

Talking Points on Administrative Detainees:

- There are currently 870 Administrative detainees in IDF detention centers.
- In the month following the Sharm ash Sheikh Summit, held on February 8, 2005, the Israeli army renewed the administrative detention orders for 47 Palestinian political prisoners, some of whom have had their orders renewed several consecutive times.
- Administrative detention is indefinitely renewable under military regulations. A detainee may be given an administrative detention order for a period of between 1 – 6 months, after which the order may be renewed again.
- Administrative detention is based on secret evidence brought forward during military tribunals, to which neither the detainee nor his/her lawyer have access to.
- International law provides for an administrative detention, but, because of the serious injury to due process rights inherent in this measure and the obvious danger of abuse, has placed rigid restrictions on its application. For example:
 - administrative detention is to be used solely to prevent acts of violence or other clear dangers to security.
 - It cannot be indefinite.
 - It cannot be used as punishment.
 - It may only be resorted to when other, less severe measures have proved ineffective.
- Residents of an occupied territory may only be detained administratively within that territory, and they may not be detained in the territory of the occupying country.
- Israel routinely places individuals under administrative detention for political, as opposed to security reasons, and routinely detains them in the territory of Israel.
- The release of prisoners generally, but administrative detainees in particular, is a building block -- a starting point -- from which negotiations can then proceed.
- It is in Israel's interest to permit a wholesale release of all administrative detainees
 - Israel's policy toward administrative detainees has received severe criticism in the international community.
 - Israel can easily address its problematic public image by releasing all administrative detainees currently in detention.
- The release of administrative detainees is a priority to Abu Mazen and to the PA.
 - Administrative detainees symbolize injustice to Palestinians and their release indicates an investment in the future of Palestinians and their state.
 - The release of administrative detainees is a powerful gesture of goodwill given that their detention is thought to be purely political.

- *This process is based on Mandatory laws Israelis themselves fought against when they were activated against them before 1948.*
- *These laws are applicable only when a case of emergency is declared in the state by the government. The "case of emergency" in Israel started in 1948 and was maintained until now for 57 consecutive years. This is definitely not the intention of the law or of the international law.*
- *These laws are outdated and belong to eras of oppression and lack any proportionality to the nature of conduct detainees are accused of which does not even amount to a criminal offence under ordinary laws.*

Talking Points on Child Prisoners

- There are currently 379 children detained by Israel
- Israel became a State Party to the Convention on the Rights of Child (CRC) in 1991.
 - The convention is applicable to the Occupied Palestinian Territory as affirmed by the (1) International Court of Justice in its Advisory Opinion on the *Legal Consequences of a Wall in the Occupied Palestinian Territory* and (2) the UN Committee on the Rights of the Child.
- Two principles critical to any discussion of Palestinian child political prisoners:
 - The '*Last Resort*' principle, in CRC, Article 37, which provides that **arrest is to be used as a last resort and for the shortest appropriate period of time.** Israel routinely arrests children as a measure of first resort and does not shorten sentences based on the age of the child.
 - The '*Best Interests*' principle, in CRC Article 3, which provides that the **primary consideration for all actions involving children must be the best interests of the child.** It is universally understood that depriving children of their liberty is not in their best interest, yet Israel routinely arrests and imprisons children.
- It is in Israel's interest to permit a wholesale release of all imprisoned children
 - Israel's detention of children has caused the Committee on the Rights of the Child and the Committee Against Torture to express concern over Israel's policies as it relates to Palestinian children
 - Israel can easily address its problematic public image by releasing all children currently in detention.
- The release of children is a priority to Abu Mazen and to the PA.
 - Children symbolize the future of Palestine and their release indicates an investment in the future of Palestinians and their state.
 - The release of children is a powerful gesture of goodwill given that a significant percent of the Palestinian population is under the age of 18.
- PA is willing to consider the creation of rehabilitation and education programs to benefit released children.

- Israeli domestic legislation provides protections to Israeli children which are not available to Palestinian children living in the OPT
 - Israeli law requires the arrest of a child to be accompanied by a warrant unless there is a risk of immediate danger. Military orders, on the other hand, are written so broadly as to permit any soldier and any settler to arrest a child they consider a security risk.
 - Israeli law provides for special youth units in Israeli police stations and juvenile courts, whereas Palestinians children receive no such specialized treatment.