



جمعية نادي الأسير الفلسطيني
Palestinian Prisoner's Society



مركز إعلام حقوق الإنسان والديمقراطية "شمس"
Human Rights & Democracy Media Center "SHAMS"

Factsheet

In Recognition of Palestinian Prisoner Day Inhumane Conditions of Palestinian Prisoners in the Israeli Prisons

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Introduction:

In recognition of Palestinian Prisoner Day (April 17 annually), the Palestinian Prisoners' Club Association (PPSMO) and Human Rights and Democracy Media Center- SHAMS, published a factsheet about the circumstances of Palestinian prisoners in Israeli prisons. The Palestinian National Council, in the year 1974, during its regular sessions, decided to consider April 17 as a national day to support Palestinian prisoners and honor them for their sacrifice as well as respect to the spirits of the martyrs who were killed inside the Israeli prisons. On March 29, 2008, the Arabic Summit that was held in Damascus, decided to consider April 17, as an Arabic anniversary to show solidarity with Palestinian and Arabic prisons in the Israeli prisons.

The anniversary this year occurs while Palestinian prisoners are passing through the worst and hardest circumstances since the year 1967. The Israeli authorities are denying the applicability of all the international human rights conventions and treaties related to the rights of prisoners. Israel, the Occupying Power, is, systematically, applying long-term policies and procedures on the legislative, executive, and judicial levels to violate Palestinian prisoners' rights and promote a colonial vision in dealing with them. The Israeli policies affected the physical safety of Palestinian prisoners and legalized torturing them as well as violating prisoners' right to fair trial and their right to healing.



The various Israeli governments that came to office since the establishment of the occupation state, utilized detention as a tool to break the will of Palestinians and eliminate any vision to resist the occupation. Palestinians were detained as individuals as well as through mass arrest campaigns against those involved in resisting the occupation through affiliating to political parties and organizations that resisted the occupation. The Israeli authorities have been practicing all forms of oppression and torture against Palestinian prisoners with deaf ears given to all human and international rules in dealing with prisoners. Israel refuses to use the term “prisoner” to describe Palestinian prisoners and instead, it uses the term “security detainee” to free itself from any responsibility in front of the international community for treating the Palestinian prisoners. Israel deals with Palestinian prisoners as criminal prisoners accused of criminal felonies but not war prisoners. Dealing with Palestinian prisoners according to such a methodology is utilized by the occupation authorities to neglect any responsibility by international law and international humanitarian law, mainly the Geneva Third and Fourth Conventions.

The Israeli government has been applying aggressive tools and practices against the Palestinian prisoners systematically, including arresting Palestinians for prolonged terms and detaining them in detention facilities, which lack the minimum circumstances required for human lives. Moreover, the Israeli authorities used all the forms of torment, torture, degrading, and oppression in a systematic way to transfer Palestinian prisoners from being active actors to becoming persons who suffer physical and mental health problems and need support to live their lives[1]. Israel is the only state in the world that legalized torture through a law issued by the Israeli Knesset (Parliament) in the year 1987 for such a purpose. The mentioned law authorized the Israeli Internal Security Body (Shabak) to utilize psychological pressure while investigating Palestinian prisoners accused, according to the Israeli claim, of conducting “terrorist attacks” according to the Israeli definition of the mentioned term. The Israeli government authorized the investigators and jailors to torture Palestinian prisoners, which reveals clearly that Israel is nothing but a colonial power. Likewise, Israel worked to ensure that its leaders would escape accountability by banning the international investigation committees from accessing the Palestinian prisoners, on one hand, and by pressing on the magistrates of the international courts to ban any possibility of persuading the Israeli leaders by these courts, on the other[2].

[1] Al Battam Muhammad, Work Paper: The Role of the Governmental Institutions in Rehabilitating and Integrating released Palestinian prisoners in the public life- Status and Prospects, The International Community to Support Palestinian Prisoners- Jericho, 2009 (pp 313-314).

