



**Joint Urgent Appeal to the UN Special Procedures to Safeguard Palestinian Political Prisoners' Rights against Collective Punishment and Arbitrary Measures Implemented by the Israeli Prison Services at the behest of the Israeli Occupying Authorities**

Date: 14 February 2023

**Submitted by:**

- Commission of Detainees and Ex-Detainees Affairs
- Palestinian Human Rights Organizations Council, comprising of:
  - Addameer Prisoner Support and Human Rights Association
  - Al-Haq, Law in the Service of Mankind
  - Al Mezan Center for Human Rights
  - Aldameer Association for Human Rights
  - Defense for Children International – Palestine
  - Hurriyat - Center for Defense of Liberties and Civil Rights
  - Jerusalem Legal Aid and Human Rights Center
  - Palestinian Centre for Human Rights
  - Muwatin Institute for Democracy and Human Rights - Observer Member
  - The Independent Commission for Human Rights - Observer Member
- Palestinian Prisoners' Society

**For the attention of:**

- The UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Ms. Francesca P. Albanese;
- The UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Ms. Tlaleng Mofokeng;
- The UN Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, Ms. Alice Jill Edwards; and
- The UN Working Group on Arbitrary Detention, Ms. Mariam Estrada-Castillo (Chair-Rapporteur)

## Introduction

By the end of 2022, the Israeli occupying forces (IOF) arrested in total around 7,000 Palestinians across the occupied Palestinian territory (OPT), with the highest number of arrests reaching 1,228 cases in April 2022, followed by May and October 2022, with 690 cases. The number of Palestinians arrested in occupied Jerusalem remained the highest compared to other Palestinian cities, with more than 3,000 cases of arrest, including 600 cases of house arrest. Additionally, around 106 Palestinians from the Gaza Strip were arrested, including 64 Gazan fishermen.<sup>1</sup> By the end of January 2023, there are currently 4,780 Palestinian political prisoners held in Israeli prisons, including 160 children, 29 women, and five Palestinian Legislative Council members.<sup>2</sup>

Moreover, the year 2022 witnessed an unprecedented reliance of the Israeli occupying authorities on administrative detention to indefinitely hold Palestinians, without charge or fair trial, based on ‘secret information’. While 1,595 administrative detention orders were issued in 2021, similar orders spiked to 2,409 in 2022, representing a dangerous surge of administrative detention cases. By the end of January 2023, the Israeli occupying authorities issued 260 administrative detention orders, including 103 new orders and 157 renewals, making the total number of Palestinian administrative detainees languishing indefinitely in occupation prisons 917, including one woman, five children, and two Palestinian Legislative Council members.<sup>3</sup>

In the second half of 2021, post the events of ‘*Operation Freedom Tunnel*’<sup>4</sup> – when six Palestinian prisoners escaped from Gilboa prison – a special Israeli committee was formed to deal with the aftermath. One of the committee’s most important and alarming recommendations was that Palestinian prisoners, especially those sentenced to life, should be continuously transferred from rooms, sections, and prisons after specific periods. Specifically, the committee decreed that a prisoner should not stay in the same room for more than six months, in the same section of the prison for more than a year, and in the same prison for more than three years.

Additionally, the committee recommended that prisoners who are allegedly affiliated with the Islamic Jihad, a Palestinian political party, be confined in several rooms in different sections to dissolve the organization’s core capacities and operating infrastructure. Palestinian prisoners categorically rejected this continuous transfer and restriction of movement, prompting the establishment of an emergency committee in protest. Having threatened to start a mass hunger strike,<sup>5</sup> the Palestinian committee reached an agreement with Israeli Prison Services (IPS) to stop

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<sup>1</sup> Addameer, “2022 In Review”, 1 January 2023, available at: <https://www.addameer.org/media/4968>.

<sup>2</sup> Addameer, “Statistics”, 12 February 2023, available at: <https://www.addameer.org/statistics>.

<sup>3</sup> HaMoked: Center for the Defence of the Individual, Facebook post, 2 February 2023, available at: <https://www.facebook.com/HaMokedEnglish/posts/pfbid0qFc5PEP7YG9Apf7zBp2mYasNwYjoLvvsGuCfmzyt2NGfmTDxWqCGfAq343AemWd5l>.

