

Country/entity	Palestine
Region	Middle East and North Africa
Agreement name	The National Conciliation Document of the Prisoners (The Prisoner's Document) (2nd Version)
Date	1 Jun 2006
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Hamas-Fatah Conflict (2006 -)

In 2006, Palestine held its first round of local legislative elections wherein the long-standing incumbent, Fatah, was defeated by the Muslim Brotherhood affiliated Hamas. As the largest faction of the Palestinian Liberation Organisation (PLO), Fatah's leadership was put under pressure by the international community, who perceived Hamas as a possible threat to the Arab-Israeli peace process. As such, Fatah refused to join in the grand coalition with Hamas, and President Mahmoud Abbas began to increase his power through presidential decrees. Inside the Hamas strong-hold of Gaza, politicians on both sides were assassinated and within both Gaza and the West Bank, both sides were increasing the size and capabilities of their respective armed wings. The Presidential Guard of Mahmoud Abbas received funding, arms and training from the U.S and Israel during this time. Tensions rose further, as President Abbas called for new elections to be held in late-2006. These did not occur, and the date was shifted to mid-2007. Skirmishes broke out occasionally. On July 10, 2007, sustained clashes continued and escalated and by the end of July 15, Hamas had consolidated its military control over the Gaza Strip.

Since then several agreements have been signed between the two sides pledging two form a unity government including the 2007 Mecca Agreements; 2008 Yemeni Initiative; 2010 Cairo Agreement; April 2011 Cairo Agreement; 2012 Doha Agreement; May 2012 Cairo Accord and the 2014 Gaza Agreement.

Close

Hamas-Fatah Conflict (2006 -)

Stage	Framework/substantive - partial
Conflict nature	Inter-group
Peace process	Palestine, Intra-Palestian agreements

Parties Fatah – PLC member Marwan Barghouti, Fatah Secretary.
 Hamas – Sheikh Abdul Khaleq al-Natsheh – Higher Leading Commission
 Islamic Jihad Movement – Sheikh Bassam al-Sa'di
 Popular Front for the Liberation of Palestine [PFLP] – Abdul Rahim Mallouh – member of PLO Executive Committee and Deputy General Secretary of the PFLP
 Democratic Front for the Liberation of Palestine [DFLP] – Mustafa Badarneh

Third parties -

Description The prisoners document was written 6 weeks into the rule of the first Hamas-led government in the Palestinian Authority. Tensions between Fatah and Hamas were strong at the time. In 18 points, the document calls for the unification of Palestinian factions and a revival of the PLO as the representative organisation of Palestine. It also calls for the retraction of Israeli forces back to the boundaries of 1967, the right of return, and the release of prisoners; calls for reform of the PLO and the election of a Palestinian National Council by 2006, among other key points. President Mahmoud Abbas called for holding a referendum on the document as a foundation for final status negotiations with Israel. In responds Hamas and Islamic Jihad withdrew their support and the document was renegotiated to produce a second version. Depsite renegotiating the document, Islamic Jihad remained skeptical on entering negotiations with Israel.

Agreement document [PS_060628_The Prisoner's Document \(National Conciliation Document\) II.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group**

Groups→Racial/ethnic/national group→Rhetorical

Page 1, untitled preamble, Based on the high sense of historical national responsibility and in light of the dangers facing our people and based on the principle saying that rights don't fall by law of limitations, and on the basis of no recognition of the legitimacy of occupation and for the sake of reinforcing the internal Palestinian front and maintain and protect the national unity and the unity of our people in the homeland and in the Diaspora and in order to confront the Israeli scheme that aims to impose the Israeli solution and to blow up the dream and right of our people in establishing their independent state with full sovereignty; this scheme that the Israeli government intends to execute in the next phase based on concluding the apartheid wall and the Judaization of Jerusalem and expansion of the Israeli settlements and the seizure of the Jordan Valley and the annexation of large areas from the West Bank and blocking the path in front of our people in exercising their right in return.

Page 1, This document is being put forth as a complete package and the introduction is part of it:

1. The Palestinian people in the homeland and in the Diaspora seek and struggle to liberate their land and remove the settlements and evacuate the settlers and remove the apartheid and annexation and separation wall and to achieve their right to freedom, return and independence and to exercise their right to self-determination, including the right to establish their independent state with al-Quds al-Shareef as its capital on all territories occupied in 1967, and to secure the right of return for refugees to their homes and properties from which they were evicted and to compensate them and to liberate all prisoners and detainees without any discrimination and all of this is based on the historical right of our people on the land of our forefathers and based on the UN Charter and international law and legitimacy in a way that does not affect the rights of our people.

