

The Legitimacy of the Israeli Practices against the Palestinian Detainees according to the International Humanitarian Law

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Abstract

The Israeli occupation for the Palestinian Territories is prolonged. It began in 1967 and the Palestinians haven't gained their independence yet. During the years of occupation, thousands of Palestinians were arrested by the Israeli Military Forces.

This study seeks to identify the Israeli practices against the former Palestinian detainees and the families whose sons or daughters are still in the Israeli jails according to the International Humanitarian Law. The study in hand composes of two parts: The first one is theoretical, and the other one is practical. It tries to throw the light on the Israeli violations towards the Palestinian detainees and their families, which are considered grave breaches in the IHL. To this end, the researchers surveyed the opinions of 103 former prisoners and detainees, and 106 of the detainees' families. The collected data were analyzed using SPSS. A descriptive analysis was made to measure the target detainees and their families (and thus the frequency and percentages of the gathered data). The analyzed data in the first questionnaire showed that the Israeli passive practices against the prisoners and detainees is 71%, whereas the second questionnaire showed that the Israeli passive practices against the detainees' families is 72%.

As a result, Israel should respect the fundamental principles of I.H.L in the Occupied Palestinian Territory, including East Jerusalem. Israel as an Occupying Power must fully and effectively respect the Fourth Geneva Convention in the Occupied Palestinian Territory. Israel must also stop imposing big fines on the detainees which adds additional burdens to their families. And finally, legal procedures should be taken against the Israeli Officers who violate the rules of I.H.L and the Fourth Geneva Convention, especially against the Palestinian detainees.

Key words: prisoners, detainees, IHL, OPT, GC, ICRC, HCP

IHL: International Humanitarian Law

OPT: Occupied Palestinian Territories

GC: Geneva Conventions

ICRC= International Committee of the Red Cross

HCP=High Contracting Parties

Introduction

Israel occupied the Palestinian Territories which includes the West Bank, Gaza Strip, and East Jerusalem in 1967. Since that time, Israel detained more than 700,000 Palestinians: men, women and children. This detention is contrary to the rules of International Law, especially the IHL. Israel as an occupying power, detains the Palestinian prisoners in jails throughout Israel, and so the Palestinian families never obtain the necessary permits to visit them.

The history of the Palestinian national captive movement was, and is still an impressive factor in the history of the contemporary Palestinian revolution, and confronting the occupation. The issue of Palestinian prisoners is one of the most important humanitarian, political and legal issues in the modern century.

The Palestinian prisoners inside the Israeli jails suffer from harsh conditions of life, where the places of detention lack the most basic elements of human life. Besides, the Israeli judicial system policy based on imposing high fines and penalties, so it is considered a deterrent policy which does not depend on judicial foundations or legal standards. Israel applied provisions of the British emergency law of 1945 in the trials of the Palestinian prisoners and detainees.

The Shin Bet instructions controls the fate of the Palestinians prisoners and detainees. The majority of prisoners and detainees subject to high fines, in addition to the actual prison sentence and suspended sentence. In the case of non-payment of the fine, it is replaced by actual imprisonment which adds significant economic burden on the Palestinian families.

Study division

Part one: The legal status of Palestinian detainees

1. The legal status of the West Bank and Gaza Strip Territories
2. Israeli's Views for the Application of IHL to the West Bank and Gaza Strip
3. The legal concept of the Palestinian prisoners and detainees in the framework of the Third and the Fourth Geneva Conventions, and the first Additional Protocol of 1977

Part Two: The Israeli violations towards the Palestinian Detainees

1. Torture
2. Lack of medical care
3. Lack of necessary living needs in the jails
4. Solitary confinement punishment
5. Deprivation from family visits

Part Three: The Israeli and International legal liability towards the Palestinian detainees

1. The Israeli legal liability towards the Palestinian detainees
2. The International liability towards the Palestinian detainees

Part Four: The attitude of the former Palestinian detainees and their families towards the legal and constitutional guarantees before the Israeli courts and the Palestine State. Applied practical study: two questionnaires and their analysis.

