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

Joint written statement* submitted by Al-Haq, Law in the Service of Man, Al Mezan Centre for Human Rights, 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.

[12 August 2024]

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



Israel's Mass Arrests, Enforced Disappearances, Inhumane Treatment and Torture of Palestinians Since the Start of the Ongoing Genocide

Since the start of the ongoing genocide against Palestinians in the Gaza Strip, the Israeli occupying forces (IOF) have detained, en masse, Palestinian residents of Gaza, in what might amount to enforced disappearance.

Simultaneously, the IOF have increased their nightly house raids and campaign of arbitrary arrests and detention, detaining over 10,000 Palestinian residents of the West Bank, including eastern Jerusalem.¹ Currently, over 9,900 Palestinian residents of the West Bank are held in Israeli prisons and detention centres, including around 250 children and 86 women, and around 3,432 Palestinians (23 females and 39 children) held under administrative detention, according to Addameer's documentation.

Palestinian detainees, especially residents of Gaza, endure dire prisons conditions and various practices of inhumane and ill-treatment and torture, including sexual violence.

The Unlawful Combatant Law

Since 7 October 2023, the Israeli authorities have extensively and intensively invoked the Incarceration of Unlawful Combatant Law of 2002,² amending it through emergency orders to further expand its scope and their extend detention power, including by allowing the unlawful detention of Gaza residents, limit detainees' rights, including by extending the maximum length of detention without charge and banning the right to legal consultation, legalising incommunicado detention, and thereby, enabling enforced disappearance and arbitrary detention, and ultimately, the facilitation of torture and abusive or ill treatment by the IOF against Gaza residents. The category of 'unlawful combatant' does not exist in international law. However, Israeli law defines it as "a person who has participated either directly or indirectly in hostile acts against the State of Israel or is a member of a force perpetrating hostile acts against the State of Israel, where the conditions prescribed in Article 4 of the Third Geneva Convention of 12th August 1949 with respect to prisoners-of-war and granting prisoner-of-war status in international humanitarian law, do not apply to them."³

As early as 8 October 2023, Israeli Defense Minister, Yoav Galant, issued an order considering detained Palestinian residents of Gaza as 'unlawful combatants' based on the aforementioned Law. The order, which is effective for 10 weeks from its issuance, mandates the detention of Palestinian residents of Gaza in the "Sde Teman" camp, a military camp located near Bir al-Sabi'. The emergency regulations have been amended numerous times since it was invoked. Previously, detainees faced a 180-day ban on access to legal counsel and a 75-day waiting period without judicial review. Under the newly effective amendments, the waiting period without judicial review has been reduced to 45 days, and the lawyer ban is now 75 days. Detainees attend official court sessions via video call, often without the presence of a lawyer. As of 1 July 2024, the Israeli Prison Service (IPS) declared that 1,402 Palestinians were detained under the Unlawful Combatants Law and are currently under the control of the IPS.⁴ Notably, this number excludes those held for an initial 45-day period without formal order. Moreover, in a response by the Israeli Knesset to a petition raised by PCATI, there are a total of 2,500 Palestinian residents of Gaza detained across the prisons under the IPS and the military camps under the IOF under the legal status of 'unlawful combatant'. However, it is admissible to expect that the numbers are much higher.

There is a significant number of Palestinian residents of Gaza who remain unaccounted for, with no information regarding their wellbeing or whereabouts, effectively subjecting them to enforced disappearance. In numerous instances, lawyers have requested information about specific detainees from the Israeli authorities, only to be told that the detainee is "not present" in the system. This implies that many detainees are missing, and some may have been killed with their bodies disregarded. There remains a substantial lack of information about these detainees, including the number of men, women, and children among them.

Torture and Inhumane Treatment in Israeli Prisons

Palestinian detainees who are residents of Gaza are taken and subjected to strip searches at the flying checkpoints set up by the IOF in Gaza, often in front of other Palestinians. After being left naked in the open for hours, they are given white, thin-material suit. Many of these arrests occurred during the harsh winter, adding to the detainees' suffering.

