

INTERNATIONAL YOUTH SUMMIT

PRISON REFORM IN THE MIDDLE EAST

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Prison reform in the Middle East has been a prominent issue for quite some time. Activists have been raising concerns about worsening prison conditions for decades now, but despite the calls for reform, significant hurdles continue to stand in the way.¹ Among the issues hindering reform are overcrowding, poor coordination among departments across the criminal justice system, and a lack of reliable data concerning the penal system. These issues are compounded by the fact that few Middle Eastern countries allow human rights groups to examine their prison facilities.² Even more worrisome is the increase in political incarceration rates in the aftermath of the Arab Spring uprisings. This mass incarceration exacts heavy social and economic costs.³ Income is lost as potential wage earners are put in prison, state resources are further strained to support the prisoner population, and families are left missing their loved ones. At the same time, crackdowns on protesters by police and state security forces have stoked radicalism and violence.

Though it is often thought that there are vast differences between the prison systems in the United States and the Middle East, the reality is that both criminal justice systems are rooted in a prison industrial complex that uses mass incarceration as a tool to solve economic, social, and political problems, despite the fact that this often worsens conditions.⁴ The violent crackdown on protesters in both the United States and the Middle East is perhaps the best example of how both criminal justice systems are more alike than commonly thought. We will examine the Israeli occupation, the non-state system of detaining relatives of ISIS members in Syria, and Egyptian authoritarianism. These examples will provide a broad overview of the criminal justice system in the Middle East, as well as highlight the need for prison reform.

I. Israel and the Plight of Palestinian Prisoners

Israel provides one example of the need for prison reform in the Middle East. Hundreds of Palestinian citizens have been detained and continue to be held against their will by Israeli forces in Israel. Of these prisoners, 20% are children who might face military tribunals in spite of their age. In fact, Israel is the only country in the world that regularly tries children in military courts. These courts are devoid of legal checks and balances, which infringes on the rights of Palestinians. According to the American Friends Service Committee, Israel prosecutes 500-700 children in military courts every year, including detainees from the Occupied Palestinian Territories.⁵ Most imprisoned Palestinian children are typically charged with stone throwing, which is a serious offense in Israel with a maximum sentence of 20 years.⁶ These children are often tortured while detained.⁷ Israeli police frequently question Palestinian children while they are blindfolded to extract confessions and they are denied legal counsel.⁸ Many of them are held in solitary confinement, a regular practice for the Israeli police.

Despite extensive allegations of child mistreatment in prison, Israeli judges rarely reject confessions obtained through force or abuse. The COVID-19 pandemic has only exacerbated the suffering of Palestinian youth in custody. According to a Save the Children study that was released in May 2020, Israeli officials terminated their visiting rights, which had already been limited to 10-minute conversations with family members once a month. The U.N. called for child prisoners to be released,

stating that “the vast majority of these children have not been convicted of any offense but are being held in pre-trial detention.”⁹ U.N. officials declared that “for children awaiting trial, these pressures could put them under increased pressure to incriminate themselves, pleading guilty to be released faster.” Although these conditions constitute a clear violation of human rights, no efforts have been made to improve the plight of Palestinians prisoners, and it appears that the situation has only deteriorated with time.

II. Trouble in al-Hol

The complications brought about by prison conditions in the Middle East create problems beyond state borders. The detention camp at al-Hol in northeast Syria is an example of this. Although not formally a prison, the al-Hol camp acts as a legal and jurisdictional limbo for foreign nationals linked to ISIS.¹⁰ This camp, like many other detention camps and prisons in Syria that hold former ISIS members and family members associated with them, is controlled by the Kurdish-led Syrian Democratic Forces (SDF). While the Syrian Democratic Council, the political arm of the SDF, instituted new policies that made it easier for Syrian detainees to return home, nearly 43,000 foreign nationals remain in camps and prisons, waiting indefinitely for trial in their home countries.¹¹ Human Rights Watch has reported several cases of human rights abuse at al-Hol, such as an instance in which a French woman with advanced colon cancer was refused repatriation for medical treatment, a water tank containing worms, and “a guard running over a young child in a vehicle, cracking his skull.”¹² Various news reports have shown that daily conditions in the camp have been dire, lacking sanitation and essential resources, with no safe water to drink, no palatable food, and no accessible medication. Most importantly, many of the foreign nationals are unable to return home and are not given trials in their own countries, because they are viewed as significant threats to public safety. In some cases, like that of Shamima Begum in the U.K., detainees have even had their citizenship revoked.¹³

While some repatriations have taken place and many countries continue to support the camp, the shortage of humanitarian goods and a lack of adequate shelter and security remain ongoing problems, according to a UNHRC report from March 2020.¹⁴ In addition, reports of increasing violence in the camp, irregularities in the “data collection”

process that may have compromised repatriation efforts, and the potential for serious human rights violations led U.N. experts to urge 57 states to repatriate their women and children in these camps,¹⁵ stating that “continued detention, on unclear grounds, of women and children in the camps is a matter of grave concern and undermines the progression of accountability, truth and justice.”¹⁶

Thus, the aftermath of the international campaign against ISIS has been left to regional authorities such as the SDF, forcing them to manage thousands of foreign nationals in prisons with squalid conditions. Furthermore, the slow efforts of the international community to take responsibility for foreign nationals in these camps are resulting in severe human rights abuses and could give rise to another generation susceptible to radicalization, considering that about 27,500 foreign children remain in camps like these.¹⁷ Ensuring the right to a fair trial and humane prison conditions is in the best interests of the international community, and many experts believe that failing to do so may fuel the grievances of foreign nationals in the camps, leaving a void that extremist groups may attempt to fill in the near future.

