

Freedom has a special taste ...

and the detainees deprived from their liberty have a dream haunting them

Freedom of Detainees ... Between Swap Deals & the Peace Process

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Dedication

Every challenging work needs self-efforts as well as guidance of elders especially those who were very close to our hearts .

My humble effort I dedicate to my sweet and loving mother , whose affection , love , encouragement and prayers of day and night make me able to get such success and honor .

I also dedicate this work to whom I love so much , my father , a strong and gentle soul who taught me to trust in Allah , believe in hard work and that so much could be done with little .

My gratitude is deeply paid to Kawther Khalid Ibrahim , who helped , encouraged and supported me all the way .

To our hero detainees , who are steadfast behind the occupation bars , I could never have done this work without your faith , patience , sacrifices and your love of Palestine .

It is with my deepest gratitude and warmest affection that I dedicate this work to my teachers and professors , especially Dr. Akram Habeeb , who has been a constant source of knowledge and inspiration .

My great thanks go to the author Mr. Abdelnaser Ferwana , who granted me his trust to translate this book , motivated me to do that and facilitated every point that needed illustration .

Preface



Preface

Freedom is a word consisting of a few letters but it's deep dimensional . It includes boundless dreams for every detainee , whether old or new , young or old . Even if he convicted for one year , for lifetime , life imprisonment for more than sixty times or over that . This specific and documentary research , which concerns with dating the release processes and their instruments , is characterized by more than one issue :

Firstly : what distinguishes this study is that it tackles the concept of freedom which constitutes the center of ambition for the detainees and their families . It historically documents the past experience with all their means ; that freedom upon which all dreams and hopes are build and without which the time span stops . However , life remains despite years passing by with more pains and suffering .

Secondly : This study is comprehensive and evaluative but it is not narrative nor critical , also it isn't expressive . It deals with successful attitudes and who stands behind , also the failure attitudes and its reasons . It remembers the followers and those who neglect the detainees issue and their dreams of freedom . It deals , without exception , with the whole means of releasing the detainees as well as document them by numbers , statistics , the years of all swap deals , political negotiation and what is so called "the Israeli good – willing " before Eids (Festivals) and the seasonal releasing .

Thirdly : It talks about the dream of each detainee because each detainee has a story , heroism , tragedy and he also has positions of pain , worry , sorrow , hope , ambition and smile . The detainees' ambition , who are sharing their own people their happiness and pain and are defying their jailers with their unity.

That jailer who deprecates every opportunity to swoop them down but they drew up their dignity and heroic epics , so he didn't find them weakness nor defeated before . Their lives are based on discussions and consultations , their lives are organized and well-advised that don't allow frivolous people to destruct them , and they didn't discriminate in sentence between a member or a leader , so all of them are the same .

This research is valuable that needs to spread as the detainees issue needs that , it also needs to be translated to reach to every heart , rebel and noble in this life due to talks about fair and humanitarian issue , conciliation and national issue not differentiated one . The higher Palestinian benefits are dominated it far away of the factious and personal benefits .

Fourthly : The one who documented this research , with its importance , is an ex-detainee that suffered extremely , with his father , brother and family , among dark wall-sides and the severity of the jailer's subjugation unmercifully . He is specialized in the detainees issue . He has dedicated his life to serve the humanitarian , national and moral issue . He lived the truth belonging to this issue and introduced a lot despite the shortage of the abilities . What he had introduced , can't be introduced by institutions with all their abilities. He was born from the suffering heart and he was rebel , beloved and sincere for this issue .

Before the end , I wish that the decision makers , whether they are officials , nongovernmental institutions , researchers , academics , jurists and mass media " audio and visible " to pay attention to search and to benefit from this exclusive effort of this holy and central issue .

The Ex-Detainee / Mr. Ra'fat Hamdona .

Director of the Detainees Center For Studies .

Introduction



Introduction

Since 1948 – 2009 , the Arab – Israeli conflict has many classical Arab-Israeli wars and wars of attrition in addition to the rise of the national Lebanese – Palestinian resistance . During these decades , the Israeli occupation forces captured hundreds of thousands of Palestinian people , thousands of soldiers and Arab citizens and tens of other different nationalities .

On the other hand , the Arab forces captured more than thousand prisoners . The Palestinians and Lebanese factions have also detained tens of the Israeli soldiers in addition to some bodies and remains for the Israeli soldiers .

The increasing number of the Palestinian prisoners has its reasons . The most prominent one is the direct presence of the Israeli occupation forces which are heavily armed in every street and camp , with the accessibility to detain its armless members easily .

The rate of the Palestinian detainees is the largest in the world if it is compared with the population in the occupied Palestinian territory , whereas the severity of detention isn't only restricted to the detainees but also includes many of their families , sons , relatives even their friends and neighbors .

The target class :

Detention wasn't restrict to a certain section or a specific class but it included the whole sections and classes of the Palestinian community without any discrimination or any exception . It included children , girls , mothers , detainees spouse , martyrs spouse , old men , youths , patients , handicapped , students , academics , workers , farmers , proletariats , lawyers , human rights activists , members of the legislative council , former ministers , and political , corporative , vocational leaders ... etc.

Detention is a constant behavior in a systematic policy framework :

Detention has not been spontaneous nor associated with a certain time period or as a result to security stations as Israeli authorities claim or synchronized with the national occasions . Detention didn't take a unique form but it was implemented through several forms either by groups or by individuals in a systematic policy framework that has its dimension and its current and future objectives on the detainees life , his family , his social environment even on his whole community .

Detentions became a daily phenomenon , a main part of a culture of everyone who works in the security occupation establishment and a constant manner in their behavior and work , whereas there is no one day that can pass without detentions without any reason or any security necessity according to the unfair laws of occupation except in some cases .

This means that the policy of detention has formed – and still has – a phenomenon which includes every camp , city , home and family . Every family in Palestine has suffered from the detention phenomenon , but also there are families in which all its members have been detained and suffered extremely , while tens of thousands of citizens have been detained more than once and for many times and thousands of them have spent more than ten years in the Israeli jails . In other case , there is no place in Palestine devoid of jail , prison or detention center .

We can say that detention has become a constant vocabulary in the Palestinian dictionary and one of the Palestinian's basic needs . Before the birth of a Palestinian child, he will have learned the basics of poverty , destruction and sometimes of death , and if he is still alive , he has learned the vocabularies of occupation , jail and torture . If this child has grown up , he will be detained or will suffer from its results because of detaining his father , mother or one of his family members .

It's worth mentioning that whole detention with its various forms , what has accompanied or followed it , circumstances and location of detention places and the nature of dealing with it , all are illegal in the term of the humanitarian and international law and the international treaties and conventions regarding this issue . But the official statistics indicate that there is a correlation between detentions and torture and the whole people who are detained , had been subjected to one form of psychological torture , abstract or material abuse , indignity before the public and family members . Whereas the majority of detainees have been subjected to more than form of torture and the practicing of torture , with its various forms , had formed a constant phenomenon and policy in dealing with whom had been held or detained .

The nature and circumstances of detention :

The Israeli occupation authorities held Arab and Palestinian detainees in different circumstances and places and inside jails , prisons and detention centers that inherited from the British Mandate and the Jordanian regime . It also carried out extensions on some of them in 1970 . Later , the Israeli occupation authority constructed new jails and detention centers with special specifications and harsher conditions such as in Beersheba , Nafha , Raymon , Gilboa or the detention camps of Negev , Ofer . Megiddo and others . The total number of jails , prisons and detention centers approximately reached to twenty five which are geographically distributed around the country . There is no one place in the historic Palestine devoid of jails , prisons or detention centers and the majority are located in the 1948 territories . The whole previous jails and detention centers are lacking to the minimum basics of human life and contradicting to the all international treaties and conventions . There is no similarities between what is happening inside those detention centers and what is stipulated beautifully in the conventions and agreements related to detainees .

In spite of the different names of jails , detention centers and the different places , their essence is the same and led by the same mentality to achieve the same goals .

Objectives of detention :

The Israeli occupation authorities aim to carry out detention to humiliate and revenge the detainees , strip them of their national , political , struggle , cultural contents and frustrate them morally and

psychologically and even physically inside the jail if that possible . They also put the detainees at risk of catching serious diseases that correlate them until they had been released of jails . All previous procedures are carried out in a systematic policy and according to system of current laws and procedures which are implemented by everyone who works at the security establishment initiated by the soldier , investigator then jail officer and not ending by a doctor or a nurse . It also started since detention and doesn't end by releasing .

In many cases , the Israeli occupation turn to " Detention " as a means of pressure , bargaining and blackmailing the organizations which detainees belong to , or to force them provide information about others or to deal and contact with the occupation . In other cases , the occupation authorities turn to detaining first class " relatives " such as mothers , fathers and wives in order to apply pressure on their detained relatives to declare their confession or to apply pressure on the " wanted persons " in order to deliver themselves for the occupation systems . The most dangerous aspect of detention is to use detainees as human shields or execute them either individually or by groups .

The detainees deprived of their liberty have a dream haunting them :

Before this scathing reality , Palestinian and Arab detainees have the right of dreaming with freedom as a legal right in any way , either by expiring their sentences , or through a swap deal or even through " the political negotiations " and " good-willing " releases that increased after the Oslo Accords . Therefore , as Palestinians , Arabs and Muslims , we have to work tirelessly to ensure their freedom , right of return to their families and to put an end to their suffering .

Chapter 1

The History of the Detainee's Swap Deals



Since the establishment of the State of the Israeli Occupation in 1948 on the remains of the destroyed houses and villages of the Palestinians , and above the remains of thousands martyr bodies , blood of ten thousands of wounded and pain of hundred thousands of detainees , tens of swap deals of detainees had been signed between the Israeli occupation government and the States of Egypt , Jordan , Syria , Lebanon , Lebanese Hezbollah and the Palestine Liberation Organization with its whole various factions . These deals have led to the release of thousands of Palestinian and Arab detainees from the Israeli occupation jails . In addition , they led to restore hundreds of martyr bodies that were confiscated detained by the occupation authorities in what is known as the " Graveyard's Figures " .

Perhaps , the most prominent thing of what has been done officially and actually of swap deals of detainees has reached to 37 deals where the beginning was in 1949 . This depended on what have we got of personal and voluntary information and data through our continuous search of documenting the most prominent attitudes and documents related to detainees . No doubt that this information is considered the first one in terms of accuracy and comprehensiveness compared with all of what have been published before . This research has become an important reference and an essential source for all concerned , journalists and the researchers of that important issue in the history of the Arab – Israeli conflict and its details .

The Arab Republic of Egypt was the first Arab country that initiated signing the swap deal on February 27th 1949 whereas the Popular Front for the Liberation of Palestine (PFLP) , one of the Palestine Liberation

Organization factions , was the first Palestinian faction that initiated it on July 23rd 1968 . This was followed by the biggest swap deal carried out by the Palestinian National Liberation Movement " Fateh " on November 23rd 1983 while the Popular Front for the Liberation of Palestine – General Command - achieved a similar one on May 20th 1985 .

The swap deals achieved by the organization of " Hezbollah " in July 2008 and led to the release of the dean of the Arab detainees Sameer Al Qentar was the last Arab deals . The last successful swap deal achieved by the Palestinian resistance and led to the release of detainees , was in May 1985 .

The Palestinian factions that captured " Shalit " have approximately achieved limited achievement after a quarter century of that deal . On October 1st , 2009 , the Israeli occupation authorities released 20 Palestinian female-detainees from the West Bank and Gaza strip in return for giving Israel information about the Israeli soldier " Shalit " captured by the Palestinian factions in the Gaza Strip in what was called later as the deal of the " Video Tape " .

