

Assessing Israel's Release of Jordanian Prisoners

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Brief Analysis

After several months of negotiation between Jordanian and Israeli officials, the Israeli cabinet voted unanimously on Sunday to release nine Jordanian prisoners. According to Jordan's foreign ministry, seven of the nine were released today. Although the Jordanian government welcomed this move as a gesture intended to strengthen bilateral relations, the decision falls short of Amman's request for the release of all Jordanian prisoners held by Israel, including four Jordanians convicted of killing twenty-seven-year-old Israeli soldier Yehuda Lifshitz in a 1990 West Bank attack. Since these four men were arrested and imprisoned prior to the 1994 Israeli-Jordanian peace treaty, Jordan maintains that Israel should have considered them prisoners of war, eligible for release when peace was achieved. In response to the cabinet's announcement, new Jordanian foreign minister Faruq Kasrawi called the decision "a positive and good step toward releasing all prisoners," emphasizing that "the Jordanian government will continue its efforts to obtain the release of all Jordanian prisoners."

Who Will Be Freed?

According to the Israeli Prison Service, none of the seven prisoners released today have directly participated in attacks on Israelis or foreigners. Nevertheless, the range of serious charges brought against them include gun smuggling, attempts to manufacture explosives, possession of explosives, helping to lay an explosive device, carrying arms illegally, conspiring to commit deadly crimes, armed infiltration, and membership in a banned group.

At present, more than twenty Jordanians are reportedly held in Israeli prisons, but not all of them are eligible for release. The Israeli government refuses to free those with "blood on their hands," as stipulated most recently by a July 2003 cabinet decision approving the criteria for releasing prisoners. These criteria would exclude those who physically participated in attacks in which Israelis or foreign nationals were killed or injured, those who dispatched terrorists regardless of whether an attack was actually perpetrated, and potential suicide bombers who were apprehended before perpetrating an attack.

A Series of Positive Steps

The announcement of the prisoner release comes as one of a series of recent positive developments in Jordanian-Israeli relations. Just two months ago, Jordanian ambassador Marouf Suleiman Bakhit arrived in Israel, ending a period of more than four years without a Jordanian envoy. Then in early March, former Jordanian foreign minister Hani al-Mulqi made an official visit, the most senior Jordanian official to do so in more than four years (although King Abdullah II did visit Prime Minister Ariel Sharon in March 2004 at the latter's Sycamore Ranch for a secret, three-hour discussion on a proposed Israeli pullback from parts of the West Bank and Gaza Strip).

Sunday's decision to release the Jordanian prisoners is also the most recent in a series of several prisoner releases or exchanges to which Israel has agreed over the past several years. In November 2003, Israel freed nine Jordanian

prisoners, including one woman, as a goodwill gesture on the occasion of the Muslim holiday of Eid al-Fitr. The nine had been imprisoned on charges including possession of arms and illegal entry into Israel, but had not been convicted of involvement in attacks. In December 2004, as a goodwill gesture to Egyptian president Hosni Mubarak, Israel freed 159 "low-security" Palestinian prisoners who had not been involved in deadly terrorist attacks. Sharon approved these releases after Mubarak agreed to release Azzam Azzam, an Israeli Druze who had been jailed in Egypt on charges of espionage. Then in February 2005, in advance of the Sharm al-Sheikh summit, Israel's cabinet approved the release of 900 Palestinian prisoners, 500 to be freed immediately after the summit and the other 400 to be released over the coming months. None of the 900 Palestinians had been accused of carrying out, assisting in, or planning attacks that killed Israelis.

Negotiating with the Enemy

The most noteworthy swap Israel has executed in recent years is the exchange that took place in January 2004, after nearly four years of German-mediated negotiations. Under the terms of this agreement, Israel exchanged more than 400 Palestinian, Lebanese, and other Arab prisoners with Hizballah in return for the repatriation of kidnapped Israeli businessman Elhanan Tannenbaum and the remains of three Israeli soldiers -- Benny Avraham, Adi Avitan, and Omar Sawayid -- all of whom had been abducted by Hizballah in October 2000. As part of this exchange, Israel released a small number of Lebanese prisoners who had been convicted of killing Israeli soldiers in southern Lebanon.

The swap with Hizballah was controversial; not only was the cabinet divided over the decision (voting in favor of the release by a narrow 12-11 margin), but many Israelis perceived the exchange as rewarding Hizballah, boosting Hizballah leader Sheikh Hassan Nasrallah, and providing an incentive for the group to undertake additional abductions for use as bargaining chips with Israel. Jordan, too, was angered that the Israeli government was willing to release prisoners with "blood on their hands" to Hizballah and yet would not free the four Jordanian prisoners responsible for the Lifshitz killing.

When this initial swap with Hizballah was completed, Israel stated that it would consider negotiating with the group a second time, offering to exchange a Lebanese prisoner in return for information regarding Ron Arad, an Israeli pilot missing since 1986 and believed to have been held by Hizballah or Iran. In return, Israel reportedly offered to release Lebanese terrorist Samir Kantar, who has been imprisoned since 1980. Kantar is serving a 542-year sentence for the murder of three Israeli civilians -- including a four-year-old girl -- that took place at a northern Israeli seaside resort. Kantar remains in prison as the Israeli government has yet to receive full information on Arad's fate. Last year, Hizballah evidently gave Israel two bone fragments as part of the exchange deal, but DNA testing indicated that the fragments do not belong to Arad.

Conclusion

This is not the end of the story, as the Jordanians still imprisoned -- including the four accused of killing an Israeli -- remain an unresolved diplomatic issue. But the release of the seven today, as the most recent in a series of such gestures offered by the Israeli government, underscores the role that such actions play in the larger context of Arab-Israeli relations and peace talks. The issue of prisoner releases is a complex one for Israel, and what can seem like a policy of principle, such as "no release of prisoners with blood on their hands," is sometimes tied to other important objectives, such as gaining the release of captive Israelis. It remains to be seen whether future prisoner releases will be used as tools to strengthen relations with existing friends, as illustrated by today's gesture toward Jordan, or as a means to attain some other objective from a bitter adversary such as Hizballah.

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