III. Egypt and “Generation Jail”

Egypt provides yet another example of the need for prison reform in the Middle East. Although freedom of expression is an essential human right according to the U.N., many journalists in young and frail democracies are being threatened, arrested, and tortured for speaking out against certain political figures or inquiring about information that the local government deems confidential.¹⁸ Moreover, the lack of awareness, information, and opinions is among the most crucial requirements for a dictatorship to sustain itself.¹⁹ Through violence and intimidation techniques, the silencing of journalists across the MENA region has become commonplace in countries such as Iraq, Lebanon, Saudi Arabia, and, as we will discuss, Egypt.²⁰ Indeed, journalists are a frequent target of imprisonment in Egypt, with 27 having been wrongfully detained in 2020. Prison conditions are poor, and problems include overcrowding, poor ventilation, unhygienic facilities, lack of a constant supply of running water, and poor food quality.²¹ Just as in the previous two examples, no efforts are being made to improve these conditions.

Egypt used the COVID-19 pandemic as an excuse to imprison critical voices, including three journalists who criticized the lack



Photo above: Women look after children at the Kurdish-run al-Hol camp for the displaced where families of ISIS foreign fighters are held, in the al-Hasakeh governorate in northeastern Syria, on October 17, 2019. Photo by DELIL SOULEIMAN/AFP via Getty Images.

of state media coverage of doctors and nurses who contracted the virus as a result of poor or absent safety measures. Sayed Shehta was arrested despite being in quarantine and was handcuffed to a hospital bed, and Mohamed Monir caught the virus while detained and died shortly thereafter.²² There are any number of other examples of journalists who were unjustly detained even before the pandemic, such as Al-Jazeera journalist Mahmoud Hussein, who was arrested without trial, formal charges, or conviction and has only been released from prison after more than four years, and journalist Islam el-Kalhy, who was arrested while reporting on the unintended consequences of a young man's death while in police custody.²³

It is clear that the Middle East still has a long way to go when it comes to prison reform. To know that generations of Middle Eastern citizens are wasting away in jail due to political dissent or trivial charges like stone throwing is shameful not only because the region needs these citizens for its future development, but because detaining them without cause engenders an environment of fear, causes psychological trauma, and constitutes a major violation of human rights. Indeed, a whole generation of Egypt's activists have been termed "Generation Jail" because, instead of spending their years contributing to their communities, their potential is squandered and their psychological condition is deteriorating

in jail.²⁴ The regime of Abdel-Fattah el-Sisi has jailed over 60,000 political prisoners, many of whom are suspected Muslim Brotherhood members who were swept up by the Sisi regime after the coup in 2013. In contrast, at the height of Hosni Mubarak's regime, the figure was closer to 10,000. The Sisi regime has even built new prisons to accommodate the growing population of detainees. The region's authoritarian regimes have little incentive to improve conditions because this system of mass incarceration serves as a tool of political control. Many of these human rights violations, not only in Egypt, Israel, and Syria but elsewhere in the Middle East too, have occurred quietly, as those abroad remain largely unaware of the situation. In fact, the term "Generation Jail" is not only applicable to Egypt. Consider how in Iran and Turkey, prominent journalists, trade unionists, and social media activists have likewise been thrown in jail for speaking out against the government.²⁵ Turkey is going so far as to use terrorism legislation to intimidate journalists who want to cover public interest stories, accusing them of "terrorist propaganda" and "defaming the judicial system."²⁶

Ultimately, mass incarceration not only contributes to the worsening of prison conditions by way of prison overcrowding and torture, but it also creates an atmosphere of political repression that makes it much more difficult for citizens to

hold their governments accountable. Importantly, this issue is by no means unique to the Middle East. The United States has the highest number of incarcerated citizens worldwide, with a disproportionate number of those prisoners being people of color convicted of drug possession.²⁷ The Black Lives Matter (BLM) movement has highlighted this racial inequality in the U.S, with special attention to police brutality against Black people, but its protests have been met with appalling violence by police forces. When peaceful protesters gathered near the White House following George Floyd's death, federal police in riot gear attacked them and many protesters were arrested.²⁸ This violence is very much reminiscent of the violence against protesters in the Middle East. While movements such as BLM have made the need for prison reform in the United States widely known internationally, the need for prison reform in the Middle East is often overlooked. However, it is absolutely essential that prison reform become a greater priority for the MENA region because, as long as mass incarceration remains a regular practice of Middle Eastern regimes, the future of the region and that of its citizens will be derailed and human rights violations will continue to take place.

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