



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Al-Haq, Law in the Service of Man, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2024]

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\* Issued as received, in the language of submission only.

## **Intensification of Israel’s Mass Arrests, Enforced Disappearances, Administrative Detentions, and Torture Since October 2023**

Israel has been operating under a state of emergency since 1948, allowing the governments to alter their laws, particularly those pertaining to Palestinian prisoners and detainees. This ongoing state of emergency has facilitated widespread attacks against Palestinians across historic Palestine, including by the recently-introduced “Emergency Instructions”.

Since the start of the ongoing genocide against Palestinians in Gaza, the Israeli occupying forces (IOF) have increased their nightly house raids and campaign of arbitrary arrests and detention, accompanied by intensified brutality of arrests, dire prison conditions, and practices of ill-treatment and torture, including sexual violence, as a continuation of Israel’s long-established policy of collective punishment used to intimidate and repress Palestinians.

### **\*Mass Arbitrary Arrests\***

Since 7 October 2023, the IOF have detained over 6,500 Palestinian residents of the West Bank, including Jerusalem. Currently, over 9,000 Palestinians are held in Israeli prisons and detention centres, including around 400 children and 215 women, as well as over 3,400 Palestinians held under administrative detention. Alarming, 80% of arbitrary arrests following 7 October 2023 resulted in administrative detention of detainees.

Moreover, thousands of Palestinian residents of the Gaza Strip are estimated to have been detained by the IOF, including Palestinian workers and patients receiving medical treatment and their companions inside the Green Line, or Palestinians detained from inside Gaza since the start of the ground invasion. Those released have reported being subjected to harsh torture and inhumane and degrading treatment, and had their money and personal items confiscated by the IOF.<sup>1</sup> At present, it is estimated that hundreds remain in Israeli prisons without any information about their wellbeing and whereabouts, tantamount to the crime of enforced disappearance.

The brutality and excessive use of force by the IOF during mass arrest campaigns in the West Bank have reached horrifying levels. The campaigns are being carried out in the middle of the night, and involve forced strip searches of men and women – often in front of children –, and blowing up doors, which resulted in the killing of Mohammad Manasra in December 2023 in Qalandiya Refugee Camp near Ramallah.<sup>2</sup> Moreover, women have reported sexual harassment, and threats of rape. In one instance, a Palestinian Jerusalemite woman reported being threatened with rape “from the front and the back” by an Israeli soldier during a 2-am-raid, where she was denied her request to wear her hijab and abaya. In another incident, an 18-year-old Palestinian reveals a harrowing account of being coerced into stripping naked, and subjected to repeated kicks and beatings on his genitalia, while being mocked by the IOF.

### **\*Conditions in Israeli Prisons\***

Since 7 October 2023, changes implemented by the Israel Prison Service (IPS) have worsened conditions for Palestinian prisoners and detainees. All electrical appliances and tools, pillows, blankets, and prisoners’ clothing were confiscated. The IPS further removed window glass within the cells; exposing Palestinian detainees and prisoners to the harsh winter air and allowing rainwater into the cells, while further failing to provide Palestinian prisoners and detainees with warm clothing, or a source of light, leaving Palestinian prisoners and detainees in complete darkness. Heated water in the showers is only turned on for one hour per day. Moreover, the escalating number of Palestinian prisoners since 7 October 2023 has left detainees in overcrowded cells, enduring unsanitary environments and restricted mobility. Medical care is neglected, preventing sick prisoners and detainees

from visiting the clinic, while many are denied essential medications, especially for conditions like diabetes. In the same vein, cancer patients are denied proper chemotherapy, and those granted access report incorrect dosages leading to loss of consciousness.

Detainees have further reported that the special force within Israeli prisons, known as 'Keter', has been forcefully entering prison cells almost daily with weapons and iron rods, and accompanied by muzzled dogs with long claws that attack and harm prisoners and detainees. Palestinian prisoners and detainees have been brutally beaten with iron rods for extended periods, many of whom have sustained fractures in various parts of their bodies as a result.<sup>3</sup> Some injuries resemble bullet holes in depth, leaving holes in different parts of their bodies. Moreover, Palestinian prisoners and detainees are coerced into signing documents, including confessions, in Hebrew, a language they do not understand. If they resist, soldiers proceed to beat them to the floor with metal batons.