Religious groups

Groups→Religious groups→Rhetorical

Page 1, Untitled Preamble,

This scheme that the Israeli government intends to execute in the next phase based on concluding the apartheid wall and the Judaization of Jerusalem and expansion of the Israeli settlements and the seizure of the Jordan Valley and the annexation of large areas from the West Bank and blocking the path in front of our people in exercising their right in return.

Indigenous people

No specific mention.

Other groups

No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Rhetorical

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Page 3, 9. Stressing on the need to double our efforts to support and care for the refugees and defend their rights and work on holding a popular conference representing the refugees that would create commissions to carry out duties towards the refugees and to stress on the right of return; the international community should also be pressured to implement Resolution 194 which stipulates the right of refugees to return and to be compensated.

Social class No specific mention.

Gender

Women, girls and gender

Page 4, 11. To cling to the principles of democracy and to hold regular, general, free and honest democratic elections according to the law for the presidency, the PLC and the local and municipal councils and trade unions and federations and to respect the principle of a peaceful and smooth transfer of authority and to stress on the principle of separation of authorities; the Palestinian democratic experience should be protected and any democratic choice and its results respected; furthermore, there should be respect for the rule of the law, public and fundamental freedoms, freedom of the press and equality among the citizens in rights and duties without discrimination; the achievements of women should be respected and further developed and promoted.

Men and boys

No specific mention.

LGBTI

No specific mention.

Family

Page 3, 6. To work on forming a national unity government that secures the participation of parliamentary blocs and political forces interested in participating on the basis of this document and the joint program to upgrade the Palestinian situation at the local, Arab, regional and international levels. Their goal is also to implement the reform program and develop the national economy and encourage investment and fight poverty and unemployment and provide best possible care for the sectors that carried the burden of steadfastness, resistance and the Intifada and who were the victims of the Israeli aggression. In particular, this refers to the families of martyrs, prisoners and injured and the owners of demolished homes and properties, destroyed by the occupation, and the unemployed and graduates

State definition

Nature of state (general)

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State configuration

Page 2, 5. To protect and support the PNA since it is the nucleus of the future state and was born of the struggle and sacrifices of the Palestinian people; to stress that higher national interests call for respecting the "Basic Law" of the PNA and the effective laws and for respecting the responsibilities and authorities of the president elected according to the will of the Palestinian people through free, honest and democratic elections.

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Page 3, Page 3, 7. Administration of the negotiations falls within the jurisdiction of the PLO and the President of the PNA, which will be on the basis of adhering to Palestinian national goals as mentioned in this document on condition that any agreement must be presented to the new PNC for ratification or a general referendum to be held in the homeland and the Diaspora through organizing the referendum.

Self determination Page 1, This document is being put forth as a complete package and the introduction is part of it:

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Page 2, 4. ...This is aimed at mobilizing Arab, Islamic and international political, financial, economic and humanitarian support and solidarity with our people and the PNA and to gain support for the right of our people to self-determination, freedom, return and independence; furthermore, it is aimed at confronting Israel's plan to impose any unilateral solution on our people and to confront the oppressive siege.

Referendum Page 3, 7. Administration of the negotiations falls within the jurisdiction of the PLO and the President of the PNA, which will be on the basis of adhering to Palestinian national goals as mentioned in this document on condition that any agreement must be presented to the new PNC for ratification or a general referendum to be held in the homeland and the Diaspora through organizing the referendum.

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**Independence/
secession**

Page 1, untitled preamble, Based on the high sense of historical national responsibility and in light of the dangers facing our people and based on the principle saying that rights don't fall by law of limitations, and on the basis of no recognition of the legitimacy of occupation and for the sake of reinforcing the internal Palestinian front and maintain and protect the national unity and the unity of our people in the homeland and in the Diaspora and in order to confront the Israeli scheme that aims to impose the Israeli solution and to blow up the dream and right of our people in establishing their independent state with full sovereignty;

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Page 2, 4. ...This is aimed at mobilizing Arab, Islamic and international political, financial, economic and humanitarian support and solidarity with our people and the PNA and to gain support for the right of our people to self-determination, freedom, return and independence; furthermore, it is aimed at confronting Israel's plan to impose any unilateral solution on our people and to confront the oppressive siege.

**Accession/
unification**

No specific mention.

Border delimitation No specific mention.

