



STATE OF PALESTINE
PALESTINE LIBERATION ORGANIZATION
NEGOTIATIONS AFFAIRS DEPARTMENT

THE POWER OF SUSPENDING TIME

Israeli Violations of International Law:
The Case of Palestine's Prisoners



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Introduction

“The Israeli military “justice” system is a farce. It has nothing to do with justice simply because the system is affiliated with the Israeli occupation which penalizes an occupied people. Israeli courts decorate the occupation’s image. As far as the judicial procedure is concerned, there are a lot of question marks and there is a lack of integrity. Apartheid is the foundation of this system against Palestinians. Many of the judges have served in the Israeli army as high ranking officers.”

Waleed Al-Hodali (63 years old), from Jalazon refugee camp (Ramallah), was incarcerated for 12 consecutive years and held under administrative detention for 24 additional months.

Every month, the military forces of the occupying Power, Israel, arrest, detain, and incarcerate hundreds of Palestinians living in the occupied West Bank, including Jerusalem. These daily incursions to Palestinian refugee camps, villages, towns, and cities are meant to fulfill Israel's first line of punishment, its reliance on mass confinement to sustain more than 56- year-old colonial military occupation.

Israel's power of arrest indicate that imprisonment is designed to curb, control, manage, and kill Palestinian political aspirations. This is not a crime and punishment scheme meant to deliver justice. It is a scheme meant to enforce a settler-colonial project and ensure its durability and perpetuity. It is a policy meant to suspend the possibility of a State of Palestine and indefinitely postpone its realization. In other words, within the power of arrest is the power of suspending time, suspending the time of the Palestinians behind bars, but also suspending the possibility of a free, independent, and sovereign Palestine, all in contradiction with international law.

Without the wholesale arrest of the Palestinian population (mass confinement), including the loose use of administrative detention (arrests without formal charge), the enactment of physical and psychological torture, and the kidnap and isolation of Palestinian political leaders, a Palestinian state could have been realized a long-time ago. Therefore, it's imperative to look at some of the central facets of the Palestinian experience in Israeli prisons, including; its illegality under international law, the status of Palestinian prisoners, and some of the main struggles and issues that Palestinian prisoners repeatedly fight for. This publication attempts to draw on some of those immediate issues and experiences, clarifying the Palestinian experience of imprisonment.

By the end of June 2023, 23 different prisons, detention centers, and investigation facilities held 5,000 Palestinian detainees, including 160 children and 32 women. The number of arrests in 2022 amounted to 7,000 individuals, including 882 children and 172 women. Additionally, there were 850 cases of administrative detention orders issued against citizens without specific charges. The available data also reveals that there are 554 prisoners serving life sentences and around 1,000 administrative detainees. Furthermore, Israel is currently holding over 700 prisoners who are ill, along with four members of the Palestine Legislative Council. There are also 23 prisoners who were apprehended prior to the Oslo Accords in 1993, and they remain incarcerated in Israeli prisons to this day.¹ In 2022, the Israeli occupation authorities heavily relied on administrative detention, which allows for the indefinite detention of Palestinians without charges or a fair trial based on undisclosed information. Throughout 2022, Israel issued over 2,400 administrative detention orders, encompassing new and renewed orders.²



One of the most effective policies for regulating Palestinian bodies, managing their expectations, and killing their aspiration was and remains the systemic use of incarceration. Imprisonment is one of the defining features of Palestinian life under occupation targeting all social and political groups, including the elderly, children, women, and men of all ages and from all religious and political backgrounds.

This publication outlines and highlights some main issues with Israel's so-called "military justice system." It will showcase how this system is a racialized gulag meant to defeat Palestinians politically and is far removed from international due process standards. It will also highlight prisoners' stories and experiences in Israeli prisons, including obtaining education or health services.



Source: The Commission of Detainees and Ex-Detainees Affairs & The Palestinian Prisoners Society





Status of Palestinian Prisoners under International Law

“The right to resist occupation is enshrined in international law and closely related to the principle of self-determination. We have a right and duty to defend our land, rights, and holy sites from Israeli brutal and illegitimate acts. They should know we will never leave. We are here to resist and remain. The four years I spent in prison were difficult. My family and friends, as well as my job, were taken away from me. Though I missed my freedom, being with other prisoners and not in isolated cell was a blessing. They became like my family with whom I shared my pain and suffering. This gave me strength, patience, and hope.”

Mohammad Abu Sbeih (27 years old), from Silwan in occupied Jerusalem, was incarcerated for four years.

Although Israel labels Palestinians who resist Israeli occupation forces as “terrorists” or “security prisoners,” international law recognizes actions that pertain to the Palestinian resistance as falling into “Prisoner of War” status. The applicable standards are spelled out in the 3rd and 4th Geneva Conventions of 1949, both of which have provisions that refer to the appropriate treatment of “Prisoners of War”.³

The right to resist occupation is recognized under international law. Occupied nations have the right to engage in legitimate resistance against their occupiers. The principle of self-determination, enshrined in the United Nations Charter and other international instruments, upholds the right of people living under foreign occupation to determine their political status freely. Additionally, under international humanitarian law, specifically the Fourth Geneva Convention, individuals and groups living under occupation are granted the right to resist the occupying Power by employing various means, including armed struggle with specific caveats.

Moreover, the United Nations has established a valuable set of fundamental principles for treating prisoners, which member states can refer to. These principles can be found in UNGA Resolution 45/111, issued on 14 December 1990.⁴ They are intended to be applied without distinction based on an individual’s status, religion, ethnic origin, or sexual preference. However, it should be noted that “Prisoners of War” are subject to separate treatment, as outlined in selected provisions of the 3rd and 4th Geneva Conventions from 1949.⁵

UNGA Resolution 45/111 applies to all United Nations members, including Israel, regarding the treatment of prisoners and includes those who qualify as prisoners of war. While the term “war” may not directly apply to Israel’s 56-year belligerent occupation of Palestinians and their territory, the category of prisoners of war under the 1949 4th Geneva Convention can encompass resistance fighters. Since Palestine has gained the de jure character of a state and many prisoners are arrested for acts relating to targeting the occupation forces, many Palestinian prisoners can fall into the “Prisoner of War” category. It is possible that some Palestinian prisoners currently held in Israeli jails meet these requirements and, therefore, fall under separate, albeit similar, international standards.