Statement of the Problem

The study problem is in the arrest of the Israeli military Forces indiscriminately and in an unjustified way of the Palestinians for different reasons, and the effect of detention on the Palestinian families:

1. Suspicious of doing activities that may threaten the security of Israel.
2. Confessions taken by force from the detained persons who are subject to harsh conditions of detentions, then they are forced to mention the names of friends or relatives just to get rid of solitary confinement or deprivation of food.
3. The existence of thousands of Palestinian detainees in Israeli jails constitutes an important income for the Israeli economy, since what Israel offers to the detainees is not enough to meet the needs and requirements of life. As a result the detainees' families are converting monthly allocations to them so that they can survive.
4. The fines that are imposed on the detainees when they are sentenced, as well as the lawyers' fees which burdening the Palestinian families.

Questions of the study:

There are some questions which are branched from the problem of study.

1. Are the Palestinian territories still occupied in accordance with the provisions of International Law?
2. Does Israel have the right to arrest the Palestinians for a long time without having certain evidence of their involvement in hostile acts against Israel?
3. Does Israel provide the minimum services to the Palestinian detainees inside the jails?
4. Do the imprisonment and detention of a large number of the Palestinians for a long time constitute additional burdens on the Palestinian families, as well as the Palestinian economy?
5. Does the State of Israel apply the minimum limit of the third and the fourth Geneva Convention articles on the Palestinian prisoners and detainees?

-Significance of the study

The finding of the study would hopefully throw the light on the Israeli violations against the detainees and their families. These violations are considered grave breaches to the IHL, especially the Fourth Geneva Convention.

Study approach

The researchers will adopt the following research approaches:

1. **The legal Analytical Approach:** The research will analyze the articles of the third and the Fourth Geneva Conventions and the Additional Protocol 1 for the Third

Geneva Convention related to the protection of the prisoners of war, and the applicability of these conventions to the Palestinian prisoners and detainees in general

2.The Descriptive Analytical Approach: Two questionnaires will be applied on a sample consisting of former detainees, and family detainees living in cities, refugee camps and villages. The purpose of the application of these questionnaires, is to connect and make a comparison between the theoretical aspect of this study and the practical side.

Part one: The legal status of Palestinian detainees

Winston Churchill, himself a former prisoner of war, once wrote, "Prisoner of War! That is the least unfortunate kind of prisoner to be, but it is nevertheless a melancholy state. You are in the power of your enemy. You owe your life to his humanity, and your daily bread to his compassion. You must obey his orders, go where he tells you, stay where you are bid, await his pleasure, possess your soul in patience."(Elliot, Wayne 1987)

Churchill talked simply and impressively about his experience in the prison, but the Palestinian prisoners and detainees are still suffering from the Israeli jailers for more than four decades under hard and severe conditions. Despite the circumstances they face, there is still a narrow hope of liberation and establishing an independent state on the West Bank and Gaza territories.

1. The legal status of the West Bank and Gaza Strip Territories

Most of the rules of Convention IV- That is, its Articles 27-141,forming Part 3 of the treaty- benefit only "protected civilians", as defined in Article4. This provision reads:

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.(Sasoli,Marco 2012)

The Security Council issued Resolution No. 242 which described the Palestinian territories as occupied territories. This description was mentioned later in all the international resolutions issued by the United Nations and its institutions.

