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A way out for prisoners?

New parole system could end one part of Mideast deadlock

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Here's an innovative approach that could help Israel respond to Palestinian demands for the release of prisoners - an achingly sensitive issue on both sides and one of the triggers in the latest Mideast fighting. We propose a two-part plan: that Israel create a special parole system that can weigh the safety of releasing prisoners, coupled with a meaningful oath to forswear violence.

As we are Palestinian and Israeli scholars well versed in the challenges of diplomacy, we understand both the difficulties involved and the significance attached to this issue. Yet we also see an opportunity to build new relationships between old enemies.

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All sectors of Palestinian society consider the release of prisoners held by Israel a top priority and are particularly frustrated by unmet promises. Palestinian families often demonstrate en masse demanding the freedom of their loved ones.

Most Israelis, meanwhile, choke on the risk involved and consider release both unwise and unjustified. How can we release those with "blood on their hands"? they ask. Israelis fear unlocking prison doors that restrain bomb-makers, stone-throwers or challengers of the military occupation. They especially balk at giving in to what they consider blackmail - exchanging prisoners to recover soldiers who have been illegally kidnapped.

This recurring impasse has had serious consequences, slowing down the peace process and now helping trigger a major armed confrontation in Lebanon. Business-as-usual represents a zero-sum game, so civilians and academics on both sides have searched for an imaginative solution. Our proposal draws on suggestions from colleagues in Maryland, Sweden and the Middle East, including ex-prisoner organizations.

Instead of a dramatic large-scale release of prisoners in response to demands of Hamas' military wing, we propose adapting Israel's current parole system to create a regular, ongoing, equitable and well-organized system for handling the early release of Palestinian detainees.

Pragmatically, the key lies in developing a reliable screening procedure that can make sure those jailed throughout this conflict, both Arab and Jew, will not return to violence after they are released.

Our proposal has two parts. First, we propose that screening be conducted by a series of parole boards composed of Israeli professionals: social workers, criminologists, prison authorities and even a Palestinian observer. The first to be considered for early release should be those who have spent the most time in prison: the elderly, the sick, the very young and women. Hundreds of cases could be handled each month.

Second, an essential ingredient must be a serious commitment by prisoners to refrain from violent acts. An in-depth dialogue should determine whether the prisoner is willing to renounce violence. Then the prisoner must take an oath documented visually and in writing and sworn over a symbol of faith: the Koran, since Arab prisoners are overwhelmingly Muslim and profound believers, or a Bible. Procedures must be standardized for both Arabs and Jews.

Prisoners should be given time for reflection. The notion must be instilled that struggling for self-determination is legitimate, but the use of violence against civilians is not. They must also understand that their parole will be revoked and that they will face additional punishment if they return to violence.

Once released, with the help of the international community, the prisoner should be offered vocational training, jobs and social rehabilitation, including help adjusting in a changed environment.

To make this proposal a reality, the Palestinian Authority and the Israeli government must act jointly, providing yet another test of their mutual trust and commitment to the peace process. This cooperation may result in confidence-building measures, further reduce the overall level of hatred and perhaps keep other family members from embarking in armed struggle.

In back-channel negotiations, armed Palestinian organizations should be asked to prove their commitment to the priority of prisoner release by stating publicly that the pledge over their holy book is to be respected.

It is relevant to note that some of the Palestinians conducting negotiations today, who are now accepted as legitimate partners in peace, were once prisoners themselves. The record shows that the release of long-term prisoners has resulted in minimal recidivism, perhaps because those released felt they paid their "dues" and desperately wanted to rebuild their own lives.

We believe this approach offers a win/win if both sides embrace it seriously. It might contribute to the release of the soldiers kidnapped by Hamas and its application might also be explored in the case of the Lebanese prisoners.

But if the only purpose of prisoner release is to buy a momentary respite from fighting, then a profound opportunity will have been lost. If Israelis and Palestinians have the courage to try something new, they may take a first step toward reconciliation, long-term communication and respect.

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