make the sharing of their intimacy, of what their prison past has imprinted on their bodies and minds, more complex and creates other relational expectations. The prison experience thus becomes the possibility to build balanced relationships between men and women, breaking away from certain social norms and gendered roles. At the age of forty-two, Itaf Alyan remarried a writer from the Islamic Jihad like herself, and had her first child shortly after at an age when women no longer get married: "He heard about me in prison, he knew it was over with my first husband. I heard about him too; he wrote books about prison. He understood me. At forty-two, you want someone who understands what's in your head, your mind."<sup>26</sup> The idea that political commitment and the carceral experience make it possible to forge different and closer amorous and conjugal ties has grown: "We know each other better through ideas in prison and after. The prisoners ask about the women prisoners a lot: what are they up to? We are like their sisters. And we exchange our ideas about daily life, the dishes we prepare, our recipes, and so on."<sup>27</sup>

It is also because the ex-prisoners are perceived as men with singular qualities that the couples and family relationships they form are more united and less often reproduce a gendered division of chores. They have developed aptitudes necessary for the elongation of time and life in prison; they are seen as calm, extremely patient (*sabr*), stoic, rarely losing their temper, as having relational qualities, as knowing how to judge people and to get on with the most difficult characters, and they are used to taking charge of daily chores (cleaning, cooking, etc.). These activities are valorized, as they for a long time guaranteed their autonomy and facilitated political organization inside. When their son Waed appeared on trial at Ofer in November 2015, Nariman and Bassem Tamimi managed

<sup>25</sup> Kufri 'Aqab, East Jerusalem, October 22, 2011.

<sup>26</sup> Ramallah, April 14, 2010.

<sup>27</sup> Sawzan, Nablus, April 21, 2010.

discreetly to briefly talk to him; between the words of affection and comfort, and news, Bassem whispered: “Learn to cook, ask to be in the kitchens.”<sup>28</sup> Political prisoners still carry out the daily chores at Ofer Prison where he was held; located in the West Bank, it has no Israeli common law prisoner section. As Reem said to a friend who had also married a prisoner: “We are fortunate because they are the only men who know how to cook in this society.”<sup>29</sup>

## PUBLIC INTIMACIES

### *Impossible Intimacy*

After nine months in Hadarim, they transferred me to Rimonim, a brand new prison that they had just opened. It was built for eighty detainees, housed in cells for two, and there were seventy-nine of us. I said to them, “I want to live on my own.” After all the years living with others, you can’t imagine how much you need your own intimacy [*kbususiyeh*]. You eat when you want to, sleep when you want to, take a shower when you want to; it’s almost freedom. I spent two months alone, I was able to write to my parents, read, and so on. Then I was joined by a friend, luckily.<sup>30</sup>

Issam also described the complexity of adapting to this privation of intimacy caused by the constant intrusions of the prison services and “carceral collectivism” (Piacentini and Slade 2015):

Nothing is yours in prison; everything can be taken away at any time. They come in, search, take this or that, the things that matter to you, the photo of your mother. You learn to detach yourself from things, to concentrate on what matters, not on details. It depends on the place, but eight or ten of you can live in one room; everything is shared, even the boxer shorts you put on in the morning, it’s not you who decides which pair. You have to learn to live with people; it’s not easy. There’s the question of space; it made me more aware of space. I need people to ask me for things, not just take them.<sup>31</sup>

<sup>28</sup> Ofer, November 8, 2015.

<sup>29</sup> Kufri ‘Aqab, East Jerusalem, October 22, 2011.

<sup>30</sup> Salah Hamouri, Ramallah, July 14, 2012.

<sup>31</sup> East Jerusalem, May 28, 2015.

They describe the dispossession of the self in prison where, “like at the firing range, bodies are at ‘point-blank’ range of the institution,” with no right to physical integrity or a private life (Laé and Proth 2002). The lack of any form of intimacy during interrogation and in prison, whether understood as privacy—self-ownership in the legal sense—or intimacy—the dimension relative to the subject and to personal and affective ties—is constant. It is exacerbated by an openly belligerent and neutralizing conception of prison that has no intention of rehabilitating, nor any mechanisms to prepare prisoners for life Outside, to maintain ties with relatives, to offer training, and so on, contrary to what exists for the common law prisoners. The intrusions into personal space, into their intimacy, are permanent, and time and self-propriety are subjected to the rhythm of the prison services. The frequent cell searches are described as violent: personal belongings are thrown into the middle of the room, damaged or lost; sniffer dogs are sometimes used, amplifying the brutality and the feeling of aggression and penetration into one’s intimate space considering that dogs are considered impure, unclean animals in Palestinian society.

The exercise yard at Gilboa is big, and there are few people per cell. Meggido is really tough. There were ten of us per cell, the shower was outdoors, the exercise yard tiny. There, they counted us three times a day, at 6 A.M., noon, and between 6 and 8 P.M. If you were praying instead of waiting to be counted when they arrived, you were sent straight to solitary confinement and fined; the same if you were in the toilets. And their hours weren’t always fixed; sometimes it was earlier, at 5.30 A.M., and in the evening, it depended. After, I was sent to Shatta. There were lots of searches [in that period]: for example, at 5 A.M., they’d open the cell door wearing masks, bullet-proof vests, carrying teargas grenades, stun grenades, stun guns. They were special units, dressed for repression (*qama*). They had dogs, twenty of them would come running in shouting, ‘Get up! Get up!’ They’d bang on the door, the beds, boom boom! They’d grab you, throw you to the ground, handcuff you, and search you one by one. Then we’d all file out of the cell, they’d put everything that was in the cell outside: letters, clothes, everything was emptied out, there was no intimacy (*khususiyeh*), and after they’d bang on the walls to see what was inside. It would last six to seven hours. They’d put you in a narrow cell, all packed in together, without toilets, then you’d return to your cell where they’d left everything in a heap on the floor and you had to put everything back in place, find what was whose, etc. They did that every twenty or so days.

And if they found something banned, they'd punish you. That happened the morning after we went on hunger strike in 2012. If they found you with salt, you were fined. And you didn't return to your cell, you were sent to solitary confinement. At Eshel (Beer-Sheva) during the hunger strike, they did these cell searches twice a day. In the agreement that ended the strike, it was stipulated that there would be no more strip searches, but barely a month later they began again at Ramon.<sup>32</sup>

During interrogations, violations of intimacy, threats, and sexual abuse—which initially only concerned the women—have over time also been directed at men. Recourse to means of pressure concerning the men's sexuality is systemic, not accidental (Weishut 2015). Beatings, being stripped naked, molestation, and sexual harassment by women soldiers have become commonplace, notably for the more easily disturbed adolescents, who are less prepared to face them, the partisan militants being trained to resist this type of aggression. Rare cases of rape by blunt objects have been reported, for example that, at the 1391 secret prison, of a Lebanese officer during the 1994 Amal movement, who filed a complaint to the Israeli courts (Khalili 2012), and three male minors in a military camp in 2016.<sup>33</sup> This sexual abuse of men is certainly more recent, but is also more rarely evoked both because their bodies and sexuality are the focus of less attention and protection than those of women, and because of the even greater difficulty they have of speaking about it as it is perceived as an attack on their masculinity.

Over time, torture practices have indeed become more specific; they play even more on the Shabak interrogators' gendered and culturalist representations of Palestinian society and are age-specific. The decline in very harsh physical methods inflicted predominantly on the men has inversely increased other forms of violence and notably sexual threats and humiliation that play on particular sensibilities by using women investigators to demean men, and male investigators to question women. According to the Treatment and Rehabilitation Center for Victims of Torture (TRC), stripping is more frequently used on women because it is expected to leave a lasting trace, inflicting deep feelings of shame that can affect their marital relationships. The more vulnerable minors are even

<sup>32</sup> Farid, East Jerusalem, July 24, 2012.

<sup>33</sup> Reported by the Palestinian NGO, TRC (Treatment and Rehabilitation Center for Victims of Torture).

more frequently beaten, and men's genitals are particularly targeted as it impacts their masculinity, self-esteem, and the possibility of having children. For the women, blows and threats target their faces in the aim of damaging their looks and their femininity.<sup>34</sup>

This pressure targeting the body and modesty undermines the men's dignity. They describe their affliction at strip searches' recurrence during detention; the demand that they cease was one of the motives of the Spring 2012 hunger strike. Even though male modesty is more a personal affair that impacts the self-relationship as it bears less of a social stigma than for women, these violations of the intimate sphere and of self-possession are experienced as humiliating and as a denial of the subjects' dignity.

Those [the interrogators] at al-Moscobiye have no morals, ethics [*akhlaq*], or dignity [*karameh*]. At one point, they told me to undress; I refused in the name of my personal freedom [*huriyeh shakhsiyeh*] and dignity [*karamati*]. They replied: "There's none of that here; a leader Outside is a dog here." They wanted me to walk naked down the corridor in front of the men and women police officers and the Shabak people; when you pass in front of them, they mock you, they clap, things like that. In our society, that's not something you do. I refused to leave the room.<sup>35</sup>

Corporal intimacy is also felt to be fragilized by the presence of women in the penitentiaries, as they in spite of themselves raise the question of sexuality, a taboo and a reality that is hard to manage. The political parties are aware of this, constructing arguments destined to distance sexuality, but it remains latent and at times necessarily erupts. The arrival of female conscripts as guards has destabilized further, as they place the male detainees in the demeaning and de-virilizing position of being guarded by young women under the age of about twenty, and trouble the image of the *munadil*.

That fact that an eighteen-year-old girl is in charge of you creates psychological and social problems. For those who've been inside for a long time, who haven't seen a girl for ten years, it's not easy. And for those who are religious, it's even worse—it's a real problem. It's done to tempt them, to

<sup>34</sup> Ramallah, October 30, 2016.

<sup>35</sup> Sami, Ramallah, July 16, 2012.

break them, to turn them away from religion. There are also women officers in Shabas. The head of our section was pregnant; it was really strange to see that. In my opinion, all that is thought out, there is nothing that isn't.<sup>36</sup>

Deeply troubled, Sami interpreted the feminization of the Shabas guard positions as an intrusive prison policy destined to undermine the political prisoners and their capacity to find meaning in their situation.

Being cut off from one's family is what is most painful in prison, notably the physical distance and impossible intimacy with one's loved ones as no exchange escapes the surveillance of the prison service. Relationships are strongly affected by the difficulty of obtaining visiting permits and by the configuration of the visits. Until the transfer of all the army facilities to Shabas, prison regulations above all reflected the state of the power relations between the detainees and prison authorities and, more broadly, confrontation in the Occupied Territories. Over time, the right to visit detained relatives was obtained and expanded through hunger strikes, and more recently via legal action taken by Israeli and Palestinian NGOs and by the Ministry of Prisoners. Rules have since been fixed. With the transition to Shabas, visits are normally possible once a fortnight (and no longer once a month), and last forty-five minutes. The application of the regulation is, however, strongly conditioned by a system of privileges, individualization, exacerbated power relations, and politicization. In 2011, the head of the Ministry of Prisoners' judicial department estimated that 40 percent of detainees from the West Bank enjoyed no visiting rights. Moreover, access to visits is dependent on an extremely laborious bureaucratic security procedure. Limited to first-degree relatives, constrained by the prisons' re-localization in Israel and the need to obtain a permit, systematically refused to men under the age of thirty-five and to all those with a prison record or current militant involvement, visits are irregular, accentuating the distance from relatives and between couples.

Men are indeed the most likely to see themselves refused visitation rights. Since 2005, they can specially request so-called security permits (valid forty-five days for one visit) when normal permits last a year and are valid for two visits a month. Due to the lengthiness of the bureaucratic procedure, they barely allow more than a visit or two a year. Some

<sup>36</sup> *Idem.*



see their family ties questioned, and the permits are not granted until the ties are proven by the people concerned. Furthermore, the most frequent punitive measure is the removal of visiting rights and being placed in prolonged solitary confinement. It is thus more often elderly mothers and fathers who come to visit, and above all women—mothers, sisters, wives—or children under the age of sixteen on their own. It is a real ordeal. The ICRC charters buses to take people to the checkpoints, then others which take them to the penitentiaries. The journeys are interminable, starting at the crack of dawn and ending late at night. People have to go through multiple security checks. The distance is exacerbated by the security apparatus. This has little to do with geographic proximity, as one father who lives in a refugee camp in the middle of the West Bank put it bitterly: “It’s like going to Porto Rico, not the Negev” (Giacaman and Johnson 2013). The practice of body searches, sometimes strip searches, in addition to passing through electronic detectors, reinforces the duress of these stressful journeys and the feelings of humiliation and violation of dignity (Latte Abdallah 2014). Families describe the burden and the physical and moral fatigue that the ordeal of visiting creates. Some women refuse to be subjected to these violations of intimacy and forego the visits (Giacaman and Johnson 2013). Once people reach the visiting room, it can happen that their relative not be there, transferred, or the object of a disciplinary measure, which Shabas does not inform them of in advance. Since 2004 and the new prison management, physical distancing and absence of intimacy are the rule during visits. During the last ten minutes, only children under the age of eight can go round to the other side to hug and kiss their mothers or fathers. Exchanges are hampered by the glass window and the phones installed to replace the wire meshing that people used to be able to touch hands through and to hear each other’s voices without a device that muffles them, accentuating the distance, but also swallowing words and recording the conversations. Time is strictly controlled. When the forty-five minutes are up, the line cuts automatically.

It is not always easy to talk to one another, especially during the first visits. Unless they are activists themselves, most parents are taken aback at their child’s engagement or acts. They may feel hurt by the fact that they were unable or did not know how to stop them, to protect them, especially for the younger ones and women. The young former women prisoners I met who had planned to carry out a martyrdom operation described the difficulty their parents had—their fathers especially—in accepting their act, forgiving them, coming to see them, and talking to

them (Latte Abdallah 2013). For those serving long sentences, whose parents are aging, these difficult exchanges, their fathers' and mothers' efforts to conceal their fatigue especially after their long journeys to reach the prison, plus what they themselves conceal about the vicissitudes of prison life, are compounded by all the things left unsaid eating away at them and the fear that their parents pass away before they get out of prison. Expressions of affection, of the pain of separation, and emotions are sometimes suppressed, held back, due to the surveillance and the omnipresent watchfulness of the prison service as the guards observe the visits taking place, stationed at each end of the long room in which a dozen booths are disposed, separated from one another by glass. Rita Giacaman and Penny Johnson reported the words of a father scolding his wife: "The mother of the prisoner... when she visits him, she starts to kiss him from behind the glass, and I tell her not to do this because the soldiers are behind us, and I do not want them to see our weakness." (2013).

Conversations lack intimacy, and the possibility of receiving news from those behind bars remains limited. Telephone communications between relatives were completely banned until May 2019, except in the event of a death, in which case fifteen minutes were allowed on the condition that the prison warden gave approval. Usually opened, letters are uncertain as their delivery time is highly variable; they are sometimes received several months later or at the time of a fresh incarceration. Other than young children, only parents aged over sixty can approach the detainees twice a year to have their photo taken together. Absence and distended family relations come up time and time again in people's accounts. The most terrible event being the death of a parent while incarcerated, the impossibility of attending the funeral, the intense pain and guilt at not having been present. Some claim they feel responsible for the premature death of their parents fragilized by their detention or engaged in the struggle at their sides: fathers passed away too soon, mothers suddenly dropping dead in court or shortly after their arrest, others during hunger strikes carried out in solidarity with those of their incarcerated sons.