Moreover, The United Nations Basic Principles establish a high standard for treating prisoners. They aim to create a healthy and humane environment for individuals incarcerated for various reasons, ensuring they are treated with the respect every human deserves. These principles should be applied to Israel’s treatment of all its prisoners, irrespective of occupation status, religion, or ethnic origin.





In short, the status of Palestinian prisoners under international law is governed by several legal frameworks, including the Geneva Conventions, the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) among several other treaties and conventions. Furthermore, the acts of most Palestinian prisoners fall within the purview of the right of resistance guaranteed under international law. Accordingly, all Palestinian prisoners should receive equal, humane, and dignified treatment.

The current Israeli carceral system discriminates against Palestinians by denying them similar treatment to Israelis held in civilian prisons. Israel is treating all offenses across all different historical and political experiences the same and failing to recognize the long-term, prolonged occupation and the legal implication therein, including the right of Palestinians to resist its prolonged occupation and its commitment to international crimes by building and transferring its civilian population into occupied territory.⁶ The primary contention here is that Palestinian acts of resistance, or what Israel defines as “offenses,” are symptoms of a more extensive and systematic crime that includes prolonged occupation rendering it illegal, the crime of building and sustaining illegal settlements, the crime of a racialized system of control and separation amounting to apartheid.⁷

“The occupying Power pursues a systematic policy of punishing and humiliating as many Palestinians as possible. This is whether they are involved in political, cultural, or student activities or not. For Israel, it is the existence of every Palestinian that threatens the occupation. On the other hand, they give the green light to [Israeli] settlers to commit crimes and brutal attacks against Palestinians and their properties without holding them accountable.”

Elyaa Abu Hijleh (23 years old), from Ramallah was a law student at Birzeit University. She was detained on 1 July 2020 and sentenced to 11 months in Damon prison.




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The Scope and Breadth of the Power of Arrest

Since the issuance of military order number 1 on 7 June 1967, Israel has released over 2,500 military orders that have had a profound negative impact on the daily lives of Palestinians. These orders serve as legal justifications for arresting and prosecuting Palestinians suspected of committing “offenses.” The definition of these offenses is broad and encompasses a wide range of activities that can be interpreted as political in nature, including expressions of political opinion, political assembly, and both non-violent and violent political actions. Consequently, Palestinian political prisoners often face charges under these Israeli military orders, which employ a broad definition of “security” to curtail political expression and membership in political groups. Notable examples include Military Order 101, which restricts protests, political publications, and the display of national symbols, and Military Order 938, which criminalizes acts such as holding a flag or listening to nationalistic songs. Additionally, Military Order 378 established military courts and granted them extensive jurisdiction, allowing for the prosecution of Palestinians for offenses committed within and outside the occupied territory. These military orders erode the rights and freedoms of Palestinians, including their right to express political opinions and engage in peaceful political activities.



“Palestinians have the right to live in freedom and dignity like other nations in the world. The reality of occupation obliges us to defend our homeland and it’s our right as enshrined in international law. My prison experience strengthened my resolve to fight injustice by pursuing my education, despite Israeli violations. During my prison time, I completed my Bachelor’s degree.”

Ali Said (39 years old), from new Askar refugee camp (Nablus), was released on 27 July 2023. When he was 18 years old, he was incarcerated for 21 years.



© Abu-Jihad Museum in Al-Quds (Jerusalem) University

Military Order 101 also states it is “forbidden to conduct a protest march or meeting (grouping of ten or more where the subject concerns or is related to politics) without permission from the Military Commander.”⁸ The order also prohibits the distribution of political articles and pictures with “political connotations.” Military Order 101, which is still in force in the occupied West Bank, often provides the basis for the arrest of human rights and political activists. This order has been amended and given a more extensive scope throughout the years. The general provisions





of Order No. 101, which restrict the right to demonstrate in the West Bank, conflict with Israeli and international law. The order lacks clarity in its definitions and allows for subjective interpretation, suppressing a wide range of political opinions. It also fails to specify the degree of force that can be used for enforcement, leaving room for excessive use of force. The order imposes extensive limitations on freedom of expression and demonstration. It requires permits for gatherings, even small ones, implying an inherent threat to public order. It restricts both public and private gatherings and publications, making it possible to penalize individuals for expressing their views within their own homes. The order prohibits political protests and the display of national symbols, even in peaceful demonstrations. The penalties prescribed by the order, including lengthy imprisonment or heavy fines, are disproportionate to the offenses. Furthermore, the order allows the delegation of powers to lower-ranking security officers, which means that any soldier could be provided with the power to determine what an "offense" is and to disregard the rights of freedom of expression and political participation.⁹

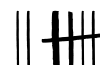
One central facet of this order is that it gives any military commander the power to proclaim the closure of a specific area where any broadly interpreted "political gathering" occurs. Consequently, anyone in the area is considered to have violated the order and could be arrested and charged. This order (101) also establishes the basis for political censorship in the occupied State of Palestine by banning any Palestinian from "print or publicize in the region any publication of notice, poster, photo, pamphlet or other document containing material having a political significance." This already points out three elements of legal power embedded within the military courts and the military commander. The ability to enforce spatial (area closure), temporal (incarceration), and ban all forms of circulation, including ideas, images, slogans, and sounds.

Similarly, **Military Order 938** considers "supporting a hostile organization by holding a flag or listening to a nationalistic song" as a "hostile action."¹⁰ The nature of this order complements the previous one. It showcases the wide-legal net that Israel casts on Palestinian political expression and the criminalization of Palestinian nationalism, and all symbolic and political gestures that are in line with such nationalism.¹¹

On the other hand, Military Order 378, enacted in 1970, established military courts and outlined their authority and jurisdiction. It introduced a criminal code that defined "security offenses" and established regulations concerning the rights of detainees under military law. The order granted the military courts extensive jurisdiction over individuals, territories, and subject matters. For example, it allowed the courts

"Times have flown by, the prison has deprived me of my freedom, from being with my children and family, and from my job. I realized how much my life had changed after I was released. My sisters, who were university students, have become mothers caring for their families. The son conceived from smuggled sperm has become a young man, and the other son is now a university student. The Palestine prisoners' issue is a central issue in our struggle to keep the Palestinian cause alive. As long as the occupation continues, the prisons will remain open. Palestinians will continue to defend themselves and never give up until Palestine is free."