Serious Palestinian attempts to capture Israeli soldiers and settlers :

In fact , there were many serious attempts of Palestinian resistance factions to capture Israeli soldiers and settlers in order to swap them with Palestinian and Arab detainees . For example , the Popular Front for the Liberation of Palestine (PFLP) had hijacked airplanes in 1968 , 1969 and 1970 . They also held passengers hostages in order to liberate male and female detainees .

In addition , there have been several attempts to capture soldiers and settlers by many Palestinian resistance factions . The first one was the Israeli officer " David Bin Shamoel Shamir " who was detained for few months in Rafah in 1979 , followed by many operations . This Included the capturing of the Israeli soldier " Moshe Tamam " by a group of the Popular Front for the Liberation of Palestine (PFLP) in the middle of the 1980s in Palestine in which they detained him for several days and when they were unable to move him out of Palestine , they killed him .

This adds to the capturing of the two Israeli soldiers " Eily Saadon and Afy Spartous " by a group of The Islamic Resistance Movement Hamas in the 3rd May 1989 . They killed them and buried their bodies . The first body was approximately found after one month whereas the second body after few years . The target of capturing them was to swap them with detainees . In 1992 , a group of Hamas fighters managed to capture the Israeli soldier " Nasseem Tolidano " and killed him when the Israeli forces attacked them .

All these attempts have failed to liberate any detainees , whereas the capturing of the Israeli soldier " Jilad Shalit " on 25th June, 2006 remains the most prominent one inside Palestine . The Palestinians hope that this operation will succeed in releasing hundreds of detainees headed by the old prisoners and resistance leaders .

Reasons of failing the Palestinian attempts to capture Israeli soldiers and settlers :

The reasons of failing of the Palestinian attempts of accomplishing new swap deals , the last of which was in 1985 , can be summarized as subjective and objective reasons .

The subjective reasons were related to the agenda of the Palestinian factions and sometimes to their no determination to do such processes and sometimes with to the experience of the operation executors and the detainers of the soldiers . The objective reasons relate to the geographical place and the direct military presence of the occupation forces and their spread in all cities , camps and streets of Palestine which make the success task of hijacking and confinement processes more difficult .

Israel adopts the force principle to get back its soldiers and settlers :

On the other hand , the successive occupation governments reject the principle of swapping or negotiating for swapping detainees and its seeking to get back its soldiers and citizens by force. These governments always bet on their security and military capabilities , developed technologies and spies . If they failed to achieve that , they return to negotiate for swapping by force , but this (doesn't) mean that they abandon the force option , and perhaps they cancel all negotiations in a moment .

Yes , " Israel " adopts the force principle as a strategic option in getting back its soldiers and citizens , even if that lead to the killing of the hostages or some of them , and this what had actually happened . Israel attacked the place of the detainee hostages many times earlier . This what happened in Entebbe and Ma'alot , and the hijacking by a group of Palestinian fighters of " Israeli bus " " No.300 " which is full of passengers and was driving from Ashkelon towards the Egyptian territories on April 12th, 1984 .The Israeli forces attacked the bus in Deir Al-Balah , in the midst of Gaza Strip , killing and injure many of the Israeli passengers and martyring two Palestinian fighters . Another two fighters had been killed willfully after they have been detained after they have appeared alive before the media .

The Israeli soldier " Nachshon Wachsman " was captured by militants of Hamas Movement in October 1994 . Israel has attacked the place of the detainee in the village of " Bir Nabala " in the north of the occupied Jerusalem . The operation resulted in the killing of the Israeli soldier " Nachshon Wachsman " and martyring the detainees also to killing of the Israeli captain " Nir Poraz " and wounding 7 soldiers at the same time . This happened while the occupation government was holding serious negotiations with Hamas movement in the Gaza Strip .

That means " Israel " was holding negotiations and looking serious to sign a " swap deal " , while it didn't abandon the force option , so if it succeeded in carrying out the force option , it would cancel the whole negotiations without exception , but if the force option failed and it didn't find any option except to continue negotiations and to gain access to swap deal – if it forced to do that – then , it will turn to procrastination and postponement hoping to get what is it looking forward with passing of time , or looking for ways to make stress ,

bargaining and blackmailing to mitigate and reduce the losses that Israel would miss to complete " the deal " . In fact , this is what makes us worry about the future of " Shalit " deal with the passing of time and the losses that " Israel " could miss and what results could be achieved by that deal .

" Fateh" is the most releasing of detainees while " Hamas " is the most trying to do that :

The Fateh movement is considered , with numbers , the most Palestinian and Arab factions of releasing detainees through the force , swap deals or through the negotiations and the " peace process " as it managed to liberate about 18 thousand detainees since 1967 till the end of 2009 .

Fateh movement tried many times and carried out many swap deals successfully . However , since the Oslo Accords signed on September 13th, 1993 , it has focused their attention , under the Palestinian National Authority framework , on liberating detainees through " the peace process " and direct negotiations . It achieved their goals by successfully liberating (11250) of the Palestinian and Arab detainees during the period between Oslo Accords in September 1993 and Al Aqsa Intifada (uprising) in September 2000 . During the Al Aqsa Intifada , more than two thousand detainees had been released under what has been called " good welling " or confidence – building (we will dedicate the second chapter of this research for this subject under the title of " The peace process and detainees . failures and achievements ")

From a professional point of view , the " Hamas" movement distinguished itself from other Palestinian Islamic and national factions since its foundation in December 1987 , exactly during the years of the first intifada . It was the most trying faction to capture Israelis soldiers and settlers in order to liberate the detainees , but all that attempts have gradually fallen back for the whole factions and also have completely disappeared since the mid-nineties . In principle , the " factions " didn't give up capturing and use of force in liberating detainees until the " Operation Fading Illusion " June 25th, 2006 in which lead to capture " Jilad Shalit " who is still detained in Gaza at the capturing factions (Hamas movement , Popular Resistance Committees , Army of Islam) .

Briefly , we can say that the culture of kidnapping and capturing Israelis to liberate Palestinian and Arab detainees isn't new for the Palestinian resistance factions , but it is an essential part of their literature and philosophy , also this culture is deep-rooted and practiced by the whole Palestinian factions that have a record full of successful deals and operations since 1967 ,and in which led to liberate thousands of detainees .

At the Arab level , the Lebanese Organization " Hezbollah " has been characterized with its operations , with the last successful operation taking place in July 12th , 2006 . In the " Operation True Promise " , an Israeli military patrol has been attacked and this led to killing and wounding several Israeli soldiers . Two Israeli soldiers had been captured through this operation , " Ehud Goldwasser and Eldad Regev " , to swap them with the detainees , who are held by the Israeli

occupation government . The " swap deal " has indeed been signed between the Israeli government and Hezbollah Organization in the middle of July 2008 . The most prominent one who was liberated through this deal is the dean of Arab detainees " Sameer Al Qentar " .

Thirty-seven swap deals of detainees
since 1948 till the end of 2009 .

Egypt began the first swap deal followed by Popular Front
for the Liberation of Palestine regarding to the Palestinian
detainees .

Fateh achieved the largest and the Popular Front for the
Liberation of Palestine – General Command – achieved the
most successful .

The overall swap deal operations for Palestinians and Arabs :

1. After the 1948 war , Israel carried out swap deals with Egypt , Jordan , Syria and Lebanon . Egypt was holding 156 Israeli soldiers , Jordan was holding 673 soldiers , Syria was holding 48 soldiers and Lebanon was holding 8 soldiers , but " Israel " was holding 1098 Egyptian , 28 Saudi , 25 Sudanese , 24 Yemeni , 17 Jordanian , 36 Lebanese , 57 Syrian and 5021 Palestinian .The occupation government has individually carried out swap deals with each country holding Israelis . On February 27th , 1949 , Israel signed a deal with Egypt called Al Fallouja , also it signed a deal with Lebanon in the period between the third of March and the fourth of April , 1949 and the last deal was signed with Syria on July 21st , 1949 .
2. On September 30th , 1954 , the Egyptian forced captured ten Israeli sailors on board of the ship " Bat Galim " in the Suez Canal . The ten seafarers were released after the interference of the Security Council on January 1st , 1955 .
3. On December 1954 , Syrians captured five Israeli soldiers heading for the Golan Heights in a secret mission . One of the captured soldiers called " Ori Ilan " has committed suicide while he was in prison in Syria , and on January 14th 1955, his body was given back to Israel . The other four soldiers are Maier Mozas , Jacob Lind , Jade Kustlance and Maier Jacobian were given back to Israel on March 30th 1956 after passing 15 months in the prison . In return for , Israel released of (41) Syrian detainees .

4. On January 21st 1957 , the fourth deal has begun and it has ended on February 5th 1957 . According to this deal , Israel released of 5500 Egyptians were detained in the war of 1956 , and they have given back to Egypt with another Egyptian soldiers in return for releasing of four Israeli soldiers were captured by Egypt at the same war .
5. On March 17th 1961 , Israeli soldiers of Golani Brigade dominated on Syrian sites in the north of Kibbutz " Ein Gev " , the Syrians have captured two of them during an attack launched on these sites then they have given them back to Israel .
6. On December 21st 1963 , a swap deal was signed between Israel and Syria . According to this deal , 11 Israeli soldiers and citizens had been released in return for releasing of 15 Syrian Detainees .
7. In the war of June 1967 , the Arab forces captured 15 Israeli soldiers , 11 soldiers of them in the hands of Egyptians ; six of them are members in the marine commandos who were captured during their attack on the port of Alexandria , two of them are pilots and the rest are members of the spy network , one soldier in the hands of Syrians , two soldiers in the hands of Iraqis and the last one in the hands of Lebanese . Israel detained 4338 Egyptian soldiers in addition to 899 civilians , 533 Jordanian soldiers and 366 civilians , 367 Syrian soldiers and 205 civilians . The swap deal began in June 15th 1967 and ended in January 23rd 1968 . During this deal , Iraq released two Israeli pilots called Yitzhaq Golan and Gideon Dror ; they were captured after they had bombed H3 military airport in the west of Iraq . In return for that ; Israel released of 428

Jordanians . In relation to Syrians , the government of Israel released of 527 Syrians in return for releasing of one pilot and the bodies of another three Israeli soldiers . It's worth mentioning that Damascus has refused – until now – to deliver the body of the Israeli famous spy (Eli Cohen) who was hanged in Damascus in 1968 .

8. On April 2nd 1968 , a swap deal was signed with Jordan . Israel released 12 detainees , while Jordan deliver Israel a body of a soldier who had been killed in Al Karama battle but there are another two soldiers still missing until now and two coffins containing on soil .
9. On July 23rd 1968 , the first swap deal was carried out between the Palestine Liberation Organization (PLO) and the government of the Israeli occupation after the success of the Palestinian fighters belonging to one of the PLO factions (Popular Front for the Liberation of Palestine) " PFLP " - under the leadership of the struggler comrade Yusuf Al Radee' and comrade Leila Khaled – to hijack an Israeli plane owned to El Al Airlines whose carrying more than hundred passengers at which was flying from Rome to Tel Aviv and it was forced to head for the sister Algeria and landing there . It was the first Israeli hijacked plane causing a new specific step in the Palestinian struggle methods . The swap deal has signed with the occupation state through the International Red Cross . The passengers of the plane were released in return for releasing of 37 Palestinian detainees of high judgment including detainees who are detained before 1967 .

