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حالة حقوق الإنسان في فلسطين

والأراضي العربية المحتلة الأخرى

ملاحظات خطية مقدمة من الهيئة المستقلة لحقوق الإنسان في دولة فلسطين*

مذكرة من الأمانة

تتشرف الأمانة بأن تحيل إلى مجلس حقوق الإنسان الملاحظات الخطية المقدمة من الهيئة المستقلة لحقوق الإنسان في دولة فلسطين**، وهي ملاحظات تُعمَّم وفقاً للمادة 7(ب) من النظام الداخلي للمجلس (انظر القرار 1/5 المرفق) وللترتيبات والممارسات التي أقرتها لجنة حقوق الإنسان في قرارها 74/2005.

* مؤسسة وطنية لحقوق الإنسان اعتمدها التحالف العالمي للمؤسسات الوطنية لتعزيز وحماية حقوق الإنسان ضمن الفئة "ألف".

** يُعمَّم كما ورد، باللغة التي قُدم بها فقط.



الرجاء إعادة الاستعمال

ملاحظات خطية مقدمة من الهيئة المستقلة لحقوق الإنسان في دولة فلسطين

Arrest and arbitrary detention of Palestinians by Israeli occupying authorities

International human rights conventions guarantee the right to personal liberty. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights emphasize that no one should be subjected to arbitrary arrest, detention, or exile. No one should be deprived of their liberty except on legal grounds and in accordance with established procedures. However, the Israeli occupying authorities continue to hold thousands of Palestinians in prisons on arbitrary grounds.

Daily arbitrary detentions are a key policy implemented by the Israeli occupying authorities against Palestinians. Testimonies from hundreds of Palestinian detainees and their family members reflect a set of abusive policies against individuals held in Israeli prisons, including torture, ill-treatment, and "collective punishment." Additionally, Palestinian prisoners and their families are targeted to exact revenge, create a state of terror among the Palestinian civilian population, and undermine any movement of struggle or resistance against the Israeli occupying regime.

The situation of political prisoners in Israeli prisons¹

The situation of political prisoners in Israeli prisons is dire. According to documentation from Palestinian prisoner institutions, as of the time of reporting, Israel continues to detain at least 4,900 Palestinians, including 32 women and 155 children. Among them, 549 Palestinian political prisoners are serving life sentences, and 700 are ill, suffering from diseases of varying severity. Some of these prisoners have cancer and tumors at various stages.

Furthermore, 330 political prisoners have been incarcerated for over 20 years. The Israeli occupying authorities have also re-arrested and imprisoned a number of released prisoners. One notable case is Nael al-Barghouthi, who holds the record for the longest sentence in the history of the Palestinian prisoners' movement, having been held in Israeli prisons for 43 years, with 34 consecutive years served. The number of Palestinian political prisoners with life sentences has reached 553, and the highest sentence of imprisonment was handed down to Abdullah al-Barghouthi, who serves 67 life terms.

Since the beginning of 2023, the Israeli occupying authorities have arbitrarily detained over 2,714 Palestinians.² According to numerous testimonies, both detainees and their family members are subjected to systematic physical and psychological abuse and torture. These policies are designed to humiliate, exert control, and deprive political prisoners of their human rights. Arrests typically take place after midnight, with heavily armed Israeli troops raiding Palestinian cities and villages, forcibly entering Palestinian homes by breaking or blowing up doors. Under the pretext of searches, Israeli troops damage household belongings, causing panic among residents. In addition to insults and verbal abuse within earshot of affected families, Israeli troops sometimes physically assault detained individuals during field interrogations.

Israeli policies and practices against Palestinian prisoners

Deliberate medical negligence

In the context of international silence regarding Israeli abusive policies and practices against Palestinians, the Israeli occupying authorities subject ill Palestinian political prisoners to medical negligence. Prisoners endure brutal conditions of detention and

¹ Reported figures and information are based on relevant monthly reports released by Palestinian institutions concerned with political prisoners.

² Palestinian Monitoring Group, Negotiations Affairs Department, Palestine Liberation Organisation.

increasingly systematic medical neglect. The deliberate withholding of medical treatment or alleviation of pain for ill prisoners leads to the outbreak and worsening of diseases among them. Harsh detention conditions and abusive measures contribute to the growing number of ill prisoners and their deteriorating health. In the Ramleh Prison Hospital facility, ill prisoners are deprived of hospital beds and left untreated, suffering from endless pain.

