

**Flygtningenævnets baggrundsmateriale**

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**43rd Session of the Universal Periodic Review  
Joint Submission for the 4th Cycle of Israel's UPR**



**Main Submitting Party:** Addameer Prisoner Support and Human Rights Association

Addameer is a Palestinian non-governmental human rights organization that works to support Palestinian political prisoners held in Israeli and Palestinian prisons. Established in 1991, Addameer provides free legal aid to prisoners, advocates on their behalf nationally and internationally, and works to end systematic violations of prisoners' rights through monitoring, legal procedures, and solidarity campaigns.

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## **I. Introduction**

1. Since its establishment in 1948, Israel has designed and instituted a series of discriminatory laws, military orders, policies, and practices that constitute the legal foundation of its institutionalized system of racial domination and oppression over the Palestinian people as a whole.<sup>1</sup> As a result, the Palestinian people are oppressed and segregated across various territorial and legal domains and subjected to an array of daily and systematic abuses of their fundamental human rights.

2. This joint report addresses concerns arising from Israeli policies and practices between 2018 and 2022. The following key areas will be discussed: the use of torture and cruel, inhumane, or degrading treatment, inhumane detention conditions including medical neglect, and denial of the administration of justice including but not limited to within the context of administrative detention. This report aims to highlight how the combined impact of these violations against Palestinian prisoners and detainees contributes to the persistent denial of rights to the Palestinian people.

3. In its previous Universal Periodic Review (UPR) of 2018, several recommendations were submitted to Israel. In particular, Israel was requested *inter alia* to:<sup>2</sup>

- “eliminate practices of torture”<sup>3</sup> and to “prevent cases of the use of torture in places of deprivation of liberty”;<sup>4</sup>
- “make progress in domesticating the provisions of the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, including issues such as the exclusion of the necessity exception as a possible justification for torture”;<sup>5</sup>
- “combat impunity through in-depth, impartial investigations of all allegations of human rights violations, including those involving members of security forces or settlers”;<sup>6</sup>
- “consider improving prison conditions, including those where Palestinian inmates are held”;<sup>7</sup>
- “end ... the inhumane conditions of solitary confinement, overcrowding, lack of hygiene and basic services; and the denial of medical attention in its prisons”;<sup>8</sup>
- “continue its efforts to reform its ... judicial practices with regard to Palestinians”<sup>9</sup> and to “undertake judicial reform to ensure equal protection and treatment before the law”;<sup>10</sup>
- “ensure that all cases of administrative detention are in conformity with human rights law and standards”<sup>11</sup> and to “ensure that administrative detention... remains an exceptional measure of limited duration; and that it is conducted in respect for fundamental safeguards”;<sup>12</sup>
- “minimize the use of administrative detention against Palestinians”<sup>13</sup> and to “ensure that an excessive use of administrative detention is avoided”;<sup>14</sup> and

- “stop the practice of arbitrary administrative detention,”<sup>15</sup> to “end the illegal detention of Palestinians without charges or legal proceedings,”<sup>16</sup> and to “stop the policies of ... administrative detention ... against Palestinians under the pretext of ‘security reasons.’”<sup>17</sup>

4. The analysis contained in this report will demonstrate Israel’s failure to implement any of these recommendations in the intervening report period between 2018 and 2022. Israel’s persistent non-compliance with such recommendations and in general with its international law obligations continues to prevent Palestinians from enjoying human rights and dignity.

## **II. Torture and Cruel, Inhumane or Degrading Treatment**

5. Israel has practiced various torture methods against Palestinian prisoners and detainees over the years that continue until today. These include physical beatings all over detainees’ bodies, including genitalia, prolonged positional torture in numerous stressful positions, physical, verbal and sexual harassment, violent shaking, long interrogation sessions lasting hours at end, sleep deprivation, putting out cigarettes on the body, as well as forcing detainees to listen to other people screaming of agony and torture to instill terror. Furthermore, detainees are electrocuted during arrest, forced to listen to powerfully loud music for several consecutive days, deprived of using the toilet or changing clothes, provided with small portions of poor-quality food over long periods, which leads to starvation, banned from meeting with a lawyer, as well as an abundance of other methods.<sup>18</sup> Over the years, Israeli methods have caused the death of 73 Palestinians who perished due to the torture they underwent inside interrogation centers.