10. At the end of 1969 , a group of the Popular Front for the Liberation of Palestine (PFLP) headed by Leila Khaled , hijacked the Israeli plane " El Al " . The hijacker demanded the release of the detainees in the Israeli occupation jails . The plane landed on Britain . Comrade Patrick Orguillo was martyred whereas Leila Khaled was detained . After that , a British plane was hijacked by a group of the same organization (PFLP) , then they carried out a swap deal which led to release of the struggler Leila Khaled .
11. At the beginning of 1970 , 12 Israeli soldiers were captured by Egyptians while another 3 soldiers were captured by Syrians . On August 16th 1970 , Egypt gave back Israel an injured pilot , and on March 29th 1971 , Egypt released of another Israeli soldier in return for releasing of a very limited number of the Egyptian soldiers and civilians .
12. On January 28th 1971 , a new swap deal was carried out between one of the Palestine Liberation Organization (Palestinian National Liberation Movement – Fatah) and the government of the Israeli occupation . Through this deal , the Palestinian detainee (Mahmoud Bakr Hijazi) was released in return for releasing the Israeli soldiers (Shamoel Fayez) who had been captured by Fatah Movement at the end of 1969 .It's worth mentioning that Hijazi is considered the first Palestinian detainee in the modern Palestinian revolution after it has been launched on the first of January 1965 . He was detained on 18th January 1965 and he was the first one who accused by belonging to Fatah movement and then he was sentenced to death but didn't executed . After that a swap deal

carried out in Rosh Hanikra under the auspices of the Red Cross then Hijazi headed for Lebanon then came back to Gaza with the Palestinian forces after Oslo Accords in 1994 , and now he is living in Ramallah .

13. In early March 1973 , a swap deal was signed with Syria , in which Israel released five Syrian officers who had been kidnapped through a military investigation mission in the south of Lebanon , in addition to the former member of the Syrian parliament Mr. Kamal Kinj Abu Saleh , in return for releasing of four Israeli pilots were detained in Syria.
14. On June 3rd 1973 , Syria released three Israeli pilots (Gideon Majin – Pinhas Nhmona – Boaz Eitan) after they have captured for three years . In return for, Israel released of 46 Syrian detainees .
15. In the war of 1973 , (242) Israeli soldiers were captured by Egyptians , (68) were captured by Syrian – three of them were captured during the ceasefire period – and another (4) Israeli soldiers were captured by Lebanese while Israel detained (8372) Egyptian soldiers and citizens , (99) among them were detained during the ceasefire period and the majority of them are Egyptian citizens whom detained when Israel attacked the east of the Suez Canal and occupied some of its villages , whereas their men and youths are detained from their homes . Also (392) Syrians , (6) Moroccans and (13) Iraqis were detained by Israel . A swap deal has carried out with Egypt between November 15th 1973 and November 22nd 1973 , whereas Egypt released of (242) Israeli soldiers and officers in return for releasing of the whole Egyptian soldiers and officers were detained by Israel .

16. Between June 1st 1974 and June 6th 1974 , a swap deal has been carried out with Syria . According to this deal , Israel released (392) Syrians , six Moroccans and ten Iraqis in return for releasing of (68) Israelis were captured by Syrians .
17. On March 1974 , Israel released (65) Palestinian and Egyptian detainees in return for releasing of two Israeli spies were held in Egypt.
18. On April 4th 1975 , Egypt gave back the bodies of (39) soldiers to Israel , in return for releasing of (92) Egyptian detainees of the Israeli jails .
19. On March 14th 1979 , Al Litani swap deal or as it was named " Al Nawras Operation " , was carried out between " Israel " and the Palestine Liberation Organization (PLO) , whereas the Popular Front for the Liberation of Palestine – General Command (one of the Palestine Liberation Organization factions) released of an Israeli soldier who has been captured in Al Litani Operation on April 5th 1978 when an Israeli truck has been attacked in a trap near Tyre which is not far from Al Rashidieh Camp . Al Litani Operation led to kill four Israeli soldiers and capturing one of the reserve forces called (Avraham Amram) , in return for that ; Israel released of (76) detainees from the whole factions of the Palestinian revolution whom were detained in its jails – including 12 Palestinian girls , one of them was the famous struggler (Affifa Hanna Bannoura) from Beit Sahour who died a few years ago , in addition to the detainee Rasmeyya Ouda and others .

20. On February 13th 1980 , the Israeli occupation government released the detainee " Mahdi Bessiso " " Abu Ali " and " William Nassar " in return for releasing the Jordanian citizen " Amina Dawood Al Mufti " who worked as a spy for the Israeli Mossad whom was captured at the Palestine National Liberation Movement " Fatah " . The swap deal carried out in Cyprus under the supervision of the International Committee of the Red Cross (ICRC) . It's worth mentioning that " Al Mufti " was born in one of the Amman high-class suburb in 1939 and she belongs to a Muslim Circassian family but she adopted the Judaism and married from a Jewish pilot in Austria and travelled with him to Israel . She is considered the most famous spy who worked for the Israeli Mossad .

21. On November 23rd 1983 , a new swap deal was signed between the Israeli occupation government and the Palestinian National Liberation Movement – Fatah – one of the Palestine Liberation Organization's faction . According to this deal , Israel released the whole detainees who were detained in Ansar Jails in the south Lebanon whom their number is (4700) Lebanese and Palestinian detainees , in addition to (65) detainees from the Israeli jails in return for releasing of six Israeli soldiers from (Nahal) special forces who were captured by the Palestine Liberation Organization (Fatah Movement) in Hamdoon area in Lebanon on September 4th 1982 , and they are Elihu Avotfuel – Dani Jalbou' – Rafi Hazan – Robin Cohen – Abraham Mount Belsky – Afi Cornfild , while the PFLP – General Command captured another two soldiers . This deal is considered the largest one in the swap deals' history .

22. On June 26th 1984 , " Israel " got back three soldiers (Gill Fojil , Ariel Liberman and Yunathan Shalom) in addition to five body soldiers captured by Syrian in return for releasing 291 Syrian soldiers , 85 Lebanese detainees from the Lebanese National Resistance as well as 13 Arab detainees from the Occupied Syrian Golan were detained since 1973 (as long as they stay in the occupied Golan) , as well as releasing of the corpse of 74 soldiers .
23. On May 20th 1985 , Israel signed a swap deal with the Popular Front for the Liberation of Palestine – General Command " one of the Palestine Liberation Organization factions " called " Al-Galilee Operation " . As a result of this operation , Israel released 1155 detainees detained in its different jails , among those detainees ; 883 detainees were detained in the jails of the occupied Palestinian territories , another 118 detainees were kidnapped from Ansar jail in the southern Lebanon during the swap deal with Fatah movement in 1983 , also Israel released of 154 detainees were moved from Ansar jail to Atlit jail during the Israeli withdrawal from southern Lebanon , in return for releasing of three Israeli soldiers were captured by PFLP – General Command and they are : sergeant major (Haza Yishai) , a Jew of Iraqi origin who had been captured during the battle of Sultan Jacob in June 22nd 1982 when he was driving one of the tanks within a column of Israeli tanks , his tank was gone astray and then a group of the PFLP – General Command fired RPG missiles toward his tank in which led to damage it , after that they saw a fled soldiers of the tank so they captured him and moved him to another place . The other two soldiers are (Joseph Azzun and Naseem Shalim) . One of them is Hungarian and the other is Jewish of Egyptian origin . Both of them were captured in Bhamdoun in Lebanon with another six soldiers were captured by

Fatah movement in September 4th 1982 and have released of through a swap deal in 1983 – a joint group of Fatah movement and the PFLP managed to capture eight Israeli soldiers .

The process is described as the greatest swap deal in the Israeli - Arab conflict and the most impetus one . The mentioned process was accomplished according to Palestinian's standards and conditions as the Palestinian factions chose the names regardless of the charges or their residence or their nationalities , and they had the right of choosing the destination they desire to head for after being liberated (you can visit our website " Palestine behind bars " and have a look at the names of the whole detainees who are freed through this process)

24. On September 11th 1985 , Israel released (119) Lebanese from Atlit jail , thereby ; the number of the released Lebanese detainees increases into (1132) detainees since June 4th 1985 . This was in return for the releasing of (39) American hostages who were held by an " Islamic Jihad " in the same year on board of an American Boeing airplane , a branch of (TWA) company . Militia of the south Lebanon army (collaborating with Israel) also released of (51) Lebanese detainees from Khiam jail .As well as , Israel gave back the bodies of nine fighters of Hezbollah .

25. 1991 witnessed two swap deals between Hezbollah and Israel . The first one was carried out on January 21st 1991 , by which Israel released 25 detainees from Khiam jail , including two women . The second deal was on September 21st 1991 , whereas Israel released 51 detainees from Khiam jails in return for getting back the body of an Israeli soldier that was held by Hezbollah .

26. On September 13th 1991 , Israel delivered the body of the Druze soldier " Sameer Asaad " , who from Beit Jan whose body was held by (the Democratic Front for the Liberation of Palestine) - one of the Palestine Liberation Organization factions - since 1983 in return for allowing Israel for the syndicate member " Ali Abdullah Abu Helal " , one of the front's deportees who was deported from Abu Dees in 1986 , to come back .
27. On October 21st 1991 , the " Islamic Jihad " movement released the teacher of mathematics at the American University in Beirut " Jessy Terter " in return for releasing of (15) Lebanese detainees , (14) of them are from Khiam jail .
28. On July 21st 1996 , Israel got back the bodies of two soldiers (Joseph Pinic and Rahamim El Sheikh) in return for the releasing of the (132) bodies of Lebanese soldiers who were martyred in clashes with the Israeli forces and handed them over for the Lebanese authorities .Through a German mediation , "Hezbollah " organization released (17) soldiers of the South Lebanon Army while the South Lebanese Army released (45) detainees of " Hezbollah " organization were detained in Al Khiam jail .
29. In 1997 , a swap deal has signed among the Israeli occupation government and the Jordanian government . The Jordanian government hereby released of the spies of the Israeli Mossad whom were held by the Jordanian Security Forces after their failed attempt to assassinate the Palestinian leader " Khalid Mishaal " , the head of the political bureau of " Hamas " movement , while the occupation government released of the martyr Sheikh " Ahmed

Yassin " , the founder of Hamas movement , who was detained in its jails since 1989 and was serving a life sentence .

30. On June 26th 1998 , the Israeli authorities gave back the bodies of (40) Lebanese martyrs and released of (60) Lebanese detainees (10 of them were detained in the Israeli jails in the occupied Palestine while the other 50 were detained in Al Khiam jail) . In related context , Israel exhumed the bodies of (38 martyrs) of graves and two bodies of Abu Kabir morgue , one of them is for the martyr " Hadi Nasrallah " the son of Mr. Hassan Nasrallah , the Secretary General of Hezbollah Organization . In return for handing over the body of the Sergeant " Itamar Elia " , from the Israeli commando unit of the navy in the military section at Lod airport , and another 11 Israeli soldiers and officers while they were carrying out a special mission in Lebanon .
31. In 2003 , Israel released the bodies of two elements of Hezbollah (Ammar Hussein Hammod and Ghassan Zaater) , in return for allowing the German mediator to visit the Colonel (Elhanan Taninbawm) , who was held by the Lebanese Hezbollah Organization .
32. On January 29th 2004 , a new swap deal was signed between " Hezbollah " Organization and the Israeli occupation government through the German mediator . Israel , hereby , released (462) Palestinian and Lebanese detainees ; (30) detainees were Arabs , (one German citizen) and (431) Palestinian detainees .

