



Escalating Oppression: Israel's Systematic Violations Intensify in Palestine Post-October 7, 2023

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A History of Violations Leading to the Inevitable Response

Since 1948, Palestinians have endured dispossession and ethnic cleansing, leaving many as citizens without a genuine identity, forced to live as refugees in their own country. Presently, 2.3 million Palestinian refugees are scattered across 32 camps in the West Bank and Gaza. Palestinians continue to witness and experience the tragedies of losing their identity, culture, and land to Israeli settlers.

Since 1967 Israel has occupied the West Bank, Gaza Strip, and East Jerusalem. Human rights organizations, in particular, have seen this occupation as being marked by numerous violations against Palestinian civilians. This is an abridged list of violations: for example, demolition of homes as a form of collective punishment, alarming increase in killings, enforcing arbitrary detention, and unfair trials.

Gaza¹ has been subject and a target to the inhumane violations and atrocities committed by the Israeli Occupation for overall 5 wars starting from 2008. These five major years of bloodshed and aggression involving Gaza range from 2008-2009, 2012, 2014, May 2021, and the current 2023 genocide. With each passing year, the cruelty and acts of brutality committed by Israel only increased tenfold across Palestine as a way or form of collective punishment. The aggression and torture within the Israeli prisons on the Palestinian prisoners after each event of resilience and resistance by the Palestinians intensified and reached beyond the violations of basic human rights. Many of the acts committed by the Israeli Occupation on the Palestinian prisoners go against many of the basic rules of International Humanitarian Laws that revolve around the limitation of effects of armed conflict. The inhumane treatment inflicted upon the Palestinian prisoners violate IHL treaties such as the 1949 Geneva Convention (III) on Prisoners of War; “prisoners of war must be treated humanely at all times”. Any unlawful act or omission by the detaining power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited and will be considered a serious breach of humanitarian law” (GCIII Art. 13). In addition to the violations of the Fourth Geneva Convention relative to the protection of civilians.

Restriction of movement has been imposed on the people of Gaza since the 1990s, however, in 2007 the beginning stages of the complete closure and siege of the strip commenced. The occupation officially began its control over Gaza through land, sea, and air, and isolated the strip from the rest of the world by prohibiting entry and exit. This along with the aggression and violations committed by the occupation on Gaza and its people resulted in the biggest “open air” prison trapping and holding 2.3 million Palestinians hostage. The closure of Gaza caused in an ongoing humanitarian crisis as the strip now relied on humanitarian aid while

¹ Gaza — a tiny enclave wedged between Egypt, Israel and the Mediterranean Sea.

poverty and unemployment rates rose drastically.² Ultimately, the economy reached a point of shambles and Gaza has never been able to fully recover after every act of aggression inflicted upon them by the Israeli occupation. This current ongoing genocide since October 7, 2023, has surpassed all boundaries of international laws. The genocide on Gaza is the most well documented genocide, however, Gaza has been cut off from the rest of the world and from human rights organizations.

Escalation of Arrests and Detentions: A Disturbing Snapshot from October to February 2024

With every event of resistance by Palestinians, the Israeli occupation uses the tactic of mass arrests and increased brutality of Palestinians prisoners since the start of the occupation. As mentioned, with time the intensity of the brutality and arrests only increases as a form of punishment and to suppress the resistance with an aim to control all aspects of Palestinian lives and punishment of a whole society. This is exactly the case since the 7th of October, following the Israeli genocidal aggression against Palestinians. Since October 7th up until March 4, 2024, the number of Palestinians detained by the Israeli occupation has only increased with the total number of arrest campaigns exceeding 7600. The majority of arrests came from the Hebron governorate with the number surpassing 1560 arrests. The arrest campaigns do not discriminate as they consist of women, children, elderly, journalists, and University students alike.

The total number of arrests among women reached more than 230, including those arrested from the territories occupied in 1948. The recorded number of children arrested is said to exceed 430. After October 7th, 56 journalists were arrested, with 37 still under arrest. Out of these, 21 were transferred to administrative detention. Two journalists from Gaza have been subjected to enforced disappearance, as their whereabouts have remained unknown since the beginning of the ongoing genocide. Palestinian university students are targeted by Israeli authorities for their involvement in student movements and support for Palestine on social media. Accused of violating university regulations by allegedly supporting terrorism, over 120 students have been arrested. Arrests often stem from posts showing solidarity with Palestine or containing Arabic quotes or Quranic verses.³ There is no accurate information on the numbers pertaining to Gaza university students due to the lack of information from a direct source. Palestinian parliamentary members were not exempt from this reign of arrests campaigns as 18 of them were also detained.

The violations against journalists and aimed targeting is nothing new to the occupation due to the nature of their work to document and expose the violations of human rights on Palestinians; “In 2021 alone, the Euro-Mediterranean Human Rights Monitor documented 16 complaints by Palestinian journalists in the West Bank,

² “Gaza Closure Enters Its Tenth Year.” *Al Haq*, June 2017, www.alhaq.org/advocacy/6335.html.