6. Beatings and brutality are standard Israeli practices used against the majority of Palestinian detainees. One hardly hears of a detainee who was not beaten, whether during interrogation, arrest, or transfer to an interrogation or detention center. Furthermore, it is generally observed that a policy of violence is practiced against Palestinian detainees, aiming primarily to cause the most amount of pain. Addameer documented the “*Telefono* method” during S.A.’s interrogation. *Telefono* entails violently slapping one or both ears, which causes a ringing in the ear that can last for a long time.<sup>19</sup>

7. *Shabak* (Israeli Security Agency) interrogators subject most detainees undergoing interrogation to positional torture. The duration of positional torture varies, as some detainees are forced into stressful positions for a few hours while others are for more than ten hours. Similarly, the severity of positional torture varies, as most detainees are forced into stress positions in the interrogation chair with their hands cuffed behind their backs, while others are subjected to more brutal techniques like the squatting or banana

stress positions.<sup>20</sup>

8. Cases documented by Addameer confirm that sleep deprivation has become a policy increasingly practiced during the interrogation of Palestinians. This technique aims to wear down detainees and exhaust them both physically and mentally to extract confessions, whether as a result of sheer physical torture or hallucinations and delusions caused by sleep deprivation. Sleep deprivation has common side effects, including general fatigue, difficulties in concentration and speaking, delirium, severe lethargy, social withdrawal, and lower body temperature.<sup>21</sup>

9. During interrogation, many Palestinian detainees are denied their human needs to pressure them and extract confessions in exchange for fulfilling their needs. Addameer documented more than 10 cases where Israeli interrogators denied detainees their human needs, including using the toilet, showering, and feminine hygiene products.

10. Physical and psychological torture carries a long-term impact. Numerous studies indicate the long-term effects of torture on prisoners, lasting years after the act. In interviews conducted by Addameer as part of its torture archive, numerous former Palestinian prisoners note that they continue to suffer from health conditions that were sustained primarily due to the torture they endured in interrogation centers to this day. As the physical effects of torture last for a long time, so do the psychological effects. Many detainees who endured torture suffer from post-traumatic disorders, depression, anxiety,<sup>22</sup> concentration impairment, social withdrawal, and aggression.<sup>23</sup>

#### Failure to Comply with the Convention against Torture

11. Despite its ratification of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) in 1991,<sup>24</sup> Israel never stopped resorting to torture as the standard operating procedure in extracting confessions from Palestinian detainees. Torture is systematic and widespread in Israel with the complicity of the judicial system. At the end of 2019, *Shabak* subjected several detainees at *al-Mascobiyya* interrogation center to severe physical and psychological torture, without any form of monitoring and protection. These detainees included university students, human rights defenders, and political leaders, all subjected to severe physical and psychological torture and/or ill-treatment.<sup>25</sup>

12. Although the Israeli High Court's 1999 ruling<sup>26</sup> confirms the prohibition of the use of torture, it permits the practice of "moderate physical pressure" in cases of "necessity" as outlined in Article 34(11) of the Israeli Penal Code of 1977. The necessity defense presents a serious loophole that allows the interrogation of a person suspected of possessing information on "military operations," thus providing legal cover for *Shabak* interrogators to perpetrate torture and cruel treatment against Palestinian prisoners. This ruling's gravity extends beyond legitimizing torture to broadening the definition of

the “necessity defense.”

13. On 8 January 2021, a group of United Nations (UN) human rights experts issued a public statement urging Israel to ensure accountability for torture and other cruel, inhuman, or degrading treatment or punishment universally prohibited under international law.<sup>27</sup> They emphasized Israel’s failure to hold the perpetrators responsible for the crime of torture and ill-treatment and called for Israel to end its use of the “necessity defense” exception to practice “enhanced interrogation techniques” against persons suspected of possessing information on possible military operations. Nonetheless, the occupying authorities continue to practice torture and utilize the “necessity defense” in violation of CAT and other international conventions.

#### Impunity for Perpetrators of Torture

14. Based on illegal claims like the “necessity defense,” Israeli occupying authorities perpetrating torture continue to enjoy impunity. Illustrative of this impunity is the fact that, through the end of 2020, the Public Committee against Torture in Israel filed over 1,200 complaints of torture during interrogation. Nevertheless, the vast majority of these complaints were closed without real criminal action or judicial proceedings under the pretext of the “necessity defense” or “lack of sufficient evidence.”<sup>28</sup> This can be attributed to the notion that any state facing these types of cases typically resorts to one of three classic tactics to counter torture cases. The first is the complete denial of the occurrence of torture and all evidence or information thereof. The second is providing alternative justifications such as that the acts in question are not “what they appear to be” but are instead something like “moderate physical pressure.” However, merely changing the label of an act does not change the reality of torture. The third tactic is the complete justification of such acts, claiming them to be special measures warranted under the necessity defense.<sup>29</sup>

