

Mom, Prison Is Not a Place for Human Beings

Haggai Matar and Anat Matar

Anat – February 2004

The phone rang. I prayed it would be him. It was.

“Mom, prison is not a place for human beings”. My heart sank. We thought we knew a bit of what lay ahead of us, what prison was like. So much more had yet to be learnt and absorbed during these months of 2004, in which Haggai, my elder son, served time in the civilian prison in Ramle, having been convicted by the Israeli military court for refusing to enlist in an army of occupation and oppression.

Our first acquaintance with the prison system came through a long correspondence with Ossama, a Palestinian administrative detainee who became a friend.

Anat – March 1997

The issue of administrative detention was hardly known to the general public, and probably it should be explained here as well. Administrative detention is detention without charge or trial, authorized by military administrative order rather than by judicial decree. At the end of the 1990s Israel held several hundreds of Palestinian detainees – some for months, many for several years – without even informing them of the content of the suspicions held against them. The detainees could indeed appeal, yet neither they nor their attorneys were allowed to see the evidence, which was supposed to justify their detention. I belonged to a small group of activists that decided to bring this catastrophic state of affairs to an end by exposing it to the public. We thought that even ‘non-political’ liberal minds would object this clearly unjust policy, and we believed that focusing on concrete persons and personal relations would attract the needed attention. Each member of ‘Open Doors’ adopted one administrative detainee and built a strong personal relationship with him. After some time, these special relationships indeed got the attention of the press, and gradually our small group of detainees was released. Upon being released, in August 1999, our pen-pal who became our friend, Ossama Barham, had spent six years as administrative detainee in the Israeli prison without being charged of anything, apart from a vague and unsubstantiated claim about his being a member of the Islamic Jihad.

Ossama was then in his 30s. He wrote me long letters in which he described in detail the ways in which he was tortured by the secret service

during his interrogations, the horrors he went through, the conditions in prison, his fellow-prisoners and their own stories. We exchanged views on the political situation and told each other of our families, our work and our childhood. I met Ossama several times during his bi-yearly appeals to military court, joining his lawyer. Once the wardens, who were so impressed by our unusual relationship, even let us spend about an hour together, just talking, without any interference. Palestinian relatives never enjoy such gestures.

It was my first encounter with the prison system, the grey, old and derelict buildings, the barbed wire, watch towers; the omnipresence of wardens, not a moment of privacy, a constant suppression of any will; the everlasting yearning for freedom, every day, every minute. Haggai was a curious and sensitive teenager, and got into the correspondence as well. As he would later testify in his own trial, this correspondence was one of the factors leading to his decision to refuse the draft.

Haggai

I was first arrested for my refusal to enlist in the Israeli Occupation Forces on 23 October 2002. As I was to testify in my military trial several months later, my family's correspondence and friendship with Ossama Barham were one of the first triggers that brought me to question the socially obvious and legally binding mandatory draft which sees Jewish men and women joining the military for three and two years respectively. Precisely one year later, on 23 October 2003, Ossama was once again arrested. It was not long before he made his way to the maximum-security ward in the very same prison compound as me. We spent almost a year in a distance of no more than 500 meters from one another, but the walls and the racist separation that is strictly enforced even within prison grounds kept us apart. To pass letters we had to use several liaison people on the outside. It was a classic illustration of the life in Israel-Palestine: two comrades, partners in the joint and popular struggle against the occupation who are trying to offer an alternative of peace and cooperation, both behind bars and still forcefully removed from each other, but persistent in their commitment and solidarity with one another. It was also an eye opening experience for me.

The realization that I could not in good conscience join the army came to me gradually over the first two years of the millennium. 2001-2002 were years of great violence, and by attending countless demonstrations,

talking to Palestinian friends and reading alternative information sheets I learnt that the army which I grew up believing is there for my security was actually a tool of oppression against Palestinians, committing war crimes and enforcing a murderous Apartheid regime.

Once making the choice to refuse I also decided to make my refusal known. I found many young people who felt the same way I did, and together we wrote the 'Seniors' Letter' to then PM Ariel Sharon, stating that we would refuse to serve the occupation. The movement grew and held some 350 young people. Soon after we were followed by hundreds of reserve combat soldiers and officers. The rising numbers of people who were openly declaring that they would rather sit in jail than serve the occupation was becoming a threat to the system, and so they singled out five friends. As a result they singled out five friends and myself, and instead of sending us to the then customary three months in jail and then releasing us, they put us on high-profile military trial, eventually sentencing us to two years in prison.

And so I went into prison for a very particular reason. By that time I had already developed a wider ideological scope, rejecting Zionism and militarism as a whole, together with my colleagues I chose to narrow the message down and focus on the occupation. The prison experience, however, held different plans for me and I was to go through some serious transitions inside.

Anat

Every time I attended the military court sessions in which Ossama's detention was prolonged, I focused my attention on the judges. What account do they give themselves of their total acceptance of the secret services agenda? Six years of detention, no trial, no possibility to present an alternative to the hidden story of the security forces – how did those judges comply with this blatant breach of justice? Then, less than three years after Ossama's release, it was my own son who was brought before military judges – same numbness, same compliance, same smugness and self-righteousness, same cynical, deaf and unquestioning adherence to the Law.