### ***Extended Parentality and Prison Couples: Common Experiences***

Coupled with the impossibility of escaping the watch of the penitentiary, the rarity of exchanges with loved ones and the physical distancing exacerbate feelings of isolation and self-dispossession. And yet there is

now greater porosity between Inside and Outside. On the one hand, this is the result of the effects of the *prison web* and the intensification of prison's hold over everyone's existence, namely the banalization of the prison experience culminated over several generations and the alternation between periods Inside and Outside for a great number of people. On the other, it results from the multiplicity of circulations and exchanges, of the words that transcend walls; from the density of the connections lived and forged in a carceral inbetweeness, the sociability between detainees, ex-prisoners, and between the families of detainees, which creates and sustains matrimonial, parental, and familial relationships. This porosity maintains and reconstructs ties with an eye to living beyond prison, via collective and political sharing and re-signifying of the personal and the intimate. Family ties are thus often experienced in an extended sense, with others, by others. They are not limited to biological ties, but invent new ways of living, sharing, and multiplying ties. They are also lived at a distance, and publicly during hearings in court, or via the media and technology.

For the young men, for those with “a past” like one father met at Ofer—that is, a prison record or an ostensible engagement—hearings are the opportunity for brief unofficial visits as it is easier to attend Ofer or Salem Military Court in the West Bank than it is to enter Israel. He had given up trying to get a permit; he attended the hearings and his wife visited prison. For the detainee, it is also an opportunity to spot their cousins, aunts, uncles, and friends as attending court is not restricted to the first-degree circle, but to two people for each defendant on trial. These exchanges are forbidden, and friends and family are relegated to the chairs in the second row to avoid verbal or physical contact. But it is nonetheless possible to see or to spot one another, to scrutinize emotions, to give one another a sign, to discreetly exchange a word or two when the guards are not looking, or to mouth a conversation. These silent and distanced conversations are public and relegated to the interstices. A rare privilege, the judge more readily allowed people to speak during Khalida Jarrar's trial.

Ties and parentality are collectively forged via a relational network that constructs a communality and shares individual news and everyone's visits. The prisoners tell each other what was said during their visits. Sharing all the news after a visit, recounting the slightest detail of each other's lives, sustains long daily conversations in prison. By ricochet, it multiplies and

densifies connections, and makes up for the lack for those who are not allowed or rarely receive visits.

Daily life in prison comprises regular problems with the administration and the separation from our families. There are indeed [smuggled] mobile phones, but where I was, you could only call once a month. When you see a combatant [*munadil*], a military leader speaking to his kids, he is very tender, he cries. The Red Cross used to bring us the *Al-Quds* newspaper. We took an interest in everything, we read everything, all the social news, and when there were visits, after, we spoke about everything that had taken place during everyone's visit, all the news, the slightest detail. For us it was really important.<sup>37</sup>

Lawyers are one of the important relays of these parental relationships beyond the walls and thus of social and political ties. They convey news, and the women lawyers especially take photos of children looked after by their grandmothers when both parents are in prison; they are a part of these affective relationships that relay between the Inside and Outside. They also make the visits that the families cannot make; accordingly, during a Gazan detainee's delivery, the Palestinian NGO Mandela, backed by the Israeli association WOFPP, lodged an appeal to the Supreme Court to be able to go to visit her in hospital.

Those released spend time with the parents or the children of those still in prison in order to give news, stories, sentiments. During the Shalit exchange, over a thousand people learned just a few days before that they were going to be released. Many others hoped to be reunited with their loved ones and the disappointment was bitter. It was a period of intense and draining sociability for those who found themselves Outside and received visitors at home, but also traveled here and there to see the families of those with whom they had shared years behind bars. The very next day after his release, Ibrahim went to meet the mother of a friend who was still locked up. His sister discreetly confided her surprise at his leaving the house so soon after having been separated from them for twenty-four years: "He spent more time with them than with us," she observed sadly. More generally, those who belong to the prison world continue to sustain this network of relationships long after their release. Let out in 2006, Wael also spent his evenings going here and there all

<sup>37</sup> Sami, Ramallah, July 16, 2012.

over the country to greet and celebrate the release of some, and to talk to the families of those who had not yet shared this joy.

This prison world community (prisoners, ex-detainees, and their loved ones) is also produced by dematerialized means that maintain family ties despite the confinement and physical distance. Programs dedicating messages from friends and family are broadcast on every radio station all over Palestine. The most listened to is the Voice of Palestine national radio's bi-weekly program, "Asra al-huriyeh" (Freedom Prisoners<sup>38</sup>). The radio has long played an essential role for those deprived of visits. The program is massively followed in Palestine and beyond, and those living abroad also phone into the show. Short monologues follow one after the other, in which the incarcerated other is present in thought. A live but distanced collective and public substitute for visits, the words remain in suspension and are one-way. The messages broadcast are interspersed with short newflashes and patriotic songs, or songs nostalgic about the towns and sites of historic Palestine.

Listening to this program, one can hear and understand how these forms of *extended parentality* are forged in the words exchanged and network of messages (Latte Abdallah 2014), but also thanks to a system of mutual aid and circulation of goods, gifts, photos, and money. It is usually firstly women—mothers or sisters—who call and orchestrate the messages; they speak alone, or first, then pass the phone to the father, or the prisoner's wife. These mothers, sisters, wives, and husbands usually greet all the prisoners, or cite a large number of them before addressing their loved one and giving their message, or dedicate their final words to all the prisoners. The introduction is similar: "I am the mother of prisoner of war [*asira*] Sanabel. I would like to greet all the young men [*shabab*] and all the young women [*banat*] for Ramadan, and also... [so and so, then she addresses her daughter]." Introducing oneself as the mother or the father of, followed by the eldest son's first name, is a usual way of designating oneself in Palestinian and Arab society. Here, it was the prisoner's name that was used, whatever the order of the siblings. While the mothers frequently convey the greetings and words of the fathers, when the latter speak on air, they also use the first name of the male prisoner or, in more recent times, of the female prisoner. This way of introducing oneself, but also the content of the messages, illustrates the fact that the female prison

<sup>38</sup> Echoing the title of the poem written in prison by Tawfiq Zayyad, a Palestinian citizen of Israel who was a Communist MP.

experience no longer discredits these women and their families in the same way.

The address is often collective, and the “you” plural pronoun habitual. This reflects a form of modesty with regard to messages suggesting affective relations and which are exposed on the airwaves. The plural designates intimacies that are by necessity public and shared. At the same time, it contributes to perceiving oneself as a community, to consecrating shared experiences. It is also a way of demonstrating that one is not thinking of oneself, of just one’s own, in a context in which incarceration affects everyone and is a preoccupation and a common cause. The sister of a detainee thus ended her call: “I love you a lot, you are my love, my eyes. Say hello to Mahmud and to Sari, and to the elders [*qudama*], to Ahmad Saadat and the other leaders. Take care of each other, you have no one but yourselves ...”<sup>39</sup> But this *public intimacy* also limits what is said. Full of affection, the messages respect an implicit format: the words appear formatted, conventional, and above all similar. Going public imposes an erasure of any rawness, the most solitary sentiments, what is felt deep down, not straying from the iconic figure of the resisting detainee, which in turn imposes thoughts and behavior on their entourage to only say what is audible, what conforms to shared social values and attitudes.

Certain words nonetheless suddenly surface. During the show on August 18, 2010, a young woman came on the phone to persuade her sister not to go on hunger strike. She repeated and spoke firmly in order to convince her while sort of excusing herself for conveying a message of this kind publicly when encouragements to join collective movements and solidarity with the strikers are the prerequisite, despite everyone’s desire to protect their own from endangering their health and from the repression of the prison service. It is at the very least expected that one does not openly speak out against a strike unless the person is elderly, weak, or sick:

I’m giving you my opinion: don’t go on strike. There has been a decision by the intelligence services [*mukhabarat*]. You have been in prison for five years. I didn’t want to talk about this on the radio, I am against that kind of thing, but I spoke yesterday with your father and mother. Your mother is very upset because the last time she obtained a permit in November, she didn’t see you. Right now, they have a permit to come. If you go on strike,

<sup>39</sup> The March 12, 2011 show.

you will be put in solitary confinement in Ramleh and your mother won't be able to see you. It's been five years and you've already been on strike. Shereen is going to stand trial. Taghreed is maybe going to be released on bail after her next hearing, but you are an administrative convict [a detainee, in fact], everything you do will work against you and prolong your administrative detention. Your mother won't be able to come if you do it ... Don't do it.

Former women prisoners are extremely present on the air and all the more so as the young female presenter who hosts the show maintains a sorority and an all-female environment. They keep a reliable, close-knit network going—there are not many of them and have formed a small society of women prisoners—between their “sisters” in prison and their parents or children Outside. Women are, moreover, often perceived as needing more protection and comfort, especially as they are very young.

On October 18, 2011, the day of the first Shalit exchange releases, all the station's programs were devoted to the prisoners. Parents of freed prisoners sent messages to those still Inside. The young presenter, who is part of this community of prisoners on the Outside, is considered one of the “girls (*banat*),” their “sister.” She joined the recently released women prisoners who went in a group to visit others or the families of those still incarcerated.

The flow of the messages is fast in order to say as much as possible. Prisoners' children are got to speak one after the other, and the intimidated little ones prompted to say loving words and things going on in their lives. Parents strongly express their feelings, their esteem, and that of the entourage, give family news, information on upcoming visits, on the amount sent for commissary purchases in their name or that of another detainee, on those—often parents of other detainees coming to visit soon—who will pass them on clothes, letters, photos:

I am the daughter of prisoner Khaled S ... We are well, we love you lots. We won't come to visit tomorrow; my grandmother is sick, and she is the only one with a permit. We are going to send you cigarettes via the M. family. I hope we will soon get a permit to come to visit you. Your wife and children are well.<sup>40</sup>

<sup>40</sup> The August 18, 2010 show.

This *extended parentality* is often expressed in terms of upcoming visits and ways of making up for their lack or their rarity. As one young woman said to her husband:

We greet you. The children send a big hello. They sat their exams. I will be able to tell you their results on Saturday. We received your letter—thank you—we were very happy. I am still in contact with the lawyer for your case, he is going to come to see you to explain what is going on ... I say hello to the young Lina [his sister]. My mother came to visit you, but the director refused to let her see you. They said you were on hunger strike and that you were going to be transferred to Damoun. Send news via the lawyer, via those who come to visit Shirin, by any means you can, by all means possible.<sup>41</sup>

The prisoners' families' mutualization of means thus contributes to this *extended parentality*. One father addressed his son, then his daughter—both of whom were incarcerated—in these terms:

We couldn't get a permit to come to see you—none of us. Today, your mother has gone to visit your sister, but we don't know if she will be able to see her or not. [To his daughter] We heard you were in hospital; I hope you are alright, that you are strong. We put 250 shekels [65 euros] for the commissary in Sumud's name. Get the money from Sumud [from her account]. Say hello to Sumud, say hello to all the girls.<sup>42</sup>

Given the omnipresence of prison in people's lives, the shared experience, the networks, a web of connections has been woven and new ways of living beyond incarceration have been encouraged and invented. Detainees are determined to exist despite their spatial confinement, and to continue their individual trajectories in spite, for some, of their very long sentences, as is testified by the fivefold multiplication of people taking university courses in prison since Oslo and the incitement to get married while serving time. As prison has become more commonplace—for women too—it has transformed the experience of female detention and gender relations. While many are serving heavy sentences—many of the men for life—these marriages are a way of living beyond the daily

<sup>41</sup> The August 4, 2010 show.

<sup>42</sup> The August 18, 2010 show.



condition that prison constitutes and the fragmentation induced by the *prison web*.

Some of these prison couples are emblematic; the stories of their love are recounted and lauded. They contribute to the narratives that unite the prison world. Sana Salameh and Walid Daka's marriage in 1999 remains exceptional, as they managed to celebrate it in prison with their families. They are both citizens of Israel and were backed by Arab members of the Knesset. She met him in 1996 when she was an *Al-Sabab* journalist and was investigating into the prisoners. At that time, visits were authorized for people who were not first-degree family members. While this marriage was exceptional, unions concluded or decided upon in prison have become more commonplace since the mid-1990s. Although these unions are personal events, they are also strongly invested by the collectivity and presented as exemplary to give hope to the young prisoners and to show that life does not stop at detention (Latte Abdallah 2013). They have given new political meaning to the personal and the intimate, now perceived as a way of collectively living the ordeal of mass incarceration, removing the overly egotistical or sexualized dimension of the pursuit of individual happiness in the couple—dimensions that are not assumed as such vis-à-vis others given the primacy of the ideal of collective resistance. Moreover, these unions contribute to these common life experiences. The couples indeed meet through the intermediary of third-parties from the prison world community—family or militant networks—or during furtive encounters in some penitentiaries, thanks to what each knows about the other from what they hear and the reputations that circulate from place to place via those transferred, who come and go, via the visiting rooms, the families, the lawyers, and thanks to the media and diverse means of communication (radio, television, mobile phones, social networks). Many of these couples formed during the period of incarceration had never, or only barely, seen one another. Although formed thanks to images and perceptions conveyed by word of mouth, and although their union often stemmed from the need to support one another at this trying time, or had a militant or even “patriotic (*watanieh*)” dimension, people recount the amorous sentiments and stories relay these carceral unions in the language of romantic love.

The new meaning conferred on these marriages concerns all milieux, and both men and women. Itaf Alyan's marriage to Walid al-Hodali, a well-known writer in the prison world who belonged to the same party, is famous. She forged two relationships during incarceration. She first of all

married a 48-Palestinian sentenced to twenty-eight years. They glimpsed each other through the windows at Hasharon and fell in love. His family asked hers for her hand in marriage:

You have to see further than prison. Concerning the marriage, I wasn't thinking of myself. There are a lot of people sentenced to life. They mustn't think that their life has ended. We ought to have a room for conjugal visits, like the Jews. After our engagement in 1995, a lot of people got engaged. Before, people were reticent, they were ashamed.<sup>43</sup>

She was released in 1997. They remained engaged for another five years, then he told her not to wait for him as he had no hope of being released in the foreseeable future, and they would not have been able to live together anyhow. She is from the West Bank and he is a citizen of Israel, from Yaffa. She would not have received authorization to join him in Israel and he would not have gone to live in the West Bank far from his family after all these years. Later, a joint friend—no doubt a militant—put Itaf Alyan and Walid al-Hodali in contact, exchanging letters with both, and speaking to one about the other. Her at the time incarcerated future husband had seen her on television once, wearing a hijab and niqab. Once both were Outside, they decided to meet, then got married. She was forty-two and gave birth to a daughter before being sent to prison a second time. She lived there with her daughter until she was two.

During the show on October 27, 2010, in the name of “Asra al-huriyeh,” the host congratulated Nizar Tamimi’s sister for Nizar’s engagement to Ahlam Tamimi, her Jordanian-born first cousin, hoping they would be released and get married. Both were in prison serving long sentences. He is from Fatah and had been serving a life sentence since 1993 for the murder of a settler, and Ahlam Tamimi from Hamas was sentenced to sixteen life sentences in 2001 for the attack on the Sbarro pizzeria in Jerusalem. Their relationship began in 1998 when he was in prison. They had known each other since childhood, she used to write to him, then she was arrested. They got married in 2005. The ICRC filed the papers registering their union at the Birzeit court. They then requested visiting rights by virtue of their marital status. Only one was authorized, probably due to the extreme brutality of Ahlam’s act and to Nizar’s militancy Inside, where he rose up the partisan ranks. As Nizar explained to

<sup>43</sup> Ramallah, April 14, 2010.

me: “She received sixteen life sentences. People were surprised that we got married but our connection is very natural. It is also a message to people. Prison is like slow death, and we want to live. We loved each other. It created a light, the idea of getting out, of founding a family, of having children.”<sup>44</sup> Both were released during the Shalit exchange in October 2011. He was thirty-six and returned to his family home in Ramallah. He was banned from leaving the territory. Ahlam Tamimi was thirty-two. Not a West Bank resident, she was exiled to Jordan. A few years later, Nizar was granted authorization to leave the West Bank and joined her in Amman where they celebrated their marriage and moved in together.