(24) of the Arab detainees were Lebanese , the most famous one of them is the leader in " Hezbollah " Sheikh " Abdelkareem Obeid " who was kidnapped by Israel in Lebanon in 1989 , " Mustafa Deirani " who was kidnapped in 1994 and another (6) Arab detainees didn't included any detainee from Egypt , Jordan or even from the occupied Syrian Golan .

Israel also gave back the bodies of " fifty-nine " Lebanese citizens , revealing on the destiny of (twenty-four) missing Lebanese and handing over the mine maps of the southern Lebanon and the western Beqaa .

According this deal , Israel released the German citizen (Steven Mark) who are accused of belonging to Hezbollah and was intending to execute a suicide operation against Israel .

According to the same deal , Israel released (431) Palestinian detainees as we mentioned above . The released Palestinians were chosen according to the " Israeli standards " , as all of them were from the West Bank and the Gaza Strip but the Jerusalem and 1948 detainees were excluded . The whole – released detainees (except for 20 detainees) had been detained during Al Aqsa Intifada (uprising) . (60) detainees of the released were administrative detainees and the rest were their sentences came to an end . The list of the released detainees didn't included pre-Oslo detainees or who are convicted with high sentences or those who are classified as " Their hands are stained with blood " .

In return , " Hezbollah " released the leader of the Israeli army Colonel (Elhanan Taninbawm) and the (3) bodies of Israeli soldiers (Adi Avitam – Benny Afraham – the Druze Omar Sweed) . The soldiers had been killed on October 2000 and their bodies were detained by Hezbollah Organization .

It's worth mentioning that " Israel " has refused the release of the Lebanese detainee " Sameer Al Qentar " , who had been detained since April 22nd 1979 , at this deal . Israel has linked Al Qentar's destiny to that of Israeli pilot " Ron Arad " whom his plane had been shot down over the Lebanese territories in 1986 .

33. On December 5th 2004 , the Egyptian government released the Israeli spy (Azzam Azzam) , in return for , the Israeli government released of (6) Egyptian students who were detained at its jails . According to this deal , which was called the Israeli-Egyptian accords , Israel released (165) Palestinian detainees who had been detained during Al Aqsa Intifada (uprising) on December 28th 2004 (except one detainee who had detained in 1999) . (52) detainees of whom released were detained due to their entries to Israel without work permit and the rest of those who were serving short terms in prisons and those who their sentences came to an end .

34. On October 15th 2007 , a limited swap deal has been signed between Hezbollah and the Israeli occupation government . According to this deal , Israel gave back the body of one of its citizens who is called (Gibrael) . As Israel says , Gibrael is a Jewish civilian of Flasha and he is fisherman who had been drifted by the

sea into the Lebanese coasts , then reached to Hezbollah , while Hezbollah gave back the bodies of two fighters who are called Mohammed Yusuf Esily (Zulficar) and Mohammed Demashqia whom have been martyred during the war of July of the last year . The Israeli occupation authorities also released of Hassan Aqeel who has been detained during the war of July .

35. On June 8th 2008 , " Israel " released of the Lebanese detainee (Nassim Nesser) and gave him back to Lebanon after he had spent six years in the Israeli jails on charges of espionage for " Hezbollah " . In return for that , " Hezbollah " gave back the remains of four Israeli soldiers were killed in the war of July 2006 , their remains had been transferred inside small bags across coffin to Israel .

AT that time , this process was estimated to be as an introduction to a big swap deal between Hezbollah and " Israel " , whereby Hezbollah would return back the two captured Israeli soldiers in return for the release of the detainee Sameer Al Qentar and other Lebanese detainees , and that what was actually happened later in the same year .

36. On July 15th 2008 , a new swap deal has been signed between the Israeli occupation government and the Lebanese Hezbollah Organization . According to this deal , Israel released the dean of Arab detainees , the Lebanese detainee " Sameer Al Qentar " who had been detained since April 22nd 1979 , and another four Lebanese detainees whom have been detained in the war of July 2006 . In addition to , Hezbollah has given back the bodies of (199) Palestinians , Lebanese and Arab martyrs whom had been detained in Israel in what is called " Graveyard's Figures "

In return, Israel got back the two soldiers (Ehud Goldwasser and Eldad Regev). The two soldiers considered to be dead have been captured during a military operation for Hezbollah Organization on July 12th 2006 .

Less than a month later , the occupation authorities released five Palestinian children who were detained on August 6th 2008 . The children who were serving short terms in prisons , were released as a good-willing initiative for the Secretary General of the United Nations .

37. On October 1st 2009 , Israel released twenty Palestinian female – detainees from the West Bank and the Gaza Strip in return for getting information about " Shalit " case , who has been captured by the Palestinian factions in Gaza Strip since June 25th 2006 , and that by getting on a new " video " tape of two minutes at which appearing " Shalit " in good health . This deal " Video Tape " is considered as a part of the negotiation of the great swap deal .

Potential swap deals :

The Palestinian factions in the Gaza Strip (Hamas Movement , Salah Eldeen Brigades and Army of Islam) are still holding the Israeli soldier " Jilad Shalit " , who was captured at (Operation Fading Illusion) on the Gaza Strip Boarder since June 25th , 2006 . The operation led to martyr the resitants " Hamed El Ranteesy " and " Mohammed Azmy Ferwana " .

It's worth mentioning that the capturers of " Shalit " confirmed repeatedly that they will not release him except through detainees swap deal according to the Palestinian conditions and standards . The detainees and their families are still drawing their attention on the repercussions of " Jilad Shalit " deal . They are also expressing their hope to be an honorable deal that exceeds the faults of " Oslo " , break the Israeli conditions and standards . In addition , they hope that such deal insure releasing the pre-Oslo detainees and resistance leaders and to repeat the swap deal carried out in 1985 with its own terms and standards . Everyone confirms that any deal that may repeat the Oslo faults , exclude the pre-Oslo , the Jerusalem and the 1948 detainees or may not ensure the release of the resistance leaders , it will lose its content and will be unacceptable " Deal " .

More than one Arab authority freed Palestinian detainees :

Through our previous presentation , It's noticed that the Palestinian swap deals had stopped since 1985 . However , more than one Arab authority freed Palestinian detainees between (1985 – 2008) . In 1997 , a swap deal has signed between the Israeli occupation government and the Jordanian government . According to this deal , the Jordanian government released of the Israeli Mossad spies who had been captured by the Jordanian security forces after their unsuccessful attempt to assassinate Mr. Khaled Mesha'al , the head of the political bureau of " Hamas " movement , while the Israeli government released of the Martyr Sheikh " Ahmed Yassin " , the founder of Hamas movement " May Allah have mercy on him " , who was detained in its jails since 1989 and was serving a life sentence .

On January 29th 2004 , the Lebanese Hezbollah Organization managed to release (431) Palestinian detainees only from the West Bank and the Gaza Strip within the swap deal which was signed between the Lebanese Hezbollah Organization and the occupation government at that time . Unfortunately , the list of the Palestinian detainees was only prepared by the Israeli side according to the Israeli conditions and standards , therefore ; it doesn't include any of the 1948 detainees , the Jerusalem detainees , the pre-Oslo detainees , those of whom having high sentences or of whom are falseness described by " Israel " as " Their hands are stained with blood " . The whole detainees who were released (except 20 detainees) had been detained during Al Aqsa Intifada (uprising) and their sentences came to an end .

Although the deal was wonderful for the Lebanese , it was disappointing and frustrating for the Palestinians , for detainees and their families who attached a great hope on this deal . Palestinians didn't feel the positive difference in regard to the special side of the Palestinian detainees in this deal and between the releases of " good-willing " in which are accomplished within " the peace process " which was the best .

Our comparison is not only playing down the swap deal or of the importance of the resistance in liberating detainees , but it is also mentioned in order not to play down the political releases from one side and to highlight the gaps that accompanied that deal from the other side and not to be hard toward the Palestinian Authority . In fact , " swap deals " should have been much better than the releases of " the peace process " not the opposite . However , the Lebanese Hezbollah Organization didn't take that fact into its consideration in the swap deal signed in August 2008 , which was the worst one regarding the Palestinian detainees because it only led to the release of five children from the West Bank whose prison periods came to an end .

On December 28th 2004 , the Israeli government released (165) Palestinian detainees , (52) of them had been detained due to their entries to Israel without work permit and the rest of them convicted by simple sentences or whose their sentences came to an end . That was within the accords among the Israeli – Egyptian governments , whereas the Egyptian government has released of the Israeli spy Azzam Azzam . In return for , the Israeli government has released of 6 Egyptian students were detained on December 5th 2004 .

Within the swap deal that was carried out in the middle of August 2008 , less than a month , the occupation authorities released (five Palestinian children) , who were serving short terms in prisons , as a good-willing initiative for the Secretary General of the United Nations .

There is no choice to emphasize that the detainees have struggled , sacrificed their youth and spent their life in the deep-black of the Israeli jails to liberate Palestine , its sanctities and other occupied – Arab territories . That is for Arab , Islamic holy and fair issues and within a legitimate resistance of the occupation guaranteed by the whole international conventions . It's our duty as Palestinians , Arab and Islamic nations to work constantly to liberate those detainees because there is no dignity for a nation that isn't honor its heroes and doesn't seek for their liberty .

Chapter 2

" The Detainees and the Peace Process "



In the first chapter , we dealt with the history of detainee's swap deals and the overall swap deals , since 1948 until the end of the last year 2009 , between the successive governments of the Israeli occupation from one side and the Arab countries , factions of the Arab resistance represented by the Lebanese " Hezbollah " Organization and the factions of the Palestine Liberation Organization (PLO) on the other side . The swap deal between Hezbollah and the occupation government in the middle of July 2008 was the last Arab deal . " The Video Tape " that was carried out on October 1st of the last year , was the last Palestinian deal . The total number of swap deal operations has reached 37 resulting in the release of thousands of Palestinian and Arab detainees .

Today and after more than 16 years of " Oslo " and the establishment of the Palestinian National Authority (PNA) , and in order to complete the general scene of the Palestinian detainees issue and their liberation issue , we had to shed light on the role of the political agreements that were signed between the Palestine Liberation Organization (PLO) and its Palestinian Authority from one side , and the governments of the Israeli occupation from the other side . We also shed light on the outcomes of the agreements including the articles and paragraphs concerned with prisoners .

Were the signed political agreements able to fulfill prisoner's dreams of liberty and to end their suffering ? In other words , were they honorable ? Were they bad , exacerbating their suffering and were dishonorable as others describe them ? Were they acceptable as we described them according to what have we arrived through our research ? In other words , they weren't extremely bad nor they were positive in general . They had many faults and gaps although they

fulfilled many achievements that couldn't be overstepped . Through our research , we will review the overall agreements with their advantages and disadvantages to introduce an objective model of the reality to the reader according to what have we reached to after a deep search and a personal – voluntary effort .

By the way , we are not concerned with defending on the Palestinian National Authority (PNA) and " the peace process " in liberating the detainees , also we were not defending on " the resistance and the swap deals " in liberating the detainees . The (PNA) made mistakes in many sides and the resistance neglected other sides and failed in liberating any detainee during a quarter century . But we are concerned with the role's integration and showing the facts as they are and without decreasing their advantages and disadvantages .

On the other hand , we are not concerned with what the Palestinian National Authority (PNA) has presented and is still presenting including services and social - legal support for detainees , their families and for the ex-detainees . These efforts need another study , but we are concerned with what has been fulfilled by the PNA of the release of thousands of Palestinian detainees during the sixteen years followed its establishment .

We welcome any detainee that releases of the occupation jails :

The release of the detainees can be done through three ways : either by the end of detention period or terminating the unfair sentence periods , within detainees swap deal or within an agreement between two parties through negotiation and political process or within what is called " good-willing " of one side as happened repeatedly .

