Negotiating Detention: Prisons as Sites of Confrontation & Compromise in Protracted Conflicts

By Julie M. Norman, Queen’s University Belfast (QUB)

Abstract
What are the implications of detention policies on security and human rights in protracted conflict? In this paper, the “security question” first examines how liberal states negotiate between security interests and rights obligations when determining arrest, detention, and interrogation policies and practices. Second, the “resistance question” assesses how detainees employ hunger strikes and other forms of collective action to challenge detention policies and influence broader conflict dynamics. Together, the two dimensions illuminate how both states and detainees negotiate security, rights and resistance in intractable conflicts, with prisons functioning as often-overlooked sites of political confrontation, mobilization, and at times, compromise. Drawing from interviews conducted in Israel-Palestine, as well as comparative analysis of the Northern Ireland and South Africa case studies, the paper also explores the role of political prisoners’ involvement in peace processes, recognizing the saliency of prisoners’ issues in protracted conflicts and their potential impact on conflict transformation.

Note: This paper is a work-in-progress that will include further research on Northern Ireland, South Africa, and the War on Terror. This paper draws mostly from fieldwork already conducted for the primary case study of Israel-Palestine.

I. Introduction

Balancing security interests and human rights is an ongoing challenge for many states, especially in times of protracted armed conflict, when opponents of the state may engage in acts of terrorism, insurgency, and unconventional warfare. In an attempt to prevent or punish attacks, even self-described liberal, democratic states have employed measures that often challenge their human rights obligations, primarily in terms of unlawful detention and enhanced interrogation techniques.

At the same time, direct and indirect actions by detainees and solidarity networks seek to pressure the state to change detention policies and/or alter broader conflict
dynamics. Such tactics often challenge the detention/interrogation regime directly, while others seek to address the broader conflict. Tactics may include hunger strikes as well as other forms of resistance such as non-cooperation and the establishment of alternative institutions. Detainees’ actions may also leverage the salience of the prisoners’ issue among activist networks, with both mainstream communications and social media mobilizing solidarity groups.

Yet when and how does this actually happen? How can states respond to human rights concerns while still maintaining state security, and vice versa? How are imprisonment, detention, and interrogation policies ultimately negotiated, and what makes the most strategic, legal, and moral sense for states and individuals? By exploring the dialectic between state detention policies and detainee collective actions in Israel-Palestine and Northern Ireland, this paper examines how prisons function as critical sites of confrontation, negotiation, and transformation in protracted conflicts.

The paper explores the implications of detention policies on security and human rights in protracted conflict through two primary themes of inquiry. First, the “security question” examines how liberal states negotiate between security interests and rights obligations when determining arrest, detention, and interrogation policies and practices. Second, the “resistance question” assesses how detainees employ hunger strikes and other forms of collective action to challenge detention policies and influence broader conflict dynamics. Together, the two dimensions will illuminate how both states and detainees negotiate security, rights, and resistance in intractable conflicts, with prisons functioning as sites of political confrontation, mobilization, and at times, compromise.  

The larger research project of which this paper is a part also explores the role of
The paper is organized as follows. First, I examine how states use detention and interrogation policies for security and control, and how those policies are replicated or adapted over time and across conflicts. Second, I identify how detainees resist from within prisons, and how that resistance diffuses through solidarity networks. Third, I explore how the dialectic relationship between state control and detainee resistance influences internal prison policies and wider conflict dynamics, both within and across different conflict contexts. I conclude with a nuanced discussion of how prisons function as key sites of control, confrontation, and potential compromise in protracted political struggles, examining how the prison space might leveraged to disrupt and transform repetitious conflict dynamics.

II. Security

How do (liberal) states determine detention and interrogation policies during protracted conflict? The first aim of this section is to identify which measures are used (eg, mass arrests, arbitrary detention/internment, and ‘enhanced interrogation’/torture) by states in protracted conflicts, and also how states define the objectives of such policies (eg, discipline/punishment, preventive security, intimidation, and intelligence gathering). This part of the paper also seeks to identify which state actors are responsible for both formulating and enacting detention policies (eg, elected officials, military, police, intelligence units, prison authority, special forces, private contractors), and investigate the extent to which individual enforcers might deviate from official state policies in practice.

political prisoners’ involvement in peace processes, recognising the saliency of prisoners’ issues in protracted conflicts and the extent to which prisoners’ participation in such processes lend legitimacy to conflict transformation.
This section also analyzes states’ strategic, legal, and ethical considerations in formulating detention policies.