Ahmad Shahin (44 years-old), from occupied Jerusalem's Old City, was incarcerated for 22 years.



"My son was exposed to intimidation, torture, and beating during interrogation then released and placed under house arrest until now. We paid bail of three thousand NIS and signed on to paying 50 thousand NIS if we don't abide by the conditions. One of them is to observe our son day and night. My child didn't hurt anyone. Like other children around the world, he wants to play, go to school, and meet his friends. They deprived him of his childhood. Each morning, the IOF knocks on our door at 3:00 am to check if Ayham is at home. They have turned our lives into hell and my child feels insecure and anxious all the time that they will return to detain him. It is also forbidden for him to participate in any family celebrations. For example, they refused to give him permission to attend the graduation ceremony of his sister, so I had to stay with him in the house."

Fawzi Al-Basti, from occupied Jerusalem, is the father of Ayham (13 years old) who was detained on 1 May 2023 for eight days then placed under house arrest.

to try individuals accused of committing acts outside the occupied territory that would be considered offenses if committed within the occupied territory, as long as they were intended to harm security or public order.¹² This means that Israel and the military court system can prosecute Palestinians for any "offense" within or outside the occupied Palestinian territory.

Military Order 378 did not address determining an individual's combatant status under international law. It did not recognize the possibility that Palestinians could meet the criteria under international law. This deliberate omission effectively criminalized all forms of Palestinian resistance to Israel's occupation, categorizing such activities as "terrorism." The Israeli forces make only subtle distinctions between Palestinian men, women, and children, with no recognition of a natural and internationally protected right of occupied people to oppose their military occupiers. Any Palestinian who acts to resist or oppose the occupation is subject to the risk of being arrested and jailed. This includes non-violent forms of protest- for weeks, months, or years, with or without charges, and often without trial or conviction.

Moreover, Military Order 1651, which took effect on 1 May 2010, consolidated several previously issued orders into the Criminal Code. It replaced 20 military orders issued between 1967 and 2005, including Military Order 378, which established Israeli military courts in occupied territory, provided the basis for arrest and detention by the Israeli army, and defined charges under military law. It also replaced Military Order 132, which categorized Palestinian children into different age groups, setting the age of adulthood at 16 and contributing to the "unchildling" of Palestinian children by re-formulating the age group considered a child. Anyone under 12 is regarded as a child, anyone between 12-14 is viewed as a youth, and anyone between 14-16 is considered a young adult.¹³ Most legal systems provide special provisions for all children under 18, including rigorous mechanisms for protecting the child's status, emphasizing forms of rehabilitation rather than punishment. On the other hand, through its broad incarceration policy, Israel systemically attempts to "unchild" Palestinian children.

Palestinian Professor Nadera Shalhoub-Kevorkian has introduced the concept of "unchildling" to describe how Israel treats Palestinian children.¹⁴ The term "unchildling" describes the deliberate removal of children from their childhood, motivated by political objectives.¹⁵ It is perpetuated by a pervasive system characterized by violence, racism, sexism, and classism, which can be found in various contexts worldwide. Shalhoub-Kevorkian further argues that Israel portrays Palestinian children as dangerous individuals who can be subjected to physical





and psychological harm and multiple forms of incarceration. Children, therefore, incur various forms of mistreatment and devaluation within Israel's practices and policies.

The central point of departure for all these orders was to enable Israel's military courts the most significant possible freedom for the definition of a crime, and the maximum possible penalty for those that commit any offense, all the while insisting on an extensive ability to prosecute, including- redefining children, and encompassing woman and elderly.

The structure of the military orders and their evolution is also directed primarily towards the expansion of the power of arrest (whom the Israeli forces can arrest), the power of enacting punishment (means and magnitude of punishment), and what is considered an offense. This is compounded by the burden of proof involved in prosecuting such crimes, which in Israeli military courts is very low. This has transferred into a conviction rate of over 99.74% up to 2010, as revealed by an internal Israeli army document.¹⁶

This policy of harassment and repression by the Israeli occupation forces has led to more than 5,000 Palestinians being held in Israeli jails at any one time; some Palestinians were held for decades, others without charge.

"Imagine my sorrow and bitterness as a mother knowing that my child is held in solitary confinement, without proper food, light, or electricity. I last saw my child looking pale, thinner, with dark circles under his eyes, ill, and totally lost. He even speaks to himself sometimes. The (Israeli) occupation deprived my son of his right to life and education, to enjoy his childhood, and to be with his family and friends. Life has stopped for Ahmad. Now he is helpless and hopeless. They robbed him of everything."

Maysoun Manasra, from occupied Jerusalem, is the mother of Ahmad Manasra who was incarcerated at the age of 13. His original sentence was 12 years in prison, but it was later reduced to nine years. The demand for Ahmad's release is growing as he struggles with severe mental health issues. Ahmad is 21 years old today.



© Abu-Jihad Museum in Al-Quds (Jerusalem) University





The Racialization of Military Courts

“Administrative detention is a punitive measure and practice of racial discrimination against Palestinian prisoners. Detention has hampered my nursing career and life. I developed a state of depression and anxiety that I still fear they might arrest me again at any time. I was also subjected to medical negligence by the prison authorities. I vomited blood for three months, and they refused to transfer me to the hospital or see a doctor. They only gave me painkiller pills.”

Shuruq Al-Badan (29 years old), from Takou’ town in Bethlehem governorate, is a mother of a 6-year-old child and a nurse. She was arrested three times and spent a total of three years and two months in Israeli prisons under administrative detention.

The Israeli military court system is primarily responsible for prosecuting Palestinians arrested by the Israeli security forces on charges of “security violations” and other crimes defined by Israeli military orders. However, if seen as threats to Israeli security or territorial control, these orders extend to criminalizing various other activities, including political and cultural expression, non-violent protest, and certain traffic offenses.

The military courts operate within Israeli military bases, where military orders precede Israeli and international law, often favoring the occupying Power. Judges in these courts are military officers with limited judicial training, while prosecutors are Israeli soldiers appointed by the Area Commander, some of whom are not certified as attorneys without proper legal qualifications.