<sup>4</sup> Addameer, “Addameer Urges to Safeguard Palestinian Political Prisoners’ Rights against Collective Punishment and Retaliatory Measures by the Israeli Prison Services”, 7 September 2021, available at: <https://www.addameer.org/news/4488>

<sup>5</sup> Addameer, “Palestinian Prisoners’ Movement Prepare Collective Open Hunger Strike in Protest of Israeli Prison Services’ Abusive Practices”, 31 August 2022, available at: <https://www.addameer.org/news/4868>.

such movements and arbitrary measures.<sup>6</sup> Nonetheless, the incoming Israeli government seeks a return to the policy of continuous movement, as will be demonstrated in this urgent appeal; effectively renouncing the agreement made by the emergency committee.

### **The Israeli Occupying Authorities' Hostile Agenda Toward Palestinian Political Prisoners**

In the short time Benjamin Netanyahu's coalition has taken power, several key developments have occurred, demonstrating the Israeli occupying authorities' extremist stance towards Palestinian political prisoners incarcerated in Israeli prisons. While Israel has a long-established policy of arbitrarily imposing punitive and unlawful measures on Palestinian prisoners, such developments foreshadow the new government's hostile agenda towards Palestinian prisoners, with actions already undertaken in January alone paving the pathway for further violations of Palestinian prisoners' rights and subjugation and oppression of the Palestinian people as a whole.

On 5 January 2023, Itamar Ben-Gvir – an Israeli settler who raided Sheikh Jarrah neighborhood with other Israeli settlers last October, and was videotaped pulling out his gun and telling settlers: “if [Palestinians] throw stones, shoot them,”<sup>7</sup> was newly appointed as Israel's Minister of ‘National Security’ – visited Nafha prison located in the south-eastern desert area of historic Palestine. Ben-Gvir's visit was intended to demonstrate his ultranationalist plans to target Palestinian political prisoners and implement even greater punitive measures against them. In a statement following his visit, Ben-Gvir wrote: “*I visited Nafha prison yesterday following the construction of new cells to make sure that those who murdered Jews would not receive better prison conditions than the existing ones. I will continue to deal with the conditions of incarceration for prisoners while aiming to... pass the death penalty law for terrorists.*”<sup>8</sup>

Notably, following Ben-Gvir's visit, between 8 and 9 January 2023, 80 Palestinian political prisoners were transferred to Nafha prison from Hadarim prison – emptying Hadarim prison of all Palestinian political prisoners. Their forcible transfer was reported to be extremely harsh and degrading, with a complete strip search of each person and not allowing persons to take any of their belongings with them. Those prisoners who refused to transfer were punished and subjected to several days of solitary confinement prior to being forcibly transferred. Such collective and retaliatory penalties violate the absolute prohibition in customary international law against the collective punishment of protected persons, as enshrined in Article 33(1) of the Fourth Geneva Convention. In response to the transfer of prisoners and Ben-Gvir's visit, Hassan Abed Rabbo – a representative of the Palestinian Commission of Detainees' and Ex-Detainees' Affairs – detailed

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<sup>6</sup> Addameer, “Thirty Palestinian Detainees Suspend their Collective Hunger Strike After 19 Days”, 13 October 2022, available at: <https://www.addameer.org/news/4914>.

<sup>7</sup> Edo Konrad, Twitter post, 13 October 2022, available at: <https://twitter.com/edokonrad/status/1580655802666586113>.