ISRAEL

Mass Arrests and Arbitrary Detention

According to the Palestinian Prisoners’ Centre for Studies (Asra Centre), approximately 800,000 Palestinians from the West Bank and Gaza have been detained by Israel since the start of the occupation in 1967, equating to approximately 40 percent of the male population. With over 1,500 military regulations influencing nearly all aspects of daily life, the military law system in the occupied territories renders many political activities illegal, leading to a disproportionately high arrest and detention rate. In addition to the high number of arrests in general, the high rates of youth arrest and detention are also notable; according to a UNICEF report, approximately 700 youth between the ages of 12 and 17, mostly boys, “are arrested, interrogated, and detained by Israeli army, police and security agents” each year (2013). Another point of criticism has been on the nature of the arrests, which usually take place as night raids in which minors are forcibly removed from their homes with no explanation given to either the detainee or the family. According to the UNICEF (2013) report, and confirmed in interviews

---

2 For example, according to Israeli human rights group B’tselem, Order No. 101, the Order Regarding Prohibition of Incitement and Hostile Propaganda Actions, passed in August 1967 just two months after the occupation of the West Bank, “places extreme restrictions on the right of Palestinians to participate in or to organize demonstrations,” and “even non-violent resistance and civil protest involving peaceful assembly are forbidden” (B’tselem “Military Law”). Allowing for ten years of imprisonment for violators, Order No. 101 also places restrictions on political publications, unlawful associations, and any activities interpreted as incitement.

Copyright: Julie Norman
conducted for this study, “the common experience of many children is being aggressively awakened in the middle of the night by many armed soldiers and being forcibly brought to an interrogation center tied and blindfolded, sleep deprived and in a state of extreme fear. Few children are informed of their right to legal counsel” (9-10).

Once arrested, rather than going through the usual criminal proceedings used in the state of Israel, Palestinians in the West Bank are often held in administrative detention, defined by B’tselem as “detention without charge or trial that is authorized by administrative order rather than by judicial decree.” Indeed, according to Military Order No. 1591 (passed in 2007 as an amended version of 1970’s Military Order No. 378 and 1988’s Military Order No. 1229), military commanders can detain individuals for a period of six months, which can then be extended for an additional six months. As there are no limits on the number of extensions, 79 percent of administrative detainees have been held for more than six months, and some detainees have been held in detention for two or more years.

Administrative detention is legal under international law, but only in very specific circumstances. According to the Fourth Geneva Convention, “If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment” (Article 78). Similarly, the International Covenant on Civil and Political Rights (ICCPR) states that, “[i]n time of public emergency which threatens the life of the nation,” the state may restrict certain rights, including the right to liberty… but only “to the extent strictly required by the exigencies of the situation” (Article 4.1). Having
declared itself in a state of emergency since its founding, Israel uses the ICCPR’s Article
4’s derogation clause to justify the use of administrative detention.

Despite Israel’s claims that its use of administrative detention is justified through
Article 78 of the Fourth Geneva Convention, and Article 4 of the ICCPR, human rights
groups argue that Israel’s implementation of administrative detention violates the
international law provisions in several ways. As B’tselem summarizes, “Israel argues
that administrative detention of residents of the West Bank is carried out only as an
imperative security measure and that the decision to administratively detain a person is
made only when ordinary judicial proceedings or less severe administrative measures will
not prevent the danger posed by the detainee. However, these claims do not reflect the
manner in which Israel uses administrative detention in the Occupied Territories.”

Indeed, one of the primary violations is the widespread nature of administrative
detention. Under international law, “administrative detention is permissible only in very
exceptional cases of emergency, when there is no other possibility to prevent the danger
posed by the detainee” (B’tselem “Criticism of administrative detention”), yet Israel
continues to hold hundreds of Palestinians in detention at any time. Similarly, Israel has
expanded the “security threat” concept to include Palestinians belonging to certain
political parties, participating in nonviolent activism, or expressing opposition to the
peace process. As Hajjar notes, especially in the second intifada (and “war on terror”
context), the conflation of Palestinian nationalism and terrorism, “combined with Israel’s
maximalist interpretation of its right to security, has been invoked to justify brutal
interrogations... and punishments for deterrence, reprisal, intelligence gathering, and
prosecution” (2006, 26). Likewise, in an interview conducted for this project, Sahar
Francis, human rights lawyer and director of the Palestinian NGO, Addameer, explained, “The Geneva Convention only allows administrative detention for short periods, and only for immediate dangers that are threats of security to the nation. So the threat has to be very [significant], you have to really do something big, and the detention has to be limited in time. But Israel does not limit it to big threats, and does not limit the length of time” (interview with author).

In addition, administrative detention is frequently used as a punitive measure in lieu of criminal proceedings, despite the clear emphasis in international law, echoed by both the International Committee for the Red Cross (ICRC) and the Supreme Court of Israel itself, that detention only be used as a preventative measure when a person is deemed to pose an immediate security risk. Furthermore, although detainees must be brought before a military judge within eight days of their arrest, they are rarely provided with meaningful information about their charges, as such information is considered classified. Even detainees’ lawyers are not informed about their charges; as Sahar notes, “The lawyers are often kicked out of the courtroom while the security service brings ‘secret files,’ so you must defend your client without even knowing the evidence against him” (interview with author). Indeed, as B’tselem concludes, “the systematic and extensive reliance on classified information constitutes one of the most problematic aspects of administrative detention and contradicts the fundamental principle of due process” (“Criticism of administrative detention”).

