

The Detention Conditions of Palestinian Detainees in Israeli Prisons

Background and History

In 1967, Israel was able to seize hold of the West Bank, Gaza Strip, East Jerusalem, Golan Heights of Syria, and Sinai Peninsula of Egypt. Palestinians refer to this war as 'The Naksa' which means 'The Setback' or 'The Defeat' in Arabic, marking the loss of their remaining homeland of historical Palestine and displacement of more than 300,000 Palestinians in six days. Unlike the Sinai Peninsula which was returned to Egypt in 1979 following an Israeli-Egyptian peace treaty, the lost Palestinian lands were kept in question until 1993. The peace treaty between Israel and Palestine Liberation Organization 'PLO' established a basis for administrative division of the West Bank into three distinct areas known as 'Area A', 'Area B', and 'Area C'.

'Area A' was placed under Palestinian administration and police jurisdiction while 'Area B' is under a joint control of Palestinian administration and Israeli-Palestinian security control. As for 'Area C', it is fully placed under Israeli civil and security control. Although these two parties signed a peace treaty, Israel continued on encouraging and assisting settlers in relocating to occupied Palestinian territories while forcing a military occupation reality on Palestinians.

For over 50 years, these occupied territories by Israel raised the issue of the colonial reality and systematic human rights violations which subjugated millions of Palestinians to live under in the Occupied West Bank. The senior United Nations official for the Middle East peace process has previously expressed in a statement delivered to the Security Council that 2022 has been the deadliest year for Palestinians. Based on UN figures, the Palestinian Health Ministry, and Middle East Eye's reporting, more than 135 Palestinians, including more than 29 children under the age of 18 were killed by Israeli forces in the Occupied West Bank since the beginning of the year 2022. The Israeli forces have been accused of using excessive and violent force against unarmed Palestinian protestors and in night raids, aggressively arresting large numbers of them, and torturing and mistreating prisoners. Among many documented human rights abuses, Israel has been accused of practising arbitrary detainments, prosecutions, and trials against Palestinians who encounter various difficulties from family visits to access to medical care. Since 1967, Israel has arrested and imprisoned more than 800,000 Palestinians in the Occupied West Bank and East Jerusalem. In this context, the issue of Palestinians prisoners in Israeli prisons remains of great importance and relevance to human rights, dignity, and freedom.

Palestinian Children in Israeli Prisons

As of October 2022, the non-governmental Palestinian Prisoner Support and Human Rights Association 'Addameer' has reported that there are 4,700 Palestinian prisoners in Israeli prisons, 190 of which are children under the age of 18 who are awaiting trial and have not been found guilty of any crime. Unlike Israeli children of Israeli settlers unlawfully residing in the Occupied West Bank who are prosecuted according to Israeli Civilian Law, Israel tries Palestinian children in military courts. Israel remains the only country with the only military juvenile court system in the world where it routinely and automatically prosecutes Palestinian minors in military tribunals without a fair trial. Each year, Israel brings cases against 500 to 700 Palestinian minors in military courts. The majority of these children were accused of 'throwing stones', a felony subject to a 20-year jail sentence under Israeli military law. Since 2000, it has been estimated that Israel arrested more than 12,000 Palestinian children where they have been subjugated to inhumane treatment including strip searches, slapping, beating, kicking, as well as verbal and emotional abuse during detainment and interrogation. Palestinian children lack protection and are vulnerable to many types of physical and psychological abuse from Israeli soldiers. Israeli forces often raid Palestinian houses in the middle of the night and arrest children, deny them the right to be accompanied by their parents, and subject them to rough interrogation in the absence of a parent, guardian, or lawyer. The degree of children's mental health is negatively impacted by arrests, which frequently results in school drop-out. Israeli forces routinely use sexual threats, including threats of castration and rape, to terrorise Palestinian children and coerce them into confessing.

In 2009, Addameer verified at least five incidents of minors who reported being sexually attacked or threatened with rape throughout the detention process, transfers to Israeli prisons, and questioning. According to testimonies gathered by Addameer, Palestinian children in the Occupied West Bank are often offered recruitment to become informants to give information on Palestinians who are active in advocacy, and organising and participating in protests or any form of social mobilisation against Israel's military occupation. Over 50% of Palestinian children who are detained by the Israeli Authorities are forcibly made to sign documents in Hebrew, a language they cannot read or understand and without being offered a lawyer, translation, or clarity.