[2] In Recognition of the International Day to Combat Torture: Tortures Lead to kill the political opponents and activists while escaping punishment by perpetrators- Human Rights and Democracy Media Center- SHAMS. URL: <https://www.shams-pal.org/wp-content/uploads/2021/reports/international-day-support-victims-torture2021.pdf>

Palestinian Prisoners in the Israeli Prisons: Circumstances and Suffering

According to the official statistics of the Palestinian Prisoners' Club Association (PPSMO), there are currently, 9400 Palestinian prisoners in the Israeli prisons including 200 minors and about 80 female prisoners. 3660 prisoners, including 41 minors, 21 women, and 24 journalists are under administrative detention. The various Israeli governments used the issue of the Palestinian prisoners as a tool for bargaining in the previous political peace negotiations and prisoner exchange deals. In this regard, the Israeli authorities classified the Palestinian prisoners as groups and invented illegal and non-right terms to classify them such as "Prisoners with Hands Stained in Blood" or to classify prisoners based on the duration of the sentence such as "Life Time Imprisonment Prisoners." Likewise, the Israeli authorities used prisoners as means to blackmail the Palestinian National Authority by pressing to freeze paying salaries for the prisoners and released prisoners. The United States of America aligned with the occupation state, pressed on the Palestinian Authority to stop paying the salaries of the prisoners, and released prisoners.

Since the beginning of the current aggression on the Gaza Strip on 7/10/2023, the Israeli occupation commenced several mass arrest campaigns in all the Palestinian localities in the West Bank, including Jerusalem, and in the Gaza Strip as well. Likewise, the Israeli authorities imposed restrictions on the Palestinian prisoners inside the Israeli prisons and interrogation centers where the responsibility of administrating the prisons was associated with the Israeli army according to the status of Emergency declared in Israel. The so-called Israeli Minister of Interior Security declared further restrictions on Palestinian prisoners and declared real war against them. Several arrogant and oppressive measures were taken against the prisoners such as confiscating cell phones, electric kettles, and radios and depriving prisoners of the Canteen (from where prisoners used to purchase their needs inside prisons). Additionally, the Israeli minister ordered to decrease in the size of the meals presented to the prisoners, which yielded starvation among them. Moreover, blankets and clothes were confiscated, and prisoners were allowed only one garment. Prisoners were denied the right to go out to the yards or to move between the rooms and the prisons' sections. Family visits were also denied and so were the visits of lawyers and representatives of the International Commission of the Red Cross. The Israeli authorities, through these measures, tried to disconnect the prisoners from the external world. In the days that followed applying these procedures and measures, Palestinian prisoners were subject to a series of forms of torture, brutal assault, and cruel treatment through the special Israeli army units such as Metsada (Special Operations Unit), Ktir (Sniper Unit), Yamas (Military Police Unit), and Druze (Reconnaissance Unit).

Additionally, the Israeli soldiers wonder among the prisoners sections and rooms with their full weapons. Such a behavior reveals the fact that there is a tendency to provoke the prisoners and then justify killing them by the Israeli prisons authorities[3].

Arrest Campaigns against Women and Children

The Israeli authorities has been going on in executing wide fierce arrest campaigns against Palestinian women and children based on clear plans and systematic policies. Arrest campaign represent violation of the privacy of women and children and they are based on a bunch of military orders, mainly order number 132, regarding arresting children. Children and women are deprived of their right to freedom and they are put in prisons and interrogation centers that lack the minimum standards of human beings living. Palestinian children are litigated through the military courts but not civil courts. At times children in the world are enjoying their leisure time in public gardens and amusements, Palestinian children suffer as a result of the Israeli arrogant procedures, and their rights to freedom, education, and dignified life, are violated. The practices of the Israeli occupation against Palestinian children violate the United Nations Convention on Child Rights/ 1989. In particular, Israel is violating Article 31 of the Convention, which states: “States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts”. The number of Palestinian children that have been arrested since the year 1967, reached 50 thousand (males/ females) where, currently, there are 200 Palestinian children in the Israeli prisons and detention facilities. Detained children are subject to the various forms of torture and cruel treatment inside prisons and investigation centers. These facilities are transferred into places to kill Palestinian children and oppress childhood, deform the status of all Palestinian children, and destroy their future. These crimes against Palestinian children reveal the real risk imposed on Palestinian children and highlights the necessity to face these crimes and combat them.

The Israeli authorities apply the policy of home-arrest in orderto circumvent the law and arrest Palestinian children, especially in Jerusalem. Home-arrest is considered an illegal inhuman arrogant procedure and violates the international legal and human values/ principles. The mentioned policy is applied against the Palestinian children below the age of 14 years old as the Israeli law itself, does not allow arresting children below this age. Additionally, the Israeli authorities apply home-arrest policy to avoid being criticized by the international legal and human rights organizations in case those children were arrested.