According to the text of Article II of the Second Geneva Convention that it " also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance ," (ICRC,Art.2) and under this provision , the Convention shall apply to all Palestinian occupied territories since 1967 (Gaza and the West Bank, including Jerusalem) . The formation of the Palestinian National Authority did not change the legal status of the Palestinian territories, because the presence of the Palestinian Authority by the 1993 Oslo Accords between the PLO and Israel does not mean its existence as a state, but as a local authority for the management of some of the Palestinian local facilities and in full coordination with the state of occupation.(Hankrets, John 2007)

The article Fifty-six of the Fourth Geneva Convention stipulates that

"To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.(ICRC,Art.56)

It is clear that the previous provision states that the existence of the Palestinian National Authority does not mean exemption the occupation of his responsibilities as occupier , and does not mean in any way that this authority is an independent authority which bears full responsibility towards the occupied people , because this is incompatible with the reality of the occupation, which imposes itself by force.(Abu Jafar,Ahmad 2014)

As for the legal status of the Gaza Strip following the Israeli army 's withdrawal from the Gaza cities and stationed at the borders and imposed a comprehensive blockade against it by land , sea and air , it is still considered an occupation for the Palestinian Territories.

2. Israeli's Views of the Application of IHL to the West Bank and Gaza Trip

Although the West Bank and Gaza are referred to by nearly all other states as " occupied territories", implying that all Israeli activities in them are governed by the Fourth Geneva Convention of 1949, Israel calls them " administrative areas" and has a different view of its obligations and their legal status.

The Israeli government view, laid out in legal memoranda issued by its Ministry of Foreign Affairs, is that the territories did not belong to any sovereign state at the time Israel captured during the 1967 war, and Palestinians did not assert sovereignty over the territory at that time.

Accordingly, in the Israeli view, the Fourth Geneva Convention is inapplicable on its face, since under the second paragraph of Article 2 common to all four conventions of 1949, the conventions apply only to "occupation of the territory of a High Contracting Party". Formal recognition of the applicability of the Convention, Israel argued, implied a recognition of the sovereignty of the former administration. (Anderson, Kenith1987)

3.The legal concept of the Palestinian prisoners and detainees in the framework of the Third and Fourth Geneva Conventions, and the first Additional Protocol of 1977

The International Humanitarian Law provides legal protection for the national liberation movements and peoples who are resisting the occupation for freedom and independence to obtain the right to self –determination. The Fourth Geneva Conventions of 1949 and the Additional Protocols of 1977 have provided this

protection, as well as many of the General Assembly and Security Council resolutions, especially the General Assembly Resolution No. 1514 issued on 14th December 1960, which granted the Independence to Colonial Countries and Peoples. (UN. Documents, 1960)

There are many reasons that make up an excuse for Israel to detain the Palestinians. In some cases, there is the detention without charge which lasts for years. Few prisoners were captured during the resistance operations and so, they are subject to the Third Geneva Convention on prisoners dated in 1949, the other detainees were arrested on the background of belonging to the resistance factions, but not during the resistance operations, so they are subject to the Fourth Geneva Convention related to the protection of civilians during armed conflict, or occupation.

But from the view of International Humanitarian Law, the captured Palestinian fighters must have the status of prisoners of war because they are fighters who seek freedom, and fighting a war of national liberation. (Shadeed, Fadi, 2011)

Based on the above mentioned information, the Fourth Geneva Conventions of 1949, and Protocol I of 1977 apply on the Israeli occupation in the occupied Palestinian territories, and therefore the Palestinian prisoners and detainees have a legal guarantee to be treated as prisoners of war in the sense that is consistent with the Geneva Conventions, as well as Palestinian civilians who enjoy the legal protection in accordance with the Fourth Geneva Convention of 1949. (Sasoli, Marco, 2012)

So what Israel is doing when it does not recognize the legal status of prisoners and Palestinian civilians, according to the fourth Geneva Convention and Protocol I and all relevant international conventions, is considered a serious violation of International Humanitarian Law and International Law. There is one case which can be applied to all the Palestinian prisoners and detainees, "they are victims of war crime", because of the Israeli violation to the rules of International Humanitarian Law and of the Geneva Conventions. (Daboni, Zakariyya, 2011).