³ M. K., (2023, October 23). *Israeli academic institutions persecute Palestinian students for social media posts amid offensive on Gaza*. <https://english.wafa.ps/Pages/Details/138577>

Gaza Strip, and East Jerusalem. All of them said that the Israeli authorities prevented them from traveling or restricted their right to freedom of movement. However, data collected by Euro-Med Monitor indicate that the number of Palestinian journalists who are banned from traveling as a punishment for their work is estimated at dozens.”⁴ OHCHR is mandated to promote and protect the effective enjoyment of all human rights. This includes the right to freedom of expression, including media freedom, and other rights of journalists and media workers. Journalists are protected by Article 79 Chapter III of the Additional Protocols to the Geneva Conventions of 12 August 1949.⁵

It is important to know that there is no accurate information on the exact number of detainees from Gaza, as there is a lack of reliable sources from the scene of the action due to inability to communicate with the prisoners and refusal by the occupation to release this information. In addition, since the start of the genocide, Human Rights organizations have not been able to be fully functional and operating in Gaza, thus leading to a lack of documentation of the violations and arrests of the civilians. Generally, no data has been able to be collected by any type of organization, specifically on the specificity of those who have been taken into detention. The Israeli authorities have also not disclosed any information or data even to Israeli human rights organizations.

The Israeli occupation authorities mentioned data related to the martyrdom of detainees from Gaza in the Sdeh Teman military camp in Be'er Al Sabe'. There is no further information revolving around these detainees or the locations they are being taken to other than what is reported in the article published by journalist Haggar Shizaf in the Hebrew Newspaper "Haaretz" on Monday, December 18, 2023. It is reported that “Hundreds of prisoners arrested from Gaza are being held for weeks in a camp near the city of Be'er Al Sabe', 'Sdeh Teman,' under suspicion of having ties to terrorism. Despite some prisoners reportedly passing away, the army claims to conduct examinations into the causes of their deaths.” According to the report, the prisoners in the camp span all age groups, including children and the elderly. Furthermore, restrictions and conditions of the camp imposed on them limit their freedom of movement. Another report by Haaretz published on January 2nd, 2024, reveals the first image of the Gazan detainees held in Sde Teman military camp; the prisoners sleep almost unclothed and exposed to the harsh winter cold, they are constantly blindfolded and subjected to torture at almost every hour of the day. Since the ground operation, the army has arrested Gazan women, including minors, detaining them in the 'Anatot' military camp near Jerusalem. The camp comprises three sections, each accommodating 200 prisoners. Furthermore, it was confirmed that those who died are not only the 13 martyrs previously announced, and there is no specific number for the martyrs from Gaza.

⁴ Monitor, E.-M. H. R. (n.d.). *Punishing Journalists: Israel's restrictions on freedom of movement and travel against Palestinian journalists*. Euro-Med Human Rights Monitor. Retrieved December 24, 2023, from <https://euromedmonitor.org/en/article/4760/Punishing-Journalists:-Israel%27s-restrictions-on-freedom-of-movement-and-travel-against-Palestinian-journalists>

⁵ (N.d.). Retrieved December 24, 2023, from <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-79>

Another recent report published by Haaretz on March 7, 2024⁶, reported that **27 Palestinian residents of Gaza** have ‘died’, while in custody in Israeli military camps, while further noting that Palestinian detainees were abused, deprived of sleep, medically neglected, and held without trial. While we have not been able to comprehensively and fully investigate and document these ‘deaths’, notably due to the heavily restricted access to lawyers, we alarmingly and crucially acknowledge Israel’s extensive record of subjecting Palestinian prisoners to torture and ill-treatment, and its decade-long policy of medical negligence. Such long-established policies are further compounded by the punitive actions taken against all Palestinian detainees, along with and reports of torture from those who have been released since 7 October 2023.

A video⁷ posted by the Israeli 13 News showcases the treatment and brutality that Palestinian prisoners are experiencing at the hands of the proud and boastful occupation and special forces inside the prisons. Dogs are used as intimidation tactics and said in the video to be back-up in case the guards feel the need to release the dogs to attack the prisoners.

It should be noted that the data related to arrest cases include those still detained by the occupation and those released later. As of this day, the total number of prisoners in occupation prisons have exceeded approximately 9100 including more than 3558 administrative detainees and 793 categorized as "unlawful combatants" among Gaza detainees.

Unveiling Oppression: Israeli Occupation tactics in the Arrest of Palestinians

The use of arbitrary detention, along with collective punishment through widespread arrest campaigns and extended detentions, has seen a troubling rise. Through changes to military orders and the already pre-existing notion of the unlawful and unjust military court procedures of the Israeli government, the Israeli occupation forces are undermining and have been undermining the rights of Palestinians to fair trial guarantees and protection from torture and inhumane treatment. This has led to systematic violations against Palestinian detainees, with instances of torture and mistreatment becoming more common.

Arbitrary arrest operations have become more frequent since October 7th, with an increase in the use of force during late-night raids characterized by forceful entries, often involving the explosive breaking of household doors. Additionally, the military uses force against household members during these operations, as documented by Addameer, revealing excessive use of force, including physical assaults causing injuries to the arrested Palestinians. Arbitrary detention is a tactic used by governments in attempts to intimidate and suppress

⁶ Shezaf, Hagar. “27 Gaza Detainees Died in Custody at Israeli Army Facilities since the Start of the War.” *Haaretz.Com*, Haaretz, 7 Mar. 2024, www.haaretz.com/israel-news/2024-03-07/ty-article/.premium/27-gaza-detainees-died-in-custody-at-israeli-army-facilities-since-the-start-of-the-war/0000018e-1322-d950-a18e-f3bbaa370000.