Beyond human rights groups, the widespread use of administrative detention has faced criticism from international bodies, as well as from groups and individuals within Israel. In 2003, the UN Human Rights Committee called upon Israel to reconsider its
“state of emergency” status, commenting specifically on the extensive use of detention:

“[T]he Committee is concerned about the frequent use of various forms of administrative detention, particularly for Palestinians from the Occupied Territories, entailing restrictions on access to counsel and to the disclose [sic] of full reasons of the detention. These features limit the effectiveness of judicial review, thus… derogating from article 9 [of the ICCPR] more extensively than what in the Committee's view is permissible pursuant to article 4” (UN Human Rights Committee 2013). United Nations Special Rapporteur on the situation of human rights in the occupied Palestinian territories, Richard Falk, has also condemned the use of administrative detention via the UN Human Rights Council on multiple occasions (UN News Centre 2013). Within Israel, a policy paper from the Israel Democracy Institute recommends against automatically extending the state of emergency that facilitates the use of administrative detention, and also recommends reinforcing the right of due process by changing the laws of evidence (Gil 2011).

Even former members of the security sector interviewed for this research who supported the use of administrative detention in emergency situations were critical of the extent of its use. Ami, the former head of the Israel Security Agency, or Shin Bet, commented that “the punishment that we are using is creating in a way this wave of hatred that is not in our favor” (interview with author 2013). Orit, the former head of the Israel Prison Service (IPS) also commented: “Let’s speak about the issue of administrative detainees … It’s a tool to prevent things from happening. That’s in general. And in a critical situation, an emergency situation, you can keep them for months, if that’s the situation. But as long as the time is returning to normal, it’s still a
tool, but it should be used in a, shall we say, a clever way. And it should be shown that you are taking these steps in a measurable way” (interview with author 2014). [Emphasis added] Nevertheless, administrative detention continues to be used as a primary mechanism for attempting to control dissent and opposition in the occupied territories.

Interrogation, Torture, and Cruel, Inhumane, & Degrading (CID) Treatment

Once at the interrogation site, detainees are frequently subjected to “intimidation, threats, and physical violence, with the clear purpose of forcing the [detainee] to confess” (UNICEF 2013, 11). According to reports by the Public Committee Against Torture in Israel (PCATI), typical interrogations may include methods such as humiliation, threats, sleep deprivation, exposure to extreme heat and cold, shaking, slapping and kicking, beatings, and shackling to a chair in painful stress positions. The use of such interrogation techniques not only violates international law, but also a 1999 Israeli Supreme Court ruling, which concluded that “a reasonable interrogation is necessarily one free of torture and cruel, inhuman or degrading treatment” (UNICEF 2013, 5). As the Israeli Democracy Institute (IDI) concluded however, “even after the Israeli Supreme Court banned the use of coercive interrogation techniques by the security services in 1999, such practices appear to continue pursuant to undisclosed internal procedures that invoke necessity-type legal defenses, permissions and other institutionalized exceptions” (Kremnitzer and Shany, 2013).

---

3 See also Public Committee Against Torture in Israel and others v. The State of Israel (1999) 53 (4) PD 81 (The Torture Ruling).
4 The issue of interrogation techniques and alleged torture received international attention in February 2013 when Arafat Jaradat died under Israeli custody. While Israeli prison authorities maintained that Jaradat died of a heart attack, medical experts involved in the
Many detainees underwent initial interrogation by the Israel Security Agency (ISA), usually referred to as Shabak or Shin Bet. While most Palestinian prisoners referred to these interrogation periods as the most difficult parts of their experiences, Ami Ayalon, the former head of Shin Bet, maintained that interrogations were necessary for gaining intelligence to save Israeli lives, especially during the second intifada. While he personally viewed “pressure tactics,” or enhanced interrogations as a last resort, he had mixed feelings regarding the 1999 Israeli High Court of Justice that placed restrictions on interrogation methods. As the Israeli human rights group Hamoked summarizes:

The HCJ ruled that the Israel Security Agency [ISA, formerly known as GSS] was not authorized to employ physical means of pressure during an interrogation of a person suspected of violent activity against the state. The HCJ banned the use of various torture methods such as "shaking," holding in the "shabah" position and "frog crouch." It further ruled that the “necessity” exception in the Penal Law does not authorize the use of such interrogation methods, but can be open to interrogators indicted for using them if the circumstances of the case meet the requirements of the exception. It was ruled that a reasonable interrogation is one without torture, cruel or inhuman or humiliating treatment of the interrogee.

(emphasis added)

autopsy believes that he died due to injuries sustained during interrogation. According to an article in the Israeli daily Ha’aretz, “The Palestinian pathologist who participated in the autopsy told the family members that he had no doubt that Arafat Jaradat did not die as a result of a heart attack, as Israel had tried to claim.” The same article indicated that Jaradat’s body had bruises on the head and legs, swelling in the wrists, blood in the nose, and broken ribs. Jaradat’s death led to widespread demonstrations and protests, as well as a hunger strike by prisoners.