[3] Qaddoura Fares, The status of Palestinian Prisoner Movement during the Genocide War, 1/4/2024, Faraa Maay Website (4/4/2024), URL: <https://faraamaai.org/articles/belkhat-alareed/oakaa-alhrk-alasyr-fy-thl-hrb-alabad>

The Israeli courts have issued thousands of home-arrest rulings against Palestinian Jerusalemite children, during the previous years. There are two types of home-arrest where the first is to arrest the child in his family's house permanently where the child is forced to stay at home and not allowed to leave it through over the duration of the sentence. The second type is to arrest the child in the house of a relative or a friend, away from the family's house, where such a situation increases the suffering and anxiety of the child and his family.

The Israeli government applies the various forms of sexual abuse against Palestinian women prisoners where sexual abuse is a systematic deep rooted policy among the Israeli soldiers and authorities. Sexual abuse was practiced intensively against Palestinian women who were arrested in the Gaza Strip since 7/10/2023. Those women were subject to inhuman degrading treatment and they were deprived of food and medicine. Additionally, those women were held inside cages under the cold weather and rain, as it was asserted by the joint report of the United Nations experts. According to the mentioned report, the UN experts stated: "We are particularly distressed by reports that Palestinian women and girls in detention have also been subjected to multiple forms of sexual assault, such as being stripped naked and searched by male Israeli army officers. At least two female Palestinian detainees were reportedly raped while others were reportedly threatened with rape and sexual violence," the experts said. They also noted that photos of female detainees in degrading circumstances were also reportedly taken by the Israeli army and uploaded online".

The experts expressed anxiety and distress regarding the reports that an unknown number of Palestinian women and children, including girls, disappeared at the moment the Israeli army invaded the Gaza Strip. In this regard, the experts reported: "There are disturbing reports of at least one female infant forcibly transferred by the Israeli army into Israel, and of children being separated from their parents, whose whereabouts remain unknown". Additionally, the experts reported other risky crimes committed by the Israeli army and they also reminded the Israeli government of its commitment to ensure the dignified life and safety of Palestinian women and girls and ensuring that none of them would be subject to violence, torture, mistreatment, or degrading, including protecting them against sexual abuse"[4]

[4] <https://www.ohchr.org/en/press-releases/2024/02/israelopt-un-experts-appalled-reported-human-rights-violations-against>

The Israeli oppressive policy in dealing with the Palestinian prisoners was manifested through a series of measures and practices, among which, were:

1. Medical Negligence Policy:

The Israeli authorities applied the intentional policy of medical negligence as a punishment tool against Palestinian prisoners to oppress them and kill them slowly. The Occupation Authorities did not fulfill their legal responsibility to provide prisoners with medicine and medical care especially those in need of special health care and hospitals or surgeries. The Israeli government did not respect the rule to conduct periodical medical check for prisoners and monitoring their health conditions. Israel did not respect The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) in the prisons and interrogation centers and it did not provide prisoners with the needed food and water supplies and other basic needs as well as ensuring reasonable living standards for the prisoners. As a result of that, many Palestinian prisoners passed away inside prisons due to the medical negligence policy.



2. Torture:

The Israeli government is insisting on violating the human rights of the Palestinian prisoners through practicing torture and other forms of cruel treatment as well as collective punishments and solitary confinement against prisoners. Additionally, prisoners are subject to mental torturing, administrative detention, investigation, degrading, and deprive of the basic human rights. Moreover, prisoners are subject to other practices such as decreasing food supplies, medical negligence, banning family visits, brutal beating, and exposing prisoners to either very high or very low temperature. Moreover, Israel applies inhuman methods in torturing the Palestinian prisoners such as beating on the face and fracturing teeth and fingers. Prisoners are also subject to bastinado. On a related level, prisoners are subject to strip searching and spraying them with very cold water or exposing them to loud music. In many cases, prisoners are fastened in harmful positions for long times. Israel gives no attention to the basic rights and the humanity of Palestinian prisoners as war prisoners or as human beings. The practices and policies of the Israeli authorities against Palestinian prisoners are similar to those committed by the totalitarian regimes during world War II against the prisoners at that time. These regimes tortured the prisoners in the prisons and interrogation centers in Europe, to the degree that hundreds of prisoners died as a result of torture and cruel treatment and denying them the right to health services.