The IPS further initiated a starvation policy, reducing the standard three daily meals for each prisoner to only two. These reduced meals are not only little in quantity but also of poor quality. In the wake of the torture and violations perpetrated, the Israeli occupying authorities announced the 'death' of seven Palestinian detainees and prisoners. As this is what has only been publicly disclosed, we are highly concerned that the actual number of 'dead' prisoners may be higher, as Israel is allowed to torture Palestinians, and the International Committee of the Red Cross "has not been able to visit any Palestinian detainees held in Israeli places of detention since 7 October 2023".<sup>4</sup>

#### \*Changes in the Laws\*

Israel has been known to exploit legal loopholes to evade compliance with both international humanitarian law (IHL) and its own legal framework in the persecution of Palestinians. Since Israel's declaration of a heightened "state of emergency" on 7 October 2023, there has been a series of changes in many of the legal amendments related to Palestinian prisoners. These legal and judicial amendments, coupled with military orders, represent blatant violations of both IHL and international human rights law, which establish the legal framework applicable in the occupied Palestinian territory. These altered laws have imposed further restrictions on Palestinian lawyers, severely impeding their ability to meet with their detained clients. Moreover, the "Emergency Instructions" were introduced to replace the detention periods, aiming to extend the issuance of an administrative detention order from 72 hours to 144 hours for all individuals. If an administrative detention order is issued, this amendment mandates bringing the detainee to the judicial review session within 12 days, as opposed to the prior eight-day period.

Since 2005, Israel has been subjecting Palestinian residents of the Gaza Strip to the "Unlawful Combatant Law" of 2002 and other civil criminal codes and procedures that permit the trial of Palestinians before its civil courts. The "Unlawful Combatant Law" resembles administrative detention by allowing arrests based on undisclosed evidence and without charges, with an indefinite duration. On 26 October 2023, Israel issued Emergency Orders to deal with "unlawful combatants", granting lower-ranking officers than the IOF Chief of Staff the authority and power to issue arrest warrants, facilitating the process. On 7 November 2023, new amendments were issued, allowing the detention of suspects for 45 days, renewable for an additional 45 days, with the government, having previously amended the "Arrests Law" of 1996 to prevent the detainee from meeting his lawyer for a period of up to 90 days, amounting to a period of 180 days.

#### \*Conclusion and Recommendations\*

Emboldened by its unlawfully-enjoyed culture of impunity, as, for decades, neither Israel or Israeli perpetrators were held accountable for their crimes, arbitrary arrests, enforced disappearances, and the torture of Palestinians will persist unabated. Accordingly, we call on the Member States of the Human Rights Council to:

Uphold your legal obligations to end and prevent the ongoing genocide against Palestinians in Gaza, and urgently urge Israel to immediately and unconditionally allow the unimpeded access of fuel, water, food and humanitarian aid, including medical supplies, into the Gaza Strip, as mandated by the International Court of Justice;

i. Recognise that Israel's systematic arrest campaigns and torture, which are carried out as a form of collective punishment against the Palestinian population, contribute to the maintenance of Israel's settler-colonialism and apartheid;

ii. Take effective measures to ensure that Israel halts its intimidations tactics against Palestinians on both sides of the Green Line, releases all Palestinian political prisoners, and ends its widespread and systematic use of arbitrary detention, including administrative detention, and the commission of torture and other ill-treatment against Palestinian detainees, and prisoners;

iii. Urge Israel to repeal its 'Unlawful Combatants Law' enacted in 2002 and demand Israel to disclose the names, locations, and details of detention of Palestinians from Gaza, ensure their rights are respected, including their right to legal representation, and refrain from ill-treatment and torture against them; and

iv. Reconstitute the UN Special Committee against Apartheid and the UN Centre against Apartheid as critical steps towards ending Israel's institutionalised impunity, settler-colonialism and apartheid.

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Addameer Prisoner Support and Human Rights Association, NGO(s) without consultative status, also share the views expressed in this statement.

1Al-Haq, "After receiving harrowing testimonies from released Palestinian detainees: Our organisations condemn Israel's acts of torture and abuse against hundreds of arbitrarily detained Palestinians from Gaza", 12 December 2023.

2On file with Al-Haq.

3Addameer, "Escalating Oppression: Israel's Systematic Violations Intensify in Palestine Post-October 7, 2023", 23 January 2024.

4ICRC, "Debunking harmful narratives about our work in Israel and the occupied Palestinian territory", 20 December 2023.

5According to the "Order Regarding the Extension of Administrative Detention Periods" (Iron Swords) Temporary Instructions (Judea and Samaria) Number 2148, issued on 20 October 2023.