<sup>8</sup> Itamar Ben-Gvir, Twitter post, 6 January 2023, available at: <https://twitter.com/itamarbengvir/status/1611286062298529792>.

how “*the situation in [Nafha] over the last couple of weeks has been terrible. The transfer of these prisoners is an attack on their lives.*”<sup>9</sup>

On 8 January 2023, Ben-Gvir further announced plans to cancel regulations allowing any Knesset members to meet with Palestinian prisoners incarcerated in Israeli prisons. According to this announcement, Ben-Gvir intends to return to older procedures where only one member from each party is allowed to visit prisoners, with visits conducted under strict supervision by the IPS. In his words: “*I believe that these meetings of Knesset members with security prisoners are meant to give prisoners a boost, and they may lead to incitement and the promotion of terrorist propaganda. The time has come to put a stop to it. I’ll not allow visits that support and incite terrorism under my watch.*”<sup>10</sup>

On 5 January 2023, the Israeli occupying authorities released Palestinian political prisoner Karim Younis, the longest-serving continuous political prisoner, after 40 years of incarceration. Two weeks later, Palestinian political prisoner Maher Younis, Karim’s cousin, who also was imprisoned for 40 years was released from prison. Both Maher and Karim Younis are Palestinians holding Israeli citizenship and were born in Wadi A’ra, a Palestinian village inside the Green Line. Following Karim’s release, Itamar Ben-Gvir instructed law enforcement to prevent gatherings in support of his return, stating that “*until the government passes a law imposing the death penalty for terrorists, I will do everything in my power to ensure that they will leave prison in shame.*”<sup>11</sup> Further, on 11 January 2023, the Israeli Knesset cleared and approved its first reading of proposed legislation aimed at revoking Israeli citizenship or the ‘permanent’ residency of Palestinian prisoners. The aforementioned legislation would apply to Palestinian prisoners holding Israeli citizenship as well as Palestinian Jerusalemites who have been convicted for allegedly committing a “terror” act.<sup>12</sup>

This comes after the Israeli occupying authorities enacted the final step of arbitrary residency revocation and unlawful forcible deportation of Salah Hammouri, a French-Palestinian human rights lawyer and former political prisoner, exiling him to France on 18 December 2022.<sup>13</sup> Salah’s forcible deportation is only the latest of Israel’s long-standing persecution of Salah, his family,

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<sup>9</sup> Press TV, “Palestinian Prisoners Prepare Mass Civil Disobedience in Israeli Jails”, 24 January 2023, available at: <https://www.presstv.ir/Detail/2023/01/24/696918/Palestine-Israeli-jails-Palestinian-prisoners-mass-civil-disobedience--IPS-collective-punishment-Nafha-prison-transfer>.

<sup>10</sup> Haaretz, “The newly appointed National Security Minister intends to return to the old procedure according to which only one MK from each party would be allowed to visit the prisoners, under strict supervision by the Israel Prison Service”, 8 January 2023, available at: <https://www.haaretz.com/israel-news/2023-01-08/ty-article/.premium/far-right-ben-gvir-to-limit-lawmakers-visits-to-palestinian-security-prisoners/00000185-90fb-da33-a9e7-fcb4e5f0000>.

<sup>11</sup> +972 Magazine, “Ben Gvir turns up the heat on Palestinian prisoners”, 24 January 2023, available at: <https://www.972mag.com/palestinian-prisoners-ben-gvir/>.

<sup>12</sup> Knesset News, “Approved in Preliminary Reading: Bill to Revoke Citizenship of a Person Convicted of Terrorism who Receives Funds as Compensation from the Palestinian Authority”, 11 January 2023, available at: <https://main.knesset.gov.il/EN/News/PressReleases/Pages/press11123u.aspx>.

<sup>13</sup> Addameer, “Israeli Authorities Commit War Crime of Forcible Deportation against Palestinian-French Human Rights Lawyer Salah Hammouri”, 18 December 2022, available at: <https://www.addameer.org/news/4960>.

and his critical human rights work advocating for Palestinian political prisoners. Due to his refusal to remain silent, Salah has been the prime target of Israel's policies of intimidation and repression of Palestinian human rights defenders challenging Israel's apartheid regime of institutionalized racial domination and oppression. This includes repeated arbitrary arrests and detention – including years without charge or trial –,<sup>14</sup> family separation, spyware attacks and surveillance,<sup>15</sup> and most recently, the stripping of his permanent residency rights in Jerusalem under illegal “breach of allegiance” laws.<sup>16</sup>