15. Additionally, Addameer’s lawyers have filed 80 appeals to the Israeli military court of appeals on behalf of detainees denied the ability to see their lawyers. Only 12 of these appeals were accepted and only to shorten the detention period that was constantly being renewed. The rest of the 68 appeals were all rejected, even though the military judges have seen the torture marks on the bodies of these detainees and were informed in detail about their medical situations. This reveals how the Israeli military court and High Court are not only irregularly constituted courts, but also not independent, nor impartial<sup>30</sup> as they prioritize the requests and needs of the Israeli intelligence agency, without any consideration for the detainees’ rights. Most importantly, the insistence of Israeli judges at both courts to extend the interrogation periods with the knowledge of the committed torture proves the complicity of the legal system. In fact, the judges have also obstructed the documentation of torture by attempting to delay the delivery of medical reports and pictures instead of monitoring and preventing torture themselves,

which is their legal obligation.

16. The aforementioned Israeli High Court decision of 1999 claimed to state that torture is ill-legal in Israeli laws, but still, the High Court made permissible the use of “special means of pressure” in the case of an alleged “ticking bomb” scenario, where interrogators believe that a suspect is withholding information that could prevent an impending threat to civilian lives as stated in Article (1)34 of the Israeli Penal Code of 1972.

17. Moreover, the Israeli High Court in case number 7388/20 ruled on 1 September 2022, a new decision holding that a confession given 36 hours following 7 hours of torture is admissible as it was not coerced. The Court justified this as a lack of clear nexus between the act of torture and providing testimony. These recent decisions, compounded with past case law, demonstrate the extent of impunity embedded in the complicit Israeli legal system.

18. Illustrative of the scale of impunity is the investigation opened in response to international calls to cease violating CAT. On 24 January 2021, the Israeli Attorney General closed the investigations against the *Shabak* for the circumstances leading to a prisoner’s torture, hospitalization, and near death. Rather than pressing a list of charges against the perpetrators of such heinous crimes, the Israeli Attorney General decided that “there are no grounds to prove that the crime of torture has been committed.”<sup>31</sup>

19. In the absence of international accountability, Israel enjoys a culture of impunity that systematically subjects Palestinian detainees to numerous forms of torture and cruel, inhuman, and degrading treatment. These practices are grave violations of the Fourth Geneva Conventions and its additional protocol, as well as qualify as a war crime under Article 8 of the Rome Statute of the International Criminal Court.

### **Recommendations:**

**Accordingly, States must ask Israel to:**

- **Respect the principle of the absolute prohibition of torture in accordance with article 2 (2) of the CAT, completely remove necessity as a justification for torture, and hold those committing such acts of torture personally responsible and subject to criminal prosecution and appropriate penalties;**
- **Consider the testimonies and statements made as a result of torture inadmissible as evidence in any proceedings.**

### **III. Conditions of Detention**

20. Israel arrests thousands of Palestinians every year, incarcerating them in prisons that lack the minimum standards of adequate living under the administration of the

Israeli Prison Services (IPS).<sup>32</sup> Palestinian prisoners endure extreme incarceration conditions in overcrowded tight prison rooms, which retain humidity and lack natural ventilation sources, leading many prisoners to suffer from skin diseases and infections. Moreover, IPS deliberately do not provide sufficient nourishment and life necessities, leaving prisoners to purchase much of their food and daily life necessities from the prison canteen at double the normal prices. In addition, IPS deliberately make the prisoners' lives harder through repeated raids and never-ending policies that impose further restrictions, including depriving them of the right to education in prison, confiscation of hundreds of books every year, setting a maximum spending limit in the prison canteens, and much more. These practices gravely violate the various international conventions that guarantee the right to be held in adequate conditions, including the Standard Minimum Rules for the Treatment of Prisoners.<sup>33</sup>

21. On 12 March 2014, the Association for Civil Rights in Israel, the Academic Center for Law and Business, and Physicians for Human Rights Israel petitioned the Israeli Supreme Court on the living space in prisons. At the time, the living space assigned per prisoner did not exceed three square meters, including the sleep, shower, and toilet spaces.<sup>34</sup> This was in stark violation of IPS regulations that set the living space to six square meters per prisoner.<sup>35</sup> On 13 June 2017, the Supreme Court ruled that the State is required to expand the living space per prisoner to provide adequate space. The Court decision required the State to make the necessary changes over two stages: first within nine months,<sup>36</sup> followed by eighteen months. Despite the sufficient court-set deadline, the Israeli prosecution requested to extend the deadline to 2027. The prosecution's request shows the continuous Israeli attempts to deny prisoners their simplest rights like adequate living space, as well as stall the implementation of related court decisions.