### *Living Apart and the Technologization of Ties*

Other spaces or dematerialized means have thus taken over to maintain or establish long-distance parental and family relationships, and to live beyond confinement and physical distancing: radio, the mobile phones that entered certain prison in the early 2000s, internet and the social networks, but also reproductive technologies (Latte Abdallah 2014). They help consolidate a community of prisoners and the prison world. “When mobile phones were smuggled in,” Farid recalls, “it was a whole new life for those who didn’t get any visits.”<sup>45</sup>

Said al-Atabeh comes from Nablus, a town for which visits were completed banned during the First Uprising, then for five months again during the al-Aqsa Intifada. He heard his future wife, who also spent four years behind bars, for the first time on a radio program similar to “Asra al-huriyeh”:

We heard of one another on the radio, then we were released one shortly after the other and I met her. I have been in lots of prisons and in every city, there is at least one radio station you can pick up well which has a program for prisoners that we listened to. These programs are really important for us because we receive few visits. There are between ten and fifteen stations that have shows for detainees. They really helped us, they broke our isolation. There are mobile phones now, but they are banned and have to be smuggled in. They regularly get seized and the guards involved in trafficking them get prosecuted. We use them for personal

<sup>44</sup> Ramallah, October 31, 2011.

<sup>45</sup> East Jerusalem, July 24, 2012.

contacts; those who talked politics on mobile phones went straight to the pound. The intelligence services know perfectly well that we want to talk to our families. The heads of the Prisoners' Movement have long asked for access to telephones so that we abandon the mobiles.<sup>46</sup>

A flow of words thus circulates during the various prisoners' visits, via their lawyers, the radio, mobile phones, and maintains a web of connections that counters the *prison web*. Mobile phones have been smuggled in variably depending on the establishment and the factions, Hamas possessing the most. They have remained absent from the women's prisons, are rare in the high-security prisons, absent in Hadarim and Ofer, and more numerous in the former military camps. They are also unequally owned; very costly, they are regularly confiscated and those serving short sentences do not have them. Here too, means have been pooled by the militant networks or through personal connections, some buying credit from others or sharing it. Tapped by the prison service, they are essentially used to organize daily life and for affective and family relations on calls that take place in the presence of co-detainees.

In court, on the airwaves, mothers, fathers, and wives can be heard covertly requesting to be called, or at times complaining about not receiving calls when others do. After having greeted the community of prisoners, one wife thus expressed her request to her husband, gently asking him to find a mobile phone: "Your children are well. I miss you. I miss hearing your voice. I send letters via the Red Cross every Monday. I hope to hear your voice soon."<sup>47</sup>

Others are better equipped, especially Hamas members, and can exchange daily. Some more sophisticated phones more rarely make it possible to communicate via the internet, to send photos, or to communicate by instant messaging and social media. The prisoners' presence on the internet—another way of existing beyond carceral confinement and to be virtually Outside—is more the doing of NGOs and activist or support networks who mobilize on the internet, or young family members who create and keep up the imprisoned person's profile. As soon as she was fourteen, Ibrahim's niece opened a Facebook account for him. In her letters, she told him what was going on there and posted what he wanted. He thus existed digitally Outside.

<sup>46</sup> Nablus, July 09, 2012.

<sup>47</sup> "Asra al-huriyeh," August 4, 2010.

Over the past twenty or so years, the question of living these marital relationships beyond incarceration has imposed itself. Some were in favor of taking legal action to obtain private conjugal visits, which Israel common law prisoners are entitled to, in the aim of having children. That was envisaged in the prolongation of the encouragements to get married, in a perspective that no longer opposed the individual and the collective, in a world in which the “we” has always predominated, by on the contrary making personal and affective relationships and their fulfillment, or even the intimate and sexuality, a way of forging the collective and beyond, of subverting imprisonment and the Israeli occupation. This idea was not widely adopted, however.

Itaf Alyan wanted to pursue this objective, which she thought legitimate, but came up against her husband’s refusal out of modesty and collective consciousness: “We need to set the example. If one or the other does it, it will serve everyone. I wanted to do so, but my husband didn’t agree; he felt ashamed vis-à-vis the other prisoners.”<sup>48</sup> In the early 2000s, however, other figures from the religious parties, such as Abdel Aziz al-Rantissi, at the time spokesperson of Hamas, publicly backed undertakings to obtain these private conjugal visits. Appeals were thus lodged for about fifteen years. But only Sana, Walid Daka’s wife, made public the steps she took with the Haifa-based association Adalah specialized in discriminations faced by Israel’s Arab populations. In addition to the discomfort some felt at the idea of making sexuality a public matter in such a context, these legal undertakings were rare because, on the one hand, they only had a slim chance of success, and, on the other, nobody trusts the prison services an iota and many feared that the conjugal visits would be surveilled then used against them. Itaf Alyan thus evoked the possibility of their lovemaking being filmed to “bring them down (*isqat*)” in a form of blackmail.

In the end, other solutions to have children despite detention have prevailed thanks to the possibilities opened up by reproductive technology, including in-vitro fertilization. In 2003, Abdel Aziz al-Rantissi declared that he had personally encouraged the two alternatives when he was in prison:

<sup>48</sup> Ramallah, April 14, 2010.

A lot of women had been deprived of their husbands and should not be deprived of having children. What's more, having children is important for the prisoners' psychology ... Unlike the West which practices family planning, we encourage having children for political reasons ... As for the possibility of organizing regular meetings for couples, I encouraged this option when I was in prison. Everyone recognizes that a husband and wife need one another, and that long-term imprisonment causes both great suffering. There is no contradiction between fighting for couples to be able to meet and fighting for artificial insemination. (Hattab 2003)

His words highlight the politicization of natality, which goes back a long way in Palestinian society to the 1980s with the national investment in maternity in the demographic fight with Israel. They nonetheless surpass this register in stressing the emotional and psychological comfort brought by childbearing, but also something that is the domain of the couple, namely their need for one another, alluding to both sentiments and sexuality. The way in which he couched attachment and intimate ties in a political narrative clearly demonstrates that, here, intimacy is “a matter of struggle” (Laé, Proth 2002).

When the debate arose, it was a question of initiating legal procedures to obtain the right to dispatch sperm samples for reproductive purposes. The discussion first of all took place within Palestinian society. It aimed to establish whether the procedure was sufficiently safe and also morally acceptable in societal terms, and licit from a religious point of view and in the eyes of the law to guarantee the civil registration of these children. It was initiated by Hamas leader Abbas al-Sayed, who was treated for fertility problems in the 1990s. A clinic had a sample of his sperm. After he was incarcerated and serving several life sentences for his involvement in attacks, he convinced his wife to use it for an artificial insemination and she gave birth to a child. Mainly led by partisan Muslim figures—even if the PFLP had also begun a reflection on the subject—this debate sparked a controversy as to the guaranteeing the safe passage of the sperm. The religious authorities' ruling was a prerequisite to any further adoption of the procedure and before appealing to the Israeli courts. In 2003, the Grand Mufti of Jerusalem and Palestine Ekrima Sabri issued a legal ruling (*fatwa*) on the matter. This fatwa confirmed the validity of such conceptions provided that the chain of transmission was reliable, and the act sufficiently publicized for there to be no doubt about the paternity nor any suspicions concerning the wife's faithfulness. While all the political

leaders pronounced themselves in favor of such conceptions, and both the Hamas leaders and Yasser Arafat positively encouraged them, the religious authorities' position made it possible to advance on the legal front, but did not put an end to the controversy of sperm transfers requiring the intervention of the Israeli prison system, which inspired strong defiance. Critiques and doubts have continued to be expressed. The idea was then muted that the ICRC be in charge of and guarantee the safe passage.

At the same time, Ygal Amir, Rabin's assassin, who was classified a special category of security detainee, filed an application to Shabas for conjugal visits. They were refused. In 2006, he requested authorization to transfer a sample of his sperm to inseminate his wife, married in 2004 from his cell. It was granted, even if this decision on Shabas' part was later contested on moral grounds when Knesset members filed a complaint to the Supreme Court.<sup>49</sup> This decision helped relaunch the debate on the Palestinian side, while encouraging the idea of smuggling sperm samples out. Made possible by technology, this alternative, long-distance parenting became a *contraband parentality* (Latte Abdallah 2014). In security detention, regulations are indeed strongly impacted by security considerations, but also moral ones according to which, for detainees uniformly considered to be terrorists, the prison services are not meant to facilitate "normal" family relations or the conception of children likely to be raised according to values akin to those that landed their parents in prison.

Abbas al-Sayed then encouraged another Hamas member and co-detainee, Amar al-Zaben who was sentenced to twenty-six life sentences for having planned attacks, to undertake this procedure. In 2006, a sample of Amar al-Zaben's sperm was entrusted to Dr. Abu Khazairan's clinic in Nablus (the Razan Center for Infertility and IVF). Before beginning the treatment, however, this doctor insisted waiting for his wife, Dalal al-Zaben, to inform their entourage of their project to be sure they agreed. The idea was for her friends and family and the inhabitants of the village of Mathalun near to Nablus to end up encouraging her to do it too, thereby protecting her from future gossip or nefarious insinuations. After the third attempt, the al-Zaben's first son was born on August 8, 2012. His birth was a collective event, announced by the sheikh at the village mosque. Pioneers in this matter, the al-Zabens were particularly

<sup>49</sup> Dobrin v. Israel Prison Service, HCJ 2245/06.

aware of the stakes of publicizing the procedure in order to guarantee the filiation, to protect Dalal from the dangerous suspicion of adultery, and, later, their son of any contestation of his ascendancy. Dr. Abu Khazairan had not wanted them to go public, because he feared the Israeli authorities' retaliations against the husband in prison. Dalal felt differently, and immediately convened the press after the birth.<sup>50</sup> On top of the religious and social injunctions to make public this private event and this intimacy was the political message, which aimed to make this birth that defied incarceration an example to follow for all those serving long sentences.

In 2010, when Itaf Alyan mentioned the discussions going on in close circles, or even when I met with Dr Abu Khazairan in late 2013 after these first births had taken place, this *contraband parenthood* was confidential and limited. Nonetheless, the echoes of the mediatization that Dalal al-Zaben adopted spread rapidly both locally and internationally, over time transforming this *contraband parenthood* into a societal phenomenon. Another fatwa was deemed necessary and issued by the current Grand Mufti of Jerusalem Muhammad Hussein. It adopted a similar view to that of the influential Egyptian sheikh Yusuf al-Qaradawi, taking into account the Palestinians' singular situation as a fragmented people. The Grand Mufti stated the conditions of such *contraband parenthood*: that the sample be handed over to the doctor in the presence of four witnesses—two close relatives from the wife's side and two from the husband's—guarantors of the reliability of the sperm's chain of transmission, and of the filiation. These witnesses thereby guarantee that the birth is registered by a Palestinian registry office in the West Bank or in Gaza. These births began to regularly make the cover of the Palestinian newspapers and the Arab press, with reports on Al-Jazeera, then in the international press, which picked up on the phenomenon following an article in the *New York Times* published on February 7, 2013.

While reading or listening to the mothers' accounts and to those of some of the freed fathers, these births essentially met an affective need—a need to create hope and to preserve the couple—and their mediatization amplified their politicization. When their statements are reported in the press, most give this *contraband parenthood* a dimension of resisting life's painful vicissitudes, but also the Occupation; it is, in this respect, a

<sup>50</sup> Dr. Abu Khazairan, Bethlehem, December 10, 2013.



message to those who do the imprisoning. It declares an ingenious victory cobbled out of next to nothing over the prison services, over a sophisticated system of surveillance and state-of-the-art technology, and over the Occupation of the Territories, a replay of David against Goliath. The birth announcement of Majd al-Rimawi, the second contraband baby born in August 2012, declared: “From beyond the bars I came despite the prison and the jailer” (AbdulKarim et al. 2019). Sperm samples have indeed been smuggled out in little makeshift vessels designed to go unnoticed, and that have been discovered or revealed since: in cookie or Mars wrappers, fruit, cigarette lighters, and so on. On television shows and in the Palestinian press, these children were hailed as “freedom children” (*atfal al-huriyeh*) or “freedom ambassadors” (*sufara al-huriyeh*). On one test tube that held a sperm sample stored in Dr. Abu Khazairan’s clinic, a lab technician proudly wrote: “Heroes of the future, Palestine” (AbdulKarim et al. 2019). Saleh, a young Gazan father released after fourteen years in prison declared to the online journal, *The Electronic Intifada*, “Today I feel victorious. I’m hugging my twins. One day, I’ll tell my sons the journey we took to bring them into this world and how we defeated the Occupation” (Abu Eltarabesh 2019).

Like Dalal al-Zaben, who conceived another boy soon after, others have publicized the method by positioning themselves as examples and urging all those serving long sentences to do the same. Lydia Rimawi says she got the idea hearing Dalal al-Zaben’s story on radio. Hamas members are at present far from being the only ones to adopt this procedure; more than seventy babies have been born and many samples are currently frozen in Dr. Abu Khazairan’s clinics in Nablus, Ramallah, and Bethlehem. While the majority of these births have taken place in the West Bank, since 2014, babies have also been born in Gaza, Jerusalem, and Israel.

Dr. Abu Khazairan on the contrary rejects any political dimension to focus solely on the humane one. He focuses on the women, who have to wait many years for their husband’s release, by which time they are no longer of an age to procreate. Due to the family-based nature and central place of children in Palestinian society, this often leads to their remarriage, especially if they have not had any, or only a few children. He has even presented this practice as “feminist” (AbdulKarim et al. 2019). These wives are entitled to legally divorce after three years’ detention, but do not. It would, for that matter, be frowned-upon socially. In his clinics, treatment is free for political prisoners to avoid mercantile excesses, or the political investment of his action by certain better

endowed factions or groups paying for such treatment for their members. He guarantees equal access to these medical procedures, just as he delivers these services according to his own practitioner's deontology and ethics. The doctors of the three clinics he currently disposes of reserve the right to decide when these inseminations are appropriate; they thus reserve them to those serving long sentences, to wives whose age will not allow them to become mothers once their husbands are released, to couples for whom this procedure is the only possibility of becoming parents, or parents again.<sup>51</sup> In Gaza, on the other hand, these services, which the al-Basma Fertility Center provides for about 7,000 dollars, are extremely expensive for families (Abu Eltarabesh 2019).

Despite the social and political dimension that this *contraband parentality* has taken on, criticism has persisted concerning the procedure and Dr Abu Khazairan's clinics, which, despite playing a social role, have considerably gained in notoriety and clientele. Embryo selection to favor the birth of boys has also been criticized. This selection further extends the sway of technology over this parentality conceived and lived out long-distance. A majority of these newborns are indeed male in convenient accord with social preferences and the importance of having at least one boy in each family. Here too, the doctors' ethical arbitration authorizing the practice of selection—permitted by the law in Palestine—has been stressed. According to socio-cultural considerations (the number of children and girls, the wife's age, the familial situation, and so on), the doctors evaluate the appropriateness of meeting the parents' wish. Dr. Abu Khazairan cites the example of Dalal al-Zaben, who had two daughters, and whose parents-in-law, with whom she lived with her children, had just died, leaving her no other choice than to return to live with her parents. Her husband's house, both in the sense of the place and his line, would have been "shut down. A boy was needed to unite the home," he told me.<sup>52</sup>

Livid at their powerlessness to prevent this smuggling, Shabas and the Israeli authorities have until now ceaselessly sought to sow doubt about this *contraband parentality*, hoping in vain to instill discredit and provoke discord in the families. Claiming hyper-strict security measures, they have denied that these samples could have possibly been smuggled Outside in

<sup>51</sup> Idem.