The situation of **Walid Daqqa, a 61-year-old ill political prisoner**, is critical. On May 22, 2023, the Israeli Prison Service urgently transferred Daqqa from the Ramleh Prison Hospital to the Israeli Assaf Harofeh medical center due to a severe deterioration in his health. Daqqa underwent partial resection of the right lung, which resulted in severe asphyxia. He has been detained since 1986 and was sentenced to 37 years in prison, with an additional two years added by an Israeli court.

Due to his condition, Daqqa lost the ability to speak and was unable to move or walk. In December 2022, he was diagnosed with a rare form of bone marrow cancer, a result of leukemia that developed nearly 10 years ago. However, he has been deprived of adequate medical attention. Daqqa suffers from various health problems, and despite an application for his release for further treatment, the Israeli occupying authorities and courts have rejected it.

On December 20, 2022, Nasser Abu Humeid, a 50-year-old political prisoner, died in the Assaf Harofeh medical center as a result of deliberate medical negligence. Abu Humeid, who was sentenced to seven life sentences and 50 years, had served 30 years in Israeli prisons. His health deteriorated after a delayed diagnosis of a cancerous tumor in his lungs. The medical attention he received was inadequate, and his health further worsened. Abu Humeid only received the necessary chemotherapy after it was intentionally delayed and the disease had already spread. Despite legal attempts for his early release, the Israeli occupying authorities rejected them, leading to his death in prison.

Khader Adnan, aged 44, died in jail on May 2, 2023, after being on a hunger strike to protest his administrative detention (arrest without charge or trial). Adnan experienced harsh conditions while held in solitary confinement cells in the Al-Jalama interrogation center. He was later transferred to the Ramleh Prison Hospital facility, where he suffered from various severe health issues. Despite his critical condition, the Israeli Prison Service refused to transport Adnan to the hospital. Instead, he remained in the Ramleh Prison Hospital facility under extremely difficult circumstances. Adnan died after a continuous 87-day hunger strike. He had been arrested multiple times, serving around eight years in prison, and went on hunger strikes several times to protest against the Israeli policy of arbitrary administrative detention. Adnan was a father and the sole provider for nine children.

The death of Adnan brings the number of Palestinian political prisoners who died in Israeli jails to 233 since 1967. Of these, 73 prisoners died as a result of the deliberate medical negligence policy. Furthermore, hundreds of released prisoners died due to fatal diseases they had contracted in prison. The number of political prisoners' dead bodies withheld by the Israeli occupying authorities has risen to 13, including those of Abu Humaid and Adnan.

Pursuing an administrative detention policy

The Israeli occupying authorities systematically implement an administrative detention policy against Palestinians from different segments of society and age groups. Based on a military order, administrative detention involves arrest without trial or a charging instrument under the pretext of a "secret file." Neither the detainee nor their legal counsel can have access to that file. It is carried out in accordance with the Israeli Military Order No. 1591 of 2007 on Administrative Detention. Accordingly, Israeli military commanders in the West Bank are authorised to arrest a Palestinian for a maximum period of six months for security considerations, which thus require. To review an administrative detention order issued by the Military Commander of the Area, an application for a judicial review needs to be lodged with the court. In show trials that lack minimum standards of fair trial guarantees, Israeli courts confirm administrative detention orders. An administrative detention order does not specify the maximum cumulative period of placing a person in administrative detention. It can, therefore, be renewed over and over again.

As such, the Israeli occupying authorities violate a key fair trial guarantee as information is concealed from both the detained person and their legal counsel. Administrative detention can be extended for an indefinite term while the detainee is not aware of the reason for their arrest, constituting a war crime in the Rome Statute of the International Criminal Court. Currently, the Israeli occupying authorities are holding at least 1,014 Palestinians in administrative detention.

Targeting women and children

The Israeli occupying authorities continue to target Palestinian women. In 2022, some 172 women were arrested. Palestinian women are summoned and interrogated with the aim of pressuring a wanted member of their family to turn themselves in. Alternately, women are subjected to interrogation after a family member is arrested.

The rights Palestinian female prisoners are abused in Israeli jails. They are subjected to a myriad of abusive measures, which mostly reflect consistent Israeli policies. Throughout phases of detention, female prisoners endure inhuman conditions, which fail to consider their rights to physical and psychological integrity and to privacy. These prisoners are held in harsh living conditions, in which they experience physical assault and medical negligence. The Israeli occupying authorities also deprive female prisoners of their most basic rights, including physical and mental health care. Of all Palestinian female prisoners, there are seven mothers, who are deprived of having custody of their children. Another ten are wounded. Of these, Isra' Ja'abis is at highest risk. Sentenced to 11 years in prison, she suffers from severe burns in the face and chest and had her fingers amputated.

