

Israel's Insidious Narrative About Palestinian Prisoners

More than two-thirds of the Palestinians proposed for release by Israel under the truce have not been convicted of any crimes. Most were arrested as children.

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The Israeli government narrative surrounding the Palestinian prisoners being released during this temporary ceasefire is both insidious and dishonest. Interior Minister Itamar Ben Gvir has banned Palestinians from celebrating their release. "My instructions are clear: there are to be no expressions of joy," he [said](#). "Expressions of joy are equivalent to backing terrorism, victory celebrations give backing to those human scum, for those Nazis." He told Israeli police to deploy an "iron fist" to enforce his edict.

The Netanyahu government and its supporters have promoted a narrative that these prisoners are all hardened terrorists who committed violent crimes. This assertion relies on a farcical "Alice in Wonderland"-inspired logic of convicting them by fiat in public before any trial, even the sham trials to which Palestinians are routinely subjected. Israel released a [list](#) of the names with alleged crimes they committed. And who is making these allegations? A military that acts as a brutal occupation force against Palestinians in the West Bank.

The vast majority of the 300 Palestinian prisoners proposed for release by Israel are teenage boys. According to the list, 124 of the prisoners are under the age of 18, including a 15-year-old girl, and many of the 146 who are 18 years old turned so in Israeli prisons. According to the definitions laid out in the [U.N. Convention on the Rights of the Child](#), these Palestinians were children when they were arrested by Israel.

Of the 300 names Israel proposed for potential release, 233 of them have not been convicted of any crimes; they are categorized simply as "under arrest." Police and prosecutors all over the world make allegations later proven false during a fair trial. The Israeli narrative promotes the fiction that these Palestinians are in the middle of some sort

of fair judicial proceeding in which they will eventually be tried in a fair and impartial process. This is a complete, verifiable farce. Palestinians are not prosecuted in civil courts; they are tried in military courts. They often are denied access to lawyers and to purported evidence against them, and are regularly held in isolation for extreme periods and subjected to other [forms of abuse](#). Israel is the only “developed” country in the world that routinely tries children in military courts, and its system has been repeatedly criticized and denounced by major international [human rights organizations](#) and [institutions](#).

If, as Israel alleges, these people have committed violent crimes, particularly against civilians, then Israel should give them full rights to due process, to see the alleged evidence against them, and they should be tried in civilian courts with the same rights afforded Israeli defendants. That would also mean allowing Palestinians who do commit acts of political violence, particularly against the military forces of a violent occupation, to raise the context and legality of the Israeli occupation as part of their defense. Israel is asking the world to believe that these 300 people are all dangerous terrorists, yet it has built a kangaroo military court system for Palestinians that magically churns out a nearly 100 percent conviction rate. All of this from a country that constantly promotes itself as the only democracy in the Middle East.

Palestinians on this list are from the occupied West Bank and have [lived](#) their [entire lives](#) under an [apartheid regime](#). Palestinians taken by Israel, including some on the list of prisoners proposed for release, have certainly committed violent acts. But to pretend that the context of this violence is irrelevant is as absurd as it is unjust, given the [appalling conditions](#) Palestinians have lived under for decades. Contrast this to the widespread impunity that governs the actions of violent Israeli [settlers](#) who mercilessly [target](#) Palestinians in an effort to expel them from their homes.

All nations should be judged by how they treat the least powerful, not the most powerful or only those from a certain religion or ethnicity. This is why many leading civil liberties lawyers in the U.S. opposed the use of Guantánamo Bay prison and military tribunals and continue to oppose U.S. laws or rules that deny the accused a fundamental right to a proper defense.

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