Only Palestinians are prosecuted under Israel’s military courts. Israeli settlers who commit offenses are given the rights and duties of being prosecuted in civilian courts with significantly lower conviction rates. According to the Israeli humanrights organization Yesh Din, which has been tracking settler violence since 2005, just seven percent of settler attacks have led to criminal charges, with only three percent of investigations leading to a conviction in Israel’s civilian court system.¹⁷

Palestinians face significant disparities in fair trial guarantees compared to Israeli settlers, as the military court system provides fewer legal safeguards. Palestinians can be held without charge for interrogation for up to 90 days, while Israeli citizens accused of security offenses face a maximum of 64 days.¹⁸ Trials in military courts must conclude within 18 months, compared to a nine-month limit in Israeli civilian courts. Sentencing disparities exist, with Palestinians facing harsher penalties and limited chances for early release. The military court system also discriminates against Palestinian minors, who are tried as adults at the age of 16, while Israeli law sets the age of majority at 18. Language barriers and confessions written in Hebrew further hinder Palestinian detainees’ rights. Offenses prosecuted in military courts encompass various categories, including “Hostile Terrorist Activity,” disturbance of public order, classic criminal offenses, illegal presence in Israel, and traffic offenses committed in the occupied State of Palestine.¹⁹

The Israeli military court system thus operates under a framework that disproportionately targets Palestinians and undermines their fundamental right to a fair trial. The military orders, which serve as the basis for prosecution, go beyond addressing “legitimate” security concerns and extend to criminalizing basic political and cultural expression, non-violent protest, and even minor traffic violations.





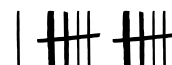
The glaring disparity is evident in the treatment of Israeli settlers who enjoy the privileges of civilian courts with significantly lower conviction rates for offenses committed. Palestinians are subjected to prolonged detention without charge, fewer legal safeguards, and harsher penalties than Israeli citizens. Even Palestinian minors are tried as adults at a younger age than their Israeli counterparts. Language barriers and the use of Hebrew confessions further impede the rights of Palestinian detainees. These systemic injustices perpetuate a cycle of discrimination, undermine the principles of equality and justice, and highlight the racialized aspect of Israel's justice system.



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"The Israeli occupation wants to control our writings and speech, because they simply perceive us as a threat to their existence. They try to block any attempt to recruit a collective opinion on a certain issue. When they detained me I was working on the issue of prisoners and martyrs. That was not the first time I was detained. I was arrested twice in 2017 and 2018. Before placing me under house arrest, they held me for 10 days in "Hasharon" prison in an isolated cell next to the cell of criminal prisoners. I felt completely insecure being in a very dangerous environment. House arrest deprived me of my freedom, pursuing my master's degree, communication with people and I felt lonely and isolated. The occupation inherited administrative detention and house arrest from the British mandate. Today, the occupation uses these laws to dominate the occupied people of Palestine. They want Palestinians to lose their confidence and ability to create change and resist the occupation. This will not happen."

Lama Ghosheh (30 years old), a journalist and resident of Sheikh Jarrah neighborhood in occupied Jerusalem, was detained for ten days then placed under house arrest for ten months between 14 September 2022 and 11 July 2023.





Administrative Detention: An Illegal Practice

" Israel, the occupying Power, exploits administrative detention to detain Palestinians and suppress their political rights, opinions, and activities. This is considered the easiest method of getting rid of Palestinians with significant influence in society. You are locked up without any charges (...), and you cannot defend yourself. The only thing you know is that you are being detained because of your own convictions and commitment to your just cause."

Khalida Jarrar, from Ramallah, was elected a Palestinian Legislative Council Member in 2006. Between July 2017 and February 2019, she was held under administrative detention, and she was arrested again in October 2019. In March 2021, she was sentenced to serve two years in prison.

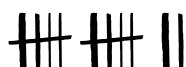
The scope and extent of the power of arrest extend beyond individuals presumed to have committed "offenses" based on the broad definitions established earlier. It is also applied to those whom Israel deems to have a "reasonable" cause for detention, even without the actual committal of an offense. One aspect that exemplifies the military court system's profoundly flawed nature is Israel's use of administrative detention. This policy becomes particularly troubling under prolonged occupation, as it results in individuals spending significant portions of their lives in and out of prison without having committed any actual offense or being informed of the reasons for their arrest. Administrative detention relies primarily on secret files accessible only to the prosecutor and the judge, adding to these cases' opacity and lack of due process.²⁰

Governments worldwide have the authority to utilize administrative detention to prevent potential security risks, justifying it as a preemptive measure. However, international humanitarian law and international human rights law strictly regulate the application of this practice, limiting it to exceptional circumstances and requiring adherence to specific legal provisions and oversight mechanisms.

The concept of administrative detention is considered an extreme measure that necessitates stringent scrutiny and adherence to legal safeguards. In line with this, the Fourth Geneva Convention (1949), which Israel ratified in 1951, allows for administrative measures, including detention, but only when necessary to safeguard the security of the detaining power. Similarly, the ICCPR, ratified by Israel in 1991, permits administrative detentions solely in exceptional situations.

International human rights law allows for limited use of administrative detention during emergencies when authorities must adhere to fundamental detention rules. This includes providing a fair hearing where the detainee can challenge the grounds for their detention, a missing component in Israel's use of administrative detention. Additionally, such detention is only permitted in cases of a severe emergency that poses a real threat to the nation's life, and it must be ordered on an individual basis without any form of collective discrimination (ICCPR, Article 9).²¹ Israel consistently disregards the stringent guidelines set by international law regarding administrative detention.

Since Israel's establishment in 1948, Israel has asserted a perpetual state of emergency, a justification often invoked to legitimize administrative detention. Moreover, Israel frequently employs administrative detention as a means of collective and punitive retribution, a clear violation of international law, rather than utilizing it for preventive purposes. As an illustration, administrative detention orders are regularly issued





against individuals who are merely suspected of an offense, even in cases where a criminal investigation has yielded no results or when obtaining a confession through interrogation has proved unsuccessful. This has meant that specific individuals are given an unwritten sentence for a crime the intelligence services have little to no evidence someone committed.

The Israeli regime employs a complex legal framework to justify and facilitate the use of administrative detention in Palestine. Dating back to the British Mandate, this practice allows for the prolonged detention of Palestinians without trial or knowledge of the charges against them. Currently, three primary laws and orders are used to justify administrative detention across colonized Palestine. **Military Order 1651** enables the issuance of administrative detention orders against Palestinians from the West Bank for up to six months, renewable indefinitely. It allows judges to receive and withhold evidence in the absence of detainees and their legal counsel, undermining their ability to mount a defense.²² The Internment of Unlawful Combatants Law permits the indefinite detention of Palestinians in Gaza without specifying a time limit. Detainees must be brought before an Israeli district court within 14 days, but the proceedings often rely on secret evidence disclosed under the pretext of "security" concerns. The Emergency Power (Detentions) Law of 1979 is used to detain Palestinian Jerusalemites and citizens of Israel for renewable periods of up to six months.²³ This law has been increasingly employed since the 2021 Unity Intifada, Or the 2021 Ramadan Habah (revolt).