Children are also subject to a systematic policy, by which they experience flagrant violations and abuses. In recent years, the policy of targeting children has been on the rise. While being under fire, children are arrested with the aim of placing pressure on a member of their family. In spite of the fact they were wounded, a number of children were arrested, transported to Israeli civilian hospitals, and subjected to interrogation. The frequency of administrative detention against Palestinian children has increased. Children in administrative detention are held in the Israeli Ofar, Damon, and Megiddo prisons. Neither in detention nor in the violation of rights, the Israeli occupying authorities do not draw a distinction between adults and minors. All the more, the Israeli authorities deliberately exploit children's sensitive situation and impact of detention on their psychological state, compounding their harsh conditions and subjecting them to violence and threats. A set of consistent policies specifically target children. Arrested at night, children are beaten in full view of their families. They are kept handcuffed, shackled, and blindfolded before they are relocated to interrogation and detention centres. Besides, detained children are deprived of food and drinks for extended hours. They are also stripped of their right legal aid and of the presence of their parents. As a result, children experience psychological and physical torture.

Arrested when he was just 13 years of age, Ahmed Manasrah, a political prisoner from Jerusalem, is facing a serious health and mental condition. Isolating him in a solitary confinement cell, the Israeli occupying authorities have thwarted all legal efforts to release Manasrah. Moreover, an Israeli judicial committee decided to label the case of Manasrah as a "terrorist file".

In addition, the Israeli occupying authorities use house arrest as a form of punishment against Jerusalemite children under 14 years of age. While an Israeli court is hearing his case, a child remains detained in his home until the proceedings come to an end. While forbidden from leaving his home, the child is forced to wear an electronic bracelet with GPS. In 2022, more than 600 cases of house arrests were reported. House arrest has a significant damaging psychological impact on both children and their families. To meet the conditions of release imposed by Israeli courts, a family is obliged to place their child under constant surveillance and prevent him from going out of the house. In the eyes of the child, his family turns into a jailer. House arrest also deprives children of their right to education, causes intense psychological stress, and generates a constant feeling of anxiety and fear.

Solitary confinement of prisoners

Solitary confinement is one of the most serious systematic policies, which the Israeli occupying authorities use as a tool to punish Palestinian political prisoners. Without

minimum basic living standards, a prisoner is placed in a solitary confinement cell. All their personal belongings are seized. They are only allowed out to the prison yard while they are shackled, alone, and segregated from their fellow prisoners. They are further deprived of family visits. As ordered by the Israeli intelligence agency, the Israeli occupying authorities have historically used solitary confinement against leaders of the Palestinian prisoners' movement. Solitary confinement causes suffering to segregated prisoners. They suffer from acute psychological problems due to systematic abuse and torture over years of confinement. The Israeli occupying authorities have continued to place a number of political prisoners in solitary confinement for over 15 years.

The Independent Commission for Human Rights (ICHR) hold the Israeli occupying authorities fully responsible for the life of prisoner Daqqa in the absence of treatment of the rare form of cancer he suffers from. The ICHR also views with profound concern the continued abuse of Palestinian political prisoners' fundamental rights in Israeli prisons. The ICHR holds the occupying Power responsible for the safety of Palestinian prisoners, particularly the ill ones who face the crime of deliberate medical negligence. As a result of this crime, dozens of prisoners have contracted diseases and many others have died.

The ICHR calls on:

1. The High Contracting Parties to the 1949 Geneva Conventions to intervene and exert pressure on the occupying Power to uphold and apply international conventions to prisoners, bring an end to the arbitrary detention of Palestinians, and provide detention conditions that are in keeping with relevant international standards.
2. The international community to place serious pressure, by diplomatic and legal means, on Israel, the occupying Power, to provide necessary protection to and secure the lives of Palestinian political prisoners. Israel must immediately release prisoner Daqqa, ensure his right to life and to the highest attainable standard of physical and mental health, and relocate him to a Palestinian civilian hospital.
3. The United Nations to bear its legal and moral responsibilities towards Palestinian political prisoners and force the Israeli government to respect the norms of International Law. In addition to providing needed diagnosis and medical attention, the Israeli occupying authorities will put an end to the medical negligence policy against ill prisoners.
4. The Human Rights Council to establish a special commission of inquiry into the Israeli violations and practices against ill Palestinian political prisoners. To this effect, a request for opening an investigation into these abuses will be submitted to the UN General Assembly.
5. International human rights and humanitarian organizations, including the International Committee of the Red Cross and World Health Organisation, to shoulder their moral responsibilities towards ill prisoners, dispatch an international medical team to visit Israeli prisons, obtain a first-hand view of the living conditions of these prisoners, especially ill ones, and exert pressure on the occupying Power to release them and save their lives.