**Cross-border
provision**

No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→General references

Page 1-2, 2. To speed up efforts to achieve that which was agreed on in Cairo in March 2005 pertaining to the development and reactivation of the PLO and the participation of all forces and factions to it according to democratic principles that reinforce the status of the PLO as the sole legitimate representative of the Palestinian people wherever they are in a manner that meets with the changes on the Palestinian arena and in a manner that consolidates the authority of the PLO to assume its responsibilities in leading our people in the homeland and the Diaspora. The PLO should also be the body that mobilizes the people in defending their national, political and humanitarian rights in the various fora and circles and in the international and regional arenas. Furthermore, our national interest stipulates the formation of a new Palestinian National Council before the end of 2006 in a manner that secures the representation of all Palestinian national and Islamic forces, factions and parties and all sectors of our people through elections, where possible, according to proportional representation, and through agreement where it is not possible to hold elections according to mechanisms set up by the Higher Committee resulting from the Cairo Dialogue. The PLO therefore, will remain a broad front and framework and a comprehensive national coalition and the higher political reference for all the Palestinians in the homeland and in the Diaspora.

Page 2-3, 5. ...It also calls for respecting the responsibilities and authorities of the government granted by a vote of confidence from the PLC which came through free and honest and democratic elections and stress on the importance and need for creative cooperation between the presidency and the government; there should be joint action and regular meetings between them to achieve and reinforce cooperation and integration according to the provisions of the Basic Law and the higher national interests and for the need for comprehensive reforms in PNA institutions, especially the judiciary whereby the judiciary authority should be respected at all levels, its rulings implemented reinforce the rule of the law.

Page 3-4, 10. To work on forming a unified resistance front called the "Palestinian Resistance Front" to lead and engage in resistance against the occupation and to unify and coordinate resistance action and work on defining a unified political reference for the front.

Elections

Page 2, 2 ... Furthermore, our national interest stipulates the formation of a new Palestinian National Council before the end of 2006 in a manner that secures the representation of all Palestinian national and Islamic forces, factions and parties and all sectors of our people through elections, where possible, according to proportional representation, and through agreement where it is not possible to hold elections according to mechanisms set up by the Higher Committee resulting from the Cairo Dialogue.

Page 2, 5. To protect and support the PNA since it is the nucleus of the future state and was born of the struggle and sacrifices of the Palestinian people; to stress that higher national interests call for respecting the "Basic Law" of the PNA and the effective laws and for respecting the responsibilities and authorities of the president elected according to the will of the Palestinian people through free, honest and democratic elections. ...

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Page 4, 11. To cling to the principles of democracy and to hold regular, general, free and honest democratic elections according to the law for the presidency, the PLC and the local and municipal councils and trade unions and federations and to respect the principle of a peaceful and smooth transfer of authority and to stress on the principle of separation of authorities; the Palestinian democratic experience should be protected and any democratic choice and its results respected; furthermore, there should be respect for the rule of the law, public and fundamental freedoms, freedom of the press and equality among the citizens in rights and duties without discrimination; the achievements of women should be respected and further developed and promoted.

**Electoral
commission**

No specific mention.

**Political parties
reform**

No specific mention.

Civil society

Page 1, untitled preamble, Therefore, with the goal of making our comprehensive national dialogue a success, based on the Cairo Declaration and coupled with the urgent need for unity and solidarity, we put forth this document (the national conciliation document) to our people, President Mahmoud Abbas (Abu Mazen), the PLO leadership, Prime Minister Ismail Hanieh, the Council of Ministers, the Speaker and members of the PNC, the Speaker and members of the PLC, all Palestinian forces and factions, all nongovernmental and popular organizations and institutions and to the popular leadership of the Palestinians in the homeland and in the Diaspora.

Page 2, 4. To formulate a Palestinian plan aimed at comprehensive political action; to unify Palestinian political discourse on the basis of the Palestinian national goals as mentioned in this document and according to Arab legitimacy and international legitimacy resolutions that grant justice to the Palestinian people maintaining their rights and constants to be implemented by the PLO leadership and its institutions, and the PNA represented in president and government, the national and Islamic factions, the civil society organizations and public figures. This is aimed at mobilizing Arab, Islamic and international political, financial, economic and humanitarian support and solidarity with our people and the PNA and to gain support for the right of our people to self-determination, freedom, return and independence; furthermore, it is aimed at confronting Israel's plan to impose any unilateral solution on our people and to confront the oppressive siege.

