

Briefing Paper  
08 February 2013

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**MIDDLE EAST M** **ONITOR**  
[www.middleeastmonitor.com](http://www.middleeastmonitor.com)

# ISRAEL'S ARREST CAMPAIGN AGAINST PALESTINIAN PARLIAMENTARIANS

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## **Israel's arrest campaign against Palestinian parliamentarians**

### **Introduction**

According to international law and even the Israeli legal system, no one should be detained for their political beliefs. However, this is not the reality in the occupied Palestinian territories. Elected Palestinian political leaders are arrested and detained regularly as part of



Israel's effort to hinder Palestinian political processes, leading to the stifling of Palestine's political sovereignty and independence. Such arrests have recently been focused on parliamentarians who are linked in some way to Hamas.

There are currently about 4,500 Palestinians detained in Israeli prisons; 178 are held without charges and 15 are Hamas members of the Palestinian equivalent of a parliament, the Legislative Council. In recent weeks, Hamas sympathisers have been the target of an arrest campaign as Israel tries to destabilise Palestinian politics and the relatively peaceful rapport between the rival main parties, Hamas and Fatah.

### **Track record of arrests**

This is not a new phenomenon; Israel has a track record of arresting Islamist parliamentarians. In September 2005, for example, the Israeli occupation forces launched a mass campaign of arrests against Palestinian Legislative Council (PLC) members, arresting and detaining nearly 450 belonging to the Change and Reform Bloc linked to Hamas, most of whom were involved in the 2006 PLC election. Some were released on the day of the election or just days before or after it. The arrests notwithstanding, some, such as Wael Hussein, were elected while in an Israeli prison.



When, after the 2006 election, Palestinian militant groups captured Israeli soldier Gilad Shalit while he was on active duty, the IDF launched a series of military operations that killed 200 Gaza residents and laid siege to the territory. At the same time, the Israeli government announced that elected PLC members and ministers would have no parliamentary immunity, despite the fact that such status is guaranteed under international law. Following this, the occupation forces detained many Hamas supporters, including 8 cabinet ministers and 26 members of the PLC elected on the pro-Hamas Change and Reform list. All of those detained were taken to Ofer Prison, interrogated, detained for 1-2 months and then accused of being members of the “Change and Reform Party”, which Israel argued was affiliated with Hamas and thus “illegal” according to military orders. The Israeli rationale behind the accusation was that since the candidates were working as PLC members in the name of the party, they were supporting and giving aid to the party.

Such arrests were and remain a blatant attempt on Israel’s part to sabotage any political progress by the Palestinians, particularly members of Hamas or those who are pro-Hamas. It must be noted that the PLC members were elected in a “free and fair” democratic election which Israel and its allies in the West pushed the Palestinians to hold. Secondly, the parliamentarians served in their positions for several months during which the Israelis did not even hint at the fact that they were a threat to the state. Thirdly, the Israeli authorities only declared the Change and Reform Bloc to be “illegal” in February 2007, one year after the Palestinian election took place.

### **Most recent arrests**

The most recent arrests occurred on 4<sup>th</sup> February, 2013, when the Israeli occupation forces arrested 25 members of Hamas, 3 of them PLC members. Moreover, the IDF has indicated that it is planning more arrests of suspected militants in the occupied West Bank to prevent the escalating surge of low-intensity conflict and civil unrest from turning into an uprising.

A few weeks earlier, Hamas parliamentarian and PLC Speaker, Dr. Aziz Dwaik, was arrested at a checkpoint on suspicion of being a member of a terrorist group. The Hamas leadership believes that it is Israel's intention to undermine recent attempts at reconciliation between Hamas and Fatah. Hamas is calling for Palestinian Authority President Mahmoud Abbas to declare an immediate halt to peace negotiations with Israel in Amman out of respect for the Palestinians and the PLC; failure to do so could lead to conflict and hinder reconciliation.



### **Arrest of Jerusalem MPs**

It is worth mentioning that although Palestinian parliamentarians and political figures have been detained all over the occupied West Bank those living in Jerusalem have been targeted disproportionately. The Israelis have done everything in their power to create obstacles for parliamentarians in Jerusalem. They even banned election campaigning in occupied East Jerusalem and when a number of PLC candidates were elected to represent the city, the Israelis would not recognise the results; they claimed, and still claim, that all of Jerusalem is part of Israel.