<sup>52</sup> Idem.

time and in good enough condition to clinics in the West Bank or Gaza. It is true that the margin of maneuver is slim given the physical distancing rules during visits and the unlikelihood that the guards be intermediaries for such a sensitive traffic, even if some might be incited to turn a blind eye. At first, nothing was leaked about the modalities of this smuggling. Since some mothers have told the press how they transported their son's or son-in-law's sperm samples in makeshift tiny vessels. They have thus been carried out by a mother, father, or child, reaching the clinic six to twelve hours later, where it has generally been possible to freeze a sufficient quantity in good enough condition, as sperm can survive at room temperature for up to forty-eight hours.

The Israeli authorities' denial of such parenting has not been total, however, as punitive measures have been inflicted on the children's fathers, who have been placed in solitary confinement and refused visits. The children of Jerusalemites and Palestinian citizens of Israel have been denied birth certificates. When Sana, Walid Daka's wife, gave birth to their first daughter, called Milad meaning "birth," in Nazareth in February 2020, Milad was "considered 'illegally' born by Israel's Ministry of Interior" (Al-Shaikh 2021). These newborns have also been refused access to visiting rooms. In some cases, DNA paternity tests have been demanded. Lawyer Abeer Baker represented Abdel Karim Rimawi, who filed a complaint against the ban on his visiting rights. His paternity was contested. Fearful of admitting having smuggled, he declared that he had his sperm frozen before his incarceration. He was ordered to produce certification of the deposit. His lawyer had to convince him to tell the truth to not damage his defense given that Shabas and the judges knew about these practices regularly divulged by the Palestinian press and the social networks. Abeer Baker thus sought to challenge the rejection of his previous complaints filed to obtain conjugal visits on the one hand, and for the transferal of sperm on the other. His paternity was recognized without the DNA tests, but Abdel Karim Rimawi was punished with a 5,000-shekel fine (1,300 euros) and a three-month ban on visits for having lied to the court and for smuggling his sperm. She obtained the restoration of his visiting rights, but his wife and son remained banned initially as they were involved in the infraction of which he was accused. Abeer Baker also managed to validate the principle of the right to transfer the sperm of another political prisoner who filed an official request. She defeated the security arguments formulated by the intelligence services,

yet the application of this principle was recused as her client had gone on the 2012 hunger strike and thus violated the regulations:

This meant that it should have been authorized, but they will find any motive not to apply it. They refuse otherwise they would be completely overwhelmed by all the political prisoners' requests. They know that they all want children and that they have no other means. The common law prisoners don't request this as they are entitled to vacations [occasional furlough permission] and private conjugal visits.<sup>53</sup>

There is no certainty that official requests would abound, however, given the profound distrust of Shabas and the efficiency of smuggling.

With the support of the Israeli NGO HaMoked, families from Jerusalem preemptively established proof of paternity, legally requesting that a DNA sample be taken from the incarcerated father themselves, their intention being first and foremost to guarantee the legal registration of the baby, here in the direct hands of the Israeli authorities.

A web of relationships, and shared, alternative, inventive, subversive, and audacious forms of parentality have emerged in light of the grip of the *prison web*. These are forms of *extended parentality*—lived with, and thanks to, others—but also of suspended, interstitial, filar connections that exist in a dematerialized space: those of the radio, telephone, and digital waves, and of reproductive technology. Shared and disincarnated, the ways of living these affective ties and this *alternative parentality* take into account the geographic and physical distance, and the lack of intimacy in exchanges, none of which take place without the surveillance of the prison services or a third-party. Here, the intimate is a *public intimacy*. It forges a commonality, while at the same time escaping somewhat from the transparency that is part of people's confinement and the atomization of society.

These means are illegal given that both the mobile phones entering prison and the sperm samples leaving it are smuggled in and out. The refusal to cater to these prisoners' familial and affective ties in the name of political motivations and moral arguments has relegated the relationships that found a society to the realm of illegality. The carceral grip on the population has created a *contraband parentality* and, in a fractal logic, has criminalized the most basic practices and social relations, just

<sup>53</sup> Acre, October 30, 2014.

as the restrictions on circulation have driven a series of daily movements, mobility, exchanges, work, and economic transactions into illegality and informality. Rendered illegal, social relationships are at times reduced to the biological and entirely dependent on derisory means, such as the Mars or candy wrappers, the cracker boxes, the cigarette lighters in which the sperm is hidden. Infinite body cells, ultimate fragments conveyed in tiny vessels. These relations and this *contraband parentality* are in part dependent on technology—those of procreation and communication—which induces a technologization of ties beyond the walls. It is biotechnology that makes these in-vitro fertilizations possible, and DNA that proves paternity on the one hand, and family ties with the bodies detained in the “cemeteries of numbers” on the other.<sup>54</sup> This technological colonization of bodies partakes both in the colonial process in the Territories and in daily resistance.

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<sup>54</sup> See Latte Abdallah (2017 and 2022).

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## The Incorporated Prison: Release?

KUFR ‘AQAB, EAST JERUSALEM, OCTOBER 22, 2011

The first wave of releases in the soldier Gilad Shalit exchange just took place. The towns and villages of the West Bank and Gaza and a few Israeli localities are abuzz. 477 people, of which 450 men, were released on October 18 after fierce negotiations between the Israeli authorities and Hamas. They had been incarcerated for a long time, condemned to long sentences, over half of whom to life for murders and the organization of fatal attacks. They also included partisan leaders or people tried during the First Intifada for less serious offenses, but who were heavily sentenced. Twenty-seven women are among those released—i.e., all those included in the Shalit agreement—four of whom were serving life sentences, including Amneh Muna and Ahlam Tamimi.<sup>1</sup> Families welcome home the released and open their doors to visitors: close family, extended family, and friends, many of whom are former political prisoners themselves. They come flocking to greet the ex-detainees.

I have just arrived in Ramallah, where I am staying at my friends, Reem and Wael's house. He spent eighteen years behind bars for his involvement in the PFLP during the First Intifada and a few relatively harmless acts of sabotage when he was not yet even twenty years old. He was

<sup>1</sup> “List of Security Prisoners”, October 15, 2011, Israel Prison Service.

sentenced to twenty-seven years, but obtained a very rare remission of a third due to the extreme severity of the sentence he received, a posteriori considered excessive. He is a Jerusalemite, like Ibrahim, with whom he spent eleven years in Shatta Prison, sharing the same cell for two years.

Ibrahim has just been released after twenty-four years. He laid a bomb that did not go off. The three of us are on our way to visit him in his family home, in Kufr 'Aqab, a neighborhood on the other side of the Kalandia checkpoint that one might mistake as belonging to the Palestinian locality of Ramallah, but which is in fact part of Jerusalem, the checkpoint not in fact delimiting Israeli and Palestinian areas of jurisdiction. A lot of Hierosolymitains now live here, as they do in other adjacent neighborhoods, allowing them to conserve their residence in Jerusalem while at the same time being turned toward Ramallah, the heartbeat of the West Bank and its economic, political, and cultural activities. We wind our way down the dark streets with their overflowing bins, the drainage works manifestly having come to a halt, the traffic lights not working, and the traffic chaotic. Municipal services are lacking in these districts to the other side of the checkpoint. The city of Jerusalem is not interested in them, and Ramallah is not authorized to provide public services here. Half-constructed buildings line our haphazard route. We zigzag to avoid the potholes, then park the car. A big tent equipped with plastic chairs is set up in front of the fully-lit house.

In this early evening, a throng of people jostle in the garden, under the porch, and in the reception rooms decorated with photos of the released prisoner as a child, as a youth, then recently with his mother. I remain in the first room with Reem and Ibrahim's sister, who comes to welcome us. Wael quickly weaves his way to the sitting room further inside where Ibrahim is, surrounded by men and a few wives, all former prisoners. The atmosphere is electric with joy, bustle, and the honor that all these visitors bestow on the family. Drinks, cakes, and candy are passed round. His sister and the other men and women of the house make sure that all the guests are comfortable. There are more than fifty of us in these few rooms, and there is an endless flow of people arriving and departing, the toing and froing incessant. People point out to me the arrival of a heroic prison figure, Said al-Atabeh, thirty-two years behind bars, with his wife and their baby, and of other important people who come to greet Ibrahim. Their release came all of a sudden. Those who were about to be let out learned so less than a week earlier. It was a surprise for them all, even if the prisons were full of rumors and what leaked out from the



ongoing negotiations. His sister tells us that, after all these years, it was a shock for their mother to see him there, before her. She fainted. Everyone was crying. She recounts his acts and words with an infinite affection. I can detect the tender admiration and deep respect for a brother who incarnates a bigger-than-life figure, which instills a distance accentuated by the years: “He told us not to cry like that, that it was a day of joy,” before continuing: “We have a sheep. When he arrived, it was tied up. He immediately untied it and let it roam free in the garden. After all the years, he couldn’t stand seeing anyone tied up, not even an animal.” Reem and she discuss the ex-prisoners’ rare discussion of their long time in prison, aside from the few stories that filter out, and what they see as their prison hang-overs—just a few small things—as if everything just evaporated once Outside, or was not accessible to those who have not shared their experience: getting up early at about 6 A.M. for the count (*‘adad*), eating lots of eggs, not going out much, watching the television in the evening, perhaps.

The family is doing its best so that Ibrahim can begin a new life at the age of forty-four: enough money to give him the time to find a job; the apartment built and furnished upstairs from the family house, which only still remains to be decorated, so that he can get married. He is forbidden from entering Ramallah for three years and must report to the police station every month. If he fails to respect these conditions, he will be sent back to prison to finish serving his sentence, that is, another fifteen years: “Going to Ramallah would be a risk as there are lots of spies, of collaborators, who could see and denounce him.” Wael, who has come back to join us for a few minutes, thinks he could go there discreetly if he needs to get out into town, wearing sunglasses, a hat, and being really careful. His sisters do not agree it would be possible because everyone knows his face today. His portrait decorates the house, both inside and out the front, and there are large posters of him in the neighborhood. They live a long way from the center of Ramallah, but they are not confident. His niece agrees:

There are collaborators everywhere. Loads of them. You can be there buying someone a coffee and cake when in fact they are a spy [*‘amil*]. Everyone knows who he is now. In the neighborhood, the shopkeepers give him gifts. When we go to buy food or other stuff, they ask if it’s for the prisoner of war [*asir*], and when we say yes, they tell us we don’t have to pay if it’s for him.

Reem finds this period exhausting. Wael comes home late, spending most evenings and his free time in these carceral social events, greeting those released and bringing news to the relatives of those still Inside. From Nablus to the Golan to al-Led (Lod) in central Israel, he is constantly on the road with his partisan friends and comrades. As she seems to be complaining about it, Wael, who has been free for four years, gently says to her: “Ah Reem, you married an *asir*. If you’d chosen a minister or an ambassador, you would have had the cocktail parties, the trips, the chic dinners, but, well, you are married to an *asir*.”

## PRISONERHOOD

### *“We Are the Children of Prison”*

Being a prisoner of war is conjugated in the present. It seems that people do not lose the status, the personality, and the figure that the experience of political detention forges. Those released continue to present themselves as prisoners, and sign their texts, “freed prisoners.” The author’s name that appears on the collection of texts about the Prisoners’ Document is indeed “Freed prisoner of war Mohamed Shweika” (2009). The short introductory text by the then Minister of Prisoners’ Affairs Issa Qaraq in *Generals of Patience. Knights Behind Bars* (Khalayleh and Abu Rabi 2011) is first signed “Freed prisoner Issa Qaraq,” before his position is specified: the identity of *asir* prevailing in this context over that of minister in terms of legitimacy, but also probity and moral qualities.

While this *prisonerhood* implies multiple political and affective sociabilities, after a while Outside, according to what those concerned and their relatives say, their prison habits fade. Yet prison remains. For some, it is painfully embodied through its scars, its traces remaining in the world Outside, or through its reiteration in the experiences of people’s entourages, inscribing it in an endless continuum. It thereby forges personality traits, knowledge, a vision of the world, an acuity in understanding the workings of the Occupation, and singularly the Shabak’s methods, the major actor in the *prison web* and the management of prisoners.

Radi Jarai works at the al-Quds University Museum of Prisoners (Abu Jihad Center and Museum for Captives’ Movement). We discuss the

murders of Juliano Meir Khamis<sup>2</sup> and Vittorio Arrigoni,<sup>3</sup> which occurred just before our meeting in April 2011. They sent an intense shockwave throughout Palestine. Vittorio Arrigoni's assassination was attributed to a Salafist group that kidnapped him to pressure Hamas into releasing its members. Those behind Juliano Meir Khamis' murder were never identified, the PA enquiry not having come to any convincing conclusion. According to Jaraei, the Shabak was necessarily involved, in an attempt to undermine any solidarity with the Palestinians: "I know perfectly well how the Israeli Secret Services work. We are the children of prison; we have seen how they function. For example, we saw how they created dissension in prison, pitting those of the same persuasion at loggerheads.

- Do you think they have informers in all the parties?
- Yes, even among the most extremist, even in Hamas, even among the leaders. I know so since prison. We knew them in prison.
- How did you discover them?
- They are, for example, those who stir up problems between people, who lie... When they get called to come to talk to them and you ask: 'Where were you?', if they say they went to see their lawyer and you know there were no lawyer visits that day, you have that element. The [party] security division notes it down. When there are several compelling elements, it writes a report and sends it to the party's Central Committee. It studies the case and decides whether or not to question the person, to try them. Most of the time, they confess, and we have six months to turn them via training sessions, discussions, and so on. That works in general, they change positions."<sup>4</sup>

The reference to childhood, to the prison's productive dimension illustrates its socializing function: it makes prisoners grow up with a certain perception of the world. Whether his analysis was founded or not, he described a reality in which confidence is constantly a stake, vigilance is paramount, and in which one's existence certainly unfolds before the

<sup>2</sup> Born of a Jewish mother and an Israeli Arab father, he was an engaged actor and director. He founded the Freedom Theater in the Jenin camp.

<sup>3</sup> An Italian left-wing activist living in Gaza; the only foreigner to have testified live from Operation Cast Lead (the 2008–2009 war on Gaza).

<sup>4</sup> Abu Dis, April 30, 2011.

prison services' eyes, but also before the eyes of the other prisoners—under the surveillance of a “polyopticon” that is accentuated by “carceral collectivism” (Piacentini and Slade 2015; Symkovych 2018). This surveillance of everyone, by everyone, this prison ethos, spreads further afield in a society in which the invasive dimension of prison is extended through surveillance, be it technological or human. Informers are omnipresent in people's minds Inside and Outside.

Prison is the paroxysmal experience of life in the Territories. It creates widespread feelings of incertitude, of a suspended violence, and forces people to live in mistrust, in a form of suspicion created by the many informers that the *prison web* helps recruit, and by what is perceived as state-of-the-art mass technological surveillance. As Shereen told me of her arrest before she had even put her plan to carry out an attack into action: “The Israelis know everything. We talked about it with two other girls. Phones are tapped, they photograph you.”<sup>5</sup> The difference between Gaza and the West Bank is considerable in this respect. A member of Hamas who had spent eighteen years behind bars was sent back to prison again barely a year later for transporting money for the party. He was arrested when phone messages from Gaza giving him instructions to this effect were intercepted. When I showed my surprise at what seemed to me to be very careless, particularly as he was still under judicial control (with a suspended sentence and a period of probation), one of his Jerusalemite friends and former prisoner with whom we were talking about this explained:

They don't realize the situation here. In Gaza, their phones aren't tapped; they have developed an entire system. In the West Bank, all the operators pass via an Israeli operator ultimately. They change names, words, use coded expressions like, “we'll bring you some vine leaves”, and things like that, but it isn't enough. For important matters, party activities, we don't communicate by telephone or email. We talk face to face or send faxes, and we leave all our phones outside the room in meetings.<sup>6</sup>

The prisoners develop singular faculties to navigate an uncertain environment and to read people and situations. Reem thus told me that Wael immediately knows who he is dealing with and never get people wrong.