3. Enforced Disappearance:

The Israeli authorities apply the policy of enforced disappearance against Palestinian prisoners in general and prisoners from the Gaza Strip in particular. New detention facilities for prisoners from the Gaza Strip were established in the Negev area as well as in Jerusalem area. Prisoners in these detention facilities are subject to all forms of torture and cruel inhuman treatment as well as deprived of food and water. It is worth mentioning here that the prisoners from the Gaza Strip are from various segments, including fighters, workers, women, and children. Israel classified the prisoners arrested from the Gaza Strip as “illegal Fighters” though they are civilians entitled to protection under war and armed conflicts and the absolute majority of them have nothing to do with resisting the occupation. Israel did not announce the names of those prisoners or the total number of persons arrested from the Gaza Strip, neither did it announce the places where those prisoners are held. This information was not provided to any local or even international organization, in clear violation of international law. No data about prisoners from the Gaza Strip was available and the only information about them was obtained from the testimonies collected from released prisoners who were held in prison sections close to the sections where the prisoners from the Gaza Strip are held. According to some of these statements, Palestinian prisoners were forced to recite some Israeli anthems and insult the symbols of the Palestinian national resistance as a price to provide them with some food and water. The Israeli War Minister declared that Israel established the Prison (Sadieh Timan) in the Negev Desert, to hold the illegal fighters (as he described them), arrested from the Gaza Strip[5]

Because of the oppressive policy, torture, and medical negligence applied against Palestinian prisoners, 251 Palestinian prisoners have been killed in Israeli prisons since the year 1967. The number of killed prisoners since October 7, 2023, reached 16, where most of them were killed as a result of torture and medical negligence; those prisoners are:



Martyr Omar Daraghma (58 years old from Toubas). He died on 23/10/2023, a few hours after a court session arranged for him in Megiddo Prison. He was arrested on 9/10/2023 and was sentenced to six months of administrative detention.



Martyr Arafat Hamdan (25 years old from Ramallah): He died in Ofer Prison on 24/10/2023. He has been detained since 22/10/2022, which means that he was killed two days after he was arrested.

[5] Qadoura Fares, ibid



Martyr Majed Zqoul (32 years old from Gaza): His death was announced on 6/11/2023 though announcing his death was after a period since he died in Oufer Prison. He is one of the workers from the Gaza Strip (working in Israel) who were arrested by the Israeli forces after October 7, 2023.



Martyr Raja Ismaeil Samour- Gaza Strip. A father of four sons and he is a Diabetes Patient. He passed away in Oufer Prison on 6/11/2023.



Martyr Abdul Raheem Mari (33 years old from Salfeet): He died on 13/11/2023 in Megiddo Prison and his death was declared the next day. He was arrested on 25/2/2023.



Martyr Thaer Abu Assab (38 years old from Qalqilia). He died on 18/11/2023 and his death was declared after he was referred to Soroka Hospital from the Negev Prison. He has been in detention since the year 2005 and serving a term of 25 years.



Martyr Abdul Raheem Basem Al Bahsh (23 years old from Nablus City). He died in Megiddo Prison on 1/4/2024, and he has been detained since 31/5/2022 and was sentenced to 35 months.



-Martyr Muhammad Ahmad Al Sabbar (21 years old from Al Daheriya Town-Hebron). He has been under administrative detention in Oufer Prison since May 2022



Martyr Izzidin Ziad Al Banna (39 years old from Gaza City). He was arrested on 7/10/2023 and died in Ramla Prison, on 20/2/2024.



Martyr Khaled Jamal Mousa Al Shaweesh (53 years old with paraplegia). He died on Wednesday 21/2/2024 at Assaf Harofee Hospital.



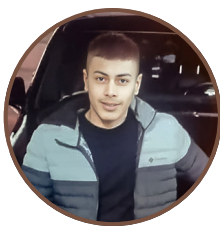
Martyr Assef Al Riffaee- Cancer Disease patient (22 years old) from Kufur Ain Village- Ramallah and he died on Thursday 29/2/2024 at Assaf Harofee Hospital; he was arrested on 24/9/2022.



Martyr Ahmed Rizeq Qdaih (78 years old from the Gaza Strip): The Israeli soldiers arrested him during the invasion of Khanyounis. According to some eyewitnesses, he was tortured in one of the Israeli military camps, which caused his death.



Martyr Jumaa Ibrahim Abu Ghnaima (26 years old): He is a Palestinian from the Negev area inside the 1948 Territory. He died in one of the hospitals after he was transferred there from Eshel Prison. He has been in prison since January 2024.



Martyr child Muhammad Salih Abu Snaina- Jerusalem (arrested after he was wounded), 15 years old from Jerusalem. He died on Monday 12/2/2024 after he was shot by the Israeli soldiers and arrested directly.



Martyr Waleed Daqqa (Baqā Al Gharbiya- 1948 Territory) who suffered cancer and died on 7/4/2024 because of the medical negligence he faced during the previous years and denying him treatment.



Martyr Abdul Raheem Amer from Qalqilia: He was arrested inside the 1948 Territory claiming that he entered there without permission. His death was declared on 13/4/2024.