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“Administrative detention is an unjust and arbitrary detention that denies Palestinians their right to a fair trial. In my case, every time my family and I waited for my release, the prisoners’ authority told me that the administrative detention order was renewed. Looking forward to freedom and seeing my family, only to be told I would have to remain in prison, was extremely painful and emotionally damaging. I led an open hunger strike for 113 days which I stopped after I received promises that they wouldn’t renew my administrative detention. The agreement, however, was negated as always.”

Raed Rayyan (29 years old), from Beit Duqo village in the Jerusalem governorate, he was arrested two times and held under administrative detention for three and a half years.



The Israeli government utilizes these three laws and orders as part of an ongoing legal approach against Palestinians residing in colonized Palestine. These measures are an extension of the Israeli military court system, which views Palestinians as potential threats to be managed. However, these policies take it a step further by leveraging the commonly cited justifications of “security” and “public order,” allowing Israel to imprison Palestinians without the obligation of presenting evidence or conducting trials.

The ambivalent and contingent nature of administrative detention creates a situation where the power of arrest can be used without the need for the military justice system to justify the arrest or inform the prisoner of any reason for their detention. The political and social impact of such an arrest can’t be overestimated since Palestinians who choose to remain apolitical or away from political activity or have not committed any actual offense are also under the specter of such an arrest. In many ways, this is one of the most potent elements of administrative detentions, the fact that it maintains the “reasonableness” of an arrest entirely contingent on Israel’s military definition and practice while also sustaining a sense of ambivalence over who is charged and under what pretext.

Before the second Intifada, the number of Palestinians held in administrative detention by Israel was relatively low, with only 12 individuals detained on the eve of the uprising. However, within two years, from late 2002 to early 2003, the number soared to over 1000 Palestinians subjected to administrative detention. Subsequently, as the situation on the ground became more stable, the overall number of administrative detainees has generally declined. From 2005 to 2007, there was a period of stability, with an average monthly count of approximately 765 Palestinian administrative detainees held by Israel.²⁴

As of March 2023, the Israel Prison Service (IPS) held 1,016 Palestinians in administrative detention.²⁵ The recent escalation of this policy can be attributed to the increased resistance in the West Bank. Israel’s current approach of expanding the use of administrative detention reflects not only a response to renewed resistance but also a deliberate tactic to discourage Palestinians from pursuing their political aspirations. It is essential to recognize that Israel’s administrative detention policy goes beyond criminalizing actual political engagement or action; it also criminalizes the mere potential for such participation and action. In essence, it seeks to suppress and deter political involvement by Palestinians.





The conditions and procedures employed by the occupying authority in administrative detention violate International Conventions and other international standards related to the right to a fair trial. This also includes how “administrative detainees” are treated after being held. In international law, administrative detainees are not charged with any offense and, therefore, should have a broad scope of rights in their detention, including a wide range of visitation rights and communication with family and friends, and should be held under conditions befit to someone who is only held on a “possibility” or ambivalent but non-defined risk, and only as a preventive measure.

The manner in which Israel utilizes administrative detentions, encompassing the circumstances surrounding an arrest, location of arrest, detainee rights, as well as the declaration of an extended state of emergency while concealing the “file” or information leading to the detainee’s arrest, and employing administrative detention as a punitive measure, renders this practice in violation of international law and a fundamental infringement upon basic human rights.

“The cause of Palestinian prisoners lies at the core of the Palestinian national movement. Throughout the history of our struggle against the occupation, prisoners have been at the forefront of resisting the occupation and defending our right to freedom. To defend our rights and develop effective resistance tools against the occupation, we must keep the prisoners’ issue at the core of the Palestinian national movement.”

Bilal Kayed (31 years old), from Asira ash-shamaliya town (Nablus) was incarcerated for 16.5 years, including one year in solitary confinement.



© Graphic was created by an anonymous former detainee held in Ansar III prison camp via palestineposterproject






Geography of Imprisonment: Visitation Rights

One of the elements of imprisonment and incarceration in the Palestinian experience is the long hours that take families of Palestinian political prisoners to visit their children in Israeli jails. While visitation rights are minimal, most prisons exist outside the occupied State of Palestine, making the current imprisonment location a significant violation of the Geneva Convention.²⁶

Many international human rights organizations have strongly criticized Israel's treatment of Palestinian prisoners for violating international standards.²⁷ The policy of detaining Palestinian prisoners arrested in the occupied Palestinian territory, in prisons located within Israel, is considered unlawful and cruel. This practice blatantly disregards the Fourth Geneva Convention, which outlines civilians' protection during armed conflict.

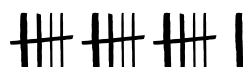
According to international humanitarian law, individuals detained from occupied territories must be held within the occupied territory rather than in the occupying Power's territory. Furthermore, these detainees have the right to receive visits, particularly from their close relatives, regularly and as frequently as possible.

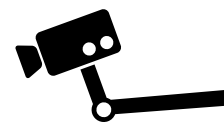


Regulations set by the IPS govern the frequency of family visits for prisoners in Israel. According to these regulations, all prisoners are entitled to receive visits from their families once every two weeks. However, the reality is starkly different, particularly for Palestinians hailing from the occupied State of Palestine. Due to the requirement of obtaining permits to enter Israel, their ability to visit their imprisoned relatives is significantly curtailed, resulting in much less frequent visits.

Under the current conditions in Israeli prisons, visits to Palestinian prisoners and detainees are limited solely to immediate family members, including children, spouses, parents, siblings, and grandparents. This policy effectively isolates the detainees from their broader social and professional networks. Additionally, men between 16 and 35 are typically barred from visiting prisons within Israel. They are granted particular entry permits only once a year if they are the detainee's brothers and biannually if they are the detainee's son. While sisters and daughters are allowed visitation, many also are banned from these visitations under the premise of "security concerns."