Population transfer and demographic manipulation manifested through laws, policies, and practices, including the Entry into Israel Law of 1952,<sup>17</sup> have been cornerstones of Israel's development and maintenance of an institutionalized regime of racial domination and oppression over the Palestinian people as a whole. Such developments constitute a war crime under Article 8 of the Rome Statute of the International Criminal Court,<sup>18</sup> and a grave breach of Articles 49 and 147 of the Fourth Geneva Convention, prohibiting the forcible deportation of a protected civilian from the occupied territory.<sup>19</sup> More importantly, residency and/or citizenship revocation stands as a horrifying escalation of Israel's systematic practice of demographic engineering and ethnic cleansing of the Palestinian people. Notably, as of 12 February 2023, around 150 Palestinians who hold Israeli citizenship and around 400 Palestinian Jerusalemites are incarcerated in Israeli prisons as political prisoners. Further, until present, 23 Palestinian political prisoners who were detained prior to the signing of the Oslo Accords in 1993 remain incarcerated, as the Israeli occupying authorities refuse to release them under any circumstances, even in prisoners' exchange deals, until the end of their sentences.

### **The IPS Initiate Mass Forcible Transfers of Palestinian Political Prisoners**

On 15 January 2023, 70 Palestinian political prisoners were transferred from Magiddo prison Section 8 to Gilboa prison – a high-security facility established in 2004 next to Shatta prison in the Beesan area in the north of historic Palestine – in a repressive, arbitrary, and sudden manner. The next day, on 16 January 2023, armed IOF, along with military dogs, broke into Magiddo prison, to forcibly transfer prisoners who are allegedly affiliated with Islamic Jihad. Also, on 16 January 2023, Palestinian political prisoners incarcerated at Naqab prison closed down part of the

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<sup>14</sup> Addameer, “Prisoner Profile: Salah Hammouri”, available at: <https://addameer.org/prisoner/2992>.

<sup>15</sup> Addameer, “France: Criminal Complaint against the Israeli Company NSO for Illegally Infiltrating the Phone of French-Palestinian Human Rights Defender Salah Hammouri”, 5 April 2022, available at: <https://addameer.org/news/4743>.

<sup>16</sup> Addameer, “Human Rights Organizations Send Urgent Appeal to UN Special Procedures on the Imminent Threat of Forcible Transfer/Deportation of Salah Hammouri for “Breach of Allegiance””, 5 October 2020, available at: <https://addameer.org/news/human-rights-organisations-send-urgent-appeal-un-special-procedures-imminent-threat-forcible>.

<sup>17</sup> Al-Haq, “Residency Revocation: Israel's Forcible Transfer of Palestinians from Jerusalem,” 3 July 2017, available at: <http://www.alhaq.org/advocacy/6331.html>.

<sup>18</sup> Rome Statute of the International Criminal Court (adopted 17 July 1998, entry into force 1 July 2002) 2187 UNTS 3.

<sup>19</sup> Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entry into force 21 October 1950) 75 UNTS 287.

facility to protest the transfer of prisoners within the institution itself. In addition, protests occurred against the isolation of Thafer Al-Rimawi, the uncle of the two brothers, Jawad and Thafer Al-Rimawi, who were killed by the IOF on 29 November 2022, during an Israeli raid on Beit Rima village.<sup>20</sup>

On 22 January 2023, 35 Palestinian prisoners were arbitrarily transferred from Rimon prison to Gilboa prison, with another 25 Palestinian prisoners expected to be transferred the next day to Gilboa prison. The transfer of Palestinian prisoners between prisons constitutes a strategy to weaken and destabilize Palestinian unity and efforts in protesting their unjust and arbitrary detention conditions; enabling and facilitating Israeli efforts to control existing and new prisoners. Most recently, on 28 January 2023, Israeli Special Units raided Ofer, Naqab, and Magiddo prisons, implementing internal prisoner transfers and putting some prisoners in collective and individual isolation.