On a related level, the Israeli occupation declared, through media, that 27 of the prisoners from the Gaza Strip died in the detention facilities but without declaring their identities and the circumstances of their deaths, within the ongoing genocide war against Palestinians in the Gaza Strip.



Israeli Violations of the International Law in Dealing with the Palestinian Prisoners

The practices of the Israeli occupation against Palestinian prisoners represent a profound violation of international law and international human rights law whether they are civilians protected by the Geneva Fourth Convention or militant fighters protected by the Geneva Third Convention. Article 13 of the Geneva Third Convention states: “Prisoners of war must at all times be humanely treated. 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 regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.” Additionally, Israel is violating Article 15 of the same Convention as it states: “The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health”. Likewise, the Israeli occupation is violating the international human rights law, namely the Rome Statute of 1998, which serves as the constitution of establishing the International Criminal Court. Article 7 of the Statute considered enforced disappearance as a war crime and a crime against humanity. On a related level, the Israeli government is violating The Convention on the Prevention and Punishment of the Crime of Genocide (dated 9/12/1948) where Article 2 of the given Convention identifies genocide crime as any of the acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”.

Furthermore, Israel is violating The International Convention for the Protection of All Persons from Enforced Disappearance(dated 23/12/2010). Article 1 of the given Convention states: “1. No one shall be subjected to enforced disappearance. 2. 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 enforced disappearance.”Article 5 of the same Convention states: “The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law”. Moreover, Israel violated the United Nations Declaration Regarding Protecting all persons against enforced disappearance, which was adopted on 18/12/1992. Israel violates rule number 117 of the International Commission of the Red Cross which affirmed: “Each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate”.

The Measures that should be taken on National and International Levels

On the international level

Interested and specialized international organizations and parties, mainly the United Nations, noble countries signatories of Geneva Conventions, Human Rights Council, UN Special Rapporteur on Enforced Disappearance, International Committee on Enforced Disappearance (that emerged from the Convention), International Committee of the Red Cross, Amnesty International, and international Governmental/ Nongovernmental organizations, to fulfill their legal and moral responsibilities toward the Palestinian prisoners in the Israeli prisons. Those parties should take measures to follow up on the crimes of enforced disappearance as there are hundreds of Palestinians from the Gaza Strip, victims of such crimes. Palestinian prisoners from the Gaza Strip are held in inhuman circumstances and they are subject to all forms of torture, and cruel treatment as well as being deprived of lawyers' services, and the places of detention are not declared.



On the Local Level

Within the ongoing suffering of Palestinian prisoners in Israeli prisons and within the stubbornness of the Israeli government in dealing with the prisoners issue while imposing additional restrictions on them, as well as proceeding in violating international law, then there is a need to develop a national strategy to address prisoners issue. All related parties including the governmental institutions and civil society organizations, should be involved in developing such a strategy to create a popular supportive incubator for prisoners and their families. Prisoners should not be left alone either while they are detained or after being released taking into consideration that they sacrificed their lives for the sake of the national question and so, they should be supported.

The intended strategy should be based on a group of measures to be taken on the national and international levels involving all the official and popular parties as well as unions and Palestinian groups all over the world alongside human rights organizations to support Palestinian prisoners. Within this strategy, there is a need to appeal to the international courts to persuade the Israeli war criminals and lodge a case to the International Criminal Court in Hague or to file a case in the international courts of the democratic countries wherever it is possible. There is a need to intensify the follow up with the International Committee of the Red Cross to improve the living standards of the Palestinian prisoners, especially sick prisoners and women/ children prisoners.

The ICRC should be addressed on the basis of being an independent international neutral institution involved in the issues of prisoners on the level of protecting their rights and improving detention circumstances, including health services and ensuring families' visits. Palestinian official institutions, Palestinian Liberation Organization, Negotiations Commission, and the Council of Ministers, should increase the attention given to prisoners issue and ensure prioritizing this issue. There is a need to address the European Parliament and the Arabic Parliaments, to exert pressure on the Israeli government to release the detained Palestinian members of the Legislative Council. At the same time, there is a need to address the international human rights organizations, interested in the rights of women and children, and patients, to interfere immediately and press on the Israeli government to release children, women, and sick prisoners[6]

[6] Human Rights and Democracy Media Center- SHAMS. In Recognition of Prisoner Day: Drafted Law to Execute Prisoners Represent state Terrorism and Violation of the International Law, 17/4/2023 (accessed on 12/4/2024), URL: https://www.shams-pal.org/wp-content/uploads/2023/pressReleases/press17_4_2023.pdf