Part Two: The Israeli violations towards the Palestinian Detainees

Israel violates the international standards in dealing with the Palestinian detainees as follows:

1. Torture

In situation where people are deprived of their liberty, physical conditions of detention, violent acts committed by authorities or other detainees, the practice of holding a person in custody for an indefinite period or without charge, and certain interrogation methods may all constitute torture or cruel, inhuman or degrading treatment. (Osayli, Mohammad 2005).

The Geneva Conventions of 1949 and their Additional Protocols of 8 June 1977 contain a number of provisions that absolutely prohibit torture, cruel treatment, and outrages upon individual dignity.

Thus, torture is prohibited by Article 3 common to the four Geneva Conventions, Article 12 of the first Geneva Convention, Article 17 and 87 of the Third Convention, Article 32 of the Fourth Convention, Article 75.2(a) and (e) of Additional Protocol I and Article 4.2 (a) and (h) of Additional Protocol II. In international armed conflict, torture constitutes a grave breach under Articles 50, 51, 130 and 147 of these conventions, respectively. Under Article 85 of Additional Protocol I, these breaches constitute war crimes. In non-international armed conflict, they are considered serious violations.

The Rome Statute of the International Criminal Court defines torture and cruel, inhuman or degrading treatment as war crimes under Article 8(2)(a) and (xxi) and (c)(i) and (ii), and as crimes against humanity under Article 7(I)(f) and (K). (ICRC, The Four Geneva Conventions and the Rome Statute of the International Criminal Court)

The Israeli security forces use a variety of systematic methods to torture the Palestinian detainees inside the cellars of the investigation, as the use of sleep deprivation, loud music, beating and shaking, the threat of physical exploitation method, the restriction of violent hands and feet, exposing the defendant to strong lighting, pressure on the necks, and endangering them to heat, sometimes high and cold at other times. These methods are contrary to international laws and norms. The Universal Declaration of Human Rights has confirmed in the second article that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". (Naseri, Mariam 2011)

The Israeli intelligences use the above mentioned techniques in order to influence the detainees and take the confessions by force, which constitutes a violation of the rules of public international law and international conventions.

2. Lack of medical care

The administration of the Israeli prisons and jails intentionally does not provide enough medical staff for the treatment of diseases for the Palestinian detainees, and the absence of medical supplies inside Israeli jails exacerbates the health conditions of the detainees. The doctors give only one medicine for all the patients, it is just An aspirin with a cup of water which is given for headache. (Amer, Hana 2007)

According to this behavior, Israel violates Article 91 of the Geneva Convention, which emphasizes the following:

"Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet". (ICRC, Article 91)

The Palestinian statistics recorded a number of the martyrs of the Prisoners who have lost their right to life

as a result of medical negligence inside prisons. (Amer,Hana 2007)

3. Lack of necessary living needs in the jails

The Israeli Defense Ministry allocates an amount of (\$ 500) per year to cover all living requirements of the detainee which contains food, snack bar, clothing and other needs. As a result of the increase number of Palestinian detainees in Israeli jails, especially after the second Intifada in 2000, the need for the requirements of living in larger quantities has increased.

The Palestinian detainees depend basically on foreign aids from human rights organizations, and their families to meet the needs of their life in the Israeli jails.(Ibrahim,Ali 2000).

4. Solitary confinement punishment

The Israeli occupation authorities apply the solitary confinement policy on the Palestinian detainees in Israeli prisons, as a means of pressure in order to extract confessions from them, or as a punishment for any act shall constitute a breach of the system from the Israeli point of view. The solitary confinement affects the psychological and physical status of the Palestinian prisoners. (Shihada, Raja 2012)

5. Deprivation of family visits

The transfer of Palestinian detainees inside Israel is contrary to the rules of International Humanitarian Law, particularly the Fourth Geneva Convention, this transfer means depriving them from their family visits.