During prison raids, Israeli Special Units shackle Palestinian prisoners, often subject them to physical assault without any regard to their medical conditions, and use tear gas and pepper spray, along with a plethora of other tactics, to further abuse them. More often than not, the prisoners report sustaining grave injuries due to the brutality of the attacks. Additionally, the Israeli forces often confiscate the prisoners' belongings and all electronics and appliances in the prison rooms afterward. These raids give way to a host of abuses and human rights violations and serve as one method of collective punishment, torture, and ill-treatment of Palestinian prisoners and detainees.<sup>21</sup>

Palestinian administrative detainee Bilal Kayed – arbitrarily held without charge or trial since 28 August 2022 in Magiddo prison – reported to Addameer that the IPS at Magiddo prison officially informed the prisoners about instating a set of procedural changes sanctioned by “higher” Israeli occupying authorities to restrict the daily activities of Palestinian prisoners. It should be noted that these measures, while not yet implemented, include:

- The forcible transfer of prisoners every three months from their designated cells, without prior notice or consent from their prison representatives.
- Changes to the types of goods available in the canteen.
- Limiting family visits to half an hour per month.
- Limiting free/yard time to one hour a day.
- Abolishing the prisoners' representatives committee.
- Separating incarcerated family members, where they will not be grouped in the same prison or the same rooms. Further, the prisoner's familial place of residence will not be taken into account in terms of their location of incarceration.
- Prohibiting prisoners from gathering in sections and rooms for organisational purposes.

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<sup>20</sup> Al Jazeera, “West Bank: Two Brothers among Five Palestinians Killed by Israel”, 29 November 2022, available at: <https://www.aljazeera.com/news/2022/11/29/west-bank-two-brothers-among-three-palestinians-killed-by-israel>.

<sup>21</sup> Addameer, “Torture and Ill-Treatment Beyond Interrogation: Violent Raids against Palestinian prisoners in Israeli Occupation Prisons”, 30 June 2021, available at: <https://www.addameer.org/media/4429>.

- Hanging the Israeli flag in each prison room.
- A complete sweep of prison cells to confiscate “contraband” – specifically, phones that entered the prison “illegally”.

In addition to restrictions at Magiddo prison, the IPS at Rimon prison also informed Palestinian prisoners that similar changes are imminent – though the contents of such changes were not revealed. These arbitrary and punitive measures intended to restrict prisoners’ movements and communications, and further isolate them from the outside world. Moreover, such measures directly impact the prisoners’ family visits, implementing more harsh visiting conditions and overall limiting the possibility of family visits.<sup>22</sup>

Palestinian female prisoners incarcerated at Damon prison reported to Addameer’s lawyer during a prison visit on 19 January 2023 that noticeable changes have occurred regarding Israeli prison guards, security, and intelligence officers in Damon prison. For example, the daily cell inspection that was previously carried out by female prison guards is currently being implemented by female prison guards accompanied by male prison guards. Notably, the IPS in Damon prison has recently banned the entry of medical glasses under the pretext that they contain iron. Further, to date, there have been no developments with regard to enabling children under six years of age to visit Damon prison and to be in close physical contact with their mothers without any obstructions or barriers, thereby, preventing children to embrace their mothers.<sup>23</sup>

Most recently, on 29 January 2023, “*Yanmaz*” Israeli Special Units brutally raided the women’s section in Damon prison. During the raid, the Israeli Special Units confiscated all electronic equipment, and then proceeded to completely shut down the section for five days; isolating the female prisoners from the outside world, and banning them from family visits and public phone for one month. Further, following the raid, four Palestinian women prisoners were placed in solitary confinement in Damon prison for seven days, in addition to transferring the women prisoners’ representative to solitary confinement in Neve Tirza prison<sup>24</sup> until 7 February 2023. In total, there are 29 Palestinian women prisoners incarcerated under harsh conditions in Damon prison, including three minors.

Specifically, the mass detention of Palestinian prisoners as protected persons in the territory of the Occupying Power further violates Article 49 of the Fourth Geneva Convention and constitutes a war crime of forcible transfer, under the Rome Statute of the International Criminal Court.

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<sup>22</sup> Addameer, “Restrictions on Family Visits”, July 2017, available at: [https://www.addameer.org/key\\_issues/family\\_visit](https://www.addameer.org/key_issues/family_visit).