5 “Shabah” (or “shabach”) refers to a stress position in which a detainee is bent over a small chair with his/her arms tied behind them to the back legs of the chair.
Essentially, the 1999 ruling intended to curb the use of physical interrogation techniques that had previously been authorized as “moderate physical pressure” following 1987’s Landau Commission. While Ayalon saw physical pressure as a last resort, he explained how the 1999 ruling created new challenges for interrogators:

Look, I was the director of the Shin Bet in September 1999 when our Supreme Court discussed the interrogations. So what is the level of violence that we are allowed to use in order to save the lives of Israeli citizens? You know, we believed we did everything, and we kept this moral restriction of not using it when we have another alternative. There were cases in which we used violence, physical violence, and in retrospect we couldn’t prove that this person had the information that we needed to save lives. In intelligence, you don’t know before you know. We know that we don’t know. If we don’t know, what should we do?

---

6 The Landau Commission, established in 1987 to investigate the General Security Services (GSS), revealed that “GSS agents had used violent interrogation methods routinely on Palestinian detainees since at least 1971 … but adopted the GSS’s own position that coercive interrogation tactics were necessary in the struggle against ‘hostile terrorist activity.’ … The report’s authors argued that national security requires physical and psychological coercion in the interrogation ofPalestinians, and that the state should sanction such tactics … as ‘moderate physical pressure’” (Hajjar 2006, 87).

The Landau Commission justified the distinction between “physical pressure” and torture through its interpretation of the European Court of Human Rights’ 1978 ruling in Ireland v. United Kingdom (5310/71), regarding the alleged torture of Irish detainees. The ECHR ruled that the “five techniques” of wall standing, hooding, subjection to noise, sleep deprivation, and deprivation of food and drink constituted “inhuman and degrading treatment” but not torture. The British government, accepting the minority opinion that the techniques came close to torture, decided to cease using the five techniques. However, the Landau Commission drew from the majority opinion that the techniques were not torture to justify “moderate physical pressure.”
The Supreme Court in a way tied our hands, and we have to live with it. I believe that it was the right decision, but I will never know, and no one will ever know, how many people died as a result, how many Israeli citizens died as a result of this decision. When we say, democracy is fighting against terror with one hand tied, and we are still winning, yes we are still winning. But we are not discussing the price. How many people died as a result of this decision? No one knows. We lost around 1500 people in the second intifada. No one knows how many could be saved if Shin Bet interrogators could do it in a different way. So it’s very complicated. (interview with author, 2013)

**Past Comparative Cases: Northern Ireland and South Africa [further research here]**

Widespread arrests, arbitrary detention, and questionable interrogation techniques are not unique to Israel. In terms of interrogation, as noted previously, many of Israel’s techniques draw directly from those used by the British against Irish republican detainees in the Northern Ireland conflict, most notably in the case of the ten ‘hooded men’ that was ultimately heard by the European Court of Human Rights. Regarding detention, approximately 2,000 Irish Catholics were detained without trial via the policy of internment that was enacted during the Troubles from 1971-1975. Likewise, tens of thousands of black South Africans were arbitrarily detained during that conflict. As in Israel-Palestine, the state in each case justified such practices through ‘legal’ processes, rationalized by security, intelligence counter-terrorism imperatives. However, in each case, any short-term gains arguably diminished in the long-term, as such human rights violations ultimately galvanized more support for and participation in ‘dissident’ groups.
Contemporary Cases: US and UK Policies and Practices in the War on Terror

III. Resistance

How do political detainees “resist” in prisons, and to what extent are prison-based tactics strategic? The aim of this section is to examine how detainees organize within prisons (eg alternative institutions, education regimes, communication systems), and identify which types of tactics are used for resistance (including, but not limited to, hunger strikes). The research also seeks to identify the aims of prison-based tactics, and analyze how they differ between contexts and across different points of conflict.

Palestinian Prisoners and Detainees

Organizing for Resistance: Establishing the Counterorder

In Palestine, prison-based acts of resistance, and the gradual implementation of rights, would have been nearly impossible without the highly organized administrative system developed by prisoners in the late 1960s and early 1970s. Ashkelon Prison was one of the first sites where prisoners organized according to political affiliation and instituted an alternative order with an elected administration, education system, financial system, and communications system. This parallel social order proved integral to the relative successes of prison-based activism in the 1970s and 1980s, while its erosion has arguably weakened resistance in the past two decades.
The establishment of alternative institutions⁷, or the *nitham dakhili* (“internal organization”), by prisoners was a sort of resistance in itself, and also proved imperative for fostering the unity, discipline, and coordination necessary to organize direct actions and strikes. Rosenfeld’s (2004) use of the term “counterorder” is particularly useful in conceptualizing the system that prisoners developed, as it enabled them to transform their place in the prison regime from victims to agents. As Hafez, a prisoner from 1967 to 1985 recalled, “We continued organizing and building ourselves, and our life built on this. We forced the Israeli authorities to give us our rights.” (interview with author, 2012)

The counterorder existed both within and between prisons, and consisted of elected committees, education curricula, economic arrangements, and systems of communication. Through these interdependent spheres, the counterorder provided a foundational structure for resistance, as well as a unifying sense of purpose and identity. As Bornstein writes, “instead of being isolated, dependent, and obedient, the organized prisoners buil[t] an identity of themselves as men [sic] on the front line of resistance to occupation and at the political center of the struggle” (Bornstein 2010, 466).