One of the most disturbing stories is that of Palestinian prisoner 'Ahmad Manasra' who was arrested as a child at the age of 13 in 2015 and is still held captive by the Israeli Authority despite developing mental health issues. As shown in a leaked video, Manasra was interrogated and threatened without the presence of a lawyer by the Israeli police in violation of international law and human rights standards. Ahmad was with his cousin Hassan, 15, who allegedly stabbed two Israelis in an illegal settlement which ended up in him being shot and killed by an Israeli settler while Ahmad was run over by an Israeli swarm which caused him to suffer from skull fractures and internal bleeding. A video was circulated showing Ahmad on the ground bleeding and pleading for help while Israeli bystanders were standing and shouting at him to 'die'. Although Ahmad did not participate in the alleged attack and the Israeli court acknowledged that, he was sentenced at the age of 14 to twelve years in prison with a fine of 180,000 Israeli shekels (more than 50,000 US dollars), but imprisonment years were later reduced to nine.

Since November 2021, Ahmad has been placed in solitary confinement and subjected to inhumane treatment which worsened his mental health. In 2021, a psychiatrist doctor from Doctors Without Borders was able to visit him in which a medical report came out stating that Ahmad suffers from schizophrenia. Ahmad's parents have also reportedly expressed their concern for their son's situation as he has been suffering from psychotic delusions and suicidal thoughts, according to them. Despite urgent calls from the international community to release Manasra, the Israeli court has recently rejected an appeal of releasement request and still holds him imprisoned till today.

Administrative Detention

Administrative detention is a mechanism that permits the Israeli Authority to imprison detainees without charge or trial for an indefinite period of time based on 'classified information'. Since 1967, administrative detention has been widely used by Israel against Palestinians. The Israeli Supreme Court has ruled in a number of cases that neither the prisoner nor the attorney may obtain the evidence, with no consideration to prisoners' right to a just trial which breaches the right of administrative detainees to be aware of the circumstances surrounding their arrest. Despite the fact that the administrative detainee is entitled to family visits under Israeli legislation, many administrative detainees are denied this right. Their families suffer as they have to endure months of restlessness about their loved ones' psychological and mental well-being for being incarcerated indefinitely. Currently, there are 800 Palestinian detainees, including minors who are held for months without trial or charge. Israel has been extensively practising this type of administrative detention on Palestinians, especially on prisoners of conscience who were incarcerated for their activism and political assembly.

One of the most harrowing cases of administrative detention is that of 'Amal Nakhleh', an 18 year-old Palestinian who has been incarcerated since late January 2021 at the age of 17. The Israeli forces took him from his house in Al-Jalazoun refugee camp near Ramallah. Despite Nakhleh's suffering from a chronic autoimmune neuromuscular illness that results in skeletal muscle weakness, he was still kept in administrative detention for approximately one year and four months and his detention was renewed three times. He reportedly received a proposal from Israel's Shin Bet intelligence unit promising his release in exchange for his collaboration.

Another case is that of 'Salah Hammouri', a 37 year-old French-Palestinian lawyer who has been held in administrative detention since March 2022 without charge based on 'classified information'. For the past 20 years, the Israeli Authorities have continually harassed Hammouri and his family by repeatedly holding him in administrative detention and revoking his residency in East Jerusalem. In September 2022, Hammouri started his open-ended hunger strike with other Palestinian prisoners, protesting his indefinite incarceration and inhumane treatment. According to reports, the Israeli Authorities responded to his hunger strike by imprisoning him for two weeks in an unsanitary, pest-infested four-square-meter isolation cell in Hadarim jail, without access to light or fresh air.

It is notable to mention that the international law permits a state to utilize administrative detention only in critical circumstances and only if a fair trial is held where the prisoners are given the right to refute the charges made against them. The Fourth Geneva Convention states in its Article 78 “If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment”. On an international level, human rights groups worldwide frequently condemn and criticize Israel for its arbitrary use of administrative detention against Palestinians.

Hunger Strikes

A hunger strike is a common practice led by Palestinian prisoners in Israeli as a means of exercising a policy of pressure on the Israeli Authorities to meet their demands. Palestinian prisoners mainly call for ending the policy of administrative detention and solitary confinement, allowing family visits, and improving medical treatment for sick prisoners. For Palestinian prisoners, hunger strikes can bring attention to their struggle on a global scale in order to pressure the Israeli Authorities to stop arbitrary policies against them. On the 25th of September 2022, thirty Palestinians began their hunger strike under the slogan of “Our decision is freedom...our strike is freedom” as a protest against their indefinite administrative detention. Twenty other Palestinian prisoners showed solidarity later by joining this collective hunger strike on the 9th of October.