The detainees , since the first – day detention , are armed with their liberty hope and get their steadfastness of its strength . It's not important for the detainees how they are released , the party that is going to liberate them whether it be Arab party or Palestinian party , whether it be by resistance or within political negotiations , by terminating their sentences or within what is called " good-willing " as long as these ways don't affect the principles and constants that they fought and detained for them .

We always welcome , from the depth of our hearts , the release of any Palestinian or Arab detainee regardless of the way of releasing , because his / her liberty means his / her return to his / her family and beloved and to end his / her suffering in addition to end his / her family suffering . It also means a new addition to build the home that in need of the whole sincere efforts .

The Palestinian National Authority (PNA) and " the peace process " reinforced the detainee's hope of freedom !!!

Unfortunately , the peace process has reinforced the freedom hope for the detainees and the Palestinians . The hope has been gradually reinforced since the Madrid Conference and the following Israeli – Palestinian meetings leading to "Oslo " Accords . Everyone attached a great hope of the peace process and the possibility of reaching to a political agreement that ensure the Palestinian's rights and fulfill their ambitions including the release of the detainees from the deep-black of the Israeli jails , but this hope disappointed after a few years , particularly since the outbreak of the Al Aqsa Intifada (uprising) .

The Declaration of Principles in Oslo on September 13th 1993 , has established a new period in the history of the Israeli – Palestinian conflict and formed a historic turning point and a qualitative change of the Palestinian cause . It also raised hopes of the detainees in general , particularly to those who belong to the factions that support . The detainees who their sentences came to an end and waiting the release decision also raised hopes for Oslo Accords . The whole previous hopes and high expectations forced the detainees to organize parties and start to congratulate and hug each other with happiness .

At that time , I was inside the jail and I remember these scenes . Also I remember when the Palestinian flag had raised for the first time inside the Israeli jails and detention centers . As I recall and heard of scenes and pictures of some detainees who were handing out their own things and throwing away their cultural notebooks and their regulative

documents . In addition, they have organized daily parties inside the whole jails and detention centers , were preparing themselves for the release towards the liberty they dream of and they were waiting their jailers to open the jails and let them go out of them .

Unfortunately , the days were contradictory , the majority part of the detainees were happy while many of them were disappointed . Three months later , the releases had begun and continued to include thousands of them whereas the others had released after years , while (314) detainees are still remaining in the Israeli jails up to now despite of passing sixteen years of the Oslo Accords and the establishment of the PNA on May 4th 1994 . (114) of them have served twenty years or longer in the Israeli jails and those are called " Deans of Detainees " , while (14) of them had served more than a quarter of century in which they called " Generals of Patience " .

The roles must be integrated between the resistance and " the peace process " :

No doubt that the peace process with its current conditions will not lead to the release of the pre-Oslo detainees , who are convicted with high sentences and the resistance leaders . This requires to include their names within the potential swap deal which is underway . Thereby , the roles are integrated to serve the detainees issue and their liberty .

In this connection , I ask the detainees and their families not to lose their confidence in resistance to liberate their sons , also not to lose their confidence with the peace process because the previous experiment has proven that it was able to liberate many of them but in different circumstances of that existing now .

The peace process freed thousands but

In the same context , we can say that " the peace process " , in the period between Oslo Accords on September 13th 1993 and the Al Aqsa Intifada (uprising) on September 28th 2000 , freed thousands of Palestinian and Arab detainees in the time that the Palestinian factions together had failed to liberate any detainee since the 20th May 1985 , exactly since swap deal of " Al-Galilee " which was signed between the occupation government and the Popular Front for the Liberation of Palestine – General Command (one of the Palestine Liberation Organization " PLO " factions) despite of many attempts that had been fulfilled by those factions . Unfortunately , the whole attempts failed and didn't liberate any of the detainees .

This doesn't mean that we are completely satisfied with the progress of " the peace process " and the role of the Palestinian negotiator regarding the detainees issue because it included a big faults in Oslo , in addition to several gaps in the next agreements which forced more than a minister and a Palestinian official to emphasize that the faults were made against the detainees in Oslo will not be repeated .

Failure of the factions (doesn't) mean that we lose the confidence of the resistance :

On the other hand , the failure of the factions in liberating detainees doesn't mean that we lose confidence in resistance . The problem was not in the resistance but in the agenda of the Palestinian factions , inside and outside the home , that are supposed to repeat the " Al Galilee Operation " many times during the past years in order to enhance the hope of the resistance leaders and men particularly .

However , we are not going to lose our confidence with resistance as we (aren't going) to lose our confidence with the peace process to liberate the detainees . The roles must be complementary without downplaying any of these roles as what the " negotiations " have achieved must be fulfilled by the " resistance " .

The peace process liberated 13352 detainees since Oslo ...

The peace process led to the liberation of (13352 detainees since Oslo until the end of 2009) including (2102) detainees released during the Al Aqsa Intifada . However , it failed to impose its conditions to liberate hundreds of other detainees .

We gave examples above to describe the facts that took place during the last period , particularly since the year 1985 and until the end of the year 2009 . These examples emphasize that the Palestinian and Arab resistance failed to impose their conditions or what make them better than the PNA in their efforts to liberate the Palestinian detainees in spite of what could be record of mistakes here .

According to our own figures , when the Oslo Accords had been signed on September 13th 1993 , the numbers of the detainees inside the Israeli jails and detention centers were (12500) detainees .

When the second Intifada (Al Aqsa Intifada on September 28th 2000) broke out , there were only (1250) detainees in the Israeli jails and detention centers . At the end of 2009 ; there were only (460 detainees) . (314) of them had been detained before the Oslo Accords and the establishment of the PNA on May 4th 1994 , and the rest of the detainees were detained during the Al Aqsa Intifada .

Since Oslo until the breaking out of the Al Aqsa Intifada (uprising) on September 28th 2000 and within what has called reinforcement of the mutual confidence and good-willing , " the peace process " , negotiations and the different agreements have led to the release of (11250) Palestinian and Arab detainees representing (90 %) of the total number of the detainees . This fact can't be ignored (we can only exclude some of them who were released due to terminating their sentences), in addition to (2012) detainees were released during the Al Aqsa Intifada (uprising) to reach the total number of those whom released within " the peace process " into (13352) detainees .

Releases were not merely numbers ...

It's important to emphasize that these " releases " were not merely numbers , but also included hundreds of detainees who were serving life sentences , and some of them who have spent long periods in the jails . They also included a limited number of Jerusalem detainees and the 48 detainees although the agreements ignored them and there were no clear texts stipulated in the agreements concerned with these detainees . The releases also included tens of detainees of " Patrol Detainees " (*Groups of Palestinian and Arab fighters who were coming from outside of Palestine to execute qualitative operations against Israel*) and Arab . Some of them returned to his origin countries and some of them preferred to stay in Gaza as well as the detainees of the West Bank and the Gaza Strip . However , the peace process has been accompanied by a lot of mistakes in this connection .

" The peace process " is leading to the release of some leaders and the pre-Oslo detainees :

The political negotiations managed to stress on the occupation government to release some leaders who have served long periods and have been convicted by life sentences such as the detainee " Khalil Al Ra'ey " , who has served 25 years in the jail and the detainee " Saleem Al Zar'ey " , who has served more than twenty years , in addition to other detainees .

The Palestinian detainee " Ahmed Jibara Abu Alsukkar " , the oldest Palestinian detainee who has served 27 years in the occupation jails , has been released after a meeting between Mr. President " Mahmoud Abbas " , who was the Palestinian prime minister at that time , and the Israeli prime minister Ariel Sharon on May 29th 2003 .

On August 2008 , after huge efforts by the PNA and Mr. President " Abu Mazen " two longest serving detainees were released : " Said Al Ataba " was freed after thirty one years and " Abu Ali Yatta " who was serving twenty eight years .

The agreements : texts and facts , failures and achievements

For sure , we have mentioned before that " the peace process " was not bad about the detainees issue . However , our assessment doesn't mean that we are completely satisfied with the progress of " the peace process " , in spite of what has attained of achievements that can't be ignored because it has many faults in Oslo and has included several gaps in the followed agreements that it is not only can be overcome in the next agreements but also it must do that .

No doubt that the Palestinian people and the whole detainees have attached a great hope on Oslo Accords as it will stop the war and the conflict between the Palestinian and Israeli people and will prevail the peace . So the new phase requires the release of the whole detainees as they are one of the conflict's elements which had stopped by signing the peace process . The Palestinian people and the whole detainees also thought that the result of any political settlement between the two parties of conflict must include the release of the whole detainees but man doesn't attain all his heart's desires .

The releases have begun with Israeli standards . They have divided the detainees , scattered their combination and rend their unity into the Palestine Liberation Organization's detainees and the detainees of the Islamic movements , some of them are supporters of the peace process while others are opponents , according to the geographical regions of the detainees of the West Bank , the Gaza Strip , the 48 territories ; some whose hands are stained with blood and others whose hands are not stained with blood and so on .With passing of time , frustration and tediousness prevail the detainees also there is a fact that can't be ignored of which they felt with flabbiness at all regulative , ideological , cultural and detention levels .

1- The declaration of principles (Oslo) signed in Washington on September 13th 1993 :

When this accords was signed , the total number of the detainees reached to (12500) Palestinian detainees . The accords didn't refer to the detainee's issue in its terms and provisions and it was free of any clear and frank text that obligate Israel to release the whole detainees or some of them within a clear timetable that associated with execution of the steps and the other commitment of this accords . The accords also granted the occupation government the authority of releasing the detainees and deal with them in what has called _ good-willing " according to the standards and intentions of the interior occupation state . Accordingly , Israeli managed to manipulate with the detainee's issue and – still – utilized them as political hostages and as bargaining mean to stress on the Palestinian side . This also has managed Israel to continue its holding of hundreds of detainees who are detained before the Oslo Accords .

However , " Israel " has actually released nearly (2000) detainees from the West Bank and the Gaza Strip , whose prison periods came to an end on the first third of the year 1994 . If the Declaration of Principles didn't include frank and clear articles , some of the followed agreements contained clear articles concerning the release of detainees , but those articles didn't enough to obligate " Israel " to execute them and to release of the whole detainees without exception . In the context of our research , we will review the articles that related with the detainees as they mentioned in the successive agreements between the Israeli occupation from one side and the Palestine Liberation Organization (PLO) and its Palestinian National Authority (

PNA) from the other side , in addition to review the seriousness of Israel to carry out these articles . We will also highlight on the gaps that the Palestinian negotiator must overcome in the future agreements and negotiations .

2- Cairo Agreement (Gaza / Jericho) signed on May 4th 1994 :

When this agreement was signed , the total number of the detainees was (10500) Palestinian detainees . The article No (20) of the confidence building measures in the first clause has stipulated on the following :

" At the time of signing this agreement , Israel has to release or deliver (5000) Palestinian detainees and prisoners to the Palestinian Authority , residing in the West Bank and the Gaza Strip , during five weeks . The released detainees will be free to return to their homes in any place of the West Bank and the Gaza Strip while the prisoners who will be delivered to the Palestinian Authority , they will be obligated to remain in the Gaza Strip or Jericho area throughout the remaining period of their sentence period . " The agreement also stipulated that the two sides have to continue their negotiations to release of another detainees according to agreed principles ".

The occupation authorities have released (4550) detainees : (550) of them were released and moved to Jericho , and about (350) were criminal prisoners . The occupation government didn't abide by the release of the agreed number , claiming that the incompleteness of the released detainees and prisoners according to the agreement was due to the refusal of hundreds of the detainees to sign on this commitment document .