*Disobedience and Refusal as Resistance*

The discipline fostered by the counterorder proved essential in organizing for resistance. While hunger strikes perhaps represent the peak of prison-based resistance, nearly all long-term hunger strikes were preceded by other individual and collective acts

---

⁷ “Alternative institutions” or “parallel institutions” are identified in the literature on nonviolence as essential for “fostering social organization,” undermin[ing] the repressive status quo,” and “form[ing] the basis for a new independent... order.” (Zunes 2015 109, 117.)

Copyright: Julie Norman
of resistance, including refusal to work at assigned jobs, refusal to acknowledge prison guards, refusal to comply with counting and searching protocols, refusal of family or lawyer visits, refusal to shower or shave, refusal to leave the cell, and refusal of meals. These actions went beyond “resistance for survival” to directly challenge the prison administration and force changes in policy by making the established system difficult to manage, or ultimately, unworkable.

Actions were typically organized in response to a specific policy. As Nidal explains: “Many things actually came, not through hunger strikes, but through direct challenging of the administration. For example, the strip-searching. They used to make prisoners take off their clothes in front of each other to search them, just to humiliate them. They knew there was nothing inside [their body cavities]. So the prisoners decided to challenge that. We said, okay, we won’t take off our clothes, even if the guards hit us, or we are punished in the isolation cells, or maybe punished by prevention from family visits. The prisoners were ready to take this risk and challenge that policy” (interview with author, 2012). Similar actions included refusing to stand for the prisoner counts that took place three times a day, and refusing to address the guards as “my lord” or “my master,” as required in the early days in Ashkelon Prison (Hafez, interview with author, 2012).

These gradual actions served several purposes. Primarily, they aimed to challenge specific policies, such as the strip searches or counting protocol. They were also useful however in sending a message to the prison authorities that the prisoners were willing to struggle and resist. As Nidal noted, “These kinds of steps were taken to reject specific measures… and to say to the prison administration that we are strong and we are
ready to struggle against you. You have to stop this kind of searching, or humiliating people, or doing these violations” (interview with author, 2012).

Finally, these types of actions served as a sort of practice or training for the ‘last resort’ option of the extended hunger strike. Resistance in general gave practice in discipline and organization, while temporary refusal of meals specifically helped prepare prisoners physical and mentally for prolonged hunger strikes. As Nidal comments: “It was a continuous process. So on the one hand, these steps, to refuse one meal or to refuse for one day or two days is just to send a message that we are refusing this and we are ready to struggle. On the other hand, it was a kind of preparation for the prisoners, knowing that we were going to do bigger and better things, but we had to do something at that moment. It was for me a kind of training…. It gives you the sense of a longer hunger strike, how it will be, and whether we are ready to do that or not” (interview with author, 2012).

*Hunger Strikes*

States are obligated under international law to maintain the health of prisoners (Lines 2008).8 Hunger strikes thus intentionally aim to push the prison administration, or the state government, to the point that they can no longer ensure prisoners’ health, thus making internal prison administration difficult while simultaneously risking international shaming and condemnation. Furthermore, in protracted conflict situations, states

---

8 Even if the state does not recognize prisoners as Prisoners of War (POWs) covered by the third Geneva Convention, minimum standards of treatment for all prisoners were articulated in the United Nations’ Standard Minimum Rules for the Treatment of Prisoners (1957), and have also been upheld in human rights case law (see Kudla v. Poland, § 94, European Court of Human Rights, 2000).
recognize that the death of a prisoner would galvanize the local population’s support for
prisoners and spark renewed activism, resistance, or violence (Vick 2013); as a senior
Palestinian minister commented in 2013, “If any of the prisoners die, we can’t control the
Palestinian street” (Ziad Abu Ein, as quoted in Vick 2013). From prisoners’ point of
view, hunger strikes are “successful” when the state is pressured to negotiate certain
rights or terms of release to end the strike in an effort to restore internal order, avoid
international embarrassment, and /or prevent more widespread mobilization.