According to ‘Samidoun’, the Palestinian Prisoner Solidarity Network, the thirty Palestinian prisoners’ issued statement describes this injustice to have had happened “at the request of a fascist jailer” who deprived them and their families of freedom and joy. In the same statement, the prisoners also underlined that the collective imprisonment of these thirty prisoners who began their hunger strike amount to 200 years in Israeli prisons. After 19 days, the thirty Palestinian prisoners halted their hunger strike following an agreement which was made with the Israeli Authorities to prioritise releasing the sick, elderly, women, and children who are in administrative detention within the next two months. Furthermore, their demands call on discussing the reality of administrative detention, repeated arbitrary arrests, and the maximum duration for administrative detention renewal and extension orders which will take place with delegation of the Palestinian Prisoners' Movement present inside Israeli prisons.

It is significant to note that Palestinian prisoners' boycott of Israeli court legal proceedings including trials and appeals for administrative detention is still in effect as a fundamental step for these prisoners in carrying on the battle against this punitive Israeli practice of administrative detention. In accordance with this, Palestinian prisoners who are held in administrative detention reject taking part in court proceedings which demonstrates their lack of faith in the Israeli legal system as a whole and the absence of lawful, humane judicial standards of courts. As mentioned in this report, Israel has been accused of using illegal ways to extract information and confessions from prisoners, including torture, blackmail, and pressure. Thus, the Israeli court's verdicts can be considered unlawful as they are based on these evidences which are obtained unlawfully.

The latest, most eminent story of hunger strikes is that of 'Khalil Awawdeh', 40 years-old, who was unable to complete his university studies due to repeated arrests which amount up to 12 years, including 6 years of administrative detention. Following his arrest in December 2021, he started his hunger strike in protest of his administrative detention on the 3rd of March 2022 which was later suspended as he was promised to set a time limit for his arrest and release by the Israeli Authorities. Days after halting his strike, a new administrative detention order was issued against him for a period of 4 months in which he decided to re-start his hunger strike on the 2nd of July 2022 until his demands are met. The prison administration placed Awawdah in a pest-infested cell where his health situation started deteriorating.

He was examined by a doctor who recommended transferring him to 'Kaplan Hospital', however, the Israeli Authorities rejected and sent him back to 'Ramleh Prison Hospital' in extremely poor conditions. Awawdeh boycotted the medical examinations and refused receiving any supplies, except for water. He started using a wheelchair after sharply losing weight and he was suffering from imbalance, blurred vision, kidney and stomach aches, and vomiting blood. Even when the Israeli Authorities promised his release on the 26th of June 2022, he insisted on continuing his hunger strike. After his health continued on deteriorating, the Israeli Authorities eventually coordinated with the International Red Cross and allowed his mother and wife to visit him at the Israeli Isaf Harofeh hospital. On August 30, 2022, the Israeli Supreme Court declined a petition to intervene for his release despite the submission of a medical report by 'Physicians for Human Rights-Israel' which confirms that he was at risk of sudden death. Khalil Awawdeh suspended his hunger strike of 172 days on August 31, 2022 being promised to be released on October 2, 2022. Shortly before his release, he was charged with attempting to smuggle a phone while he was being transferred from the Israeli Isaf Harofeh hospital to Ramleh Prison Hospital where he is still kept imprisoned till today. The Israeli court extended the detention of prisoner Khalil Awawda without setting a new date. Awawda is reportedly still suffering from the effects of the long strike he undertook which caused a problem with the nerves, the brain, and the eyes, as well as difficulty walking on his feet. A brain scan was performed on him which showed a problem in his nervous system.

Another case is of the Palestinian prisoner 'Sabaa Al-Titi', 33 years-old, who suspended his hunger strike on November 5, 2022 after an agreement with the Israeli prison administration to end his isolation in the next upcoming days. He began his strike as a protest against placing him in solitary confinement, preventing his family from visiting, and depriving him from money transfer. Al-Titi has been in administrative detention for more than 6 months since his arrest on April 10, 2022. This is the third arrest he has been subjected to, as he previously spent about 5 years in Israeli prisons and his current detention came five days after his marriage. The Israeli Authorities have also arrested his 23 year-old sister, Aseel Al-Titi, after she was accused of attempting to carry out a stabbing attack against an Israeli jailer during the visit of her brother at 'Rimon Israeli Prison'. The Israeli court filed more than 15 charges in the indictment against Aseel.