It's worth mentioning that the occupation authorities obliged the freed detainees to sign a document in which they renounce " violence and terrorism " . The following is the full text of the document :

The full text of the document that the occupation government obliged the released detainees to sign on :

" I the undersigned , bearer of ID No , undertake to refrain from all terrorism and violence acts . Also I acknowledge that I completely know that signing on this document is considered a prerequisite to get release of jail and I know that this release has been done within negotiations of the peace process between Israel and the Palestine Liberation Organization (PLO) , in which I support them , to implement the Declaration of Principles that had been signed on September 13th 1993 . "

The obligation to sign on this commitment document is considered a breach of the international agreements :

The obligation of the released detainees and prisoners to sign on the commitment document is considered a clear breach of the international agreements and conventions that give everyone freedom of expression and the political tenet , especially what is mentioned in Article 19 of the " Universal Declaration of Human Rights " which is stipulated that " Everyone has the right to freedom of opinion and expression ; this right includes freedom to hold opinions without interference " .

By the way , there are many detainees , who were opposed to Oslo Accords , especially the left-wing factions . They refused to sign on this document at that time , which forced the authorities of the Israeli jails to stop their release procedures and return them to jail to stay there for other months and years . But these unilateral procedures don't justify the non-abiding by " Israel " to its commitments and non-release of the agreed number of detainees and prisoners , especially there were thousands of detainees who were ready to sign on this document .

3- Taba Agreement (Oslo 2) signed in Washington on September 28th 1995 :

When this agreement was signed , the total number of the Palestinian detainees reached (6000) Palestinian detainees . The article No (16) of the confidence – building measures in the first clause has stipulated on the following :

(Israel will release or turn over to the Palestinian side , Palestinian detainees and prisoners , residing of the West Bank and the Gaza Strip . The first stage of release of these prisoners and detainees will take place on the signing of this Agreement and the second stage will take place prior to the date of the elections .There will be a third stage of release of detainees and prisoners . Detainees and prisoners will be released from among categories detailed in Annex No.7 (Release of Palestinian Prisoners and Detainees) . Those released will be free to return to their homes in the West Bank and the Gaza Strip).

The appendix No.7 attached with this agreement has stipulated on the following :

Release of Palestinian Prisoners and Detainees :

- 1- The release of detainees and prisoners , as agreed upon in Article (16) of this Agreement will be carried out in three stages .

First Stage:

(1500) detainees will be free once the agreement is signed :

The following categories of detainees and / or prisoners will be included in the abovementioned releases :

- 1- All female detainees and prisoners shall be released in the first stage of release .
- 2- Persons who have served more than two thirds of their sentences .
- 3- Detainees and / or prisoners charged with or imprisoned for security offenses not involving fatality or serious injuries .
- 4- Detainees and / or prisoners charged with or convicted of non – security criminal offenses .
- 5- Citizens of Arab countries being held in Israel pending implementation of orders for their deportation .

Second Stage :

(1200) detainees will be freed prior to the elections of (Legislative Council) :

Detainees and prisoners from among the categories detailed in this paragraph , who meet the criteria set out in paragraph 2 above , are being considered by Israel to be eligible for release:

- 1- Prisoners and / or detainees aged 50 years and above .
- 2- Prisoners and / or detainees under 18 years of age .
- 3- Prisoners who have been imprisoned for 10 years or more .
- 4- Sick and unhealthy prisoners and / or detainees .

Third Stage :

During the permanent status negotiations (The time and the number of the released detainees were not defined) .

The third stage of release will take place during the permanent status negotiations and will involve the categories set out above , and may explore further categories .

It was intended to release (1500) detainees including the whole female detainees within the first stage , but on October 10th 1995 , the occupation authorities only released (882) prisoners and detainees , among them (375) prisoners who are detained due to criminal background (The Public Right Detainees) . Israel also didn't abide by the first stage's clauses as it mentioned in this agreement , so it wasn't released any of detainees and prisoners who were served for more than two thirds of their sentences .

Israel reserved to release some female-detainees under the pretext that the president of the occupation state " Ezer Weizman " didn't approve the release of the female-detainees because they committed acts in which Israeli people were killed . In light of that , the female-detainees made a decision of rejecting to go out of the jails individually and they held on their rights to the comprehensive and group release as it was stipulated in the Agreement (Release of Palestinian Prisoners and Detainees) .

The release of the Palestinian female-detainees has delayed for sixteen months , until the signing of (Protocol of Hebron) on January 17th 1997 . Thirty one female – detainees had been freed according to the protocol . However , the protocol didn't refer to the detainees issue ; it only dealt with the redeployment in Hebron .

During the second stage , It was intended to release of (1200) detainees . The occupation authorities released (782) detainees on January 10th 1996 , as they released nearly (260) detainees on January 11th 1996 , so the total number of the released detainees was (1042) detainees . The release operation was carried out without abiding by the articles of the second stage as it was mentioned in the Agreement . The Israeli occupation also manipulated clearly with the lists of the detainees of which included names of (160) detainees from Gaza Strip who had been arrested because they entered the Green Line without getting work permits , in addition to (200) criminal prisoners were detained due to criminal cases . The Israeli occupation didn't consider the humanitarian situations while it was releasing the detainees , so the majority of the released detainees were those who their sentences finished or came to an end . As a result of that , the occupation

authorities didn't release the whole child-detainees , those who were not over fifty years , the whole patients or those who served 10 years or more in jails .

The third stage will be carried out during the permanent status negotiations without definite time for the negotiations or the release which keeps the door open for manipulation and procrastination . This stage wasn't carried out later .

The Palestinian negotiator succeeded in including clear articles but failed in following up their implementation accurately :

During the Taba and Cairo Agreement , the Palestinian negotiator succeeded in creating a qualitative progress in the detainees issue in comparison with the Declaration of Principles in Oslo . Also he actually managed to add clear articles (But they were uncompleted and non – comprehensive and they ignored the Jerusalem detainees , the 48 detainees and excluded the detainees whom " their hands are stained with blood " according to the Israeli category) . On the other hand , the Palestinian negotiator failed in following up their implementations because both Agreements didn't oblige the occupation government to fulfill its obligation . Accordingly , the Palestinian National Authority (PNA) and the Palestinian negotiator are bearing the responsibility for that , whereas the occupation government didn't abide by carrying out those articles and it succeeded to keep them useless (with reference to Cairo Agreement or Taba Agreement with its three stages) , therefore ; the Palestinian negotiator has to look closely at every stage and connect between implementing his commitments and the seriousness of " Israel " to implement its commitments .

" Wye River " Memorandum signed in Washington on October 23rd 1998 :

When this agreement was signed , the total number of the Palestinian detainees reached (3000) Palestinian detainees . If the two agreements " Taba and Cairo " have mentioned frank and uncompleted articles that weren't implemented , the " Wye River " Memorandum which was signed on October 23rd 1998 in Washington , didn't correct the faults of previous agreements . Instead , it cancelled what has been fulfilled before , had a big and unjustified regression , and brought back the detainees issue to the point of no return !

The Wye River Memorandum didn't include any written text related to the issue of releasing the whole Palestinian detainees but the talks were focused on abiding the occupation government , with an American Warranty , to the release of (750) Palestinian detainees in three groups during three months , with (250) detainees being released monthly . On November 20th 1996 , the occupation authorities indeed released (250) Palestinian detainees , including (94) political detainees of those who were serving short , medium terms in prisons and who their sentences came to an end . In addition to (156) criminal detainees (The Public Right Detainees) .

The Palestinian National Authority (PNA) considered that the government of Israel has broken the agreement of " Wye River " Memorandum with regard to the detainees , while the Israeli government has justified that break by saying that the Wye River Memorandum didn't appoint the class of the detainees who will be released . That break create an atmosphere of frustration and anger

among the Palestinian citizens and forced the detainees to declare the political hunger strike for 10 days from December 5th 1998 , demanding of their release .

At the same time , (70) ex-detainees residing in Gaza Strip have declared open hunger – strike , including the former Minister of Detainees and Ex-Detainees, Hisham Abdulrazeq , in solidarity with the detainees hunger strike and their rights of freedom as an essential part of the requirements of the peace process . However , " Israel " didn't abide by the release of the second and the third groups , but it released hundreds of the detainees under what has been called initiatives of " good – willing " . Most of them were serving short periods and those whose prison sentences came to an end .

4. Sharm El Sheikh Memorandum which signed on September 4th 1999 :

The Sharm El Sheikh Memorandum , signed on September 4th 1999 came to modify a large part of that gap , so it mentioned important clear articles such as :

(The government of Israel shall release Palestinian and other prisoners who committed their offences prior to September 13 , 1993 , and were arrested prior to May 4 , 1994 " Before the Declaration of Principles and the establishment of the Palestinian National Authority (PNA) " . The two sides shall establish a joint e that follow-up on matters related to release of Palestinian prisoners . The joint committee shall agree on the names of those who will be releases in the first two stages . Those

lists shall be recommended to the relevant Authorities through the Monitoring and Steering Committee . The joint committee shall recommend further lists of names to be released to the relevant Authorities through the Monitoring and Steering Committee) .

The first stage of release of prisoners shall be carried out on September 5 , 1999 and shall consist of 200 prisoners . The second stage of release of prisoners shall be carried out on October 8 , 1999 and shall consist of 150 prisoners .The Israeli side will aim to release of the third stage of Palestinian prisoners before next Ramadan (at the end of the same year 1999) but without definite number .

The occupation government has honoured its commitments and released of the first stage on September 9th 1999 , whose its number was (199) detainees . On October 15th 1999 , the released number in the second stage has reached (151) detainees who were serving long – terms in prison , life sentences , those who were wounded Israelis and killed spies in addition to (42 detainees) of " Patrol Detainees " .

On December 12th 1999 , the Israeli Authorities released (7) of the Jerusalem detainees during a special pardon that is declared by the President of Israel Ezer Weizman as a good-willing initiative . On December 29th 1999 , the Israeli Authorities released (26) Palestinian detainees on the occasion of the Holy Month of Ramadan .

It's the first time that Israel abide by the release of the definite number of the first and the second batches , released of Jerusalemites detainees and carried out the third group of which its number wasn't originally defined in the Memorandum . On the other hand , Israel didn't abide by the other clauses such as the selection of the names or the release of the whole detainees whom had been detained before the Declaration of Principles and before May 4th 1994 . Till today , Israel is still keeping (314) detainees , who were detained before that time , in jails and reject to release them under the pretext of " their hands are stained with blood " which disagrees with what has stipulated in the Memorandum .

The Memorandum has included a discrepancy ...

It must be noted that the memorandum showed discrepancy in its articles . While it talked clearly and without procrastination about the release of detainees who committed their offences prior to Oslo Accords , it mentioned a contrary article " The joint committee shall agree on the names of those who will be releases in the first two stages . Those lists shall be recommended to the relevant Authorities through the Monitoring and Steering Committee " . This means the selection of the detainees in non – comprehensive way and open the door for the Israeli side to hold on its conditions . The evidence is that the Memorandum has mentioned that the total number of those who will be released in the first two stages is (350 detainees) while the number wasn't defined in the third stage . Whereas the number of the detainees who were detained prior the Oslo Accords has approximately reached (700) detainees .

It was not supposed to include numbers in the first two stages , but remain on the clear text to release of those who were detained prior to Oslo without exception . Also the third stage must include numbers as further names that shall be recommended by the joint committee as it mentioned in the Memorandum " The joint committee shall recommend further lists of names to be released ". However , the Israeli government has released hundreds of detainees later as " good-willing " initiative , but not as stated in this Memorandum .