<sup>5</sup> Nablus, April 22, 2010.

<sup>6</sup> Ramallah, July 11, 2012.

For the younger Issam, the prison experience taught him the time needed for discernment: “It taught me to analyze situations well, the conditions in which people find themselves, to think carefully before making a judgement.”<sup>7</sup>

While suspicion can pervade relationships, ways of interacting with others, of accommodating the lack of trust do exist. For the partisan militants, the practice of compartmentalization, the secrecy characteristic of clandestinity, and specific modes of communication that eschew too-easily surveilled forms of technology are put in place between members of a same group and vis-à-vis their entourage, whom they protect by not informing them of certain aspects of their political activities.

Exchanges are monitored, and questioning takes place in the event of doubt. I experienced this when I met Sudqi al-Maqt in Majdal Shams in the Golan in July 2014 during the short period he spent Outside. A friend from the PFLP who had known him in prison had given me his sister’s contact. She informed him of my desire to meet, to which he agreed. When I arrived at the family home, I discovered a man of about forty with eyes so astonishing that they seemed made-up. He introduced himself as Syrian, an Arab nationalist, and Baathist. He clearly stated that he wanted to ask me a series of questions before deciding whether or not to agree to our interview. He spoke quite slowly, with the mountain accent found in southern Lebanon, which to me conjured up images and comforting faces in the middle of what, as the minutes passed, became a veritable interrogation, conducted in a frankly martial tone designed to test me. I answered calmly, on the strength of my consciousness as a researcher, but somewhat destabilized as the questioning went on and his intonation and face became steely. He raised my belonging to an “enemy country” given France’s anti-Bashar al-Assad stance on Syria, in whose camp he positioned himself. The content of his words was softened by the memorial superimposition they elicited in me. Then he conceded that citizens and their State do not necessarily share the same position and that I did not represent France. He finally concluded, saying: “Go ahead, ask your questions. I will answer anything you want. Even if it ends me up in prison again, I don’t care.”<sup>8</sup> He had decided that I was sufficiently trustworthy to talk to, but was signifying to me all the same that no trust

<sup>7</sup> East Jerusalem, May 28, 2015.

<sup>8</sup> July 11, 2014.

was established, that we would exchange in a certain degree of suspicion, a risk that he implicitly told me he was going to take as I was not in anyway in a position to constitute a threat to someone like him. After this bumpy start, I struggled to initiate a convivial discussion, but after half an hour, the tension abated and we were able to converse in a seemingly trusting, friendly atmosphere. Without overly subjecting me to the same formality, Itaf Alyan also assailed me with several acerbic questions when I called to fix a rendezvous, then, after ten minutes, told me to come to meet her in her hairdressing salon with words that seemed both to be a challenge and a warning: “Yes, come, we’ll talk, trust or no trust. It is of no importance to me whether trust is possible.”

The deep underlying sense of mistrust is also largely due to the prevalence of confessions during the Shabak’s post-arrest interrogations. These confessions obtained by physical or psychological coercion worm their way into partisan ties, but also corrode relationships between associates, families, and friends in a way that helps to isolate, entrap, and fragment families, society, and political groups. Torture has significantly declined since 1999, but remains in use both to extract information and to maintain a climate of fear and to “break” society by destroying individual and collective trust (Cook et al. 2004). While all my interlocutors insisted that they had not confessed or denounced anyone, the recurrence of plea bargains suggests otherwise, even if, for some, the modalities of guilty pleas have changed. Lisa Hajjar has thus noted that since the Second Intifada, an increasing number of defendants have ended up confessing to their activities or to those of a third party (Hajjar 2005).

Still considered terrorist organizations, political parties, and especially those particularly targeted by the Israeli authorities as they have not turned their back on armed struggle—notably, the Islamic Jihad, Hamas, and the PFLP—have modes of socialization characteristic of clandestinity. Resisting during interrogation, remaining silent to not betray others, and refusing to confess are part of partisan discipline, as a PFLP female militant told me, talking about her also militant sons:

I cannot tell my children: don’t struggle. It’s their right. But I ask them not to tell me about it and I tell them: “If you confess about yourself or anyone else, I won’t come to visit you and I won’t pay for your lawyer.”

If they were about to cave in, to talk, they would remember that I wasn't going to come . . . It was very hard as they were very young.<sup>9</sup>

When people do end up denouncing a third party, retortion and the fate reserved to collaborators in the West Bank is less violent than during the First Intifada. Assassinations for collaborating or even sometimes for working for the Israelis were frequent during that period (B'Tselem 1994). In Gaza, however, death sentences followed by executions still occur.

In the West Bank, the *prison web's* grip over society, which is not equivalent in Gaza, has led to adaptations that less ostracize or punish people, who are known to be caught between a rock and a hard place. A friend from Ramallah with no prison past told me without batting an eyelid that, here, an informer could be anyone, inscribing this occasional or more enduring act of informing in a form of banality that is no longer met with opprobrium. Even within parties with clandestine practices, those who denounce are now considered differently. From the PFLP, Issam thus recounted that he knew who had incriminated him—two friends whom he himself had introduced into the party—landing him in prison for five years, without it destroying their friendship all the same.

Such accommodations take account of the pervasiveness of mistrust and of social and political atomization, while at the same time trying to protect society from the bigger deflagrations that these people's total ostracization or their moral or physical elimination would entail. Yet living and being an activist without being able to trust, without radically excluding while at the same time protecting oneself from others, without immunity from the creep of the *prison web* all deeply undermine a partisan engagement that is becoming rarer, as is the elaboration of a common political project.

### *Parallel Time*

Despite its porosity and the multiplication of means of exchanging and living in the suspended space between detention and the outside world, for those serving long sentences who do not circulate between Inside and Outside, prison relentlessly amplifies the distortion between the two spaces. Although they are present Outside through their writing or their

<sup>9</sup> East Jerusalem, July 21, 2012.

activism and participation in public life and politics, those who were or who, behind bars, have become intellectuals, writers, or political figures, such as Marwan Barghouti, Ahmad Saadat, or Walid Daka, also see the long years widen the distance between these two existences. As Farhad Khosrokhavar observed in the highly different French context, but one in which institutional reforms have rendered the dividing line between inside and outside prison much less hermetic, “in reality, outside and inside do not converge in the carceral experience” (2016).

In literary texts published on the internet in the form of letters in 2005 to 2006, Walid Daka evoked what he called “the parallel time [*al-zaman al-muazi*]” in which prisoners are trapped. It was this temporal space from which he wrote. This sense of living in a parallel time struck him during his twentieth year behind bars, when the time spent Inside became as long as that lived Outside, since his earliest childhood memories. In a letter addressed to his “dear brother Abu Amer,” he listed the historical events and transformations that had taken place since his incarceration: the dissolution of the Soviet Union and the communist bloc, the first and subsequent Gulf War, the two Intifadas, the Arab satellite stations, the spread of hamburger culture in Arab towns, the invention of mobile phones and the internet. “We belong to history, and history is a place and the root of a past that no longer exists. But we are the roots of a past that continues and which is not over.”<sup>10</sup> The prisoners notch up the passing of time according to the arrival of some and the departure of others; they are the daily events that dot it. This temporal distortion is incarnated in the age of Daka’s mother, bestowed with a parallel age, and thus two ages: the chronological one “of the time I haven’t lived and that of my arrest: nineteen years.”<sup>11</sup> These two times only coincide during visits. Temporality is suspended and irretrievable. This hiatus is also present in Manuela Cunha’s description of the temporal experience of Portuguese women detainees: uniquely connected in their consciousness, these two parallel worlds—one frozen and the other dynamic—make time a threat for them (1997).

Here, this time that does not pass, this suspended time, is also invested with a positive dimension by those who are released and who immediately

<sup>10</sup> Text of the untitled and undated card.

<sup>11</sup> “To my dear brother Abu Amer (Arabic)”, April 21, 2005.



manage to adapt. They avidly throw themselves into a new life, discovering and living their personal and professional life in acceleration. Prison, henceforth, is a self-contained interruption in their existences. The course of time picks back up there where it left off, as if the years had left the person untouched, not aging them. Said al-Atabeh was released at the advanced age of fifty-seven, after going to prison at the age of twenty-five. At sixty-one, he was the young father of two children, having on his release married a woman of twenty-six, who had spent four years in prison herself. No doubt a little embarrassed at their age difference, especially as their meeting via the radio was really a romantic one, he hurried to add that he was still young as he had spent thirty years in prison: “You know, all those who are released feel young because they forget everything that happened in prison, all those years. I feel like I’m twenty-eight, and when I was released, I was stronger psychologically and even physically because I did a lot of sport inside.”<sup>12</sup>

For Sami, whose prison past was nonetheless lighter, this acute perception of a temporal rupture was *a contrario* a source of bitterness. Released a few months earlier, he described his difficulties in finding a job, in making sense of the society that he discovered nine years later. He above all expressed the weight of lost time: his internet café that got sold when he was arrested, his celibacy when the men of the younger generation live differently, have lovers, and, for some, now get engaged while they are in prison: “I’m forty-two, but I’m starting over again like a young man.”<sup>13</sup>

Walid Daka describes a connection to places and things that he qualifies as odd, because attached to infinite details, in the same way that prison sociabilities and discussions pour over the slightest details and fragments of stories, of each other’s lives: “You can develop a relationship with a trickle of leaky water or a damp patch, a hole in the wall, or a crack in a door.”<sup>14</sup> These dialogues are not so much a way to kill time as to imagine and cling to that which belongs to the living, to the Outside. In his text, the crack in the door allows him to see all the way down the corridor at all times and thus to enlarge a field of vision that is terribly reduced by the prison world. The impossibility of gazing into the distance is a painful deprivation: to no longer see the stars, the sky in all its immensity. This

<sup>12</sup> Nablus, July 9, 2019.

<sup>13</sup> Ramallah, July 16, 2012.

<sup>14</sup> “To my dear brother...”, op. cit.

parallel time is a time of details, which accentuates the existence of tiny things. It is a time that latches onto everything that is missing and recalls Outside, the immensity, the beauty of nature—that soothes. Reem, Wael’s wife, expressed her surprise:

Wael speaks very little about the time spent in prison; things only emerge, spill out, from time to time, the story of the palm tree, or the problem of mad people in prison. In the exercise yard, a madman climbed to the top of a palm tree. After that, they chopped the palm tree down. It had a real impact and was really sad for the prisoners; it was the only tree in the yard; they used to look at it, talk about it, wrote poems about it, and it was really hard for them.<sup>15</sup>

This lengthy, slow observation is also linked to the repeated periods of solitary confinement in which time changes nature, slows down, and weighs terribly. In normal prison wings, time is often burdensome, but busy. For the Portuguese women prisoners, time is a problem “because there is too much of it” (Cunha 1997). The political prisoners’ regulated organization of daily life on the contrary condenses time in collective activities: classes, training sessions, reading, writing, meetings, debates, exercise, cooking, and relaxation. Those who extract themselves from this do so to find some intimacy, some time to themselves. These programs aim to counter the Occupation and the robbing of their time through imprisonment by making it serve their collective and personal choices, political and societal projects, to thwart colonial time’s complete control. Many accounts evoke the lack of time, rather, like that of Salah, who recounted having finally been able to write to his parents when he was allowed to spend a few months alone in a cell. Released in 2009, Tamer described the busy course of his days:

Inside, you get up early, at about 5 A.M. for prayers, and you don’t go back to bed because roll call is at 6 A.M. [*al-‘adad*]. They count us two or three times a day. Then you have breakfast, go to walk [*al-fora*] for two hours, then study, read, and it’s lunchtime, then time again for lessons and books, and after the evening meal, you talk with your friends, watch T.V., and so on. I didn’t have time to sleep much, no more than four hours a night. I studied at the Tel Aviv Open University, not officially, but with the other guys (*shabab*). I took sociology classes and the history of Israeli

<sup>15</sup> Kufri ‘Aqab, East Jerusalem, October 22, 2011.

society for the content; I didn't validate the diploma. I also taught those who were illiterate or who were preparing the high-school diploma because I had studied for a year at university before going to prison.<sup>16</sup>

Prison time never passes, however, as it is never truly time in itself; it can only be envisaged in connection with Outside, and both personal and family life is prevented there. Bassem Tamimi described it as a "stale" time, but it does fly by.<sup>17</sup> The saturation of prison time is all the more acute for those who undertake intense intellectual activity in prison and who have collective responsibilities vis-à-vis the younger prisoners as teachers or partisan leaders. When I saw Walid Daka's wife Sana again in Jaffa in October 2014, she had just suffered a disappointment: Walid was on the list of the fourth wave of releases promised to the PA in 2014 but this final planned release of elders, including many Jerusalemites and Palestinians citizens of Israel did not take place. We discussed the years that had dragged by since their marriage without them having a marital life, and how they managed to live this separation. They were both highly absorbed in their activities, she told me. Walid had several books in preparation, his classes, his readings, and his writing. She too worked a lot, far from home, was involved in various committed activities, had her family, which left little time for thinking about things negatively. She added: "And of course, it depends how you see things. We are very busy, he and I. He has very little time. Before, we used to write a lot, almost a letter a day, now a lot less; we are too busy."<sup>18</sup>

## TRACES OF DETENTION: THE WORLD AFTER

### *Prisoners' Families and the Carceral Continuum*

The prison years do not melt away for everyone. In the early stages Outside, they necessarily leave more or less raw and tenacious traces, whether visible or not. It was Ramadan, and Farid had invited me to his home for *iftar* in Jabal al-Mukaber, a district of East Jerusalem. I was hesitant; I did not know him, which hardly made it easy to join him for a meal in the family home where he lived. His brother took my call. We

<sup>16</sup> Ramallah, April 19, 2010.

<sup>17</sup> Letter to his daughter, op.cit.

<sup>18</sup> Jaffa, October 29, 2014.

agreed to meet in front of the Biblical School. They came together, his brother gently holding his arm, almost guiding him. He was very tall and almost skinny, with soft, and slightly haggard eyes. We greeted. They did not want to go to the Jerusalem Hotel café, no doubt too busy, seeming to prefer a quiet spot where we would be able to speak without worrying about anyone at the next table. It was perhaps not very proper for him either—a practicing Muslim and a Hamas member—to sit down with me in a café. We grabbed three plastic chairs in the gardens of a nearby Center and sat on the terrace at a respectable distance from one another. He seemed a bit perturbed. I asked him to simply tell me his story. Almost nothing of the city buzz filtered in here. He jumped in and the conversation flowed smoothly. Ten minutes later, his brother, reassured about me and the way our discussion was going, proposed to come to get him later. Farid was thirty years old and had been released barely a month before. He had spent nine years Inside for having bought the military clothes used in a 2003 attack that killed seventeen civilians on a bus at the start of the al-Aqsa Intifada. His account became confused; he said a friend had asked him, that he had not known what the clothes were going to be used for, then that he had suspected, obscurely, weekly attempting to justify himself. He told me about his interrogation and the difficult moments in prison, the cell searches, the body searches, the sometimes strip searches, and the invasion of any intimacy, which he struggled to speak about. I could tell he was fragile. “Now still,” he sighed, “when I hear a loud noise, I think it’s a search operation (*‘ameliyeh taftish*).” He did not yet know what he was going to do Outside, study or work. Before, he was interested in computing, technology; now he no longer knew. He asked me a whole host of questions about life Outside, about what I do. His too-skinny body folded into this chair looked like that of a hunched bird. “Everything has changed during that time. It’s hard to get used to society, to people, again. You last saw children who were ten and now they are twenty. I’m going to wait a bit, take the time to work out what I am going to do. I was used to enclosure, and here everything is open....” His brother returned at this point. He was a little embarrassed, protective. He spoke with great understanding: “Yes, he’s still very shut in. It’s early days. You know, I think it’s like the caged bird: when it’s released all of a sudden, all it knows is the cage.”<sup>19</sup>

<sup>19</sup> July 24, 2012.