In solidarity with the Palestinian prisoner ‘Raed Rayan’ who have been detained since November 3, 2021, forty Palestinian prisoners in ‘Ofer’ and ‘Negev’ prisons started their hunger strikes on November 1, 2022, as a protest to pressure the Israeli Authorities to release him. The strike came as a result of the Israeli Authorities’ disavowal of the agreement on the case of the prisoner Raed Rayan, 28 years-old, who has been on a hunger strike that lasted for 113 days. Rayan had suspended his strike after an agreement to limit his administrative detention to a specific period, but the Israeli Authorities issued a new administrative detention order against him for a period of six months.

Human Rights Violations

As of October 2022, Addameer documented that there are 551 Palestinian prisoners serving life sentences, 283 serving more than 20 years, and 38 serving more than 25 years in Israeli prisons. Currently, there are six Palestinian Legislative Council members detained in Israeli prisons. Palestinian political leaders are routinely arrested despite the fact that no one may be imprisoned for their political views in accordance with international law and Israeli judicial system. These actions can be viewed as Israel actively working to stifle Palestinian political system, which in turn impedes possible self-determination.

Palestinian human rights defenders practise non-violent forms of resistance in order to end Israeli practices and policies which breach human rights and international law, such as forced evictions, illegal settlements, home demolitions, arbitrary arrests, movement restrictions, land theft, and so on. These human rights defenders and communities who participate in weekly protests against Israel’s human rights violations have become targets of Israel's strategy of arrest, blackmail, and harassment. The great majority of these activists are criminalised and given a jail sentence irrespective of the absence of evidence as well as the baseless nature of the accusations made against them. Israel routinely postpones trials of Palestinians prisoners, making the process more draining and lengthier for them and their families. In August 2022, the Israeli Court sentenced the 44 year-old humanitarian worker, Mohammad Al-Halabi, from Gaza to 12 years prison. In addition to the physical and emotional abuse that Al-Halabi has allegedly faced, the Israeli Authorities have subjected him to the longest trial in the history of Palestinian prisoners after 172 sessions were held for him since the date of his arrest in 2016. The Israeli Authorities have previously charged him with providing financial support to Hamas, an accusation which was dismissed and found to be false by the US-based humanitarian aid organisation ‘World Vision’ after further investigation. The ‘Palestinian Prisoner's Society’ commented on Al-Halabi’s case of imprisonment by stating “It is also a clear message to everyone working in the human rights field in Palestine”. This prolonged detention and prosecution of a humanitarian worker comes after Israel classifying six prominent Palestinian non-governmental organisations as ‘terrorist’ and ‘illegal’, a classification which was met with an international outrage and condemnation.

MADA’s 2021 report documented that between 2012 and 2021, 248 journalists have been arrested by the Israeli Authorities where most of them have been placed under administrative detention. The Israeli Authorities frequently subject Palestinians prisoners to physical and psychological abuse. Former Palestinian detainees have claimed the following forms of abuse:

- Hooding and blindfolding
- The ‘Shabeh’ position: the prisoner is forced to stand for a long time or sit in painful positions on a small chair.
- The ‘Banana’ position: the prisoner’s wrists and legs are tied to the chair’s legs in the shape of a banana while the Israeli interrogator inflicts pain on his/her body.
- Sleep deprivation
- Food deprivation
- Suffocation with water
- Locking up the prisoner in a cramped room
- Severe beating: where the prisoner is slapped, kicked, choked, beaten on sensitive areas, burnt with cigarette butts, and shocked with electricity.
- Exposure to loud music
- Threats to cause serious injury and impairment
- Threats of rape on the prisoner and his/her relatives
- Arrest of relatives in order to put pressure on the prisoner
- Deprivation from using toilet facilities
- Spraying the prisoner with cold water during winter
- Hitting the head of the prisoner against the wall
- Forcibly stripping the prisoner and handcuffing from behind

Torture and inhumane treatment in any form are explicitly prohibited under international humanitarian law, international human rights law, and the Geneva Convention in its 87th Article.