Moreover, in a troubling trend, numerous families are denied permits without any transparent explanation, as the Israeli authorities rarely provide justifications beyond the generic phrase "forbidden entry into Israel for security reasons." Consequently, in many cases, only young and elderly relatives—children under 16 who do not require permits—





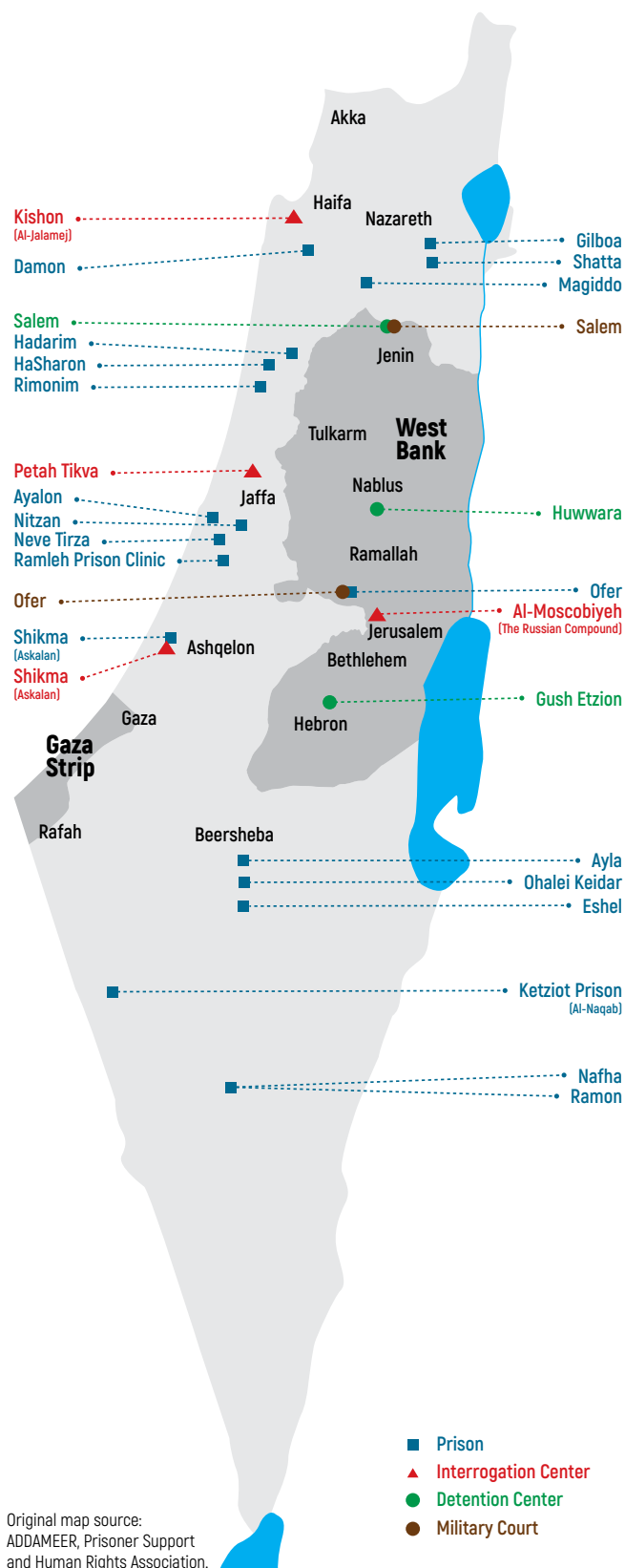
can visit their detained family members. Therefore, a significant number of Palestinian prisoners endure their entire sentences without receiving regular visits from their loved ones.²⁸

On occasions when family visits are permitted, they occur once every two weeks and last for a mere 45 minutes. Within the visiting room, a glass partition separates the visitor from the prisoner. Physical contact with the detainee is generally prohibited, and communication is facilitated through a telephone or small openings in the glass. Only children under eight are allowed brief physical contact with the detainee, although strict time restrictions are enforced. Usually, prison guards permit children to enter the detainee's side of the visiting room for the final 10 or 15 minutes of the visit.²⁹

Furthermore, the number of visitors per prisoner is strictly limited, allowing only three adults and two minors to visit simultaneously. Disturbingly, the suspension of family visits to a specific prison or detention facility is often employed as a punitive measure. This includes the wholesale ban on visitation rights after six prisoners escaped the Gilboa prison.³⁰

Moreover, the IPS regulations include provisions that allow the authorities to revoke a prisoner's right to family visits on security grounds, further limiting their contact with loved ones. Among those most adversely affected by Israeli restrictions are prisoners from Gaza, as the Israeli military only grants permit to families from the Strip once every two months. This policy directly impacts Gaza prisoners currently held in detention within Israel.

Repeatedly, families of prisoners and detainees have documented instances where they are denied entry at Green Line checkpoints, even when they possess valid permits allowing them to visit prisons within Israel.³¹ Compounding this issue, prisoners are frequently relocated to different detention facilities shortly before scheduled family visits. Unfortunately, such transfers are rarely communicated in advance to the families, resulting in arduous journeys that end in disappointment as they discover their visit has been unexpectedly canceled.





The Health of Prisoners: Parallel Slow Deaths

"I was released after my health declined in prison due to medical negligence. In 2004 when I was in Gilboa prison, I enjoyed good health until the (Israeli) jailers attacked us the prisoners ferociously. During the attack, the jailers used tear gas canisters that affected our nerve systems and caused pain. My respiratory problems started on that day, and I was only given painkillers in the prison clinic. My health declined continuously for ten years due to constant coughing. The 67-day hunger strike I led was in protest of medical negligence. It was only after they promised me treatment that I ended my hunger strike. They lied. I was eventually released following an Israeli hospital report stating I had only eight months to live. It was only after my release that I found out about it. (...)"

Mohammad Al-Taj (52 years old), from Tubas governorate. He was arrested two times and was incarcerated for a total of 17 years in Jail and was released in 2013.

Walid Daqqa, a Palestinian political prisoner, describes the imprisonment as existing in a "parallel time" where space remains still. He states:

"I write from the parallel time where space is still. In the parallel time, we refer to your units for measuring time (such as minutes and hours) only when our time and space collide in the visitation rooms. This is the only moment when we have to use your temporal units. In any case, these are the things that remain unchanged in your "time," and we still remember how to use them."