The conditions of detention for Palestinian detainees – both residents of the West Bank and Gaza Strip – have continuously been reported as inhumane and degrading, amounting to torture or other ill treatments. Palestinian residents of Gaza are primarily held at Ofer as well as Sde Teman and Anatot military camps—which were originally military bases used as military training and logistics facilities. Palestinians held therein refer to 'barracks' as their cells. They describe these barracks as makeshift cages where over 100 Palestinians can be detained at the same time in inhuman or degrading conditions.

Palestinian detainees who are residents of Gaza are initially detained in Sde Teman or Anatot and then some are transferred to other prisons and interrogation centres throughout historic of the State of Palestine. Palestinian detainees who are residents of Gaza are kept separate from those who are residents of the West Bank. It was not until May 2024 that lawyers were granted access to Palestinian residents of Gaza held in prisons and military camps under the IPS and the IOF. However, this is accompanied with extensive restrictions in order to make the lawyers' job and visits as difficult as possible.

Systematic torture has repeatedly been reported from these camps at the hands of IOF and Special Units against Palestinians held under the Unlawful Combatants Law. Through these visits, lawyers have identified patterns of torture including detention in extreme temperature during the cold winter and hot summer months, without sufficient access to mattresses and blankets, forcing detainees to sleep on the ground. Detainees have been subjected to sleep deprivation, insufficient access to food and hygiene, such as minimum access to shower or use the bathroom, and denial of medical treatment, even for serious pre-existing injuries, such as those caused by explosions and shrapnel. Reports further indicate that detainees are constantly handcuffed, blindfolded and forced into sitting or squatting positions for extended hours, from sunrise to sunset, and forced to curse themselves. Detainees have also reported suffering from severe rashes and skin diseases from the unhygienic and unsanitary conditions of the cells and barracks.

According to the lawyer's collection of testimonies, detainees are assigned numbers by which they are systematically called and must respond to. Detainees are routinely strip-searched and often sexually abused or threatened thereof. Detainees are often beaten and assaulted by the IOF, especially during transfers, which are repeatedly described as particularly harsh, while Special Units in detention have used dogs against them.

Detainees are subjected to prolonged periods of kneeling with their backs bent and heads down during transfers, or lying completely face down with their fingers interlocked over their heads, while waiting for their turn for the lawyer visit, and while in the 'cages' or cells where they are kept. Additionally, during headcounts, detainees are required to lie face down until the entire facility's headcount is completed.

Detainees are routinely subjected to sexual violence, including by undergoing strip searches multiple times during their detention and transfers, during which they are forced into humiliating positions, such as the frog position or bending over, under the pretext of a thorough examination. Israeli soldiers frequently use metal detectors, or "magnometers", running them over the detainees' bodies and raping detainees through inserting the devices forcefully into their anus or mouth. Additionally, soldiers hold the devices under the men's genitalia, mock the detainees, and force them to perform degrading acts on themselves.

Recommendations

In light of the above, call on Third States, including Member States of the Human Rights Council to:

1. Uphold your legal obligations to end and prevent the ongoing genocide against Palestinians in Gaza, and urgently urge Israel to immediately and unconditionally allow the unimpeded access of fuel, water, food and humanitarian aid, including medical supplies, into the Gaza Strip, as mandated by the International Court of Justice;
2. Take effective measures to ensure that Israel releases all Palestinian political prisoners, and ends its widespread and systematic use of arbitrary detention and enforced disappearance, and the commission of torture and other ill-treatment against Palestinian detainees and prisoners;
3. Urge Israel to repeal its 'Unlawful Combatants Law' enacted in 2002 and demand Israel to disclose the names, locations, and details of detention of all Palestinian residents of Gaza, ensure their rights are respected, including their right to legal representation, and cease subjugating them to ill-treatment and torture; and
4. Recognise that Israel's systematic arrest campaigns and torture, which are carried out as a form of collective punishment against the Palestinian population, contribute to the maintenance of Israel's settler-colonialism and apartheid.

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

1 As documented by Addameer and various prisoner institutions.

2 Incarceration of Unlawful Combatants Law, 5762-2002.

3 Ibid.

4 Hamoked, "9,881 "Security" Inmates Are Held In Prisons Inside Israel".