

Israel holding unknown number of Palestinians captured in Gaza Strip

The IDF gave no information about those still in custody or where they are being held. The Shin Bet security service is interrogating about 20 of the prisoners, who are denied access to lawyers.

By Amira Hass and Gill Cohen | Jul. 25, 2014 | 4:08 AM

Tweet

The army arrested some 270 Palestinians in the Gaza Strip during the week of the ground invasion there. A senior IDF officer said most of them were released when they were not found to be members of militant groups.

The IDF gave no information about those still in custody or where they are being held. The Shin Bet security service is interrogating about 20 of the prisoners, who are denied access to lawyers.

The officer said about 150 of the Palestinians had been arrested at home on Wednesday in the Rafah area.

The Palestinian Center for Human Rights said the IDF had taken up positions east of Rafah in the village of Shocha and the detainees are presumed to be from this area, but this could not be ascertained last night.

Researchers at the center reported that the IDF destroyed numerous houses and considerable farming land in its deployment in the area between the village and the destroyed airport.

Israeli lawyers working with human rights organizations in the Gaza Strip are preparing to meet the arrested Palestinians. A Rafah family, 10 of whose sons were arrested, yesterday contacted attorney Mohammed Jabarin of the Al Mezan Center for Human Rights, and asked him to represent them. Jabarin is also waiting to meet some of the detainees in the Shin Bet department in Shikma, once the Shin Bet lifts the ban on their seeing a lawyer.

Dalia Kirstein, director of Jerusalem's Hamoked – the Center for the Defense of the Individual, tried to obtain the detainees' names from the Palestinian Human Rights Center. She was told it was impossible at this time to locate the missing persons and determine who had been killed, displaced or arrested by the IDF.

Not all the bodies have been identified or pulled out of the debris, and Israel's constant bombardment makes it difficult to move from one place to another and get details, she was told.

The IDF has interned the Palestinian prisoners in the Sde Teiman base in the Negev, as it did during the 2008-2009 offensive dubbed Operation Cast Lead. The base was set up according to the Internment of Unlawful Combatants Law of 2002, which enabled the imprisonment of Gazan Palestinians without charging them or putting them on trial.

The law authorizes the chief of staff to order a person's indefinite imprisonment if he has "reasonable cause to believe that a person being held by the state authorities is an unlawful combatant and that his release will harm state security."

Jabarin, who has represented many Cast Lead detainees, said the IDF and Shin Bet determine who is an "unlawful combatant" and who has no link to armed groups. Military sources told Haaretz yesterday that the detainees are being held in Military Police facilities and being interrogated by the security forces, who pass the information on to the Shin Bet.

Photographs posted on Walla yesterday showed Palestinian detainees being taken to Israel in their underclothes, some of them barefoot. Photographs on the social networks showed the Palestinians after they arrived at the prison camp, dressed in blue uniforms, most of them blindfolded.

Military sources said that at the beginning of the ground incursion into the Gaza Strip, the IDF arrested several Palestinians in Khan Yunis on suspicion of being military Hamas operatives. After interrogating them, the Shin Bet reported that the suspects belong to Hamas' rocket-launching unit in Khan Yunis and that bomb-making and rocket-launching gear had been caught in their possession.

Like in the current offensive, in 2008-2009 most of the Palestinians the IDF arrested were also found to have no association with armed Palestinian groups. In the previous offensive, about 200 of the 250 detainees were released in a few days, said Jabarin, who represented many of them.

In 2009, 30 of the detainees were classified as "unlawful combatants." Fifteen of them were released 14 days after their arrest and the rest remained imprisoned for periods of up to two years. A district judge approved their continued imprisonment every six months.

Twenty other detainees were taken to Shin Bet interrogation in 2009 and legal procedures were opened against them. Ultimately one of them was freed and 19 were sentenced to various terms in prison, the longest one being 24 years.

The Internment of Unlawful Combatants Law was enacted in 2002 to enable the continued imprisonment of Mustafa Dirani and Sheikh Abdel Karim Obeid, Lebanese citizens Israel had abducted and held in administrative custody.

The legislation was required because in 2000 the Supreme Court ruled that the state was no longer permitted to hold the two in administrative detention as bargaining chips. In 2004 they were freed in a prisoner and body swap deal.

On September 12, 2005, after the settlers' evacuation from the Gaza Strip as part of the "disengagement" scheme, Israel announced the end of the military administration in Gaza. Consequently the administrative detention orders expired. On that very day the chief of staff issued imprisonment orders under the Unlawful Combatants Law to two Gaza residents who had been held in administrative detention.

According to B'Tselem the law is not in keeping with international law and is unconstitutional. In any event it is unnecessary, since there are other statutory frameworks for holding people in custody that infringe on human rights to a lesser extent, B'Tselem says.