This parallel time also severely affects the prisoner's health and could lead to slow death due to negligence and inadequate care or health standards in prisons.

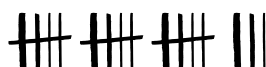
Walid Daqqa now resides in this parallel time suffering from stroke and bone-narrow cancer that is eating away his chances of re-uniting with his daughter Milad and his wife, Sana'. Despite serving his sentence, Walid had two years added to his sentence for publishing a children's story called "The Secret of the Olives."³² Since his diagnosis, Walid continues to desperately need urgent medical attention.

Among the countless Palestinians detained in Israeli occupation prisons, Walid stands as one of 19 individuals who had endured over 30 years of imprisonment and one of 23 prisoners who have been held captive since before the Oslo Accords came into effect in 1993 and 1995.

Numerous doctors, including those from Israel, have implied that his deteriorating health is a direct consequence of the deliberate medical neglect systematically practiced by the IPS. This neglect was evident when they recently denied his urgent transfer to a hospital after he suffered a stroke induced by a blood clot in Askalan prison in February 2023. Eventually, after surviving the stroke for 11 days, he was relocated to Barzilai Medical Center based on the doctor's recommendation at Askalan prison.³³

According to Rule 24 of the Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), established in May 2015, individuals deprived of their freedom should receive the same quality of healthcare available in the community.³⁴ They are entitled to access necessary healthcare services without discrimination based on their legal status. However, the IPS has implemented a policy of deliberate medical neglect towards prisoners and detainees.

Several factors contribute to the rise in medical cases among Palestinian political prisoners. Firstly, there is a policy of medical neglect where the





prison service denies its responsibility to provide appropriate healthcare and regular medical checkups. Secondly, the prison environment plays a role. Most prisons are old and fail to meet international standards in size and applicable safety and public health standards. Insects and rodents infest these facilities, and the climate is harsh, with desert-like conditions in southern prisons and high humidity in northern prisons. Thirdly, prison administrations neglect their duty to ensure personal and public hygiene and measures to maintain prisoners' health. Lastly, overcrowding is due to the increased number of prisoners and detainees, especially in the past few years. Currently, Israeli prisons hold several successive generations of Palestinian prisoners, which include pre-Oslo prisoners, post-Oslo prisoners from various periods such as pre-Second Intifada, second intifada prisoners, and those imprisoned during subsequent rebellions since 2006. Moreover, due to the demographic changes in Palestinian society, Israel, on average, detains a more significant number of prisoners at any given time. Presently, the number of prisoners held exceeds 5000.³⁵

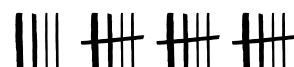
According to Article 76 of the Fourth Geneva Convention, prisoners and detainees should receive adequate food and hygiene conditions necessary for maintaining good health, at least equal to those in prisons of the occupying country. They should also receive the required medical attention based on their health condition and have the right to receive monthly relief parcels. Article 85 emphasizes the detaining power's responsibility to provide suitable accommodations with safeguards against humidity, sufficient warmth, lighting, sleeping space, and ventilation from the outset of internment.³⁶

Regarding medical attention and inspections, Articles 91 and 92 of the Fourth Geneva Convention highlight the need for each place of internment to have an adequate infirmary under the supervision of a qualified doctor. Regular medical inspections should occur at least once a month to monitor the general health, nutrition, and detection of contagious diseases among internees.

The issue of "dual loyalty" arises among doctors and medical staff employed by the IPS. They find themselves torn between their profession and ideological commitment to the state, which often leads to de-prioritizing the patient's needs. Doctors working in detention and interrogation centers often fail to report incidents of torture and ill-treatment to legal authorities out of fear of losing their jobs.³⁷

Physical signs of torture and abuse are rarely documented in detainees' medical files, making it challenging for victims to seek justice and compensation. Furthermore, doctors frequently advise Israeli Security Agency officers on the health condition of detainees undergoing interrogation, becoming complicit in the practice of torture and abuse, both physical and psychological.

Instances of medical negligence within Israeli prisons are widespread. The prison administration denies entry to volunteer doctors and Palestinian medical staff that can provide health care services. This is one of the countless other examples of how Israel produces the condition for health problems among long-term Palestinian detainees. Also, perhaps more importantly, how it builds a system that produces a parallel slow death.





The Employment of Isolation

"Israel's policy of solitary confinement aims at breaking prisoners' unity. Considering that prisoners have collectively achieved certain rights through united struggle over the years, they view an individual prisoner as weak and unable to fight on his own for his rights. The condition of isolation is very hard. They put a prisoner in a narrow, unventilated, dirty room where he cannot see or talk to anyone. He is constantly monitored to make him feel insecure and anxious. Only one hour a day can be spent in an open yard, so the prisoner has no one to talk to about his pain, making him feel lonely as if he was the only one on the planet without contact with anyone. When the prisoner steps out of isolation, he will need a long time to get used to other prisoners and perhaps he won't be able to adapt."

Durgham Al-A'raj (43 years old), from occupied Jerusalem, was incarcerated for 19 years including three years in solitary confinement.

Israeli prisons frequently employ solitary confinement and isolation as disciplinary measures against Palestinian political prisoners. Solitary confinement is commonly used during interrogation and as a punitive measure, while isolation is presented in Israeli discourse as a preventive measure. However, both practices are often abused and overused, leading to severe consequences for Palestinian prisoners and their psychological and physical health.³⁸

Solitary confinement involves the detainee being completely cut off from the world and placed in an empty cell with minimal amenities. Detainees are deprived of personal belongings, including reading materials, and are only allowed out of the cell to use the toilet with the assistance of a guard. Israeli prisons have a list of disciplinary offenses that can lead to solitary confinement, but vague provisions allow for abuse and misuse of this punishment.

Isolation, on the other hand, is justified under various categories such as state security, prison security, health concerns, and preventing harm to discipline and routine. Isolated prisoners are held alone or with one other inmate for 23 hours daily, with limited access to the outside world. They are shackled during their one-hour solitary walk and face strict communication and contact restrictions. Isolation cells are small and often lack proper ventilation and natural light. While amenities like a TV or radio are allowed, they can be taken away punitively.³⁹

Palestinian prisoners rely on prison canteens for essential items as the IPS fails to provide many necessities. However, the authorities can close an isolated prisoner's canteen account, forcing prisoners to go without essential items. Isolation orders can be issued by prison officials, courts, or security authorities, with durations ranging from 12 hours to several months. Legal challenges to isolation orders are complex due to the need for more effective representation and limited access to information.⁴⁰

Using isolation and solitary confinement exacerbates the structural isolation imposed on Palestinian prisoners illegally detained inside Israel. Transferring Palestinian prisoners from the occupied territory to Israeli prisons violates international law and further isolates prisoners from their families and communities. Additional restrictions, such as limited communication and visits, compound this isolation.