Medical Negligence

According to the Palestinian Prisoners Club, at least 73 Palestinian prisoners have died as a result of medical negligence while 158 others died while being held in Israeli jails. Deliberate medical negligence and torture remain the two main reasons behind Palestinian deaths in Israeli prisons. The organization also noted that there are presently 600 sick prisoners in Israeli jails, including 200 who have chronic illnesses and 23 who have life-threatening cancer and tumours of different stages. One of the last cases is that of Sa'adiyah Farajallah who died in July 2022 as a result of medical negligence at the age of 68 years. She was reportedly placed in solitary confinement and was suffering from several chronic diseases, including diabetes, stress, and heart problems

The 50 year-old Palestinian prisoner ‘Nasser Abu Hamid’'s health condition began to deteriorate in 2021 after suffering from a lung tumour. He was subjected to deliberate procrastination in providing him with the necessary treatment. Abu Hamid has been detained since 2002, and has been sentenced to life imprisonment 7 times and 50 years. His five brothers who face life sentence in Israeli prisons have also been subjected to arbitrary arrests where their mother was deprived of visiting them for years. The Israeli Authorities demolished the house of Abu Hamid family five times, the last of which was in 2019.

Nasser is kept on an oxygen tube as he faces difficulty when breathing and talking. Palestinian platforms quoted the family of Nasser Abu Hamid who sent a message to the Palestinian people in which he said that he was going to die, leaving behind a great nation who would not forget their cause and the issue of the Palestinian prisoners.

The Palestine Center for Prisoner Studies confirmed that the 37-year-old Israa Al-Jaabis has completed seven years in prison out of eleven, living in pain and being deprived of treatment. The director of the research center, Riad Al-Ashqar, stated that in 2015, Jaabis was traveling from a distance of 500 meters from a military checkpoint where Israeli soldiers unjustifiably fired at the car, leading to an explosion of a gas cylinder. She sustained severe burns, and was arrested and taken to a hospital where she stayed for three months. After interrogating her, she was accused of allegedly attempting to carry out an operation using a car bomb. Jaabis suffered from second and third degree burns on 60% of the face, hands, back, and chest, and eight of her fingers were amputated.

Despite that, she was lying in the hospital with her hands and legs tied to the bed, and they also tied her to the toilet seat when she went to the bathroom. As a result of medical negligence, Jaabis has been suffering from health and psychological problems where she urgently needs to perform a number of surgical and cosmetic operations. However, the Israeli Authorities still procrastinate in conducting the necessary operations. Although seven years have passed since her injury, she still suffers from severe pain in the places of burns and she can only wear special fabrics on her body that is always hot due to these sustained wounds. Her family has submitted several requests of treating her at their own expense, however, the Israeli Authorities refused them.

Among the operations that she needs is separating the remaining fingers of her hands that are melted and stuck together, an operation for her ears that have melted due to the burns, and another operation to transplant skin to cover the exposed bones. She also needs correction operations for the skin around her right eye, nose, and lips. Israa has only one child, 11-year-old Mutasem, whom the Israeli Authorities deprived of visiting his mother for a long time at the beginning of the arrest on the pretext that he did not have an identification number. However, they allowed him to see her afterwards. Despite local and international calls to provide treatment and release Israa, Israel continues on holding her imprisoned.

Article 76 of the Geneva Convention underline that all protected persons accused of offences “shall receive the medical attention required by their state of health”.

Conclusion

From child incarceration and torture to imprisonment without charge or trial and medical negligence, the number of violating practices done against Palestinian prisoners and their family members is alarming and goes against legally binding international law and Geneva Convention. With no accountability, Israel remains untouched and with impunity. The failure to hold Israel liable for its breach of Palestinian human rights will give the green light for such illegal, inhumane detention conditions to be continued and repeated. The continuous attack on Palestinian human rights should be met with more than mere international condemnation. Prisoner rights under Israeli military occupation of the Occupied West Bank must be prioritised. Violation of prisoner rights must be investigated and prisoners, including children and sick detainees, held arbitrarily without charge or trial must be released. Palestinian prisoners arrested in Israeli prisons are entitled to their full rights that are protected and guaranteed by international law. Alleged Israeli crimes must be thoroughly examined and Palestinians deserve justice and reparations. Palestinians living under the military occupation of Israel have a right to live with freedom, dignity, safety, full rights, and without fear.

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