Hunger strikes have been used as political actions by detainees and prisoners in
conflicts around the world for over a century, including suffragettes in Britain, republican
prisoners in Northern Ireland, and anti-apartheid detainees in South Africa. Hunger
strikes have been described as a form of “political performance” (Anderson 2012) and
“protest theater” (Kavner 2012), and identified by Gene Sharp (1973) as a psychological
form of nonviolent intervention. Indeed, hunger strikes function as a form of civil
disobedience by creating political opportunities, sparking mobilization processes, and
forcing a dynamic of political jiu-jitsu, in which the “seemingly powerless can overcome
a powerful oppressor” (Scanlan 2008, 320). By using their bodies as “political structures”
(Nietzsche 1968) prisoners with few or no other means of resistance can reclaim agency
and even redirect or reverse dynamics of power (Feldman 1991; McEvoy 2001). As
McEvoy (2001) writes, hunger strikes “offer a historical template from which to draw
inspiration and legitimacy, they represented resistance through endurance and self-sacrifice” (45).

In Palestine, hunger strikes have been used since the early days of incarceration
and have continued to the time of writing, with over thirty documented hunger strikes by
Palestinian prisoners. These strikes have resulted in a gradual realization of rights and improvement of conditions, ranging from improved food and better bathing conditions; to access to books, writing materials, and eventually radios and televisions; to establishing negotiation policies between prisoners and the prison administration.

The first reported Palestinian hunger strike took place in Ramle prison in 1968, but the primary organizing site for early hunger strikes was Ashkelon Prison, notably the same site credited with the emergence of the counterorder. At Ashkelon, an initial one-week hunger strike in 1970 was followed by a larger strike in 1973 that lasted for 24 days, and then by an open (across multiple prisons) strike beginning in December 1976 that lasted 45 days initially (still the longest collective strike to date), and was extended for another 20 days in February 1977.

The 1973 strike was particularly noteworthy in terms of its accomplishments. As Noah remembers: “The strike continued for three weeks and ended in the wake of a visit to the jail by the Minister of Police, who met with our leaders. The result was the replacement of the officer in charge of the prison, the food rations were increased and the quality improved, the Red Cross was permitted to bring in a list of books, we were permitted to talk and to sit [in the courtyard]… One can say that the uprising brought about a complete change in the conditions of Ashkelon prison” (as quoted in Rosenfeld 2004, 244).

The 1976 Ashkelon strike produced even greater gains, going beyond improved material conditions to the realization of further rights and the establishment of an elected representative prisoners’ body, which would prove essential in negotiating rights with the prison administrators. As another former prisoner summarized: “The demands included
bringing in books, pencils, and pens; rejection of working in the factories inside the prisons; allowing prisoners to set the rules inside the cells for themselves, not the administration; rejecting having to say ‘sir’ to the guards; and recognizing the movements that were created inside the prison by the leadership. And the primary achievement of the strike was that the prison administration was forced to negotiate with this body that represented the prisoners. This was the beginning of reshaping the relationship between the jailers and the prisoners” (Khaled, interview with author, 2014). Indeed, the recognition of a representative prisoners’ body that could speak directly with the prison authorities was crucial in establishing a new dynamic by which prisoners could negotiate policies and conditions directly, often averting other strikes, as discussed further below.

Prisoners planned for future hunger strikes through intense preparation, physical and mental, with experienced prisoners explaining to others how their bodies would respond day by day (Al Jundi 2011, 141). Prisoners also sought to leverage external pressure; as Nidal notes, “they realized that the struggle in the prison should be supported by the people outside. So, in future strikes, they took this into consideration, in their preparation, to attract the attention of the people and get more attention from outside to put more pressure on Israel. So this was very important in the future for the hunger strikes” (interview with author, 2012). In this regard, political party and faction leaders took steps to coordinate the strike with other prisons and with political parties, organizations, and families on the outside.

While not all strikes were successful, the combination of inside and outside pressure on the prison system resulted in notable improvement of conditions and extensions of rights during the 1970s and 1980s. The specific demands of the hunger
strikes varied over time and between prisons. They were typically written in a statement and communicated to the prison administration by an elected representative. It should be noted however that, in contrast to later individual strikes undertaken after the second intifada, the demands of previous hunger strikes concentrated on improving conditions in prison, rather than focusing on individual or collective release.

As Nidal notes, in the early strikes, “the demands were very simple. We’re talking about more blankets, improvements in the food, allowing prisoners to communicate while they are in the yard, allowing them to write letters to their families, bringing pens, papers, pencils, books, those small things” (interview with author, 2012). Other early demands included the cessation of beatings, reducing crowdedness in cells, permitting prisoners to cook their own food, and permitting the elected prisoner representative to negotiate directly with the prison administration (Nashif 2010, 51-52).

According to Nidal, the strikes were essential in pressuring the prison authorities to gradually expand prisoners’ rights over time.

While hunger strikes have continued in the years following the second intifada, they have had different forms and aims than the strikes of the 1970s, 1980s and 1990s. Focusing less on conditions and rights and more on prison policies, the strikes of 2011 and 2014 concentrated on ending solitary confinement and administrative detention. While some limited gains were made following the 2011 strike in reducing the use of solitary confinement, administrative detention has continued, prompting individual detainees to go on hunger strike to push for their release.