For some, the traces become set in and form scars—wounds if they are linked to traumatic events—or simply remain as a persistence of the prison atmosphere itself. Prison impacts bodies, but is also incorporated as a time that people never fully get over, lasting emotionally in their perceptions, affects, and ties. Aisha Odeh felt this carceral presence: “You can not shake prison off because it is inside you. Your life in prison dictates your behavior in the outside world. In a nutshell, you do not leave prison; you carry it inside you.”<sup>20</sup>

The prolongation of the carceral experience that comes from the entourage’s imprisonment also creates a continuum. This period is not circumscribed and spills out beyond the boundaries of the penitentiary. Marriages between militants, ex-detainees, or during prison sentences, the comings-and-goings, and the staggered or simultaneous imprisonment of several people from a same family forge this continuum that strongly contributes to the porosity between Inside and Outside. It is, on the one hand, the “extended carceral experience” described by Caroline Touraut in reference to the French context (2012), involving parents, spouses, and children in a kind of prison existence by procuration: it arises from the reorganization of their daily lives around the confinement of a loved one, as analyzed by Penny Johnson and Rita Giacaman in their article on the wives and mothers of Palestinian prisoners, who describe feeling like they are behind bars too (2013). On the other, the highly common creation of families of prisoners plunges them into the endless ordeal of prison, transmitted from generation to generation.

Abdel Nasser Ferwana firstly told the story of his carceral socialization Outside since childhood, then, over time, the way in which it in a sense became embodied in his and his brothers’ life trajectories. A member of Fatah, Abdel Nasser Ferwana, is a leading figure of the prison world, about which he writes articles and has a dedicated website. He is the head of the Prisoners’ Affairs Commission in Gaza, where he has continued to work and share files with Ramallah after the 2007 split, working tucked away in an apartment with thirty other civil servants after Hamas requisitioned their former offices. Arrested several times, he served six years in Israeli jails. He was released in 1994 at the time of the Oslo Accords, aged twenty-seven. He began by listing the periods his father spent in prison—fifteen and a half years, in several goes—then his brother—seven

<sup>20</sup> *Women in Struggle*, op. cit.

years—then his own. He claims to have been in prison since the age of three, when his father was locked up. He constructs—or reconstructs—his memory from that point:

I cannot remember my father taking care of me. I remember the army breaking into the house at night, searching, and arresting him; that's my first memory. Next, is the memory of the court, the prison visits that you go on with your mother. You cannot erase that. Some people play sports, learn languages; we went to court. That was my entire childhood and youth. My mother was pregnant with my brother when my father was incarcerated. His memories begin with the visiting room. They called him Jamal. Jamal, and me Abdel Nasser [together their names form that of the former Egyptian President, the incarnation of Arab nationalism]. My father was released in May 1985, then my brother went down for five years for activities against the Occupation, and we started visiting again. Then it was my turn, first to be interrogated, then as an administrative detainee for belonging to a party, resisting the Occupation, and handing out leaflets during the Intifada. My father, my brother, and I, all our activities were carried out here in Gaza against the soldiers occupying us. We never did anything against the Israelis in Israel. I served six years from 1988 to 1994. I was released at the age of twenty-seven. I was imprisoned in Gaza, in Ansar II, then in Israel at Ansar III (Ktsiot). My brother and I were not in the same place, apart from at the end when we were both in Ktsiot, but in two different wings. We were released at the same time, in 1994. During all those years—over twenty-five—life was prison, it's a part of us, of our lives [*juzu' min hayatna*]. If this tragedy was over for everyone, maybe I would have forgotten, but it is still going on. When I see the prisoners, their mothers, I think of all that; it's always present.<sup>21</sup>

The example of Ahd Tamimi testifies to this prison socialization Outside ever since childhood. In her family, political engagement and the prison experience have been passed down from generation to generation in the same way that know-how and knowledge are handed down from parents to children. In this case, too, this shared carceral experience also includes the extended family as almost all the inhabitants of Nabi Saleh are Tamimis, who regularly get arrested for their weekly demonstrations held since 2009 in protest at the Halamish settlement's grabbing of the village's land and predation of its resources. Her father, Bassem, a Fatah

<sup>21</sup> Gaza-City, February 17, 2016.

figure of the First Intifada, spent long years behind bars. Her mother and her brother Waed had been arrested several times before that month of December 2017 when Ahed was taken away in the middle of the night for having slapped and kicked a soldier posted in front of her home. She was trying to get him away from the house, just after her fifteen-year-old cousin had been seriously wounded in the head by army gunfire. Another of her cousin filmed the scene and her mother Nariman posted it on social media where it immediately went viral in Palestine, then in Israel, then around the world. Shared and commented upon by the press, it triggered a resounding media and popular reaction. Two days after the event, Ahed, her cousin, and her mother, who were considered accomplices in her act, were arrested.

The image of this sixteen-year-old teenager with her curly blond mane bare-handedly shoving an unresponsive but heavily-armed soldier in full combat gear conjured the mythical image of David against Goliath. It spread like wildfire and almost immediately became iconic. Her angelic physique which accentuated the asymmetry of the forces at hand—a metaphor of the Occupation—contributed to making her a star. The Israeli poet Yotanan Givin was fiercely attacked by right-wing Israeli politicians for dedicating a poem to her on Instagram that compared her to Joan of Arc and the Jewish heroines Anne Franck and Hannah Szenes.<sup>22</sup> The mediatization of the event was inscribed in the far longer mediatization of the village's mobilizations. Ahed's uncle Bilal has indeed filmed the demonstrations since 2011, relaying them via the press agency he set up and a YouTube channel. Since 2007, the Israeli NGO B'Tselem's "Camera Project" has also encouraged inhabitants to film to constitute proof to be used in trials and to provide alternative images to those already filmed by the army to incriminate Palestinians. Many have become de facto citizen-journalists, including Ahed's mother and cousin. The battle of images had thus been waged for a long time when this event took place, and earlier images already showed the young Ahed at just eleven years old verbally berating soldiers and demonstrating with her parents and the Nabi Saleh villagers.

The right-wing Israeli deputy minister Michael Oren then revealed that he had orchestrated a Knesset Inquiry Commission, which suspected the

<sup>22</sup> Living in Palestine, she helped save European Jews during World War II and served as a liaison officer for the British army. She was arrested at the Hungarian border and shot.

Tamimi family of being actors who provoked the army to discredit the IDF, and partaking in what other right-wing Israeli politicians call “Pollywood,” that is, the alleged mise-en-scene and fabrication of images by Palestinians. They were indeed considered too photogenic to be true. Above all, they were perceived as too likely to elicit a form of identification due to the Tamini family’s “European” look, their blondness, their blue eyes, their light skin, and their “Western-style” clothing. They indeed did not correspond to the Palestinian terrorist stereotype brandished by the settler parties and the right and extreme-right wing.

The judicial riposte that came crashing down on this teenage minor was harsh. Deemed dangerous, Ahed and her mother were initially held in detention throughout their trial, then convicted in a plea bargain to an eight-month custodial sentence with a three-year probation period, and fines of 5000 (1300 euros) and 6000 shekels (1570 euros). Already sentenced in 2015 to over a year in prison, her older brother Waed was sentenced again in August 2018 to fourteen months, plus a 7000-shekel fine (1800 euros) and five years’ probation for having thrown stones at the border police during the village demonstrations. For his lawyer Gaby Lasky, this reaction reflected the powerlessness of the Israeli authorities before the popular resistance mobilizations, and their desire to make an example. This was accentuated by all the media hype while, for its part, the Israeli right-wing portrayed this girl’s act as an affront to the army’s honor, and at the same time constructed the image of a terrorist in-the-making, insisting on her so-called violence and ideology. While her father Bassem had always called for a firm refusal of *safqa*, his daughter’s extreme youth and the media storm that an ultimately insignificant affair had whipped up and the severity of the sentence it risked leading to convinced the family to accept a bargain, putting her future before an unwinnable judicial battle.

Ahed, and her three brothers and sisters, grew up with their father’s regular incarceration, in an atmosphere of popular resistance protests, the IDF’s violent response to the village demonstrations, and of visual warfare. While still a minor, and for a small act that was understandable in such circumstances, Ahed encountered her first carceral socialization. It suddenly propelled her into becoming a figure of political resistance. She has since embraced this iconic image and went on a long tour of Europe just after her release in August 2018, on which she gave a whole spate of political speeches and media interviews.



On February 1, 2017, her father Bassem posted a letter on Facebook for her seventeenth birthday, which she celebrated in prison. In this letter, he reassured her, encouraged her, and publicly conveyed the experience and force of his own prison experience. Drawing on his militant stature, he thereby protected her from both her jailers' abuses and from Palestinian criticism—that of bigots inclined to attack her for her loose hair and behavior, or those who might shed doubt on her morality, or attack her because she was a young woman. On the one hand, this letter served as an intimate exchange as it was expected that Ahed would read it later, and that it remains a testimony of a father's support. On the other, it was the expression of this *public intimacy*, as it addressed Palestinian society as much to galvanize the spirit of resistance as to keep it at bay, and it was above all destined for the media and to increase international support. It was indeed published directly in English. The words express Bassem's paternal feelings and his grief at seeing his daughter confront the prison ordeal at such a young age; they testified to his affection while also having a political dimension. In this message, Bassem proudly and admiratively paid testimony to the transmission of the militant heritage. Sad not to have been able to prevent the reproduction of confinement, he communicated to her his determination and his prison competence, a bit like Ghassan Jarrar had conveyed his experience of arrest to his wife, advising her to dress warmly in anticipation for the interrogation,<sup>23</sup> and not to drink too much as she would not have access to a toilet for interminable hours. Bassem wrote:

But until this evening comes when we celebrate [your birthday] together as a family, I wish you to stay strong and resilient. I know the soldiers may come at midnight, shackle you, and drag you through another interrogation session. If you can dress warmly, put on an extra shirt, because they will do their best to take away the warmth. Every room they will put you in, every military vehicle, will be freezing cold, on purpose. But I know I need not worry. I know how warm your soul is. You shouldn't be, you really shouldn't be, my little girl, but I know that you can take whatever darkness and coldness they try and torture you with.<sup>24</sup>

<sup>23</sup> Jarrar 2017.

<sup>24</sup> Facebook post, February 2, 2018.

Some accept this transmission and this carceral continuum as one of the consequences of a just engagement and the only one capable of preserving people's dignity in this colonial context. Others have been more damaged by the experience of detention, whether their own or that of their entourage. They seek to break this carceral continuum and to avoid what in some places or milieux is presented as an inevitable generational transmission. This is singularly the case when they are far removed from the new peaceful activist forms of popular resistance, which have transformed the practices of engagement. They clearly dissociate themselves from a classic and consensual militant discourse about the past, which to them is just a verbal conformity, yet one that it is difficult to refute publicly. Profoundly affected by the brutality of the repression of the First Intifada in Nablus, by the death of friends, and by his own teen experience of detention, Salim, who is today a theater director, did not want to write about the subject or to propagate a positive and—to his mind—idealized account of this uprising. To him, the ferocity and pain of that period require only silence. He seeks to do everything to stop his still young children suffering this carceral destiny:

I started writing theater in prison as I met a theater director there, then after, I continued my studies. [I asked him if he has staged his prison experience]. No, I don't want to write about it as it brought nothing good. What was the result of it all? I don't want to convey this image and those ideas to the new generation. And I was able to study, I work, I put on plays, I have an association, but some have gone [died], what would you want to write? I have two children and I don't want it to happen to them. I know how hard it is. My father didn't know; I do. There is no hope. I just want to raise my children so that they don't get imprisoned.<sup>25</sup>

A member of the Nablus Families of Prisoners Committee, Suheila, is married to a man condemned in 2002 to three life sentences and forty years for his armed activities in the al-Aqsa Martyrs' Brigades. His son was five months old when he was sent to prison; when we talked, he was eleven years old. She apologized almost before giving me her view, but what mattered most to her was protecting her son, distancing him from his father's national engagement, and breaking the carceral continuum.

<sup>25</sup> Nablus, July 10, 2012.

My son knows everything about his father, what happened . . . He has grown up with photos of him that he spoke to, and we started visiting very early on. He is more mature than his years. I have a negative view of this type of engagement. I don't think it's a good way to work for the nation. It breaks families and society. Where did the [al-Aqsa] Intifada get us? When you weigh up the price we paid and the results . . . You can work patriotically [*watani*] in a different way. When the Intifada began, everything changed. There were lots of martyrs, of imprisonments. Did the Intifada bring us more land? No. We need instead to help society, to help people, volunteer. I know my way of thinking isn't considered patriotic, but tell me one thing that the Intifada brought us . . . All the martyrs . . . And before the Intifada, we used to be able to go to pray in Jerusalem. We raise our children in the idea of defending their nation [*watan*] but, when my son asks me, I tell him that those who were with his father are in wheelchairs, are [severely] wounded . . . I raise my son far from all these stories of party engagement. Only God can help us.<sup>26</sup>

### *Trajectories Outside*

Shaking off prison is not easy for everyone, be it physically, psychologically, or emotionally, and also materially when it comes to building or picking up again a brutally interrupted trajectory, often several times when spells in prison come in succession. The trajectories forged in these periods Outside are fragmented. For many, the carceral period is not an isolated one. Personal stories unfold in the interlacement of the circulations from Inside to Outside.

Sentences are nearly always suspended with periods of probation in which those freed remain under judicial control. Probation is systematic for the very rare few who receive a remission of sentence. Released a third of a way through his sentence, Wael was given a probationary period of ten years, with an obligation to register at the police station every week with his prisoner's card, to be home by 8 P.M., and has to request court authorization to leave the country. Furthermore, bans on leaving the Occupied Territories, restrictions on movement, and the imposition of specific perimeters that must be respected at certain times of day and night are commonplace. These restrictions on movement can be a condition of release at the end of the sentence, or the terms of a

<sup>26</sup> Nablus, July 9, 2012.

political exchange agreement. They can be imposed a posteriori for finite or unspecified periods, and renewed endlessly.

Finally, former detainees remain in the Shin Beth's sights, who regularly summons some to obtain intelligence on new party members, organizational evolutions, or on specific events, using and abusing forms of blackmail. It keeps ex-detainees under a certain pressure, make them feel they are being monitored, that the Shin Beth or the army are on their backs and can, if they so wish, influence their Outside present. The *prison web* thus remains in their minds. Those released during the Shalit Agreement bear its stigma: not amnestied, they are flagged at the borders in the Security Services' databases, and more than half have been re-arrested on the slightest occasion—primarily Jerusalemites, the vast majority of whom have been sent back to prison to finish serving their sentences. Here, all the Palestinians' political activities, and a considerable proportion of their social and cultural activities have been prevented since the closure of Orient House in 2001 and the slow asphyxiation of Arab Eastern part of the city in an ever increasing Judaization process. The Jerusalemites have been all the more targeted at that time as the Small Uprising was concentrated in the Holy City. These tangible prolongations of prison hardly facilitate Outside trajectories. They concern Gazans less, who have been cut off from Israel since the 2005 disengagement, and where the Israeli authorities do not have the same margin of constraint, so long as Gazans do not attempt to leave the Strip via Erez.