The International Red Cross program is subject to severe restrictions especially after the beginning of Al-Aqsa Intifada at the end of September 2000. The Israeli occupation forces announced the cancellation of the visits program several times, and then return to resume it after long months.(Koek, Elizabeth 2011)

This is contrary to the provisions of Article 116 of the Fourth Geneva Convention, which emphasizes that: "Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible". (ICRC,Article 116)

Part Three: The Israeli and International legal liability towards the Palestinian detainees

1. The Israeli legal responsibility towards the Palestinian detainees

2. The International liability towards the Palestinian detainees

Israel is one of the states that has signed and ratified the Fourth Geneva Convention of 1949, which is considered a binding agreement and it should be applied as stated in Article (146) of this Convention, and irregularities which are considered crimes and provided for by Article 147 of the same Convention.

1. The Israeli legal and humanitarian responsibility towards the Palestinian detainees

The responsibility lies on the Israeli Occupation has two sides: The first is humanitarian and the other is legal.

The humanitarian side: Israel as an occupying power must respect the life, beliefs, the freedom of captive and not to assault him nor his dignity, to be treated humanely and not subjected to physical or psychological torture to extract confessions from him, and lastly to live safely in the jail.(Lubell, Noam,2012)

The legal side: It is the responsibility of the occupation to implement all laws, conventions and international agreements which provide the protection for the rights and freedom of captive and also provides a fair trial before a regularly constituted court which is impartial and fair, and should not be forced to recognize something that he did not commit.(Huband,Mark,1987) .

The responsibilities of the Israeli occupation towards the Palestinian detainees:

1. The captive has the right to spend his sentence in the occupied territories prisons and not transferred to prisons within the borders of the state of occupation according to Article 76 of the Fourth Geneva Convention.

2. To be trialed before a regularly constituted court that the trial shall be conducted in the occupied territories, not outside according to article 66 of the Fourth Geneva Convention.

3. The detainees have the right to spend their sentence in well prepared, ventilated and healthy prison rooms.

4.The patient detainees have the right to receive the necessary treatment by specialist doctors, as well as an annual medical check.

5. The detainees are to be treated humanely, receive visits from their families, be allowed to practice mental and religious activities, receive secondary and university education and to get all the financial allocations to enable them to buy their food, and that allows them to prepare their food by themselves and to get the clothes twice a year. (Shalaldehy, Mohammad, 2007) .

The above-mentioned rights of the detainees are the same rights mentioned in International Humanitarian Law and the Fourth Geneva Convention of 1949.

2. The international liability towards the Palestinian detainees

The international responsibility towards the Palestinian detainees stems from the legal responsibility to monitor the implementation of international conventions, in particular the Fourth Geneva Convention of 1949 and does not contradict or violates any article of its materials.

The Fourth Geneva Convention of 1949 in its article (146) committed all the High Contracting Parties, including the State of Israel to, " enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present convention defined in the following article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, and regardless of their nationality, before its own courts.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present convention other than the grave breaches defined in the following article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defense, which shall not be less favorable than those provided by article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Article (147) of the same Convention demonstrated, acts and grave breaches to which the preceding article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Geneva Convention: willful killing, torture, or inhuman treatment, including biological experiments,

Part Four: The attitude of the former Palestinian Detainees and their families towards the legal and constitutional guarantees before the Israeli courts, and the Palestine State. Applied practical study; two questionnaires and their analysis.

-Limitation of the study

The scope of the study at hand is restricted to a sample of the former detainees and their families in the West Bank, from the first of January 2015 to the first of June 2015.