22. On 1 November 2018, the Israeli Supreme Court responded to the prosecution's deadline extension request by ordering to expand the living space to 4.5 square meters per prisoner until 2020. The judges further requested Israeli intelligence Shin Bet to abide by the expanded living space standards in other prison facilities until 2021. Although Israel began expanding the prisoners' living space in select prisons, up until today, it failed to abide by the Supreme Court ruling requirements.

#### The Policy of Deliberate Medical Neglect

23. It is imperative to expose the gravity of the IPS' deliberate medical negligence policy, as it has become an integral part of the Israeli occupying authorities' oppression of Palestinian prisoners and detainees and yet another method to infringe on Palestinian prisoners' rights to health and dignified treatment. Statistics compiled by human rights organizations indicate that the number of sick Palestinian detainees and prisoners in Israeli prisons is currently around 600, including around 200 prisoners with

chronic diseases and 23 prisoners diagnosed with cancer and tumors.

24. The number of Palestinian prisoners who have died as a result of Israel's policy of medical negligence has reached 73 prisoners, including the most recent cases of Sami AlAmour, who died on 18 November 2021, and female prisoner Sa'deyeh Farjallah, who passed away inside Damon prison in July 2022.

25. Israel continues to withhold the bodies of nine Palestinian prisoners who passed away during their detention in refrigerators.<sup>37</sup> Additionally, many Palestinian prisoners, such as Hussein Maslama, have passed away after their release from captivity as a result of diseases they contracted inside prisons. By withholding the bodies, Israel does not only punish the individual it accused of affiliation to a faction or carrying out an attack, but it also inflicts severe psychological pain on the deceased's family.<sup>38</sup>

26. Sick Palestinian prisoners are transferred to Ramleh Prison Clinic, where they are subjected to medical negligence and offered neither proper treatment nor proper diagnosis. About 14 prisoners are permanently held at Ramleh Prison Clinic where they suffer poor health and living conditions. One or two healthy prisoners are allowed to be held at the facility to help the prisoners move around and provide them with primary medical care and perform first aid when needed. This showcases how the IPS avoids its responsibilities and relies on other prisoners to attend to the needs of ill ones. The clinic does not employ a full professional medical staff, so ill prisoners are often transferred to Israeli civilian hospitals for tests and examinations. Such measures are only taken after long delays.

27. Israel has further failed to ensure the protection of Palestinian prisoners and detainees during the spread of COVID-19, further compounding the vulnerability of Palestinian prisoners and detainees. The overcrowding, insufficient ventilation, and lack of hygiene products make it nearly impossible to restrain the virus's spread inside prisons, leaving Palestinian prisoners unprotected. IPS deliberately stalls informing Palestinian prisoners and detainees about the results of the COVID-19 swab to manipulate prisoners.

28. On 30 March 2020, the UN Subcommittee on Prevention of Torture called on governments to take measures to protect individuals deprived of their liberty during the pandemic and to consider "reducing prison populations by implementing schemes of the early, provisional or temporary release of low-risk offenders, reviewing all cases of pre-trial detention, [and] extending the use of bail for all but the most serious cases."<sup>39</sup> On 27 March 2020, Israel decided to release some 400 'non-violent' Israeli common law prisoners,<sup>40</sup> selected based on health condition and age.<sup>41</sup> Yet, they did not establish the same release policy for Palestinian prisoners and administrative detainees, held without charge or trial.

29. The Israeli Supreme Court promptly denied a petition submitted in 2020 by Adalah - the Legal Center for Arab Minority Rights in Israel demanding the implementation of the Health Ministry's guidelines on social distancing among Palestinian prisoners in the Gilboa prison.<sup>42</sup> The Court based its decision on the decreasing number of infections among prisoners, ignoring the fact that contracting the virus primarily results from interacting with prison staff who come in contact with their communities before entering the prisons more than three times a day for inspections and headcounts.<sup>43</sup>

30. In sum, Israeli prisons are brimming with hundreds of Palestinian prisoners who suffer from health conditions warranting medical treatment. Israeli occupying authorities knowingly disregard their medical conditions both during arrest and incarceration, delaying treatment and stalling necessary medical examinations. Through this wide range of practices, Israel circumvents its responsibility to provide adequate medical attention to prisoners inscribed in the Fourth Geneva Convention, particularly Articles 91 and 92.

