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**Human rights situation in Palestine and other  
occupied Arab territories**

**Joint written statement\* submitted by Al-Haq, Law in the  
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Rights & Democratic Participation Center "SHAMS",  
Palestinian Centre for Human Rights, Palestinian Initiative  
for the Promotion of Global Dialogue and Democracy  
(MIFTAH), non-governmental organizations 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.

[22 August 2021]

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



## Alarming Numbers of Palestinian Prisoners Take on Hunger Strike Against Israel's Increase and Systematic Reliance on Administrative Detention

Over the past several months, Israel has relied on wide-scale arbitrary arrest campaigns in its latest crackdown on Palestinians, including through an uptick in systematic practices of administrative detention. Between January and July 2021, the Occupying Power issued over 856 administrative detention orders.<sup>1</sup> A number of Palestinian detainees have taken up hunger strikes to protest practices of ill-treatment and arbitrary administrative detention,<sup>2</sup> where, beyond obvious health risks, they face retaliatory ill-treatment by the Israeli Prison Services (IPS). Concurrently, the expansionist nature of the Israeli military judicial system enables mass practices of administrative detention against Palestinians, violating numerous human rights.

### Systematic and Arbitrary Practices of Administrative Detention

Administrative detention orders, grounded in ambiguous and ever-expanding “security reasons,” are leveraged by Israel as a mean of collective punishment against Palestinians.<sup>3</sup> Administrative detainees are held indefinitely without charge or trial based on secret material inaccessible to detainees or their lawyers. The issuance of administrative detention orders by the Israeli military commander and its confirmation by the Israeli military court have drastically increased this year. In 2020, over 1,114 administrative detention orders were issued against Palestinians,<sup>4</sup> whereas over 856 administrative detention orders were issued between January and July 2021, far surpassing previous years.<sup>5</sup> As of early August 2021, 550 Palestinians continue to be held indefinitely under administrative detention in Israeli prisons, including four children, one woman, and nine Palestinian Legislative Council (PLC) members.<sup>6</sup>

In the West Bank, a campaign of arbitrary arrests began on 4 May 2021, and intensified on 12 May 2021, targeting ex-prisoners and detainees, activists, and politicians. On 12 May alone, nearly 60 Palestinians, including journalists, activists, leaders, and candidates for the PLC, most of whom were ex-political prisoners, had their homes stormed, and were arrested.<sup>7</sup> At least 25 of them were transferred to administrative detention without charge or trial. Inside the Green Line, mass arrest campaigns included the arbitrary administrative detention of three Palestinians from al-Lydd, Nazareth, and Umm al-Fahm.<sup>8</sup>

Notably, Israel's systematic, extensive, and arbitrary practices of administrative detention stand in stark violation of international law, particularly relating to internationally recognised fair trial principles. It is further utilised as a form of collective and criminal punishment beyond strict parameters for “imperative reasons of security” set out under the Fourth Geneva Convention.<sup>9</sup> In its concluding observations on State of Israel of 2016, the UN Committee Against Torture called upon Israel to end the practice of administrative detention.<sup>10</sup> This call was recently reiterated by the UN Special Rapporteur on the situation of human rights in the

<sup>1</sup> The statistic, produced in accordance with Addameer's documentation efforts alongside local Palestinian prisoners' groups, accounts for both administrative detention orders issued against new Palestinian detainees along with renewals of current detainees.

<sup>2</sup> Current reports by the Palestinian Prisoner's Club, dated 11 August 2021, cite 12 ongoing hunger strikes by Palestinian administrative detainees.

<sup>3</sup> Addameer, “Administrative Detention in the Occupied Palestinian Territory: A Legal Analysis Report,” 2016, at: [https://www.addameer.org/sites/default/files/publications/administrative\\_detention\\_analysis\\_report\\_2016.pdf](https://www.addameer.org/sites/default/files/publications/administrative_detention_analysis_report_2016.pdf).

<sup>4</sup> See supra note 1.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> The statistics follow documentation efforts by Adalah the Legal Center for Arab Minority Rights in Israel.

<sup>9</sup> Article 78, the Fourth Geneva Convention.

<sup>10</sup> UN Committee against Torture, Concluding observations on the fifth periodic report of Israel, 3 June 2016, UN Doc CAT/C/ISR/CO/5.

Palestinian territory occupied since 1967, Michael Lynk, urging Israel “to abolish its practice of administrative detention, [and] release those detainees it presently holds.”<sup>11</sup>

### **Initiation of Hunger Strikes and Retaliatory Ill-Treatment**

In the absence of any trust in the judicial process and the lack of fair trial guarantees and amid Israel’s escalation of arbitrary administrative detention, a growing number of Palestinian detainees have initiated hunger strikes to protest their arbitrary detention and ill-treatment. As of 11 August 2021, the Palestinian Prisoner’s Club reported that 12 Palestinian administrative detainees have continued their hunger strikes, the longest-running of them completed 31 days.<sup>12</sup> The recent case of Ghadanfar Abu Atwan,<sup>13</sup> a Palestinian detainee who was released following 65 days of hunger strike and an imminent threat to life, epitomises Israel’s broader practice of systematic and arbitrary administrative detention, among which is the targeting of ex-prisoners, who are routinely released, re-arrested, and placed in administrative detention for months on end.

Beyond the obvious health risks undertaken by Palestinian prisoners on hunger strike, they often face additional reprisal in the form of ill-treatment, physical and psychological torture, and deleterious prison conditions by the IPS and special military units.<sup>14</sup> These include violent raids on prison cells,<sup>15</sup> solitary confinement, threats of indefinite detention, banning of family visitations, beatings, psychological torture, reduction of essential hygienic items and clothing, along with the money spent in the prison canteen, up to the coercive practice of force-feeding.<sup>16</sup>

Furthermore, Israel’s incarceration of Palestinians, including administrative detainees, in Israeli prisons located inside the Green Line violates Article 76 of the Fourth Geneva Convention, and contributes to the coercive practice of psychological torture against detainees and their families, who are routinely denied their entry requests by the Occupying Power.