⁷ https://youtu.be/jBp7eEHH2fo?si=38hy2K3hHyW_-a9

resistance and is in violation of Article 9 of the Universal Declaration of Human Rights that states; “No one shall be subjected to arbitrary arrest, detention or exile.”⁸ Human rights organizations within the occupied Palestinian territories have recorded numerous cases of arrests targeting students and activists for their social media posts. Additionally, in Gaza, there have been hundreds of arrests, though specific details and numbers regarding these detentions remain unclear. These actions, extensively and clearly documented, represent severe violations of international treaties, notably the Fourth Geneva Convention, which explicitly prohibits arbitrary arrests, the use of violence against civilians, and the ill-treatment of detainees.

Excessive use of force during the arrest operations

Since October 7th, Addameer has documented hundreds of arrest cases characterized by the common factor of the excessive force used by the Israeli occupation forces. This involves the explosive breaking of household doors, shouting at the residents, intentional vandalism, and destruction of property inside the homes and physical assault to the detainees in front of their families. Furthermore, the occupying forces have used dogs in arrest operations, recording instances where these dogs intentionally attacked residents or were deliberately set loose by soldiers to harm detainees. There are documented cases where force was used to the point of causing serious injuries to prisoners during their arrests.

In an interview conducted with the mother of the detainee Bilal Dawood, who was arrested on October 16, 2023, from Dheisheh Refugee Camp in Bethlehem, this mother recounts that during the arrest operation, their house door was blown up while they were sleeping, resulting in shattered windows. Deliberate destruction of the home's furniture followed. They attacked her son in front of her, striking him with the butt of a rifle on his head, causing bleeding. The scene was horrifying, as they dragged the detainee, causing the ground to be covered in blood, and when the mother began to scream, an Israeli soldier forcefully sealed her mouth, leading to the loosening of her dentures inside her mouth and causing severe pain.

The actions taken by the Israeli army blatantly violate the second paragraph of Article 2 of the Convention Against Torture, which states: "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability, or any other public emergency, may be invoked as a justification for torture or other cruel, inhuman, or degrading treatment."

Fatal Consequences: Deaths Resulting from Forceful Arrests

On December 5, 2023, the Israeli occupation forces initiated the arrest operation of the prisoner (Abdullah

⁸ Nations, U. (n.d.). *Universal declaration of human rights*. United Nations. Retrieved December 27, 2023, from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

Mansara) in Qalandia refugee camp - Jerusalem. As the family heard the voice of the forces, the brother of the detainee (Mohammed Mansara) moved to open the door. However, the door exploded due to a bomb attached by the Israeli forces, prepared to detonate it. This resulted in the immediate death of Mohammed (as his body exploded) and the injury of their mother. The Israeli forces entered the house, preventing the family from approaching the son whose death was caused by the exploding door. Afterward, the occupation forces proceeded with the arrest operation as if nothing had happened and detained Abdullah.

In the context of these arbitrary and violent arrest operations, the declared state of war provides the Israeli army with the authorization to pursue and engage in various forms of violence, even resulting in fatalities. This underscores that the proclaimed state of emergency has granted the Israeli army unchecked power to mistreat and oppress Palestinians, without regard for compliance with international or humanitarian laws and regulations in the handling of detainees or during arrest operations. Thus, acting against customary international humanitarian law and the concept of proportionality that is mentioned in both the Geneva Conventions and Hague Conventions. Article 23 of Hague IV prohibits acts of violence intended to cause unnecessary suffering and emphasizes the principle of proportionality. According to Article 51(5)(b) of Protocol I Additional to the Geneva Conventions of 12 August 1949; “an attack is disproportionate, and thus indiscriminate, if it “may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage.”

Inside Israeli Prisons: A Close Look at the Living Conditions of Detained Palestinians

Isolation Intensified: Converting Individual Cells into Distinct Prisons

This occupation not only isolates prisoners from the outside world but also creates internal isolation among Palestinian prisoners. Each cell became a separate prison due to overcrowding and challenging conditions. During lawyer visits, prisoners expressed that they no longer meet fellow prisoners and are unaware of their well-being. Furthermore, prisoners were restricted from leaving their cells within the section, which effectively transformed these rooms into isolation cells. As a form of collective punishment, all electrical appliances and tools were confiscated, along with pillows, blankets, and prisoners' clothes; violation of Article 90 which states “When taken into custody, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies if required.”⁹ According to Yazan Mansour, a prisoner at Ofer Prison, prisoners have been wearing the same clothes for almost fifty days, which is inadequate for the extreme cold weather in December.

⁹ Treaties, States Parties and Commentaries, Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949., Article 90 - Clothing, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-90?activeTab=undefined>

In these same visits to prisoners, instances were noted where windows were removed by the Israel Prison Service (Shabas), which exposed some rooms to air and rain. Given the insufficient supply of winter clothes and blankets in the rooms, these spaces become uncomfortably cold; violation of Article 85 which states “The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigors of the climate and the effects of the war.”¹⁰ This is particularly concerning as many sick prisoners require medical attention and basic living necessities like warm clothing and blankets to endure the winter weather.