Issam's brother, a Jerusalemite and PFLP sympathizer, was released during the Shalit Agreement and exiled to Gaza. Also an ex-prisoner and founder of a little alternative tourist agency, Issam told me that his brother found himself there with nothing and no papers. He was finally able to leave Gaza via Egypt thanks to the good relationships that Hamas maintained at the time with Egyptian President Morsi, who belonged to the Muslim Brotherhood, but that they did not know when he would be able to return. The family was continuing to pay his social security so that the Holy City would still be considered his "life center" otherwise he risked being definitively deported. Leaving Jerusalem for a period of more than seven years indeed results in the loss of one's Jerusalem permanent resident status according to the immigration law that defines it. This status is revocable, and the Israeli authorities carry out social checks to verify where the Palestinians' "life center" is. For Jerusalemites, the prison trace is even more lasting than for inhabitants of the West Bank as they de facto find themselves in the Israeli space where they face prohibitive living costs

and more hurdles in finding work or embarking on an economic project. Even more so than the other inhabitants of the city, ex-prisoners look to Ramallah to start up businesses or resume their studies again, and to access services and develop sociabilities.

Released during the second wave of the Shalit Agreement, Salah Hamouri, whose sentence was due to end a fortnight later, would have preferred to have served his remaining days. The Sulta granted an exceptional allowance to those freed during this exchange, but for the Israeli authorities, it remains an indelible scar. When the border police enter his name in the database, Salah is systematically picked out when he flies from Ben Gourion Airport in Tel Aviv; he is directly accompanied to the plane by the Security Services, and always warns the French Embassy to avoid any additional problems. In addition to the Shalit stamp, it is alleged political activities in the PFLP that are reproached of him. In 2015, when he was following evening classes at the al-Quds University to become a lawyer, he received two orders banning him from entering the West Bank, against which he launched a legal appeal. He completed the end of his course by correspondence. Shortly afterward, his French wife, who had obtained a temporary residency permit thanks to her job at the French Institute of the Near East, was refused entry to Palestine on her return from France, held two days in a cell while pregnant, before being sent back in a plane. She was unable to return with their two children. Salah was arrested again on August 23, 2017, then placed in administrative detention for thirteen months, without a possible defense; the charges were kept secret at the Shabak's discretion. Ever since, he has remained at risk of losing his residency status in Jerusalem, against which he has begun legal action. He was arrested again and placed in administrative detention since March 2022. Jerusalemites are especially targeted by a judicial and carceral onslaught that aims to definitively end all forms of political action and/or evict them from the city on various grounds, even if they are far from being the only people concerned, as, for instance, the repeated arrests of the deputy Khalida Jarrar attest.

Most convictions include high fines that are also a financial or moral debt that has to be repaid to relatives, adding to the cost of incarceration for oneself and for others. Families help those released the best they can, finding them a place to live, putting up the financial means to restart a business or get married. The costs involved are high, especially for the men as it is their responsibility to provide the newly-weds' apartment and

to cover most of the wedding costs. The parties, and especially the Prisoners' Affairs Commission, contribute to post-prison recovery, to resuming school and higher education or professional training by providing financial aids, giving access to reduced university enrollment fees, grants, shorter courses, equivalencies, etc., and sometimes to weddings.

For those who are still single when arrested, the end of incarceration is often followed by a union and an accelerated construction of a personal life put on hold during their time in prison. Moving in, marriage, a first child, passing one's driver's license, and for those who are still young, studies, a job, a professional path, thus follow on in quick succession. Released at the age of thirty-six, Wael met Reem immediately after. Born to a German mother and a Palestinian father, she had been working in Palestine for a few years. Very much in love, they almost immediately got married. She admired his capacity to rapidly reconstruct a trajectory brutally broken off at the age of eighteen: 'It's incredible all he has done in such a short time. In four years, he furnished two houses, got married, had two children, got his Master's, found a job, passed his driver's license. He's just not yet completely *au fait* with the internet.'<sup>27</sup> In addition to their moving in and living together in Jerusalem, then Ramallah, he first found a job in the al-Quds Open University student administration office and then started teaching. Ten years later, Reem got a temporary job in Europe, where he started studying for a PhD in order to become an associate professor at the university on their return.

Three years after his release in 2011, at the age of thirty, Salah married Elsa Lefort, an activist in his Support Committee in France and the daughter of its President, at the time a French Communist Party MP, Jean-Claude Lefort. The couple moved to Kufr 'Aqab. He started his theory lawyer's training in Ramallah while at the same time working for the NGO Addameer. He was given a grant by the Prisoners' Affairs Commission covering two thirds of his fees. He was planning to become a legal expert and work in advocacy, or to do research. For him, his prison past ruled out the idea of having to face military justice regularly as a lawyer, or undertaking a strictly mercantile practice in legal domains far from the militant universe: "I would like to do a Master's in International Relations at Birzeit, and then do research into the judicial domain as I cannot at all see myself as a lawyer in the military court, negotiating

<sup>27</sup> Kufr 'Aqab, East Jerusalem, October 22, 2011.

prison sentences with the prosecutor... I couldn't do all that, and even arguing questions of rights or principles at the Supreme Court, I don't feel I could."<sup>28</sup>

If they belong to PLO factions, the older ex-detainees who have clocked up long years Inside retire on their release on a Sulta pension. Sentenced to life at the age of twenty-five, Said al-Atabe was released at the age of fifty-seven, following a political agreement with the PA that led to the release of 200 prisoners. At the time of the Oslo Accords, he had changed partisan affiliation in order to back the negotiations then underway (switching from the DFLP to FIDA). He thus backed the line defended by the PA in terms of resistance. Moreover, having spent so long in detention, he did not continue his militancy Outside but founded a family and focused on his personal life. When he came out in 2008, he was given the rank of Major General and became a military retiree.

Studies on the role of repression in other contexts have highlighted the diversity of militants' responses to repressive constraint depending on their resources, their trajectories, their modes of engagement, and the historic period—cycles and repertoires of mobilization. The leaders or those having been politicized and climbed the partisan ranks in prison continue their militant activities Outside, sometimes professionalizing them. Incarceration for periods equal to or longer than five years do, however, contribute to dissuading people from engaging in overly dangerous or armed actions. Those close to parties not belonging to the PLO ( Hamas, the Islamic Jihad), or who oppose the Sulta (PFLP), must, then, if they wish to maintain their activities on release, advocate in associations or NGOs only engaged in charity or social programs. This has particularly been the case for the left-wing parties, which have largely invested the NGO sector as they have more difficulty in finding work in the ministries and PA departments.

Some now find themselves poly-engaged in an NGO or an association working on prison, human rights, or in other sectors corresponding to their field of specialization, and in the party. In certain fields, and notably the legal one, NGOs have taken over from the parties that previously supported political prisoners, adding new repertoires of action, notably international advocacy, and legal activism before the Israeli Supreme

<sup>28</sup> East Jerusalem, June 8, 2015.

Court and the international courts. Intense circulations and a complementarity between the militant and professional realms can be noted, as in other contexts. The obligatory character of these circulations and poly-engagements—only a part of which are public—nonetheless characterizes non-democratic contexts (Latte Abdallah 2009, 2010, 2011; Al-Haj Saleh 2012; Ait-Aoudia 2013; Cheynis 2013; Larzillière 2013; Sbeih 2014), like that in Palestine, where the Israeli occupation and the authoritarian practices of the Sulta and of Hamas in Gaza are superposed. While the professionalization of militancy is growing in Palestine, reconversions from a “heavyweight” militant past to the wider associative field are difficult (Sbeih 2014), especially for those considered to be linked to parties opposing the policy of the PA, and whose official line did not abandon the idea of armed struggle. Sami is Jerusalemite, yet, before prison, his activities were already based in Ramallah, Palestine’s de facto substitute capital and its economic, social, and cultural pulse; considering that the Occupation unfolds unremittingly in a bleak East Jerusalem that seems to be living back against the wall. He used to run an Internet café on the main street of Ramallah, which his father ended up having to sell. When he was released in 2011 at over forty years old, he did not manage to find a job in an NGO. He instead became a florist, with the support of his family. He had done a B.A. in Business Administration at the University of Birzeit. His age and his lack of experience were to his disadvantage, not to mention the conditions that many international funders impose on the NGOs: “When I got out, I tried to find a job thanks to my degree, but I had no experience and a lot of organizations [NGOs] are funded by USAID and they have clauses concerning the question of terrorism. As I was a political prisoner—a security detainee to them—I was considered a terrorist.”<sup>29</sup> His disillusion at the political and social evolution Outside—individualism, materialism, and consumerism—had, however, distanced him from active militancy.

In some cases, disengagement gives way to poly-engagements due to the repression, on the one hand, and, on the other, to the evolution and diversification of the field of engagement in Palestine with the spread of Popular Resistance modes of action, as again shown by the Great March of Return in Gaza from March 30, 2018, until February 2019, and the

<sup>29</sup> Ramallah, July 16, 2012.



mobilizations in districts of Jerusalem since April 2021. The militants behind them are not all newcomers, however; some have transformed their initial engagement and many are poly-engaged. That is Bassem Tamimi's case, who is still a Fatah member on paper, yet demands the same rights within the framework of a single State and incarnates Popular Resistance and an idea of citizenship and of the political future that is contrary to that of his party. Some chose new repertoires of action, while conserving an albeit barely active partisan affiliation or positioning themselves in opposition to their party's majority line (to Fatah mainly), like Bassem, while others choose to diversify their spheres of militant action. Aïda was from a militant PFLP family and had been arrested several times for her political activities at Bethlehem University. She was also active in multiple movements and collectives: the Union of Palestinian Women's Committees close to the PFLP, Masira, Stop the Wall, and the Youth Movements that grew out of the Palestinian Spring (15 March Movement, Palestinians for Dignity), in which she was responsible for the question of women prisoners. She identified more with the youth movements' form of militancy because there she partook in the political choices, and contested the fact that the parties do not allow young people to have a say in important decisions. That did not prevent her from criticizing the youth movements' hazy political line and to doubt the ability of solely peaceful resistance to bring about change.<sup>30</sup>

Joint militancy in a party and in the Popular Resistance collectives is quite frequent. For certain members of Fatah, this poly-engagement is due to PA policy, which has progressively coopted certain groups from the Popular Resistance, such as the Popular Struggle Coordination Committee and the village of Bi'lin. Nonetheless, these two types of militancy are generally opposed: most of these collectives indeed contest the Sulta's policies. Criticism of the PA and the parties is indeed highly vocal in the Youth Movements that took to the streets in March 2011, and later joined the Popular Resistance groups opposing the PA line, such as the village of Nabi Saleh and the Jordan Valley Solidarity.

<sup>30</sup> Jerusalem, July 25, 2012.

## PRISON, A MARRED EXISTENCE

*Beer-Sheva District Court, July 14, 2016*

I look for Mohammad Jabarin, one of the lawyers pleading the case of Gazans at Beer-Sheva whose contact I was given by Adnan al-Hajjar from the NGO Mizan in Gaza, who passes cases on to him. He is in courtroom n° 60 in this tall glitzy building with its white stone and blue reflective glass windows that reflect the branches of the tight clump of palm trees growing on the majestic esplanade. The courtroom is abustle with the sound of footsteps and glass doors opening and closing. I enter a bright room with a beautiful view out over the town. I'm the only member of the public present; the hearings follow their course.

In the past, the Gazan lawyers pleaded in Gaza City Military Court. With Oslo, this court was moved to the border area, to Erez. In 2002, these lawyers were progressively prevented from going there until it was shut in 2005 at the time of the Israeli disengagement. Since, Gazans are no longer subjected to military justice—which had dealt with everything classed a security case and most of the civil offenses in Gaza—but to Israeli criminal law and are tried in civil courts, generally at Beer-Sheva. When someone is arrested at the border or during a military incursion, their families contact the Gazan NGOs, which have long provided legal assistance to prisoners (the Palestinian Center for Human Rights, Mizan), or representatives of the Prisoners' Affairs Commission or of Nadi al-Asir, who work with Palestinian lawyers of Israeli citizenship, whom they pay directly. In the absence of such an arrangement, the Ministry of Justice of Israel (the Public Defender's Office) nominates a court-appointed lawyer. The families cannot attend the hearings, of course; permits are not delivered to this effect. To be able to try Gazans for security-related crimes, the Knesset amended the penal code in June 2006, making it possible to apply specific, harsher provisions to nationals from this "enemy territory" (Cavanaugh 2007).

While the law applied to Gazans is no longer military, sentences and sanctions are even more severe at the Beer-Sheva Court, and in the civil courts. Lawyers quickly become discouraged and give up given their too limited margin of maneuver. For minor offenses, people are indeed often more heavily charged here because the judges, who are used to dealing with civil cases, misjudge the gravity of security-type deeds, contrary to army judges who have a broader vision of criminal acts in the Territories

and who are in daily contact with the management of the Occupation. The military courts are small and few judges sit there; a familiarity between lawyers, judges, and prosecutors thus develop, facilitating negotiations and a certain form of understanding, while here, everything is more bureaucratic, distant, and the judges change incessantly. The lawyer Leah Tsemel noted that, “for having dug a tunnel, for example, they can get two and a half years in military court and nine years in civil court.”<sup>31</sup> Appealing to the Supreme Court is problematic as it rarely hands down favorable rulings for this type of case and its rulings set a precedent. Labib Habib told me he had stopped pleading before the Beer-Sheva Court, where he had nonetheless worked resolutely for five years. He realized the impossibility of arguing even a minimal defense there: “I fled this place; the Bir al-Saba [Beer-Sheva] Court is really intransigent. They are harsher in the South, they have no [professional] conscience, there are no weak points on which to develop a defense argument for the Gazans. There is a hatred for Gaza and Arabs there.”<sup>32</sup>

Mohammad Jabarin is from Umm al-Fahm in northern Israel. He was a volunteer in the NGO Adalah when he defended his first Gazan client and, one thing leading to the next, continued. He has been defending Gazans for twelve years. He practiced briefly at Erez, then in Beer-Sheva, where he now lives. He also works on the renewal of pretrial detention at the Shikma (Asqalan) Military Court in the Israeli town of Ashkelon, next to Gaza. It is located inside the prison, where there is also a Shabak interrogation center where the inhabitants of Hebron and of the southern West Bank are taken. He goes to visit his clients at Shikma, where most Gazans are incarcerated and sometimes in the other facilities in the south of the country, namely, Eshel (Beer-Sheva), Nafha, and Ramon.

After the hearings, in the café opposite, we discuss the political dimension of these trials and the advisability or not of mentioning it in his arguments. In the beginning he did, but his clients received even harsher sentences: “I understood that, here, they see things completely differently; it’s a totally different story. To them, they are enemies. It’s hard to work with your emotions; they consider them enemies, so you must separate things out and focus on the case file only. The young lawyers do what I did at the start, but it’s an error.” He describes having become worn

<sup>31</sup> West Jerusalem, April 29, 2011.

<sup>32</sup> Hizma, West Bank, July 24, 2016.

down by an arduous and grueling task that occupies him twelve hours a day non-stop. He feels he will not be able to continue more than another ten years. He tried to go back to studying philosophy after the 2008–2009 Gaza War, a period of calm in which fewer Gazans were arrested, but then the 2012 war came along and he had to stop. Sucked in by a profession with no respite, he is still unmarried at over forty years old and confides that life in Beer-Sheva is uncomfortable because the inhabitants' convictions and ways of life are different to his:

- My friends are all Jewish, as the Arabs here are Bedouins, and I'm not married. Their womenfolk are all veiled, their hair covered and sometimes their faces, and the young men are all married, stick together, and are not very open.
- Are they left-wing?
- No, there are no left-wingers here. It's mainly Moroccan Jews, Sephardic Jews, or Russian Jews who live here. They are right-wing or centrist. My friends are mainly centrist.
- Your job isn't a problem to them?
- In the beginning, it was. It wasn't easy at all, but I have a sense of humor, and with time, it was accepted. We communicate on a human level, not on a political or any other one. We don't talk about that.