Page 5, 18. To work on expanding the role and presence of international solidarity committees and peace-loving groups that support our people in their just struggle against the occupation, settlements and the apartheid wall both politically and locally; to work towards the implementation of the International Court of Justice ruling at The Hague pertaining to the dismantlement of the wall and settlements and their illegitimate presence.

**Traditional/
religious leaders**

No specific mention.

**Public
administration**

No specific mention.

Constitution

No specific mention.

Power sharing

Political power sharing

Power sharing→Political power sharing→General State level

Page 3, 6. To work on forming a national unity government that secures the participation of parliamentary blocs and political forces interested in participating on the basis of this document and the joint program to upgrade the Palestinian situation at the local, Arab, regional and international levels. Their goal is also to implement the reform program and develop the national economy and encourage investment and fight poverty and unemployment and provide best possible care for the sectors that carried the burden of steadfastness, resistance and the Intifada and who were the victims of the Israeli aggression. In particular, this refers to the families of martyrs, prisoners and injured and the owners of demolished homes and properties, destroyed by the occupation, and the unemployed and graduates

Territorial power sharing

No specific mention.

Economic power sharing

No specific mention.

Military power sharing

No specific mention.

Human rights and equality

Human rights/RoL general Page 2, 2. ... The PLO should also be the body that mobilizes the people in defending their national, political and humanitarian rights in the various fora and circles and in the international and regional arenas.

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Bill of rights/similar No specific mention.

**Treaty
incorporation**

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Civil and political rights

Human rights and equality→Civil and political rights→Liberty and security of person [Freedom] Page 1, This document is being put forth as a complete package and the introduction is part of it:

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Human rights and equality→Civil and political rights→Freedom of association

Page 4, 14. To denounce all forms of division that could lead to internal strife; to condemn the use of weapons in settling internal disputes and to ban the use of weapons among the people; to stress on the sanctity of Palestinian blood and to adhere to dialogue as the sole means of resolving disagreements. There should be freedom of expression through the media, which also applies to any party in opposition to the authority and its decisions in accordance with the law; adherence to the right to peaceful protest and to organize marches, demonstrations and sit-ins on condition that they be peaceful and unarmed and do not attack the property of citizens or public property.

Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion

Page 4, 14. To denounce all forms of division that could lead to internal strife; to condemn the use of weapons in settling internal disputes and to ban the use of weapons among the people; to stress on the sanctity of Palestinian blood and to adhere to dialogue as the sole means of resolving disagreements. There should be freedom of expression through the media, which also applies to any party in opposition to the authority and its decisions in accordance with the law; adherence to the right to peaceful protest and to organize marches, demonstrations and sit-ins on condition that they be peaceful and unarmed and do not attack the property of citizens or public property.

Human rights and equality→Civil and political rights→Other

[Right to return] Page 1, untitled preamble, ... this scheme that the Israeli government intends to execute in the next phase based on concluding the apartheid wall and the Judaization of Jerusalem and expansion of the Israeli settlements and the seizure of the Jordan Valley and the annexation of large areas from the West Bank and blocking the path in front of our people in exercising their right in return.

[Right to resist] Page 2, 3. The right of the Palestinian people to resist and to uphold the option of resistance of occupation by various means and focusing resistance in territories occupied in 1967 in tandem with political action, negotiations and diplomacy whereby there is broad participation from all sectors in the popular resistance.

[Right to return] 9. Stressing on the need to double our efforts to support and care for the refugees and defend their rights and work on holding a popular conference representing the refugees that would create commissions to carry out duties towards the refugees and to stress on the right of return; the international community should also be pressured to implement Resolution 194 which stipulates the right of refugees to return and to be compensated.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy Page 1-2, 2. To speed up efforts to achieve that which was agreed on in Cairo in March 2005 pertaining to the development and reactivation of the PLO and the participation of all forces and factions to it according to democratic principles that reinforce the status of the PLO as the sole legitimate representative of the Palestinian people wherever they are in a manner that meets with the changes on the Palestinian arena and in a manner that consolidates the authority of the PLO to assume its responsibilities in leading our people in the homeland and the Diaspora. The PLO should also be the body that mobilizes the people in defending their national, political and humanitarian rights in the various fora and circles and in the international and regional arenas. Furthermore, our national interest stipulates the formation of a new Palestinian National Council before the end of 2006 in a manner that secures the representation of all Palestinian national and Islamic forces, factions and parties and all sectors of our people through elections, where possible, according to proportional representation, and through agreement where it is not possible to hold elections according to mechanisms set up by the Higher Committee resulting from the Cairo Dialogue. The PLO therefore, will remain a broad front and framework and a comprehensive national coalition and the higher political reference for all the Palestinians in the homeland and in the Diaspora.