Starvation Policy: Exposing the Inhumanity Faced by Palestinian Detainees

The Israel Prison Service (Shabas) initiated a starvation policy, reducing the regular three daily meals for each prisoner to only two – meals that are not only meager in quantity but also of poor quality. Based on the Standard Minimum Rules for the Treatment of Prisoners ‘Food’: (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served. (2) Drinking water shall be available to every prisoner whenever he needs it.¹¹

Through the multiple lawyer visits to Israeli occupation prisons, Addameer received documented information on the grim reality faced by prisoners: a mere two meals a day, consisting of a small carton of yogurt, a loaf of bread, and a handful of tomatoes for breakfast, and a minimal plate of rice with one sausage for the second meal since October 7th. Disturbingly, meals are delivered in significantly fewer numbers than the actual count of prisoners in many prisons. For instance, in numerous rooms where there are eight prisoners, only four meals were provided for breakfast and lunch, compelling inmates to share these already inadequate portions.

In a visit to the prisoner J.K., who’s weight was 78 kg before the 7th of October, and now it's 55 kg, he said that meals were not only few and of poor quality but were also reported as being dirty. Some meals were contaminated with dirt and hair, and on multiple occasions, prisoners received spoiled food, including eggs and other meals.

Water refrigerators inside the prisons were halted since October 7, forcing prisoners to drink tap water, which they reported as not entirely clean and possessing a yellowish color. Instances of fungi appearing on a prisoner in Ofer Prison's Section 18 Room 6, suggest a potential deterioration in prisoners' medical health due to the poor quality of food and water. Additionally, as all tools, kitchen utensils, and personal belongings were

¹⁰ Treaties, States Parties and Commentaries, Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949., Article 85 - Accommodation, hygiene, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-85>

¹¹ Special rapporteur on the right to Food | Ohchr. (n.d.-b). <https://www.ohchr.org/en/special-procedures/sr-food>

confiscated by the occupation, prisoners were left unable to even attempt to eat the undercooked food they were served.

Fierce and Successive Attacks on Prisoners Inside Their Cells

Since October 7, relentless and brutal attacks on prisoners within their cells have persisted, marked by daily severe beatings. The specialized repression unit 'Metsada' initiated a campaign of assaults and raids into the rooms, subjecting prisoners to oppression and causing numerous injuries, irrespective of age or health condition.

Visible signs of beatings, with some detainees sporting swollen eyes and others enduring fractures in their hands or fingers, were documented, and noted during various lawyer visits. During a visit documented by a lawyer, a prisoner¹² recounted an incident on November 15, 2023, when the “Nahshoun” unit¹³ stormed the prison, approximately 70 prisoners were forcibly taken to buses in a brutal and overcrowded manner, lacking ventilation. This resulted in prisoners feeling suffocated. Subsequently, they were instructed to lie on the ground with closed eyes in an open area, where each prisoner was then subjected to an interrogation with the General Security Service (Shabak) officer, during which they were beaten, tied with iron chains to their backs, and Hebrew songs were played, this prisoner described a 25-minute interrogation during which he endured constant threats and physical abuse to his chest, neck, and face.

Many detainees reported that, periodically since October 7th at 9 p.m., garbage is burned between sections inside the prison, generating a strong unpleasant odor and dense smoke. This deliberate act causes discomfort and suffocation for the prisoners, while the soldiers within the prison wear masks. Prisoners from various sections confirmed that Israel Prison Service entered rooms under the pretext of training soldiers to extinguish fires, resulting in prisoners being sprayed with water, leaving them wet along with their sleeping areas and mattresses.

The prisoner Mahmoud Al-Qatanani at Al-Naqab Prison documents that since October 7, a special force known as "Keter" has been forcefully entering rooms almost daily. This unit is notorious for entering rooms armed with weapons and iron rods, accompanied by muzzled dogs. Despite being muzzled, these dogs have long claws that

¹² Bilal Arman-24 years. Ofer Prison

¹³ “In Hebrew, the term “Nahshon” means strength, firmness and sternness. The Nahshon unit was established in 1973 under the name “Security and Instructions Unit.” Its duties include escorting “criminal and terrorist prisoners.” Having a membership of 800 combatants, the unit is attached to the IPS and acts according to the instructions and directions of the IPS, army, police and public security. Nahshon unit is among the largest and strongest Israeli military units. As declared, it was created specifically to ensure control of prisons by subduing the so-called “riots” inside prisons. Members of these special units have a distinct uniform with a tag reading “Prison Security.” They include military personnel with strong bodies and deep experience and competencies, who have served in different military units in the Israeli occupying forces. They also possess technical fighting skills, including the use of different types of arms and equipment, and physical and fighting abilities required for direct confrontations. Unit members receive special training on how to oppress any “rebellion” by prisoners and detainees.” *Aggressions by Special Units of the Israeli Prison Service against Prisoners and Detainees during Transfers and Raids* (Addameer Prisoner Support and Human Rights Association 2014).

attack and harm prisoners. The prisoners have been brutally beaten with iron rods for extended periods, resulting in numerous detainees sustaining fractures in various parts of their bodies. Exposing the prisoners to tactics of torture violates Article 5 of the Universal Declaration of Human Rights states: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In addition, article 7 of the International Covenant on Civil and Political Rights states that no one shall be subjected torture.

Deliberate Medical Neglect

One of the policies consistently followed by the occupation within prisons is the deliberate policy of medical neglect towards detainees. This policy has been a recurring practice over the years, but since October 7, with the escalation of assaults on prisoners, including beatings and successive intrusions into their rooms by special forces, injuries and suffering inside the prisons have intensified along with the growing neglect.