For the lawyer Gaby Lasky, the types of indictment imposed on Gazans attest to a maintaining of the Occupation despite the disengagement. In 2012, at the time of our discussion, this most often involved belonging to Hamas, military operations at the border, but also ties with the enemy, the illegal possession of arms in Gaza, and military training. She stressed that ruling on gun-carrying is not the responsibility of a third-party country.<sup>33</sup> The same goes for offenses concerning the building or maintenance of tunnels inside Gaza, which in 2016 constituted the most frequent infraction dealt with in Beer-Sheva Civil Court. While the vast majority of border tunnels that, from 2007 to 2013, allowed the movement of goods between Gaza and Egypt were destroyed when Abdel Fattah al-Sissi came to power, those situated inside the Strip, whose vocation is above all military, have remained; only 10% have been demolished. In addition to these tunnels in the heart of Gaza, which are linked to Hamas or the Islamic

<sup>33</sup> Tel Aviv, July 22, 2012.

Jihad and activities within or for these parties, according to Mohammad Jabarin, the most common offenses in 2015 to 2016 were attempts to cross the border without a permit and willfully committed infractions whose motivation was economic; that is, in the aim of getting incarcerated to gain the Prisoners' Affairs Commission's financial aids. "At the moment, a Gazan guy appears before court every two or three days—that's little compared to the period of the [2014] Gaza War. At that time, there were far more of them, and most of them were for political and military activities—people from Hamas, Fatah, the al-Aqsa Martyrs' Brigades, the Islamic Jihad, the PFLP, the al-Qassam Brigades, and so on."

*Other Confinements: Social Tensions and the Carceral Possibility*

The prosecutor is to my left, the court clerk has just taken her seat to the right of the judge, forty-something, very tanned, her jet black hair smoothed back, completely at ease in a military camouflaged minidress that reveals her long sunburnt legs. She sticks out from the rest of the court, the attire, and the stiff atmosphere that reigns. During the hearings, a young woman meticulously translates the exchanges between the court and the defendants in the dock dressed in their brown prison uniforms.

Of the four cases heard this morning, two involve connections with Hamas, one with the Islamic Jihad, and one with both. The first is accused of holding responsibilities in Hamas; the second for smuggling radios, batteries, and medication by sea from Egypt. He is also incriminated for having ferried bullets and kerosene for Hamas, which he denies. Two others are accused of activities in the tunnels. The first, an electrical engineer, installed lights in the Hamas tunnels, then took part in making rockets for the Islamic Jihad before renouncing all his engagements after his meeting with the Sheikh of the Ahmediyya Muslim Community in Haifa, a movement radically opposed to violence. He was arrested in Erez on his way to an Ahmediyya celebration in Haifa; the Shabak had information on his past acts and was waiting for him in Erez after he had obtained a permit. The last defendant also appears for past deeds going back to 2007–2008. He is among the young Gazans trying to enter Israel for economic reasons. If they have no record, on the first attempt, they are simply sent home. But contrary to others, who are more and more numerous and who want to get to the other side to find a job in Israel

or further afield outside a Gaza Strip that is economically and politically asphyxiated, he is among those who deliberately put themselves in a tortious position to get imprisoned. He has been incarcerated since March 2015. He explains that he used to work in agriculture, then found himself with nothing. He was still a minor. A friend thus suggested that he work on the digging of a tunnel to Egypt. This tunnel belonged to the armed wing of the Islamic Jihad, the al-Quds Brigades, to which he claims to have never belonged, and which convoyed arms there. The translator, a Palestinian from Jaffa, tells me his earlier words: “He asked the State of Israel forgiveness for his acts. He said that his friend died in martyrdom in this tunnel when the Egyptian authorities flooded it with gas. He took fright and stopped these activities. He said he illegally entered Israel with a knife simply to become a security prisoner, to gain an allowance from the Sulta and to see his imprisoned brother. They are now both in Ramon, in two separate wings.”

On the rise these past few years, these social cases, like those who try to illegally cross the border, are uneducated young people trying to meet their families’ needs thanks to a monthly allowance given by the Sulta, and to invent themselves a future by accessing funds for education, work, and even housing and marriage given by the PA and by Hamas. Many like him already have a friend or a brother behind bars, with whom they envisage spending their time Inside. For them, prison is a possibility for the future, a way out, and a solution contributing to the family budget—a sort of job.

If these prison futures are envisaged in Gaza given the untenable living conditions, a professionalization of the prisoner status can to a lesser degree be witnessed in the West Bank. Compared to possibilities and salaries Outside, the substantial sums paid and other advantages that go with this status can at present, for a small minority of young people, constitute new reasons to go to prison. Whatever the real degree of this phenomenon, it is criticized by the former generations and by those who spent their youth locked up and who know the harshness and the personal cost of confinement. Ismat reproached them from instrumentalizing the prisoner identity for economic reasons and then, on their release, for demanding additional prerogatives as if they were retributions owed to them. To those who imagine the prisoner status to be a windfall and envy its privileges, Wael pointed out all he had missed out on forever, all that he lost in those eighteen years.

For the young men, these chosen carceral futures are more rarely caused by family or social conflicts. A few instances of this order are nonetheless recorded in the ICRC archives concerning men crossing the Lebanese border into Israel to flee disputes, or others suffering from mental illness. Women fleeing disputes or violence have also entered Israel to escape their families or their husbands. On August 29, 1973, a report described the repatriation to Lebanon of a shepherd who, following his flock, had wandered onto the other side of a barely marked borderline not known to the local villagers, and that of Lettaf Samir Mohamed Farhat, a young four-month-pregnant woman beaten by her husband, who had asked for refuge at a *kibboutz* (Avivim) on the Lebanese border. Detained in Haifa, she declared in this correspondence that she would probably return to her father's, that she had been treated well, and that all her belongings had been returned to her.<sup>34</sup>

Nowadays, for certain women, personal and social stakes—refusing a marriage, domestic violence, etc.—motivate decisions to get themselves incarcerated. In the West Bank, if they cannot resolve the discord or find sufficient support from the Palestinian police and justice system, they cross one of the so-called border checkpoints carrying a knife, where they are sure to be arrested. Looking to prison to guarantee one's protection is not limited to Palestine, and similar recourse to a carceral protection can be found in non-colonial contexts. In Jordan, for example, women threatened by their families have been imprisoned at their own request as a last rampart against attacks and subjection, even when other ways out were sought by the NGOs (Latte Abdallah 2006–2007). Known for her political stature and feminist commitment, Khalida Jarrar described her stupefaction at discovering when she was detained that a considerable number of women used incarceration in Israel as a means of escape and ended up there due to social pressure, forced marriage, and abusive and violent behavior on the part of male family members.

The need to assert female trajectories far from a posture of victimhood in response to the negation of their militant agency by the Shabak or Israeli and international journalists and researchers has, in return, led to a complete public occultation of these female carceral choices as a recourse in the face of inextricable constraints or violence. This phenomenon has nonetheless intensified due to the imbrication of judicial systems and the

<sup>34</sup> Tel Aviv Delegation, “Rapport sur le rapatriement de Shuman Abdel Aal et de Lettaf Samir Mohamed Farhate”, August 29, 1973, eod.loc.

exacerbation of the prison hold over bodies and minds, a carceral condition that has become a familiar condition for many. In the imaginary and present of women and men cornered by social or economic pressure, the carceralization of daily life can present imprisonment in Israel as a way out, a possibility, a resource.

### *Carceral “Madness” and Scars*

Several former detainees have evoked personality disorders caused by incarceration, sending detainees over the edge or driving them “mad.” With the detached distance of humor, two ex-prisoner friends told me anecdotes about what they perceived to be mental disorders: the time when a guy started howling madly like a wolf, followed by the 500 prisoners present for no apparent reason; and: the released and newly married detainee who rushed to build an ersatz of a cell inside his conjugal home. Such tales are unusual, as they are antinomic to the sacralized iconic figure of the political prisoner. Atypical behavior of this kind reflects the wounds and scars left by prison and is dissimulated. According to Walid Daka, one of the friends told me, after five years in prison, “people should see a therapist as they go a little or completely mad.” Talking about French prisons, Farhad Khosrokhavar also refers to this duration of five years after which the harmful psychological effects of detention intensify, and after which personalities are likely to be transformed, adopting generalized conspiracy theories, and believing that the prison institution expressly seeks to destroy bodies and minds, developing a hatred toward the guards or becoming claustrophile, fearing going out: their subjectivities thereby becoming “carceralized” (2016).<sup>35</sup> The context here is distinct in a number of ways. On the one hand, the “belligerent nature” of the carceral apparatus (Chauvenet 1998) is fully embraced and not offset with concerns for reinsertion or equality of treatment with common law prisoners. This accentuates the perception of a desire to destroy, while at the same time not developing a systematic sense of hostility toward the guards, as the parameters of the conflict and the system resulting from it are recognized and established. On the other hand, the counter-model put in place by the political prisoners mitigates the most destructive

<sup>35</sup> “‘Carceralization’ is this dead-end situation where one can stand the other less and less and where, at the same time, dependency on the prison becomes total, generating an unmanageable psychic tension” (Khosrokhavar 2016).



effects of imprisonment and creates a distance from an overly personalized and invasive interaction with the guards that would undermine self-boundaries.

Beyond the more pathological traces left by detention, the two friends noted that prison damages the personality and enduringly impacts the self. “All those who have done time,” Issam commented, “are a little unwell in a certain respect, and it isn’t easy to come out of this experience.”<sup>36</sup> In addition to the duration of time in prison, brutal interrogation episodes are likely to inflict tenacious scars on bodies, minds, and psyches. The repeated blows—to the head particularly—have caused death by brain hemorrhage, but also persistent disorders. The frequently inflicted physical and psychological torture leaves an indelible mark. Some interrogated in extreme conditions before or in the aftermath of the First Intifada seem strange, and partly amnesic.

60% of minors, 50% of females, and 30% of male ex-detainees dealt with by the Treatment and Rehabilitation Center for Victims of Torture (TRC) set up in 1997 suffer mental and social problems after torture that require psychotherapy; 9% suffer from more severe disorders (schizophrenia, PTSD,<sup>37</sup> depression, etc.) that require treatment and medication. While most have done time in Israeli jails, the Center also receives those arrested by the Sulta.<sup>38</sup> Detention in Sulta facilities disorients even more by confusing perceptions; it clouds the heroic image of the prisoner, places people before contradictory injunctions and incompatible intentions, and creates an internal dissensus. “Half of those who are released from Israeli prisons want revenge for the Occupation and 84% of those who are released from Palestinian prisons, but they are children of the country [*abna al-balad*], and cannot carry it out.”<sup>39</sup>

Set up in 1990 after the First Intifada by psychiatrist Eyad Sarraj, the Gaza Community Mental Health Programme pioneered programs for the rehabilitation of prisoner released *en masse* in the wake of the Oslo Accords. In the early years, it was particularly hard to evoke the subject of former prisoners’ possible mental disorders and the effects of torture on their mental well-being. Resistance was tenacious and the

<sup>36</sup> East Jerusalem, May 28, 2015.

<sup>37</sup> Post Traumatic Stress Disorder.

<sup>38</sup> Ramallah, October 30, 2016.

<sup>39</sup> *Idem*.

image of the combatant engaged in the national struggle imposed silence, concealing that they might have “mental health problems or that they had lost their minds.”<sup>40</sup> This Center undertook campaigns destined to change representations by raising the awareness of the public, politicians, parliament, and the government, enjoining the PA to sign the international Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>41</sup> and so on. The taboos surrounding mental health damage had contributed to preventing the treatment of male and female adults—a lack of care that could have personal, social, and societal consequences and failed to prevent the reproduction of violence. According to TRC, 60% of the members of the Palestinian Security Services having recently carried out torture were themselves tortured by the Shin Beth, their methods being those that were used by the Israeli Intelligence Services during the First Intifada.<sup>42</sup> While the Palestinian and Israeli NGOs have gathered many accounts of torture, its psychological effects are still rarely mentioned and, above all, rarely treated.

If arrest, interrogation, and time in prison do send some off the rails, that is not the usual narrative. Publicly, it is more political narratives situated in the strict framework of conflict that are foregrounded, masking mental fissures and psychological ruptures. The media-relayed story of a lawyer in his late thirties, who was married and father to two young children, was one such tragic illustration. He was arrested in 2014 at a time when a wave of arrests indiscriminately targeted Palestinian lawyers from Jerusalem suspected in taking part in or supporting partisan activities in return for payment, carrying messages for Hamas and the Islamic Jihad under the cover of their profession. A “network” was thus uncovered. He was accused of ferrying money and messages between the Inside and Outside, and between prison, for Hamas. He was held in al-Moscobiyeh for forty-five days, in solitary confinement for most of the time, and subjected to extremely harsh interrogation conditions and was tortured. He was on medication for a slight psychological fragility, but was refused his medication. He ended up being released on bail, but was placed under house arrest and was immediately disbarred. On the day that he

<sup>40</sup> Husam el-Nounou, Gaza City, February 16, 2016.

<sup>41</sup> Signed by the State of Israel in 1991, while at the same time declaring that it did not apply outside its territory, i.e. in the Occupied Territories.

<sup>42</sup> Ramallah, October 30, 2016.

was meant to appear in court for his trial, he hanged himself. The family requested that he be granted the status of martyr to cover up the suicide, which is socially and religiously reprobated, even if the story did get out, the press having reported his suicide. With this status, his death was no longer deemed an individual act, motivated by personal reasons, which could be seen as a weakness. His death recovered a collective, political, shared dimension, and his dignity and his moral integrity were preserved. His memory could be honored. As one of his relatives told me somberly, “He was fragilized because he hadn’t taken his medication. And he must have felt completely powerless; how was he going to support his family after his debarment? He had two small children. In any case, it was indeed them [the Israelis] who killed him.”

The process of subjectification of Palestinians as victims induced by the international NGOs and humanitarian psychology is analyzed by Didier Fassin as leading to the emergence of a new political subject at the time of the Second Intifada, which he argues—contestably, in my opinion—has no equivalent elsewhere. While it indeed may have contributed to de-historicizing the conflict (2008), this figure of the trauma victim is far from prevailing. It has been applied to certain actors only, perceived in terms of protection: minors, teenagers, and women, who have, what is more, not embraced it themselves. Women have indeed staunchly rejected being subjectivized as victims. Tortured ex-prisoners and local NGOs supporting the prisoners’ cause have, on the contrary, rarely politically invested suffering, choosing instead to advocate in favor of the respect of prison rights, situations of occupation, children’s rights, and so on, within the framework of international legal standards and law. Moreover, for more than a decade, a growing fringe of society, artists, filmmakers, and activists have publicly rejected any form of collective qualification as victims to vocally assert individualities, creativity, and choice. Despite that, for twenty or so years, the Palestinian narrative has often indistinctly been accused of being dolorous and victim-based. This qualification has taken on a more acute political charge in the past few years as the Israeli far-right has seized upon it, accusing the Palestinians of staging themselves as such in what they have called “Palywood.” Similarly, the US artisans of the Trump Plan accused the Palestinians of wallowing in victimhood. Are not these blithe qualifications, and above all these accusations of victimization, the expression of a successful new delegitimization process by which any infringement of the Palestinians’ fundamental rights, all violence inflicted on them, any legitimate demands, and, more still, any affect and suffering

appear to have no place, but are always relegated even further to the off-screen of history?

Paris, July 27, 2022

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