The use of the hunger strike in this way however was a notable shift from the past, specifically because the strikes were individual, rather than collective. In addition,
the strikes focused on release, rather than on changing prison conditions. Similarly, in appealing for release and/or end to administrative detention, the demands of the strike were beyond the negotiating power of the prison administrators, resting instead with the Ministries of Justice and the Interior. Thus, the usual power of the hunger strike in forcing negotiations with prison officials was actually muted, as the decisions regarding detention policies and releases rested with those outside the prison system. The individual strikes also failed to mobilize the usual solidarity among prisoners and between prisoners and supporters on the outside.

_Hunger Strikes as a Tactic_

The success rate of hunger strikes varied considerably. Sometimes the timing proved difficult, especially if public attention was focused elsewhere; as Noah recalls, prisoners were forced to stop a strike conducted in 1973 during the same time as the 1973 war “because at that time public interest in the prisoners’ struggle was negligible” (as quoted in Rosenfeld 2004, 245). At other times, the prison administration simply refused to grant the minimum number of demands agreed upon by the prisoners. Even when strikes were deemed “successful,” change was incremental. As Noor, who represented prisoners in negotiations with prison authorities in the 1990s, explains, “Some demands were accepted, others not. Basically, they gave us the little things, but refused the major things. Or they gave us things that they could easily take away again” (interview with author, 2007).

As Khaled remembers, the 2004 strike, which took place in the midst of the second intifada, was especially disappointing for prisoners:
Because of the intifada, from 2000 to 2004, there were no visits, and we did not see our families for four years. There were more punishments and restrictions inside the prison. And they took away a lot of rights that had been gained in past hunger strikes. So a decision was made in 2004 to launch another hunger strike with all the prisoners. This was the hardest hunger strike, and it lasted for 19 days. In the beginning, [the Israeli government] made the decision, let the prisoners die, we won’t negotiate. And this was the only hunger strike where we really failed, and we lost a lot. We lost the kitchens, we lost the representatives of each prison. One of the punishments during the strike was they stopped giving the prisoners salt, which is necessary when you are on hunger strike. There were also attacks against hunger strikers, and transferring prisoners on hunger strike between cells and between prisons all the time. (interview with author, 2014).

Prisoners had to weigh potentially marginal gains against the certain physical toll that a hunger strike would take on their bodies. Though prisoners tried to prepare themselves for the physical demands of the strike, and while sick, diabetic, or disabled prisoners were discouraged from participating in the strikes (Al Jundi 2011, 1941) many prisoners suffered from long-term health problems after the hunger strikes, and five prisoners died between 1970 and 1992 from being force-fed.

---

9Individuals’ bodies respond differently to the hunger strike experience, but in general, the body can continue to function normally for three days by drawing on glucose stores, then for up to two to three weeks by drawing on stores of fat (Crosby et al. 2007). When glucose and fat stores are exhausted however, the body enters a catabolic state and begins breaking down muscle tissue, often leading to liver and organ damage, blindness, and other long-term health problems and disabilities.
When and why were some hunger strikes successful? First, hunger strikes succeed when they make life inside the prison unworkable for the administration. As Nashif (2010) notes, in a hunger strike, “the captive tells the jailer, ‘I will turn your game upside down’” (65). Indeed, one of the reasons the early strikes in the 1970s proved successful was that the prison authorities could no longer manage the day-to-day operations of the prison with prisoners engaging in what was essentially prolonged civil disobedience, and at that time, the prison service did not have policies in place to manage the strike.

Second, and by association, the size and scope of the strike often influenced the outcome, as the more prisoners engaged in a strike, the more difficult it becomes for the administration to maintain control. The most successful strikes, like the 1987 and 1992 strikes, were considered “open strikes” and included participation by prisoners across the prison system. Strikes with this level of participation clearly put more pressure on the prison system than strikes by one or several individual prisoners, or strikes that were solely confined to one prison.

Third, the internal organization of the strike could contribute significantly to its success or failure. Planning for some strikes began over a year in advance, with prisoners communicating across prisons, generating a specific list of demands and a negotiating strategy, physically and mentally ‘training’ for the strike, and developing a timeline for the strike. As Nidal recalls, “I remember the hunger strike in 1987; I was outside the prison, but it was well-organized, it included all prisons, all prisoners, and they planned out steps. They started with three or four prisons, then after two or three days, other prisons got involved. They had one list of demands, and they had good preparation outside with the political parties, in terms of how they should support each step, what
they should say in the press releases, and what kind of demonstrations or popular mobilization they should do. It was a comprehensive plan” (interview with author, 2012).

Fourth, as indicated above, the organization with outside groups, especially political factions, could greatly influence a strike’s outcome. Outside groups were essential in bringing attention to the strike, garnering media coverage, establishing solidarity tents and demonstrations, and attracting international solidarity. This type of mobilization extended the hunger strike from a tactic solely inside the prisons to one that could diffuse across political spheres and activist networks, increasing pressure not only on the prison administration, but also on the state itself to respond.