Medical neglect involves preventing sick prisoners from visiting clinics, consulting with doctors, or receiving their prescribed medications. This neglect extends to those with psychological disorders. **During a visit to the 40-year-old prisoner M.S.**, he affirmed suffering from the Bihjat disease and high blood pressure. Despite his continuous requests for medication, he has not been provided with the necessary treatment. Additionally, cancer patient and prisoner Asif al-Rifai stated that while he received chemotherapy, the dosage was inappropriate for his body, causing him to lose consciousness. Furthermore, there is a scarcity of food for patients, exacerbating their already deteriorating health conditions.” Neglect of medical needs and health violates article 12 of the International Covenant on Economic, Social and Cultural Rights that states; “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

Forced Isolation and Disappearance: Ongoing Crimes Against Humanity

The occupation is going through many lengths to hide their signs of torture and violation of HR on the Palestinian prisoners; both those taken before and after October 7th. They are committing violations of international law on many levels and further violations by preventing the prisoners from the right to counsel and prohibiting visitations by their family members. Many family members and lawyers have absolutely no information on the medical state of their loved ones and clients or even where they are being held.

After the war, all legal procedures regarding prisoners and prison system have changed. The Israeli authorities are making it extremely difficult for lawyers to meet with their clients in the prisons by implementing

extensions and restrictions. This is done to isolate the detainees from the outside world. Usually, families are allowed to visit their family members twice a month, however, no visitations have been allowed. Multiple lawyers have been facing many difficulties entering the prisons and meeting with the detainees. For example, one lawyer took an appointment 5 times at Ramon prison only to be left waiting for hours every time. The Israeli occupation announced each time that there was an “emergency” and made him leave. Another instance with a different lawyer, had tried 4 times at Nafha prison and was given the same excuse and told to leave after waiting for multiple hours. Majedo prison overall and in general, is the most affected in terms of limitations and restrictions put on all the lawyers coming from different organizations trying to meet with the prisoners. The restrictions and limitations on visitations are not only inflicted upon family members and lawyers as human rights organizations have also been unsuccessful and unable to visit the prisoners. A statement made by the International Committee of the Red Cross stated that “The ICRC has not been able to visit any Palestinian detainees held in Israeli places of detention since 7 October.”¹⁴

As noted by multiple lawyers from different human rights organizations, they documented the increase in frequent transferring of the prisoners. This is one of the many reasons as to why lawyers have been unable to meet with the detained as they would show up to the prison center, they were told the prisoner was at only to find out once they reached that the prisoner was transferred to a different prison center. This is a tactic frequently being used by the Israeli occupation to hide the evidence of torture on the prisoners.

When it comes to enforced disappearances in Gaza, due to the immense lack of information being able to be collected by any lawyer, human rights organizations, ICRC prohibited from visiting or knowing any information on the detainees from Gaza, all residents taken from Gaza fall under enforceable disappearances. The occupation refuses to release any information or updates on the whereabouts and conditions of the kidnapped Gazans, thus, leaving their family members with little to no knowledge on their disappeared loved ones. This leaves us with having to rely on any information given to us by other detainees that were taken and released into the West Bank to verify anything on those taken from Gaza.

Three individual submissions were sent in by Addameer to the Working Group on Enforced or Involuntary Disappearances revolving around the case of 3 enforceable disappeared Gazan men per request of the family; however, the submissions were retracted due to the release of one of the men back into Gaza and he informed Addameer on the dreadful fate of the remaining two. The two other Gazan men were found dead under the rubble of their home.

¹⁴ *Debunking harmful narratives about our work in Israel and the occupied Palestinian territory* (Middle East/Israel). (2023). <https://www.icrc.org/en/document/debunking-harmful-narratives-about-our-work-israel-and-palestinian-occupied-territories>

Public Assassination of Palestinian Prisoners

Since the 7th of October, the intensity of the violence committed on the arrested Palestinians has led to the death of 13 prisoners within the walls of the detention center. The identities of the 27 Palestinians whose ‘death’ have been reported remain unknown. Moreover, the identity of one Palestinian out of the thirteen Palestinians prisoners and detainees is also yet to be disclosed, as the only available information indicates that he is a resident of Gaza. The remaining twelve are: **Thaier Abu Asab**, 38, detained in Al Naqab prison and passed away on 19 November 2023. **Abdul Rahman Mar’ii**, 33, father of four, detained at Megiddo Prison and passed away on 14 November 2023; **Omar Daraghmeh**, 58, detained at Megiddo Prison and died on 23 October 2023; **Arafat Hamdan**, 25, died on 24 October 2023, just two days after being arrested and detained at Megiddo Prison; **Majed Zaqool**, 32, detained at Ofar Prison, died on 6 November 2023; **Abdul Rahman Al-Bahsh**, 23, passed away on 1 January 2024 while detained at Megiddo Prison; **Ezz al-Din Ziyad Abdul-Banna**, 40, a Palestinian from Gaza who was detained at Al-Ramlah Prison, **Mohammad Ahmad Ratib Al-Sabar**, 21, who died on 8 February 2024, while held at Ofer Prison, **Khalid Musa Jamal al-Shawish**, 53, held in Nafha Prison and passed away on 21 February 2024, **Asif Rifaii**, 21, who was sick with cancer and held at Al-Ramlah prison, died on 29 February 2024, **Ahmad Qadeh**, 78, a Palestinian from Gaza who was held in an unknown military camp and passed away 1 March 2024, and **Jumaa Abu Ghneim**, 26, a prisoner in Eshel prison and passed away 16 March 2024.