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Detention procedures No specific mention.

Media and communication Rights related issues→Media and communication→Media roles
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Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction	<p>Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development</p> <p>Page 3, 6. To work on forming a national unity government that secures the participation of parliamentary blocs and political forces interested in participating on the basis of this document and the joint program to upgrade the Palestinian situation at the local, Arab, regional and international levels. Their goal is also to implement the reform program and develop the national economy and encourage investment and fight poverty and unemployment and provide best possible care for the sectors that carried the burden of steadfastness, resistance and the Intifada and who were the victims of the Israeli aggression. In particular, this refers to the families of martyrs, prisoners and injured and the owners of demolished homes and properties, destroyed by the occupation, and the unemployed and graduates</p>
National economic plan	No specific mention.
Natural resources	No specific mention.
International funds	No specific mention.
Business	No specific mention.
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Other land rights
Page 1, untitled preamble, ... this scheme that the Israeli government intends to execute in the next phase based on concluding the apartheid wall and the Judaization of Jerusalem and expansion of the Israeli settlements and the seizure of the Jordan Valley and the annexation of large areas from the West Bank and blocking the path in front of our people in exercising their right in return.

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**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage Land, property and environment→Cultural heritage→Tangible
Page 1, This document is being put forth as a complete package and the introduction is part of it:
1. The Palestinian people in the homeland and in the Diaspora seek and struggle to liberate their land and remove the settlements and evacuate the settlers and remove the apartheid and annexation and separation wall and to achieve their right to freedom, return and independence and to exercise their right to self-determination, including the right to establish their independent state with al-Quds al-Shareef [Jerusalem] as its capital on all territories occupied in 1967, and to secure the right of return for refugees to their homes and properties from which they were evicted and to compensate them and to liberate all prisoners and detainees without any discrimination and all of this is based on the historical right of our people on the land of our forefathers and based on the UN Charter and international law and legitimacy in a way that does not affect the rights of our people.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

Security Guarantees

Page 4, 14. To denounce all forms of division that could lead to internal strife; to condemn the use of weapons in settling internal disputes and to ban the use of weapons among the people; to stress on the sanctity of Palestinian blood and to adhere to dialogue as the sole means of resolving disagreements. There should be freedom of expression through the media, which also applies to any party in opposition to the authority and its decisions in accordance with the law; adherence to the right to peaceful protest and to organize marches, demonstrations and sit-ins on condition that they be peaceful and unarmed and do not attack the property of citizens or public property.

Page 5, 17. To call on the PLC to continue issuing laws that regulate the work of the security apparatus in its various branches and to work towards issuing a law that bans the exercise of political and partisan action by members of the security services whereby they are required to abide by the elected political reference as defined by law.

Ceasefire

No specific mention.

Police

Page 5, 16. The need to reform and develop the Palestinian security system in all its branches in a modern manner that allows them to assume their responsibilities in defending the homeland and people and in confronting the aggression and the occupation; their duties also include maintaining security and public order, enforcing laws, ending the state of security chaos and lawlessness, ending the public show of arms and parades and confiscating any weapons that harm the resistance and distort its image or those that threaten the unity of Palestinian society; there is also a need to coordinate and organize the relationship between the security forces and the resistance and organize and protect their weapons.

Armed forces

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DDR

No specific mention.

Intelligence services

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Parastatal/rebel and opposition group forces No specific mention.

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims Page 3, 6. To work on forming a national unity government that secures the participation of parliamentary blocs and political forces interested in participating on the basis of this document and the joint program to upgrade the Palestinian situation at the local, Arab, regional and international levels. Their goal is also to implement the reform program and develop the national economy and encourage investment and fight poverty and unemployment and provide best possible care for the sectors that carried the burden of steadfastness, resistance and the Intifada and who were the victims of the Israeli aggression. In particular, this refers to the families of martyrs, prisoners and injured and the owners of demolished homes and properties, destroyed by the occupation, and the unemployed and graduates

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source al-Akhbar; [https://english.al-akhbar.com/sites/default/files/The%20Prisoner's%20Document%20\(June%202006\)_0.pdf](https://english.al-akhbar.com/sites/default/files/The%20Prisoner's%20Document%20(June%202006)_0.pdf)