The liberation issue of detainees didn't only rely on the Agreements but it was on the top – priority of the agenda of all meetings :

Referring to the detainee's issue by the Palestinian National Authority (PNA) , by its martyr president " Abu Ammar " or by its current president " Mahmoud Abbas – Abu Mazen " wasn't limited to the Agreements It was also on the top – priority of all Israeli – Palestinian meetings with all their levels . The Palestinian side was constantly demanding the release of detainees and their demands sometimes gained an approval of the Israeli side which release detainees as " good – willing " initiative and to build the bridges of confidence .

In one of the meetings comprising President Yasser Arafat and the Israeli Prime Minister Benjamin Netanyahu on January 15th 1997 (In the period between Taba and Wye River Agreements) and in the presence of the US Special Coordinator for the Middle East (Dennis Ross) who documented the meeting , the meeting recommended (the release of prisoners) . Accordingly , the Israeli government has actually released of hundreds of detainees during that period of time .

The Agreements are unholy for the Israeli side :

Through the above mentioned figures , which " Israel " had actually abided by and according to what has stated in the Agreements , we found that Israel didn't abide by what had stated of figures in the Agreements as it didn't abide by the Articles and related clauses . Many times , Israel has released criminal detainees or the prisoners of " Common Law " or those who were detained because of entering " Israel " without getting work permits .

However , Israel released a large number of prisoners , according to its standards and within what has been called as " good – willing " and confidence – building measures . This means that the Israeli government didn't abide by what has been stated in articles and numbers in the Agreements. Israel wanted to send a message to the Palestinians that agreements are not binding to Israel , and that it has the right to choose the time of any new releases .

A summary that highlights the most prominent gaps and failures that generally permeated the Agreements :

We can summarize the most prominent gaps and failures accompanied the peace process related to the detainees issue as follows :

First of all , without doubt , we emphasize that the signed agreements between the Palestine Liberation Organization(PLO) and its national authority from one side and the occupation governments from the other side , starting with the Declaration of Principles that were signed between the two sides on September 13th 1993 , until we reach to the other agreements , they included a lot of gaps especially in the aspect related to the detainees issue . The most prominent gaps were the lack of the clear texts that could force the occupation government to release the whole detainees without exception or discrimination within a clear timetable associated with carrying out the steps and the other commitments of the Agreement . The release process has been divided into indefinite time stages . Some of those Agreements included uncompleted and non-comprehensive texts even they lacked the following-up of its execution .

So the door was opened before the occupation government to shirk its commitments against the Palestinian detainees inside its jails , dividing their issues and deal with it only as humanitarian issue according to good – willing instead of being a Palestinian and national issue as it considered a political condition of negotiation . The occupation government also dealt with the detainee's benefits from one side , so it was always the only side that is authorized to select the names of the released detainees without any Palestinian role except in some limited cases . The occupation government also deliberated to fail and inactivate the Palestinian – Israeli joint committee .

The Agreements disregarded the detainees of Jerusalem and the 48 , as it excluded the Arab detainees who were detained due to the Arab-Israeli conflict :

The whole above mentioned Agreements were not referring to the Jerusalem detainees or the detainees of the occupied territories 1948 . Some of Agreements which included texts that only talked about prisoners of the West Bank and the Gaza Strip .

Disregarding the Jerusalem and the 48 detainees has enabled the occupation government to divide the detainees and to put their issue aside of the political releases . Such Disregarding has devoted the Israeli logic in dealing with them , that is considered their detained and their sentences are an internal matter and its laws are applying to them as the rest of its citizens . on the other hand , the occupation government deprived them of privileges that every Jewish prisoner can get , because of the weakness of the Palestinian negotiators in following-up their issue and work to free them .

As we said before , the releases included a very limited number of the Jerusalem and the 48 detainees , without creating any essential change of the Israeli side to deal with their issue . Most of the Agreements also excluded the Arab detainees who were detained due to the Arab-Israeli conflict and didn't refer to them , although those Agreements released tens of the Arab and the " Patrol " detainees .

The negotiator bears part of the responsibility ...

The negotiator and the political leadership supervised on the negotiations are bearing the direct responsibility for the lack of the explicit texts that ensure the release of the whole detainees without exception or discrimination according to a clear timetable which is binding to the occupation government . At the time when the Palestinian negotiator succeeded to include positive but incomplete texts in some Agreements and to release thousands of detainees . Nevertheless , he – the negotiator – failed to follow-up those texts and if he succeeded in following them up , we would see the Pre-Oslo detainees out of jails .

We also haven't noticed any correlation between the execution of the requirements that are the responsibility of the Palestinian National Authority (PNA) and the requirements that supposed to be carried out by the occupation government represented in the release of the detainees according to the Agreements even it was incomplete . In fact , this situation has sometimes enabled the Israeli occupation government procrastinate , postpone and shirk its commitments at other time . The situation also has enabled it to divide the detainees issue and divide their release into indefinite time stages .

Through our acquaintance of the Agreements , we conclude that the attitude of the Palestinian negotiator who are engaged with following-up the detainees issue was unsteady and was progressing slowly . Such attitude creates an impression that the negotiating team which is certainly specialized in the detainees was not firm and the detainees issue did not generally gain the same priority by the negotiator in the whole Agreements and stages . It may be justified for the Palestinian National Authority (PNA) but will not be justified among the Palestinian people .

The releases during Al Aqsa Intifada including freeing of (2012) Palestinian detainees :

The releases were not stopped at that time or merely according to those Agreements , but it continued slowly during Al Aqsa Intifada . The Palestinian National Authority managed to release many detainees through the negotiations , despite of our reservations about them as they were carried out within " good-willing and confidence- building " and only according to the Israeli standards . We always welcomed and still welcome the release of any Palestinian or Arab detainee .In this occasion , we can only record our appreciations for the efforts made by the President Mr. Abu Mazen and the Palestinian National Authority (PNA) in releasing (2012) Palestinian detainees during Al Aqsa Intifada via seven batches .

The First Batch :

After Sharm El sheikh 2 Understandings in early 2005 , after the Palestinian side had urged the necessity of releasing detainees and according to what has been declared of good-willing by the Israeli side at that time , the Israeli government has released of the first batch that included (500) detainees on February 21st 2005 .

The Second Batch :

On June 2nd of the same year , the Israeli government released of the second batch that included (398) detainees , so the total number of the released has reached (898 detainees) . It must be emphasized here that both batches " the first and the second " were only prepared by the Israeli side without coordination with the Palestinian

Ministerial Committee that is concerned to follow-up the detainees issue . Therefore , the list didn't include the pre-Oslo detainees or detainees who were serving long terms , the political leaders , those who were suffering of chronic diseases , a very limited number of children and female-detainees . The whole released detainees were of whom residing in the West Bank and the Gaza Strip and who had been detained during Al Aqsa Intifada (except 10 detainees were detained before Al Aqsa Intifada) . The list included (119) administrative detainees and the rest were convicted by short terms and their sentences came to an end .

The Third Batch :

On July , 20th 2007 , the occupation authorities released (256) Palestinian detainees including (6) female-detainees as " a good-willing " initiative with the same previous conditions . In comparison with the previous releases , the minority of the released detainees (only 32.4%) , their sentences were less than one year to finish as contrary to what has mentioned above while the rest their sentences not more than eight years .

The leader " Abdulraheem Mallouh " , a member of the Executive Committee of the (PLO) and the deputy of the Secretary-General of the Popular Front (PFLP) was released during this batch . The leader Mallouh was detained since February 16th 2002 , and was sentenced by seven years so he had twenty months to be released . For the first time since many years , this batch released of one detainee of the Pre – Oslo detainees " Mohanned Jaradat " who was detained since September 24th 1989 , and was sentenced by 20 years so he had 26 months to be released .

The Fourth Batch :

In late September 2007 , the occupation authorities released (91) Palestinian detainees as good-willing initiative on the occasion of the Holy Month of Ramadan . The majority of the released detainees (62) were residing in the West Bank and the rest (29) detainees were residing in the Gaza Strip . There were no female-detainees among the released . The conditions and the other requirements were similar to what has been mentioned above . The leader Rakad Salem , the Secretary-General of the Arab Liberation Front , was released during this batch . He was detained since October 2nd 2002 , and was sentenced by eight years and had three years to be released .

The Fifth batch :

In late November 2007 , the Israeli government certified the release of the fifth batch that was included (431) detainees . 78% of them served for more than half of their sentences , while (57 %) served for more than two thirds of their sentences . The majority (243 detainees) and what is representing (56.3 %) were supposed to be freed during the next year 2008 , so they had less than one year to be released . The batch included the names of (47 detainees) representing (10.9 %) were supposed to be freed between 2013 and 2016 , so they had more than five years and up to 9 years to be released . Related the sentence period , the batch included (167 detainees) representing (38.7 %) who were serving sentences of more than five years and up to fifteen years .

The best batch during Al Aqsa Intifada :

We can say , with figures and statistics , that this batch " The Fifth Batch " of the released detainees is the best one comparing to the previous batches which were carried out during Al Aqsa Intifada under what has called " good-willing " or that swap deal which was carried out with Hezbollah on January 2004 or agreements which were carried out with the Egyptian government on December 2004 . However , we recorded our observations on them because they had been prepared from one side according to the Israeli standards which are unfair and unacceptable by Palestinians without playing down them .

Two new batches during the year 2008

The Six Batch :

The sixth batch of the political releases were carried out on the past August 25th , It included (198 detainees) . The batch has clearly broken the Israeli standards as it included the release of two pre-Oslo detainees : the first one is the dean of the detainees " Said Al Ataba " who was detained since more than thirty-one years , and the second one is " Abu Ali Yatta " who was detained since twenty-eight years . In addition to the release of the leader in " Fatah " Movement and the former member of parliament " Hussam Khader " , the owner of the courageous voice and the true word . It also included (74 detainees) that is representing 37.5 % , more than a third of the batch whom had three years and up to eleven years to be freed .

The Seventh Batch :

The seventh and the final batch has been carried out in the middle of December 2008 . It included the release of (227 detainees) who were detained during the Al Aqsa Intifada . The majority of the released were of the West Bank residents except (18 detainees) were of the Gaza Strip residents , whereas (93 detainees) of them had more than three years up to seven years to be released , which is representing 41 % .

By the end of the seventh batch , the total number of the detainees who were released during the Al Aqsa Intifada or under what has been called " good – willing " , has reached (2102 detainees) . Although the whole seventh batches that was entitled with " good – willing initiatives " and the lists were prepared by one side , they wouldn't be carried out without the efforts made by the President Mr. " Abu Mazen " and the Palestinian National Authority (PNA) within " the Peace Process " . This leads us to the conclusion that " the peace process " during the last sixteen years , wasn't bad for the detainees as some people describe it . The peace process has led to liberate (13352) detainees since the Oslo Accords until the end of 2009 , included (2102 detainees) during Al Aqsa Intifada , in spite of all what we have recorded of criticism , gaps and failures .

However , the peace process was not the best and didn't reach to level of ambition . Some agreements disregarded the detainees issue in its articles , whereas the other included incompleted texts , big mistakes and the weakness of the negotiator was clear even in the negotiator's translation of the texts which are incomplete . This enabled the occupation authorities to manipulate with these agreements and keep them under its control , a matter which requires them to be handled in the coming agreements .

What makes us optimistic these days is that the whole official statements issued by the Palestinian President Mahmoud Abbas " Abu Mazen " , Palestine Liberation Organization , its National Authority and its Palestinian government emphasize that the mistakes of Oslo and the gaps accompanied the agreements will not be repeated or at least will shrink dramatically in the future .