With the martyrdom of the prisoner Ahmad Jumaa Abu Ghneim, the number of martyrs of the prisoner movement rose to 251 since 1967, with 24 martyred prisoners whose bodies are still held by the occupation. Withholding Palestinian bodies is an action that goes against International and Humanitarian law as well as the religious and cultural beliefs of Palestinians, yet there is no accountability put on Israel. This common tactic practiced by Israel prevents Palestinians families from holding a proper burial for their deceased family member, thus, it is another form of collective punishment that violates the United Nations Convention against Torture.

Another documented case involves the martyr Abed El Rahman Mar’ii, with supporting evidence from an initial and non-concluded forensic report that substantiates the assertion that the prisoners were killed due to the brutality of the beatings. The physician stated in the report “I have attended today the post-mortem examination of the late Mr El Rahman Mar’ii, who died in Megido prison on November 13, 2023...The post-mortem examination was a thorough and complete procedure, done according to the accepted rules. Bruises were seen over the left chest, with broken ribs and chest bone underneath. External bruises were also seen on the back, buttocks, left arm and thigh, and right side of the head and neck, with no fractures underneath. There were no injuries to internal organs- the lungs, spleen, liver, and brain were found intact, and there was no internal

bleeding...As no signs of background disease were found, and based on his history as a healthy young person, one may assume that the violence that he suffered, manifested by the multiple bruises and multiple severe rib fractures, contributed to his death. A cardiac arrhythmia (irregular pulse) or even a fresh myocardial infarction (a heart attack) can result from such injuries without leaving any physical evidence.”

The Detainees and Ex-Detainees Affairs Commission and the Palestinian Prisoner’s Society (PPS) reported that the Israeli occupation court decided to open an immediate investigation into the case of the martyrdom of the 4 prisoners; Abed El Rahman Mar’ii¹⁵, Thaier Abu Asab, Abdul Rahman Al-Bahsh¹⁶, Omar Daraghme. However, based on the historical data and precedents from prior years and cases handled by various organizations, it could be observed that 99 out of 100 initiated cases investigated by the Israeli court are ultimately closed citing insufficient evidence. Unfortunately, this trend indicates a lack of accountability, as there are no repercussions or punitive measures imposed on the alleged perpetrators; “Years of experience have shown that Palestinian victims stand a slim chance of seeing justice done and that the chance that Israelis be held to account for their actions is similarly slim.”¹⁷ In this context, the Commission and the Club emphasized that seeking an investigation into the circumstances of their martyrdom does not mean that they expect any justice from the occupation courts and we are still waiting on the rulings of the court.

Gender Based Violence and Harassment of Palestinian Detainees

Strip Search

The Israeli Occupation is well aware of the stigma around Palestinian men and women and the importance to their body’s integrity and honor. This is especially important in Arab societies. This is worth mentioning due to the types of threats targeted especially at women detainees and prisoners. Many victim testimonies coming from women include aspects of sexual harassment, threatening of rape, and forceful strip searching of women inside the prisons and even often in front of their own children during house invasions. These are all methods of coercion and carried out to make the women feel powerless and give the occupation the sense of control of the women and their body. It is abuse of power and authority and playing on the victims' fear. Strip searches breach the principle of Article 10(1) of the International Covenant on Civil and Political Rights which states; “All

¹⁵ *Israeli Court to Open Investigation into Death of Palestinian Detainee ...*, 11 Dec. 2023, <https://english.wafa.ps/Pages/Details/140017>

¹⁶ *Israeli Court to Open Investigation to Look into Circumstances Behind ...*, 2 Jan. 2024, <https://english.wafa.ps/Pages/Details/140442>

¹⁷ “No Accountability.” *B’TSELEM*, 11 Nov. 2017, www.btselem.org/accountability.

persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”¹⁸

On 9 October 2023, at around 2:00 am, the IOF forcibly entered H.H.’s residence by breaking down the door. The incursion occurred while she was asleep, and they immediately surrounded her bed. Despite her plea to allow her to cover herself and her hair with the hijab and abaya, the IOF denied the request. H.H., her daughter, along with her two-week-old granddaughter, were alone in the house, completely encircled by male Israeli occupying soldiers, as no female soldiers were present.

The IOF demanded H.H.’s daughter to strip her baby naked in an attempt to search for H.H.’s phone. Furthermore, they insisted on H.H.’s daughter stripping naked for a personal search. Promptly refusing, H.H.’s daughter insisted on the presence of female soldiers for such procedures. In response, the IOF threatened her with a taser. Throughout these deplorable actions, H.H. endured verbal abuse and repeated spitting on her face by the IOF. One soldier, in particular, got face to face with her and spat a large amount that covered her entire face and glasses with his saliva. H.H. recalls that the scent was very bad and asked to wash her face to which they refused.

The IOF persistently harassed H.H., including by desecrating the Holy Quran by tearing out its pages. They invaded her personal space, going through her belongings, including her undergarments, and passed them around while laughing. Subsequently, an occupying soldier whispered explicit threats of sexual harassment in Arabic into her ear. Subjected to physical assault on various parts of her body, especially her face, while restrained with tied hands and feet, H.H. was then transferred to an interrogation centre. In the interrogation room, an occupying soldier threatened her with rape from “the front and the back”.