Haggai's trial lasted for about half a year. The case for the defence was simple: the army's refusal to acknowledge the young would-be conscripts' refusal to enlist was based on its claim that their act could not be classified as conscientious objection (which is formally allowed); the case for the defence consisted, then, in five detailed personal accounts presented by

the objectors themselves, exposing their motivations in refusing to serve in an army of occupation. Each one of the objectors told the court about his background, beliefs and experience, which shaped his decision to refuse. These testimonies were accompanied by an opinion of Professor Joseph Raz, one of the world's best-known philosophers of law, who wholeheartedly and unreservedly supported our claim that such refusal should clearly be seen as conscientious. The prosecution, on the other hand, brought to court the opinion of two marginal scholars who justified the army's insistence of drawing a sharp line between a man's conscience and his political decisions.

By the time the trial reached its end we did not expect anything of the three military judges, and indeed, unsurprisingly, they cited the latter 'expert opinion' as more convincing than that of Raz, and sentenced the boys for another year in prison, following the one they had already spent in detention. This was a harsh decision, and it was particularly striking given the army's usual lenient behaviour towards soldiers who committed serious offences, such as shooting illegally at Palestinians, let alone obeying their commanders' immoral orders. After my experience with those military judges who kept approving Osama's detention, I was no longer surprised. I realized how naïve we all were – how conveniently naïve – in believing that judges honestly try to be independent of the army's pressures, indeed of the State's.

All these lessons brought me to my present activity within the Israeli Association for the Palestinian Prisoners. Needless to say, conditions for these prisoners are much worse than those of Israeli refusers. Family visits are scarce, phone calls are totally denied, discipline is harsh, and above all, the chances of parole are nil. Even when the judges are civilians – indeed, even when cases reach the High Court of Justice – I witness the same inhumane 'depoliticized' attitude, the same hollow adherence to formalities, and at the same time the skillful ways of ignoring the formal letter, when this is what the State expects, in the name of holy 'security'.

Haggai

It was my mother's accumulating experience with the judicial system that led to her disillusionment with the world of 'justice', whereas for me these realizations came through the day to day life behind bars. Both the military prison and the civilian one, to which my friends and I were transferred after being accused of having a bad influence on the soldier-

prisoners, taught me a lesson about the dynamics of power, of violence, and therefore also of law and order.

As mentioned above, I entered prison for my resistance to the occupation, rejecting the wide-spread notion (in Israel) that the army is just there to defend us from the surrounding Arab world which is conspiring to eliminate us. I also held a wider socialist ideology, but had a bourgeois-liberal notion of the legal system. While rejecting the parallel ‘security story’ regarding the army I did believe that there are bad people in the world who kill, rape and steal, and that the police, courts and prisons are there to defend us from these people.

But then I met prisoners. In the military prison I met soldiers who deserted to support their poor families and others who tried to evade the draft altogether, feeling the state has given them nothing and therefore they should give it nothing in return. In the civilian prison I met people who were imprisoned for minor debts to the cell-phone company, for illegally hiring Palestinian workers or for giving Palestinians a ride in their cars and so on. I also met some ‘real’ criminals – murderers, robbers and the like – but gradually came to see how the major criminals of our society – the masters of war and of poverty – remain unharmed. In the words of Charlie Chaplin from “Monsieur Verdoux”, crime does not pay in a small way; “kill one man and you’re a murderer, kill ten thousand and you’re a general or a capitalist”.

And then there was the prison routine itself. For the first time in my life I truly came to understand totalitarianism from within. The prisoners’ complete and utter dependence on the grace of each guard for the fulfilment of their most basic needs, the extreme detachment from one’s life (a family, a loved one, a job, a hobby, a home, a sunset), the normalization of brutality and arbitrariness – these are the bricks the prison walls are made of. Only from within could I truly see the inherited mass-scale violence of the system and the oppression used against the few to scare the many into form.

I was released from prison sad and confused. Speaking from his own experience, H.D. Thoreau said a night in prison makes the entire world look different. Two years make you feel like a complete stranger to it. However, I gradually returned to life and once more became politically involved. Having gone through the judicial and prison systems I can now better define the sorts of oppression which I am fighting, and create stronger bonds with others who have gone or are going through similar processes – like Palestinian prisoners. Like Ossama.

ABOUT THE AUTHORS

Haggai Matar is a journalist for *Tel Aviv Times*, the local supplement of the daily national *Ma'ariv*, and a columnist in the new-media website *MySay*. He has served two years in military and civilian prisons for conscientious objection to join the Israeli army, and is an activist in *Anarchists against the Wall* and in *New Profile* – the movement for the de-militarization of the Israeli society. In recent months, he has also taken part in the J14 movement for social justice in Israel.

Anat Matar is a senior lecturer at the Department of Philosophy, Tel Aviv University. She has been an anti-occupation activist for many years. Currently, she serves on the steering-committee of *Who Profits? – Exposing the Israeli Occupation Industry* and is the Chair of the Israeli Committee for the Palestinian Prisoners. Matar has recently edited, along with Adv. Abeer Baker, a collection of analyses and testimonies about the Palestinian political prisoners entitled *Threat - Palestinian Political Prisoners in Israel* (Pluto Press, 2011).