-Population of the study

There are thousands of former Palestinian detainees who spent periods from less than one year to more than fifteen years in the Israeli prisons and jails. And now

Table 1: Distribution of the sample study according to the gender

	Frequency	Percent
Valid male	91	88.3
Valid female	12	11.7
Total	103	100.0

Table 2: Distribution of the sample study according to the place of residence

place of residence		Frequency	Percent
Valid	city	28	27.2
	village	43	41.7

Design of the study

The study of the questionnaires and their analysis is supposed to integrate the theoretical side of the study, so we can consider it the practical side of the study.

willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile power, or willfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention,...(ICRC,Articles 146 and 147)

Hence, the international legal responsibility towards the Palestinian detainees is in the issuance of legislations under the International Conventions, imposing sanctions on the State of Israel, the pursuit of criminals who violate the prisoners' rights according to Geneva Conventions and expose abuses and crimes practiced against their rights.

From human terms, the necessary assistance should be provided to the detainees in prisons by sending observers and doctors inside the Israeli prisons, to monitor and provide medical assistance to the patient detainees and non- patients in order to understand and see their suffering inside the prison .

there are about 6000 detainees in the Israeli prisons and jails according to the records of the Ministry of Detainees an Ex- Detainees Affairs.

The study is composed of two questionnaires. The first questionnaire is about the former detainees, and the second one is about the families of detainees.

The first questionnaire about the former detainees' attitudes towards the Israeli practices

The sample study comprised 103 former detainees living in cities, villages and camps in the West Bank. They spent a period from less than one year to over 15 years.

The distribution of the sample study is shown in the tables below.

camp	32	31.1
Total	103	100.0

Table 3: Distribution of the sample study according to the years of detention

years of detention			
	Frequency	Percent	
Valid	less than 1 year	7	6.8
	1-3	38	36.9
	3-5	26	25.2
	5-10	23	22.3
	more than 10 years	9	8.7
	Total	103	100.0

This study is quantitative. Thus, an adapted questionnaire was developed as a measuring instrument. The participants were asked to answer all the items of the questionnaire, stating their gender, place of residence, and the number of the detention years and their attitudes towards the Israeli practices against them.

Instrument of the study

The researchers had consulted several former detainees and their families of their attitudes towards the Israeli practices. The questionnaires were developed in simple Arabic and English to make sure they would have more confidence in responding the statements. The first part of each questionnaire involved the participant's gender, place of residence, and the number of the years of detention. The first questionnaire is composed of twenty items, while the second one has seventeen items.

Validity of the instrument

To investigate the validity of the instrument, the questionnaires were given to two specialist professors from Al- Quds University, and the other from Al-Istiqlal University in Palestine. They suggested some amendments and the questionnaires were modified accordingly.

The statistical analysis

The collected data were analyzed using SPSS Program aiming to answer the researchers' questions quantitatively. To answer the research questions, descriptive statistics was conducted to determine the frequency and percentages of the gathered data.

Results and discussion

The first questionnaire is about the former detainees is divided into three sections.

The first section is devoted for the Israeli practices during the arrest:

A. 86% of the sample study stated that they were subjected to physical abuse during the arrest.

B. 85% stated that their families had been subjected to moral violence during the arrest.

C. 83% stated that their family homes were exposed to damage during the arrest.

Table 1: Distribution of the sample study according to the gender

	Frequency	Percent
Valid male	81	76.4
female	25	23.6
Total	106	100.0

Table 2: Distribution of the sample study according to the place of residence

	Frequency	Percent
Valid city	27	25.5
village	44	41.5
camp	35	33.0
Total	106	100.0

D. 82% stated that the family members were exposed to physical violence during the arrest.

The second section is about the Israeli practices during the investigation:

A. 85% of the sample study stated that they were subjected to moral coercion during the interrogation.

B. 68% stated that they were subjected to physical coercion during the interrogation.

C. 36% stated that the military courts based their judgments against them to real evidence.

The third section is about the Israeli practices after the verdict:

A. 37% of the sample study stated that the Israeli Prison Administration provided an integrated healthy diet during the period of detention.