Fifth, the relative success of strikes was also influenced by external local and global contexts. Locally, it is not a coincidence that two of the highly successful strikes, 1987 and 1992, occurred during the first intifada, when political tensions were high, outside mobilization was strong, and it was perhaps in the state’s relative interests at the time to accommodate prisoners’ demands for improved conditions (rather than make broader political concessions). In the global context, the state’s response to strikes of the 1980s were no doubt influenced by the martyr status granted to ten Irish prisoners, led by Bobby Sands, who died on hunger strike in the Maze/Long Kesh Prison, while the 1992 strike shortly followed the release of Nelson Mandela and anti-apartheid activists from prisons in South Africa.
Finally, agreeing to negotiate with prisoners on hunger strike helped prison authorities avoid the very real threat of “direct challenge,” or prison riots.\textsuperscript{10} As noted above by Khaled, the recognition of the prisoners’ body, and the prison administration’s agreement to meet with a representative of the prisoners to discuss demands, was a major achievement for prisoners. Yet, it was also in the ultimate interest of the prison administration as well to hear and consider prisoner requests before further escalation. As Nidal describes, “It was a kind of negotiation. You had to sit at the table and discuss your demands and your readiness to continue struggling” (interview with author, 2012). Prisoners acknowledged that the negotiations on their own did not usually achieve many gains, aside from sending a message and highlighting rights violations, but they could produce meaningful results in the context of a hunger strike.

**Past Comparative Cases: Hunger strikes and prison-based resistance in Northern Ireland and South Africa [further research here]**

**Contemporary Cases: Hunger strikes and resistance at Guantanamo Bay Detention Centre**

Prisoners used many means of collective struggle to gain rights. The majority of actions took the form of simple acts of refusal or small-scale strikes to try to force changes regarding specific policies or conditions. When small-scale efforts proved ineffective, or when the list of grievances demanded a more sustained campaign, prisoners engaged in long-term hunger strikes to force negotiations, with varying degrees

\textsuperscript{10} The use of force by prisoners was usually viewed by detainees as self-defense or retaliation, while such actions were viewed as riots and security threats by prison administrators. However, for most prisoners, the riots and retaliatory actions were secondary forms of resistance to everyday acts of struggle and noncooperation.
of success. When strikes were unsuccessful or unfeasible, or when prisoners felt especially aggrieved, they would utilize direct challenge in the form of riots or “fighting back” against the prison authorities. Collectively, the small-scale actions, prolonged hunger strikes, and threat or actual use of violence gave the prisoners leverage and gave the prison administration reason and incentive to engage in negotiations, such that prisoners gained substantial rights and privileges, particularly in the 1980s. However, both the mobilization of the prisoners and the response of the prison authorities were constantly shifting, sometimes in direct response to each other, and sometimes in response to external changes, pressures, or directives.

IV. Negotiating Security, Rights, & Resistance

How do states and detainees ultimately “negotiate” detention conditions, terms, and policies through respective attempts at regulation/control and resistance? What is the effect of this dialectic between the state and detainees on broader conflict dynamics? The core aims of the paper, merging the security and resistance threads, include identifying patterns in how state policies of detention and interrogation have been replicated, adapted, and changed over time within and across different states, and how political detainees draw from past and concurrent struggles in determining their tactics.

*Iterations of detention/interrogation policies AND patterns of activism (South Africa → N1 → Isr-Pal → War on Terror) [Further research here]*

V. Conclusions

In many protracted conflicts, prisons function as a veritable epicenters of the
broader conflicts. State authorities use arrest, detention, and interrogation for ‘preventive security,’ that is, to gather intelligence, hinder mobilization and resistance, and at times to intimidate or punish. Most of these measures are pursued via official mechanisms, even when the policies are illegal (or less than legal) under international and/or national law. Beyond the question of legality, such policies also question the ethics of the ‘liberal’ state. To be sure, rather than quelling resistance, the perceived immorality of such policies often leads further mobilization and support for dissident movements, thus creating a security backfire in the long term.

Mass imprisonment/detention policies can also backfire on authorities by creating environments in which activists/dissidents organize between each other and with solidarity networks to challenge the state. Even when such activism is located within the prison and focuses on prison rights, the salience of the prisoners’ issue, due precisely to the legal and ethical shortcomings mentioned above, create a dynamic in which prisoners resistance diffuses beyond the prison walls and can become a unifying, rallying issue for the general population.

Recognizing this, prison authorities in each of the conflicts researched for this paper ended up, perhaps unexpectedly, in situations where they regularly negotiated policies, practices, and rights with prisoners. Sometimes such negotiations were forced by a hunger strike, while at other times they came about quietly through one-on-one meetings between prisoner representatives and prison wardens, and on still other occasions they were brought about by outside pressures. This is not to suggest that prisons became sites of ‘peacebuilding’ or ‘dialogue,’ but rather that they functioned, perhaps surprisingly, as loci of constant compromise and adaptation to the other, often
mirroring the broader conflict, but perhaps also developing initial crucial foundations for broader negotiations and conflict transformation processes.