### **Complicity of the Israeli Military Judicial System**

The systematic and arbitrary practices of administrative detention are bound up in the Israeli military judicial system, which serves as the judicial arm of the Occupying Power and is integral in sustaining an apartheid system over the Palestinian people as a whole.<sup>17</sup> The Israeli military courts’ serious violations of international law give rise to the war crime of intentionally denying Palestinian prisoners their right to a fair and regular trial under Article 8(2)(a)(6) of the Rome Statute of the International Criminal Court,<sup>18</sup> as is especially exemplified in their facilitation of Israel’s long-established and systematic policy of administrative detention.

Under Israel’s military judicial system, following the issuance of an administrative detention order, a judicial review of the order must take place within eight days, during which a military judge can reduce, cancel, or confirm the order. The Palestinian detainee then has the right to

<sup>11</sup> OHCHR, “UN expert calls for Israel to end practice of administrative detention and immediately release Maher Al-Akhras”, 23 October 2020, at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26415&LangID=E>.

<sup>12</sup> See supra note 2.

<sup>13</sup> Addameer, “PHROC Submits Urgent Appeal to UN Special Procedures Regarding Hunger Striking Administrative Detainee Ghadanfar Abu Atwan,” 7 July 2021, at: <https://www.addameer.org/news/4443>.

<sup>14</sup> Ibid, see also Addameer, “Palestinian Hunger Strikes: Get the Facts,” 3 August 2016, at: <https://www.addameer.org/publications/palestinian-hunger-strikes-get-facts>.

<sup>15</sup> Addameer, “Torture and Ill-Treatment Beyond Interrogation: Violent Raids Against Palestinian Prisoners in Israeli Occupation Prisons,” 30 June 2021, at: <https://www.addameer.org/media/4429>.

<sup>16</sup> See supra note 11; and Addameer, “Factsheet: Force-feeding Under International Law and Medical Standards,” 16 November 2015, at: <https://www.addameer.org/publications/factsheet-force-feeding-under-international-law-and-medical-standards>.

<sup>17</sup> Addameer, “In the Case of the Palestinian People Vs. Military Courts,” March 2021, at: [https://www.addameer.org/sites/default/files/campaigns/campaign%20Paper\\_0.pdf](https://www.addameer.org/sites/default/files/campaigns/campaign%20Paper_0.pdf).

<sup>18</sup> Ibid.

appeal the decision of the military judge to the Court of Appeal presided over by another military judge. In practice, the appeal process is farcical as detainees and their lawyers do not have access to “secret” information, and military courts systematically approve almost all administrative detention orders, rarely curtailing or cancelling them.<sup>19</sup>

In the case of hunger striking detainees, the Israeli High Court regularly rejects petitions to cancel Palestinian detainees’ administrative detention orders. Even when hunger striking detainees face an imminent threat to life requiring critical medical attention, Israeli courts limit their actions to “freezing” the administrative detention order.<sup>20</sup> Notably, the decision to “freeze” the administrative detention order does not in any way cancel the order or eliminate the risk of renewing it or even proceeding with the remaining duration afterward. Rather, the decision serves as a pivot by the Israeli military courts, releasing the IPS from responsibility for the fate and lives of hunger striking detainees. Even following freeze orders, Israeli military courts persist in rejecting petitions on behalf of detainees challenging their administrative detention order.<sup>21</sup>

In doing so, amid lacking evidentiary basis and with the detainee’s imminent threat to life negating any supposed “security threat,” Israeli military courts lack impartiality, displaying a significant dependency on the discretion of the Israeli military prosecutor and intelligence agencies. This is further exhibited by their routine approval of extensions of detention for interrogation, even in cases of evident torture, and approval of administrative detention orders, for indefinite periods, without real cause for arrest. Collectively, the Israeli military judicial system serves to perpetuate egregious human rights and fair trial violations while further consecrating Israel’s systematic use of administrative detention against Palestinians.

## Recommendations

Accordingly, we call on the Member States of the Human Rights Council to:

- i. Condemn and call on Israel to halt intimidation tactics against Palestinians on both sides of the Green Line, including its systematic and long-established arbitrary and administrative detention policies, and demand the release of all Palestinian political prisoners held in administrative detention indefinitely without charge or trial, contrary to international law; and
- ii. Recognise Israel’s use of arbitrary detention and its systematic policy of administrative detention against Palestinian detainees as a core component of Israel’s institutionalised and systemic racial discrimination and oppression over the Palestinian people as a whole.

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Palestinian NGOs Network Addameer Prisoner Support and Human Rights Association DCI - Defense for Children International – Palestine Jerusalem Legal Aid and Human Rights Center Aldameer Association for Human Rights Ramallah Center for Human Rights Studies – Hurryyat Center for Defense of Liberties and Civil Rights The Independent Commission for Human Rights (Ombudsman Office) Muwatin Institute for Democracy and Human Rights The Civic Coalition for Palestinian Rights in Jerusalem Community Action Center/Al-Quds University, NGO(s) without consultative status, also share the views expressed in this statement.

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<sup>19</sup> Ibid.

<sup>20</sup> See supra note 13, and Addameer, “Urgent Intervention to Immediately Release Hunger Striking Administrative Detainee Maher Al-Akhras Amid Imminent Threat to Life,” 7 October 2020, at: <https://www.addameer.org/index.php/news/urgent-intervention-immediately-release-hunger-striking-administrative-detainee-maher-al-akhras>.

<sup>21</sup> Ibid.