B. 35% stated that the Israeli Prison Administration provided a suitable health care.

C. 46% stated that they were subjected to punitive transfer from the prison.

D. 39% stated that Prison administration provides the appropriate places for practicing religious rites.

As a result, the analyzed data in questionnaire number (1) about the former detainees show that the percentage of the **Passive Israeli practices** against them is 71%.

The second questionnaire is about the views of the of detainees' families towards the Israeli Practices

The sample study comprised 106 families living in cities, villages and camps in the West Bank. The detainee spent a period from less than one year to over 15 years.

The distribution of the sample study is shown in the tables below.

Table 3: Distribution of the sample study according to the years of detention

	Frequency	Percent
Valid less than 1 year	13	12.3
1-3	20	18.9
3-5	25	23.6
5-10	36	34.0
more than 10 years	12	11.3
Total	106	100.0

The researchers followed the same method to form the second questionnaire about the views of the detainees' families towards the Israeli Practices.

They are: Design of the study, instrument of the study, validity of the instrument, the statistical analysis, and lastly the results and discussion.

Results and discussion

The second questionnaire is composed of 17 items. The view of the prisoners or detainees families towards the Israeli practices is as follows:

A.86% of the sample study stated that the Israeli military courts impose big fines on prisoners and detainees.

B.85% stated that the families suffer psychologically by the arrest of a family member.

C.82% stated that spending the verdict by the prisoner or detainee inside the prison requires huge amounts of money from the families, and this adds an additional burden on their families.

D.78% stated that charges against the prisoner or detainee are incorrect and often based on confessions extracted by force from them or from other prisoners or detainees.

E.77% stated that the prisoner or detainee faces psychological and social difficulties after his release from prison.

As a result, the analyzed data in questionnaire number (2) about the views of the of detainees' families towards the Israeli Practices showed that the percentage of the **Passive Israeli practices** against them is 72%.

Recommendations

The High Contracting Parties to the Fourth Geneva Convention held their conference on the 17th December 2014 in Switzerland. They issued a declaration reflects the common understanding reached by them, mindful of the recommendation by the UN General Assembly in resolution 64/10 of December 2009. The H.C.P reaffirmed the statement of the conference of H.C.P to the Fourth Geneva Convention of July 1999 and the Declaration of 5 December 2001.

This Declaration is considered a great progress since the majority of the H.C.P participated in it, which shows the importance of the application of the I.H.L in Palestine and also the importance and central of the Palestinian Case.

As a result of the study, the H.C.P should take practical steps in order to force Israel to implement the following:

1. The need to respect the fundamental principles of I.H.L in the Occupied Palestinian Territory, including East Jerusalem in general.
2. Israel as an Occupying Power must fully and effectively respect the Fourth Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem regarding the Palestinian detainees in the Israeli jails.
3. Israel must not transfer the detainees from one prison to another in a punitive way.
4. Israel must provide an integrated healthy diet for the detainees.
5. Israel must provide a suitable health care for the detainees.
6. Israel must stop imposing big fines on the detainees, which adds more burdens to their families.
7. Legal procedures should be taken against the Israeli Officers who violate the rules of I.H.L and the Fourth Geneva Conventions, especially against the Palestinian detainees.

If Israel abstains from implementing the above mentioned points, a lot of sanctions can be taken against it in order to make it respect the rules of I.H.L and the Fourth Geneva Convention.

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Appendices

The First Questionnaire about the Former Detainees

Israeli practices during the arrest

Item no.	Item	N	Percent	SD	Mean
1	The family's home was exposed to damage during the arrest.	103	83%	.871	4.13
2	My family members were exposed to physical violence during the arrest.	103	82%	.813	4.08
3	My family had been subjected to moral violence during the arrest.	103	85%	.734	4.24
4	The Israeli army used sniffer dogs during the arrest.	103	75%	1.082	3.75
5	I was subjected to physical abuse during the arrest.	103	86%	.736	4.29
6	Some properties of my family's house were stolen.	103	54%	1.012	2.68
7	Some properties were seized by the Israeli soldiers.	103	73%	.958	3.64
8	The Israeli soldiers put off the electric current before and during the arrest.	103	55%	1.050	2.73
Israeli practices during the arrest		103	74%	.470	3.69