However, matters did not end there. PLC members Ahmad Attoun, Muhammad Abu Tir and Mohammed Totah, along with former Minister of Jerusalem Affairs Khaled Abu Arafah, who

were all residents of East Jerusalem, were served with deportation orders for “disloyalty” to the state of Israel and had their East Jerusalem residency permits revoked. The parliamentarians sought refuge at the International Red Cross compound in East Jerusalem before they were ultimately “deported” by Israel to the West Bank. They were thus separated from their families who, as residents of East Jerusalem, are not allowed by Israel to enter the West Bank.

The arrest and deportation of PLC members from Jerusalem is particularly alarming, and highlights Israel’s obvious attempts to ethnically cleanse Jerusalem of Palestinians and quash growing popular support for Hamas, which won a significant majority of votes in the 2006 election. Moreover, it raises concerns that it may also lead to ordinary Palestinian residents in Jerusalem being expelled. Ultimately, Israel is carrying out a “Judaisation” policy to empty Jerusalem of its native Palestinian residents.

#### **Reasons for the arrests**



It is no secret that Israel regards Hamas as a terrorist organisation and will do everything in its power to eliminate the Islamic Resistance Movement. It has revealed repeatedly and clearly its disapproval of Hamas’s victory in the 2006 democratic election. The arrest campaign is a blatant attempt to prevent Hamas engaging in political activity, especially in the West Bank, where the movement’s popularity has soared following its performance during Israel’s November offensive against the people of Gaza. According to polls conducted after the ceasefire agreement, if elections had taken place then, Hamas would have won. This worries Israel. Furthermore, due to progress in the reconciliation process, Palestinians are experiencing stability in the region which may encourage Hamas activity in the West Bank as well as Fatah activity in the Gaza Strip, contributing further to Israel’s unease. The great rivals Hamas and Fatah have made progress in their attempt at reconciliation recently. Fresh talks will be launched in Cairo on 8<sup>th</sup> February 2013 in an effort to end their dispute, form a unity government and plan elections. The most

recent arrests are Israel's way of sabotaging such progress and standing in the way of Palestinian unity, which they fear will strengthen the Palestinians, thwart Israeli plans and support the campaign against settlements. Palestinian agreement on a clear and unified political agenda, as well as the re-establishment of the PLO and Palestinian Authority will further enhance their ability to counter Israel's actions.

The arrests also underline the fact that Israel is still a major factor in internal Palestinian stability and that it will continue to exercise its stranglehold on Palestinian affairs. Israel's sabotage of reconciliation efforts attest to this; it wants to emphasise that it can and will dictate if and when the factions will resume political activities in the occupied West Bank, especially Hamas.

### **Israeli justifications**

Israel's main justification for the arrest campaign, as well as all the other injustices it exercises against Palestinians, is that Hamas is a "terrorist" group that is committed to the destruction of the self-styled Jewish state. It also opposes Hamas on the grounds that it does not recognise Israel's right to exist. This is the central pretext for any action taken against Hamas in particular and the Palestinians in general. The Israelis also claim that Hamas is attempting to rebuild its political infrastructure in the West Bank and resume its political activities. The impact of the Arab Spring cannot be discounted as an influence on Israel's policies; it fears that Palestinians in the occupied West Bank will be inspired by the rise to power of Islamist parties in Egypt and Tunisia. Whatever the claims made by Israel, nothing can justify the arrest of elected parliamentarians.

## Ramifications

The arrest of Palestinian Legislative Council members will have a serious impact on the Palestinians. These arrests are hindering reconciliation between Hamas and Fatah, which has a direct effect on the stability of domestic Palestinian affairs. Fatah and Hamas have a history of conflict and are very close to achieving unity. However, the main figure handling the reconciliation talks was detained in the most recent Israeli arrest campaign; Israel, clearly, wants to keep Palestinians divided for as long as possible.



If Tel Aviv is able to detain most parliamentarians and other political figures, the Israeli government will undermine the elections Fatah and Hamas are planning to hold in the near future. If the candidates are languishing in Israeli jails, it will hamper and render meaningless the whole democratic process. It can be argued that this actually highlights the futility of democracy under occupation; as long as Palestinians are under Israeli occupation and Israel takes such action to prevent free and fair elections, the chance of them taking place are remote. Genuine democracy presupposes freedom, and until the Palestinians are free, the Israelis will always find a way to sabotage and impede progress towards independence and sovereignty.