During interrogations, solitary confinement, and isolation are also employed to pressure detainees into forced confessions. Solitary confinement becomes a means of coercion, as detainees are disconnected from the outside world for extended periods. Israeli





military law allows for prolonged detention without charge and prohibits or delays access to legal representation and visits from ICRC representatives.

Prominent Palestinian political figures are often subjected to isolation to silence their voices and prevent political discourse. Isolation is also a punitive measure to dismantle unity during mass hunger strikes.

Isolated prisoners, particularly those with mental illnesses, face severe psychological and physiological effects due to prolonged confinement. Mental health services in Israeli prisons are inadequate, and language barriers and cultural differences hinder proper treatment.

The international community recognizes the need for strict regulations and limited solitary confinement and isolation to ensure political prisoners' well-being and human rights. International law prohibits solitary confinement as a punitive measure and calls for its infrequent and exceptional use. Treaties and agreements emphasize treating prisoners with dignity and prohibiting cruel, inhuman, or degrading punishment. The excessive use of solitary confinement and isolation can constitute torture or ill-treatment, making them clear violations of international law.⁴¹

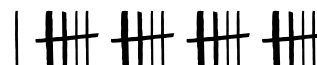
In summary, Israeli prisons regularly employ solitary confinement and isolation as disciplinary measures or for security reasons. Solitary confinement is often used during interrogations and as a punishment, while isolation is presented as a preventive measure. Both practices are frequently abused, leading to significant physical and psychological harm to Palestinian prisoners. Palestinian prisoners suffer the severe consequences of these practices, wholly cut off from the outside world.

“Medical negligence is one of the tools used by the Israeli occupation authority to break Palestinian prisoners’ will. When I suffered from Hordeolum in 2011, I requested an examination by a doctor. They intentionally procrastinated my treatment and gave me only useless cream. I needed an operation and had to wait two years. The infection in my eye was getting worse, and I could not see well until I had the operation in 2013. I had to fight for my right to treatment.”

Saleh Zahran (42 years old), from Ramallah, was incarcerated for 20 years.



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Other Important Violations of Prisoners' Rights

"A key aspect of the occupation's approach is that it commits crimes and acts of aggression against Palestinians. It is the jailors' goal to kill the prisoners' spirits of struggle for their rights. (...) Prisoners are no longer able to rely on the international community to bring them justice because international law that must protect them is ineffective and not applied. The failure of the international community to implement the law gave the occupying Power, Israel, a carte blanche to use different policies to torture and suppress Palestinians, including through deliberate medical negligence, without being held to account."

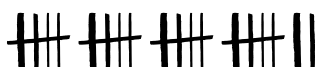
Abdel Fattah Doleh (45 years old), from Ramallah, was incarcerated for 12 years.

Numerous infringements on prisoners' rights persist, encompassing limited access to reading materials, contemporary forms of entertainment, and modern communication methods, such as the right to communicate via phones. These violations undermine prisoners' well-being and hinder their personal development. However, the inadequate and inconsistent provision of psychological and mental health services, educational opportunities, and the ability to attain degrees is of even greater significance.

Palestinian child prisoners suffer from the lack of educational programs that align with the Palestinian curricula. This creates an academic gap for Palestinian child prisoners. The act of arrest, interrogation, or house arrest, even if endured for a few months, can irreparably harm years' worth of academic progress. The Rehabilitation Center for the Victims of Torture has observed that most of these children abandon their education before completing secondary school. Vulnerable and marginalized children are particularly susceptible to torture and degrading treatment.^{42, 43}

The education provided for Palestinian child detainees is severely limited. The IPS offers education solely in "Megiddo" and "Rimonim" prisons but imposes restrictive measures on the subjects that can be taught. Children can only study mathematics and humanities, while other subjects are banned for "security reasons." Remarkably, girls under 18, when detained with adult female prisoners, are deprived of any formal education altogether. In contrast, Israeli boys detained in "Rimonim" receive approximately 20 hours of taught classes per week and have access to a designated classroom. However, Palestinian boys held in "Megiddo" prison are forced to study in the prison's courtyard without any protection from adverse weather conditions.⁴⁴

Palestinian prisoners are also denied conjugal visits and are not allowed physical contact with family members that visit them. They are deprived of communicating, touching, or of being-intimate with their partners in private and secure settings.



Conclusion

The State of Palestine rejects and condemns the colonial racist policies against Palestinian political prisoners and detainees, including the policy of arbitrary administrative detention, the detention of children and women, medical crimes, torture, isolation, and degrading treatment, which constitute flagrant violations of international humanitarian law.


Palestine does not recognize the occupying Power's military courts and judicial system, nor their jurisdiction within the territory of the occupied State of Palestine. Palestine demands the immediate release of all prisoners without prior conditions or restrictions as a fundamental requirement for any potential political process. Palestine calls for the urgent and immediate release of all ill prisoners, administrative detainees, women, children, the elderly, and the remaining pre-Oslo prisoners inside Israeli jails that Israel should have released as part of then-Secretary Kerry's efforts to renew peace talks in 2013.⁴⁵

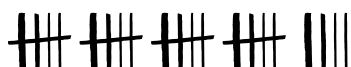
The struggle of the Palestinian people against Israel's colonial occupation is a legitimate right for all nations under military occupation as protected by international law. The State of Palestine holds Israel fully responsible for the lives of prisoners and detainees, including the ill, hunger strikers, children, and women. Palestine calls upon the Member States of the United Nations to hold Israel, the occupying Power, accountable for its violations and crimes against the land and people of Palestine and to support Palestine's efforts in international forums to achieve this goal, end Israel's belligerent occupation, and achieve a lasting and just peace. "As long as the occupation continues, the (Israeli) prisons will remain open," as explained in one of the testimonies shared by released Palestinian prisoners in this publication.

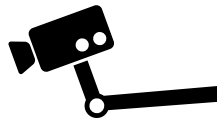




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