Rome Statute of the International Criminal Court (ICC) recognizes forms of sexual violence, such as rape, as distinct war crimes and crimes against humanity; Article 7(1) of the ICC lists “Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.” These acts of forcing men and women to strip naked and inappropriately touch them under the excuse of security searching them is done with intent to embarrass and sexually harass Palestinian men and women.

Children Stripped of their Innocence

The violence and barbaric acts of the Israeli occupation has no age limit and does not spare anyone, even the children. International legal frameworks that emphasize the need of giving children extra protection and care to keep them safe include the United Nations Convention on the Rights of the Child (CRC). Article 6(1)(2) of the

¹⁸ International Covenant on Civil and Political Rights | Ohchr. (n.d.-b). <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

CRC states; “(1) States Parties recognize that every child has the inherent right to life. (2) States Parties shall ensure to the maximum extent possible the survival and development of the child.”

W.M., 17 years old, recounts a harrowing experience where he was punished by the IPS for taking down and then burning the Israeli flag that was hung in his cell to taunt the prisoners. The prisoners – many of whom were also children – that were also present during the burning of the flag were viciously beat, tortured and placed into isolation.

J.K., 18 years old and held at Naqab prison, endured a distressing incident wherein he was subjected to a strip search and photographed naked. Throughout this degrading process, the soldiers overseeing the search were audibly amused. J.K., feeling terrified, felt compelled to comply with the intrusive photos as the soldiers wielded metal batons and menacingly threatened physical harm. Regrettably, the threats materialized as they later beat him. The assault included strikes and kicks to his private parts, and whenever J.K. attempted to shield his genitals or close his legs, the soldiers forcibly opened his legs, accompanied by repeated aggressive commands. This ordeal highlights the severe and dehumanizing treatment faced by individuals like J.K. in detention.

Exploring the Varied Forms of Collective Punishment Against Palestinians

Administrative Detention as a Punishment Against the Palestinian Prisoners and their Family

For decades, Israeli authorities have employed arbitrary administrative detention as a policy of suppression and control over Palestinians in the occupied Palestinian territories. Administrative detention has been commonly used by repressive regimes to circumvent the legal process and to hinder access by political dissidents to the protection that they should be entitled to under the law. The number of administrative detainees by the end of 2023 is the highest since the 1987 uprising. The occupation resorts to arresting hundreds of Palestinians under the pretext of administrative detention without presenting charges or indictments, citing what they term as a "secret file." This deprives detainees of their right to defend themselves and denies them the minimum guarantees of fair trials. Examining Israel's use of administrative detention reveals a clear violation of both international humanitarian law and international human rights law. To use such detention, there must be a public emergency that threatens the life of the nation, and detention can only be ordered on an individual, case-by-case basis without discrimination of any kind (International Covenant on Civil and Political Rights, Article 9).

Thus, regardless of what happened on October 7th, the use of arbitrary detention was always implemented no matter the reason. Before October 7, the number of administrative detainees was around 1,320. However, with

the onset of the Israeli aggression on October 7, the number of administrative detainees has surged to approximately 3558, including about 40 children, and more than 19 women.

Out of over 7600 detainees since October 7, the majority have been placed under administrative detention. Notably, the occupation renewed administrative detention orders for previously detained individuals who had completed their detention during the ongoing genocide. Historically, during invasions of Gaza and other incursions, the occupation extensively employs administrative detention to detain a large number of Palestinians in prisons, preventing them from engaging in any form of resistance. This underscores the occupation's use of administrative detention as a policy to silence the voices of Palestinians. In addition to that fact, they use this tactic to increase the number of prisoners to negotiate a better deal in the exchange of prisoners.

Legal Maneuvering: Israel's Exploitation of Emergency Laws and Amendments in the Persecution of Palestinians

Israel has been in a constant “state of emergency” since its establishment in 1948. However, since Israel’s declaration of “state of emergency” after October 7, 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 international humanitarian law and international human rights law, which establish the legal framework applicable in the occupied Palestinian territories. Nevertheless, the civil laws enforced by the occupying authority disregard international standards and specific treaties designed to safeguard the dignity and fundamental rights of detainees. These laws and military orders constitute integral components of the colonial and apartheid system implemented by the occupying state. They serve as pivotal instruments employed in extensive suppression operations against the Palestinian people across various locations. The judicial system, across its diverse levels and branches, assumes a prominent role in legitimizing and justifying discriminatory practices against Palestinians, whether they are citizens of the state (Palestinians of 1948) or individuals under occupation (in Jerusalem, the West Bank, and Gaza Strip since 1967). The government's proclamation of a special state of emergency on October 8, 2023, constituted the legal foundation for all subsequent modifications and actions.

Since 2005, the occupying authorities have been dealing with detainees from the Gaza Strip under the "Unlawful Combatant Law, 2002" and other laws that permit the trial of Palestinians before the civil courts of the occupying state. The “Unlawful Combatant Law” is similar to administrative detention in the sense that it allows for the arrest of individuals based on undisclosed evidence and without clear charges, with an indefinite duration. On October 26, 2023, the government issued "Emergency Orders" to deal with "Unlawful combatants," allowing an officer of lower rank than the IOF Chief of Staff to issue arrest warrants, facilitating the process of issuing arrest orders.