<sup>23</sup> *Ibid.*

<sup>24</sup> OMCT, “Israel: Violence against Female Prisoners in Neve Tirza Prison in Ramleh”, 14 July 2003, available at: <https://www.omct.org/en/resources/urgent-interventions/israel-violence-against-female-prisoners-in-neve-tirza-prison-in-ramle>.

## **The Prohibition of Collective Punishment under International Law**

The large-scale measures adopted by the IPS, at the behest of the Israeli occupying authorities, regarding punitive measures aimed at the entirety of the over 4,780 Palestinian political prisoners, in conjunction with the mass transfer of Palestinian prisoners, constitute precise forms of collective punishment. Article 33(1) of the Fourth Geneva Convention presents the most straightforward and unambiguous prohibition of collective punishment and “penalties of any kind,” stating that “no protected person may be punished for an offense he or she has not personally committed.”<sup>25</sup> The absolute prohibition of collective punishment enshrined in the Fourth Geneva Convention became further entrenched by the 1977 Additional Protocol I to the Geneva Conventions, wherein collective punishment is “prohibited at any time and in any place whatsoever, whether committed by civilian or military agents.”<sup>26</sup> Specifically, the mass detention of Palestinian prisoners as protected persons in the territory of the Occupying Power further violates Article 49 of the Fourth Geneva Convention,<sup>27</sup> and in and of itself serves as a collective penalty. In his report to the 44th session of the UN Human Rights Council, the then Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, notes that despite Israel’s failure to ratify the Additional Protocols, the entrenchment of the prohibition in customary international law, according to the ICRC, leads breaches of the prohibition to be a “serious violation” of international humanitarian law.<sup>28</sup>

## **Concluding Remarks and Recommendations**

In light of the above, we highlight, with grave concern, the escalation of arbitrary and punitive measures implemented by the Israeli occupying authorities against Palestinian political prisoners. Current events on the ground only mirror what to expect inside prisons. We warn of such measures as they stand in stark contrast to Israel’s obligations, as an Occupying Power, under the Fourth Geneva Convention, serving as collective punishment against all Palestinian prisoners.

Furthermore, we emphasize that without third-party supervision of IPS policies, the rights of Palestinian prisoners will continue to be violated with impunity, and the gravity of the situation will only increase. Now more than ever, the international community, especially Third States, must abide by its responsibilities under international law and uphold its legal and moral commitment to reclaim and foster the protection of Palestinian human rights within the larger framework of the

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<sup>25</sup> See *supra* 1; for greater legal analysis see Shane Darcy, “Israel’s Punitive House Demolition Policy, Collective Punishment in Violation of International Law” (Al-Haq, 2003), available at: <https://www.alhaq.org/publications/8101.html>.

<sup>26</sup> International Committee of the Red Cross (ICRC), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 1125 UNTS 3.

<sup>27</sup> See *supra* 1.

<sup>28</sup> UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, 15 July 2020, UN Doc A/HRC/44/60.

right to self-determination. As such, we urgently request the immediate intervention of UN Special Procedures, in particular, to:

- i. Demand Israel, the Occupying Power, and the IPS to ensure and uphold Palestinian political prisoners' right to life and the highest attainable standard of health and mental health, and to avoid and end all forms of arbitrary, retaliatory, and collective punishment imposed against Palestinian political prisoners;
- ii. Urge Israel to put an end to the systematic and arbitrary use of administrative detention against Palestinians, and demand the release of all Palestinian political prisoners held in administrative detention indefinitely without charge or trial, contrary to international law;
- iii. Call on Israel to immediately repeal its Entry into Israel Law (1952), which has been used to further and entrench Palestinian fragmentation, as well as the Israeli policy of population transfer and achieve demographic goals in Jerusalem, in violation of Palestinians' fundamental rights, including their right to freedom of movement and residence, and the right to leave their country and to return; and
- iv. Call for international justice and accountability, including at the International Criminal Court, for Israel's widespread and systematic human rights violations, and alleged international crimes, including the crime of population transfer, and the crime of apartheid, which constitutes a crime against humanity.