Israeli practices during the investigation

Item no.	Item	N	Percent	SD	Mean
1	I was subjected to physical coercion during interrogation.	103	68%	1.271	3.41
2	I was subjected to moral coercion during interrogation.	103	85%	.730	4.27
3	Prisons administration has provided the necessary facilities in order to communicate with the defense lawyer.	103	45%	.957	2.25
4	Prisons administration has provided facilities for the use of witnesses during the trial.	103	39%	.685	1.96
5	I was subjected to coercion by investigators for the signing of the minutes of the investigation.	103	56%	1.326	2.79
6	The military court based its judgment against me to real evidence.	103	36%	.549	1.80
Israeli practices during the investigation		103	75%	.443	3.74

After the verdict

Item no.	Item	N	Percent	SD	Mean
1	Israeli prison administration has provided an integrated healthy diet during the period of detention.	103	37%	.687	1.86
2	Israeli Prison administration has provided a suitable health care..	103	35%	.573	1.75
3	I was subjected to punitive transfer from the prison.	103	46%	.812	2.29
4	Prisons administration provided the appropriate domain in order to complete secondary and university education.	103	58%	1.210	2.92

5	Prisons administration provided suitable entertainment programs during the arrest.	103	37%	.596	1.83
6	Prisons administration provides the appropriate places for practicing religious rites.	103	39%	.598	1.93
After the verdict		103	65%	.286	3.25
The passive Israeli practices		103	71%	.240	3.56

The second questionnaire about the Detainees' Families

Item no.	Item	N	Perce nt	SD	Mean
1	I and my family suffer psychologically by the arrest of a family member.	106	85%	.549	4.25
2	The Israeli authorities allow me regular periodic visits in order to visit the prisoner or detainee	106	65%	.964	3.25
3	The Israeli prison administration provides a suitable atmosphere for the visit.	106	55%	1.111	2.75
4	The Israeli authorities provide special declarations needed for the families to visit prisoners and detainees without complicated procedures.	106	49%	.987	2.46
5	Time dedicated to visit the prisoner or detainee is enough .	106	51%	1.155	2.56
6	The Israeli prison administration allows to provide the prisoner or detainee with the necessary personal needs such as clothing, blankets and money needed for living.	106	49%	.875	2.47
7	The Israeli military administration allows the families to provide the prisoners or detainees with the money needed for their daily needs in prison	106	56%	.946	2.78
8	Spending the verdict by the prisoner or detainee inside the prison requires huge amounts of money from his family, and this adds an additional burden on his family.	106	82%	.529	4.08
9	Charges against the prisoner or detainee are incorrect and often based on confessions extracted by force from them or from other prisoners or detainees.	106	78%	.561	3.91
10	The Israeli military courts impose big fines on prisoners and detainees.	106	86%	.485	4.31
11	The prisoner or detainee faces psychological and social difficulties after his release from prison.	106	77%	.874	3.87
12	The Palestinian official institutions provide appropriate psychological rehabilitation for prisoners and ex- prisoners.	106	47%	.975	2.34
13	The Palestinian official institutions provide health insurance for the released prisoners and ex -detainees .	106	54%	.913	2.72
14	The Palestinian official institutions provide adequate employment opportunities for the released prisoners and ex- detainees.	106	47%	1.059	2.34
15	The Palestinian official institutions provide free education for the released prisoners and detainees	106	51%	.830	2.53
16	The Palestinian official institutions provide free education for the detainees and prisoners families	106	50%	.854	2.51
17	The financial allocations granted for the released prisoners or former detainees are sufficient and meet their needs.	106	49%	.840	2.44
The passive Israeli practices		106	72 %	.314	3.60