The deadline for issuing an arrest order has been extended several times, and judicial review can take place after 75 days from the arrest, rather than the previous 14 days.¹⁹ Meaning, that a person may be held without charge or trial for up to 75 days before a judge or magistrate decides whether or not the arrest was lawful. In addition, the individual may be prevented from seeing their attorney for a period of 30 days, and it is possible that this prohibition might be extended for a further 180 days.²⁰ This policy is regarded as a type of legally sanctioned enforced disappearance of captives.

The amendments also affected the procedures for detainees from Gaza, who were interrogated under the "Criminal Procedures Law (Enforcement Powers - Arrests), 1996," and the "Counterterrorism Law, 2016." These laws defined the investigation period before filing charges for 35 days, with the judge having the authority to extend the detention for an additional 20 days.²¹ However, on November 7, 2023, new amendments were issued, allowing the detention of the suspect for 45 days, renewable for an additional 45 days²², with the government having previously amended the "Arrests Law, 1996" to prevent the detainee from meeting his lawyer for a period of up to 90 days. Which was amended another time to be 180 days.²³

Upon announcing the "special state of emergency," the occupied areas' military commander promptly modified the military orders to enable the functioning of military courts. This involved giving the occupying troops the legal means to conduct massive campaigns of arrests and changing the terms and places of incarceration to hold more people, even in cases where their treatment was inhumane and violated their basic rights. The first amendment came through "Military Order No. 2141," announcing sessions for extending detention and judicial review for administrative detention orders through video conferencing (Zoom). All proceedings, including filing charges, were conducted through this method. This order was later modified to include sessions for filing charges and opening trials via video conferencing, amended through "Order No. 2151" on October 24, 2023.²⁴

Minister of Security, Yoav Gallant, declared the "Sdeh Teman" (Yemen Field) military camp as a detention facility for those considered illegal, starting from October 8, 2023, for a duration of 10 weeks. The camp, located near Be'er Al Sabe', has not been allowed to be visited by the International Committee of the Red Cross or lawyers, making it unclear how many prisoners are held there, under what conditions, and whether they are combatants, civilians, or workers present in the Palestinian territories on October 7, 2023. Hundreds of civilians

¹⁹ On the 18th December 2023, the Knesset issued the law of "Unlawful combatant" (amendment no. 4 temporary regulations/ iron sword) 2023. Article 2(3)(4).

²⁰ Ibid. 23; Article 2 (4)(5)(c).

²¹ in accordance with Article 47 of the "Prevention of Terrorism Act, 2016."

²² Security Regulations (iron sword) (Extension of detention of a suspected person on security offenses) 2023. Article 2(1)(a)(a,b).

²³ On the 16th of Jan, 2024. Law to amend and extend the security regulation (iron sword)(the lawyer meeting of a detainee suspected of security offense) Article 2(c) (1)(2)(3)(d).

²⁴ "Order No. 2141," regarding holding sessions via video conferencing involving detainees and those held in a state of emergency (temporary instructions)(Judea and Samaria), 2023.

and over 4,000 workers were detained illegally without being presented to any court, following which more than 3,000 of them were deported to Gaza after three weeks.

By imposing intimidation and control, the occupying authority has modified penalties for offenses related to incitement and supporting an "antagonistic organization." The amendment specifically stipulates that the prison term should not be less than half of the actual duration, and this modification remains in effect until the beginning of the next year.²⁵

On October 18, 2023, the "Prison Authority Orders Amendment Law"²⁶ was passed, giving the "National Security Minister," who is well-known for his animosity against Palestinian inmates, the power to proclaim a state of detention emergency. This state permits the incarceration of inmates without providing adequate sleeping quarters, resulting in overcrowding in detention facilities that do not adhere to the proper space requirements that the Israeli Supreme Court had previously mandated.

The "Emergency Instructions"²⁷ were introduced to replace the detention period with the aim of extending the issuance of an administrative detention order from 72 hours to 144 hours for all. If the detainee is in custody for the purpose of filing an indictment or investigation and the judge decides to release him, then the military prosecution can request his detention for 144 hours to examine the possibility of issuing an administrative detention order. If such an order is issued, this amendment mandates bringing the detainee to the judicial review session within 12 days, as opposed to the prior 8-day period.

Conclusion

Without a robust accountability mechanism for the prolonged history of war crimes and crimes against humanity committed by the occupying state against Palestinian prisoners and detainees, it will persist in employing legal measures as instruments of repression, control, and torture. This approach ignores international norms and agreements aimed at safeguarding the dignity and essential rights of detainees. Holding those accountable, through legal prosecution or imposing sanctions on the state, and dismantling the apartheid system, is crucial to putting an end to these reprehensible actions.

Full Report can be found on Addameer's official website

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²⁵ "Order Regarding the Intensification of Penalties for Incitement Violations and Support for an Antagonistic Organization" (Iron Swords) (Temporary Instructions), (Judea and Samaria), Number 2153, issued on October 27, 2023.

²⁶ "Amendment Law for 'Prison Service Orders' (Number 64 - Temporary Instructions - Iron Swords) - State of Emergency Detention, 2023."

²⁷ According to the "Order Regarding the Extension of Administrative Detention Periods" (Iron Swords) Temporary Instructions (Judea and Samaria) Number 2148, issued on October 20, 2023.