However , we expressed our fear of the continuous Israeli attempts that aim to deport the Palestinian side in selecting the names of the detainees . Israel also aims to distract the detainee's issue of its political and national dimensions and accordingly change it into humanitarian issue which is subjected only to what has been called the Israeli " good-willing " and to progress from one side sometimes within the public relations without considering the Palestinian requirements and priorities .

Chapter 3

Numbers and Statistics



The Detainees ... Numbers and Statistics

The number of the detainees since the year 1948 up to January 2010 are estimated with (800) thousand detainees , including (70) thousands were detained during Al Aqsa Intifada that started on September 28th 2000 .

The number of the Palestinian detainees , who are still detained inside the Israeli jails and detention centers , up to the end of January 2010 is approximately reached (7300) detainees . Those detainees included (300) children , (33) female-detainees , (296) administrative detainees , nearly (1500 detainees) who were suffering of different diseases whereas tens of them were suffering of chronic and serious diseases , (17) members of parliament and two former ministers . Those detainees are distributed on nearly twenty jails , prisons and detention centers of which the most prominent are Beersheba , Nafha , Raymond , Gilboa , Shatta , Hadarim , Ashkelon , Hasharon , Al Damon , Al Ramla , Al Maskobeya , Negev , Ofer , Megiddo and etc .

Nearly (5105 detainees) that is representing (70 %) of the total number of the detainees are serving different periods' sentences , including nearly (800 detainees) were convicted by the life sentences for once or several times , while (1893) detainees that is representing (26 %) are detained and waiting their judgments . The number of the administrative detainees has reached (296) detainees that is representing (4 %) while the number of the detainees who are classified according to the Illegal Fighter Law has reached (6) detainees .

Regarding to the marital status of the detainees , the number of the married detainees has approximately reached (4525) detainees that is representing (62 %) . Statistics show that the majority of the detainees (6155 detainees) that is representing (84.3 %) are from the West Bank , while the number of the Gaza Strip's detainees are (745 detainees) that is representing (10.2 %) . For the Jerusalem and the 48 detainees , their total number has reached (400) detainees that is representing (5.5 %) . In addition to tens of Arab detainees from different nationalities .

There are (314) detainees of the all Palestinian areas who are belonging to different national , Islamic and Palestinian organizations . Those detainees were detained before signing on Oslo Accords and the establishment of the Palestinian National Authorities (PNA) on May 4th 1994 at whom are called " the Pre-Oslo Detainees " as they are considered the oldest detainees whose the least one of them was serving for nearly 16 years while the most one was serving for 32 years.

The most painful thing among the " pre-Oslo detainees " is that (114) detainees of them were serving for more than twenty years and they are called " Deans of the Detainees " . The list also included (14) detainees who were continuously serving for more than a quarter of a century and who are called " Generals of Patience " as they considered the most detainees who are patient and bearing the cruelty , hardship and excruciations .

However , we repeated our emphasize that the detainees are not merely figures, but they form an issue , history , pains and sufferance , feats and heroism , painful and scathing stories and every one of them has his own stories with detention of which needs the most famous writers and poets to talk about .

The Conclusion



The detainees issue is considered a central issue for the Palestinian people that is considered one of the Palestinian national constants . It's the issue of every home and in the interest of every Palestinian citizen . It's part of the Palestinian culture . The Palestinian factions have the right to be proud of their long history , their ancient combative heritage and their serious attempts that aimed to liberate their detainees in spite of their failing to liberate any detainee for nearly a quarter of a century .

The Palestinian National Authority (PNA) also has the right to be proud of its achievements and what has it attained of releasing thousand detainees since its establishment despite what has affected on " the peace process " of great mistakes and gaps .

However , the Palestinian people have the right to see their detainees that returning to their homes and beloved , but it is duty for the Palestinian people , the PNA and the resistance factions with supporting of the Arab and Islamic nations to work constantly in order to save their lives from the risk of the jails and to ensure their return to their homes and families safety on foot as they had been detained but (don't) return with coffins or above the patient's beds or in hospitals .

I think that the future of Palestine will remain ambiguous unless the whole detainees are getting their liberty , so there is (no) meaning for successful negotiations that keep them inside the jails exactly as there is (no) value for plentiful resistance that doesn't able to liberate them .

We mean that the detainee's issue must be at the top-priority of the whole Islamic and national factions with its different ideological tendency and political visions and to overcome their interests regardless of the method and the mechanism that can achieve their liberty .

The bitter truth that we must acknowledge is that whatever " Israel " has released of detainees within " a swap deal " , or through " the peace process " or within what has been called " good – willing " , it is able to detain them and more than them unless reaching to a comprehensive political solution that put an end to those detentions and to handle the problem completely . The detainees issue is a political issue that can't be solved out of this field but at the same time , this doesn't mean to wait and leave the detainees inside the jails as hostages in the hands of the occupation until reaching to solution .

We see the obstinacy of " Israel " , its repeated evasion and its insistence to continue detaining hundreds of pre-Oslo detainees who had been detained before Oslo Accords and the resistance leaders , excluding them and didn't release them under what has been called "good-willing " . The successive Israeli governments are shirking of the " peace process " requirements , holding on the unfair standards and the disability of " the political solution " to liberate the detainees , the resistance leaders and other thousands detainees . The whole previous reasons are strengthen demanding the capturers of " Shalit " to release the pre-Oslo detainees and the resistance leaders as a priority of the swap deal . There is (no) opportunity before the detainees except through this deal , and those reasons are also the same that forced and will force the Palestinian factions to exert pressure and other forms to liberate the detainees . Furthermore , the Palestinian factions must think seriously of other ways that lead to liberate the detainees .

This leads us to draw a conclusion that if " Israel " had released the pre-Oslo detainees in the past , fulfilled its commitments against " the peace process " and gave up its unfair standards , we wouldn't realize the inflexibility by the capturers of " Shalit " in this extent , considering that who isn't released within this deal , will be released through the peace process later . " The peace process " should have been granted more interest through the releasing of more detainees , not the opposite ...

If that happened , the Palestinian factions wasn't think of capturing , especially after " Oslo " as long as the political solution ensures their releasing as that is requirement to the peace process and the truce .

Before this bitter reality , we consider that the continuous detentions by " Israel " and holding thousands of detainees inside its jails in harsh conditions that are lacking to the minimum basic necessities of human life , disagreeing completely with all international conventions , customs and agreements . We also consider the Israeli shirking of its commitments against " the peace process " and the requirements of the truce that is existing actually , that will bear Israel full responsibility for what may happen in the region and what can the Palestinian factions do later to liberate more detainees .

Hence , I call upon the international community not to deal with two measures because the human rights can't be divided . As they understand the suffering of the Israeli soldier " Jilad Shalit " who had been captured over castled tank inside the occupation territories and repeatedly demanded releasing him , they must understand the suffering of thousand Palestinian detainees who had been detained due to their resistance of the occupation within legal resistance that

ensured and legalized by the whole international conventions and customs . They also have to demand " Israel " to respect their rights and abide by the international conventions in dealing with them to be released within an obligate and clear timetable .

The detainees deprived from their liberty have a dream haunting them ...
Freedom has a special taste ...

Freedom for the whole detainees ... without condition or discrimination .

Remark :

We published the first version of the first chapter " The History of the Detainee's Swap Deal " on August 2006 and the first version of the second chapter " The Detainees and the Peace Process " on December 2007 at our website " Palestine Behind Bars " and at several websites . At the same time , we continued our search and follow-up . Today , we repeat publishing the two chapters after updating them and adding some information to put the reader and the concerned people before the latest , comprehend and the accurate information within a comprehensive study .

The Pre-Oslo Detainees Inside the Israeli Occupation Jails



The Detainee /
Sedqy Al Maqet
Dean of the Arab
detainees
Detained since 1985



The Detainee /
Saleem El Kayyal
Dean of the Gaza Strip
detainees
Detained since 1983



The Detainee /
Samy Yunus
Dean of the 48
detainees
Detained since 1983



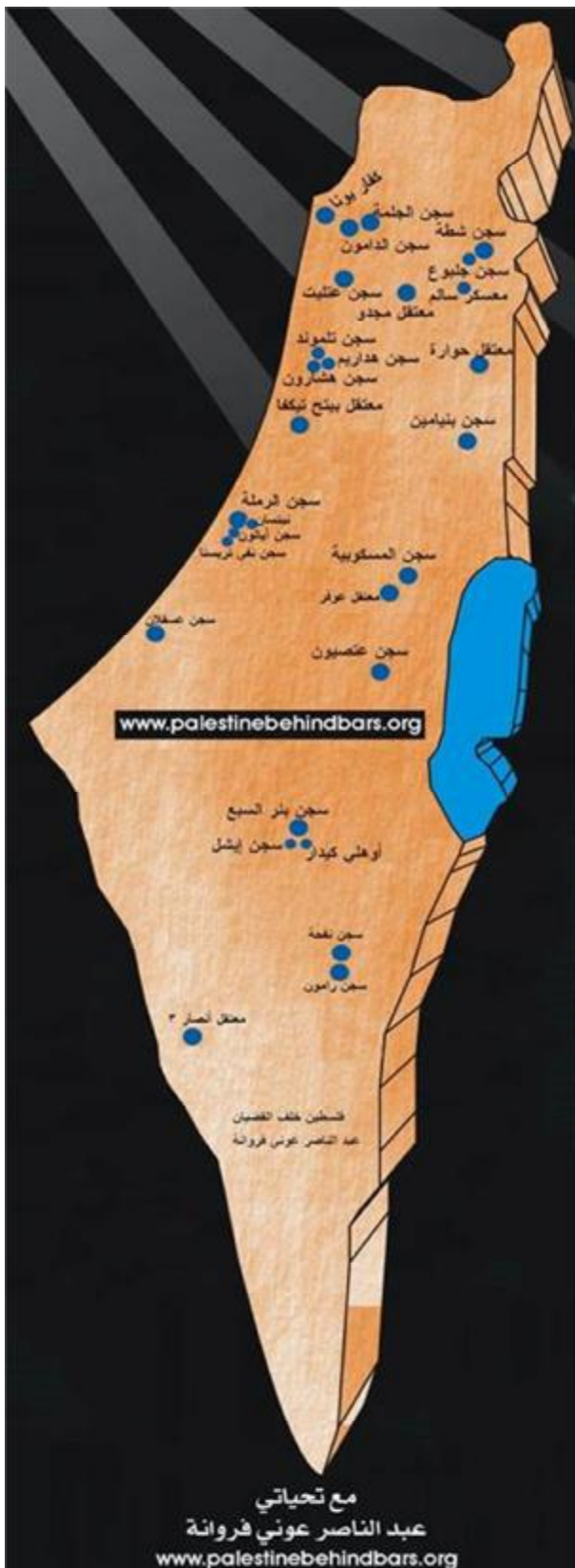
The Detainee /
Nael Al Barghouthy
Dean of the West
Bank & the whole
detainees
Detained since 1978



The Detainee /
Fakhry Al Barghouthy
Dean of the West Bank
& the whole detainees
Detained since 1978



The Detainee /
Fuad Al Razem
Dean of the
Jerusalem detainees
Detained since 1981



The Blue Points on the map
refer to the sites of the Israeli
Jails that spread over our
occupied home .



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See : www.jewishvirtuallibrary.org

§ PM Palestine Monitor " Exposing Life Under Occupation "

See : www.palestinemonitor.org

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See : www.ohchr.org

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