#### **Recommendations:**

##### **Accordingly, States must ask Israel to:**

- **Ensure and uphold Palestinian prisoners' rights to the highest attainable standard of health and mental health, as well as the right to life;**
- **Return the bodies of the Palestinian prisoners who passed away while in prison that have not yet been returned to their relatives for proper burial.**

#### **IV. Administration of Justice and Fair Trial Guarantees**

##### **Denial of Equal Protection and Treatment Under the Law**

31. There exists a host of structural—including legislative, administrative, and institutional—barriers to Palestinian prisoners and detainees' right to a fair trial in the Israeli military judicial system. First, following the arrest and transfer of Palestinian detainees to interrogation, lawyers are often denied access to their clients, hindering their ability to provide effective legal services and concealing illegal practices during interrogations including torture and ill-treatment. Israeli military orders prohibit Palestinian detainees from meeting with their lawyers for a period of 60 days.<sup>44</sup> Court sessions conducted while the prohibition order is still in effect take place in two sessions: the lawyer first appears in court alone without the detainee, then the detainee appears in a subsequent court session unrepresented, without having spoken with his/her lawyer, and without having received legal advice.

32. Further, Israeli military courts often deny defense counsel the necessary documents and information to prepare their cases, citing the 'confidentiality' of critical documents.

These documents almost always contain crucial evidence and are often concealed on a spurious and unsubstantiated basis aimed at covering up Israeli interrogators' actions and preventing cases from moving forward promptly. This phenomenon is most obvious with the practice of administrative detention, where Palestinians are held indefinitely without charge or trial, based on "secret material" that is not disclosed to detainees or their lawyers.

33. The absolute lack of confidentiality afforded to lawyer-client communication throughout interrogation, detention, court proceedings, and incarceration handicaps lawyers' free and independent exercise and any free trial guarantees. Lawyer visits to detainees are conducted in poor conditions under constant IPS surveillance, and scheduling visits takes days. Further, because the official language of Israeli court proceedings is Hebrew and courts consistently fail to provide accurate interpretation services to Palestinian detainees, the courts drastically hinder defense counsel's ability to represent their clients and often breed prejudice against Palestinian lawyers.

34. Following the outbreak of COVID-19, Israel's many discriminatory measures included a total ban on all visits by lawyers and family members, poor to absent alternative means of communication, and videoconferencing court sessions. These rules were disproportionately applied to Palestinian prisoners and compounded the fair trial violations already present under the military judicial system. The military court videoconferencing sessions are marred by poor technology and translation services. Lawyers note the significantly disparate quality of videoconferencing technology employed in Israeli domestic courts as opposed to Israeli military courts. The nature of videoconferencing also results in an absolute lack of confidentiality between lawyer-detainee communications as all communication is heard by the Israeli military judge, prosecutor, and anyone else present. Therefore, it is clear that legislative measures and institutional barriers arising from COVID-19 compounded existing policies to create immense barriers between lawyers and detainees, handicapping any effective representation and exacerbating mass fair trial violations.

#### Forcible Transfers of Palestinian Detainees

35. Israel systematically transfers Palestinian prisoners and detainees out of the occupied West Bank to prisons and detention centers located inside the Green Line. Out of 17 Israeli occupation prisons, only one is located inside the occupied Palestinian territory (oPt).<sup>45</sup> The illegal forcible transfer of protected persons from occupied territory into the occupying state constitutes unlawful deportation per Article 49 of the Fourth Geneva Convention. Moreover, the systematic and illegal transfer of Palestinians from the occupied territory carries with it a human impact. The overwhelming majority of Palestinian relatives of prisoners and detainees require a permit to enter Israel and are regularly denied family visitation permits on so-called "security grounds". From

observations by Addameer, based on accounts of family members, these permits are systematically denied to male family members aged between 16 and 35.

## **V. Administrative Detention**

### **Violations of International Standards and Fundamental Safeguards**

36. Israeli military commanders consistently issue Palestinians administrative detention orders for “security reasons” based solely on “secret evidence.” Once the order is issued, the detainee can be held for up to six months with indefinite renewals without ever receiving a charge or trial nor being informed of the evidence against them. Furthermore, Israeli law grants the military commander the power to modify the administrative detention order at any time for “military necessity,” without considering international standards for the rights of detainees.

37. International humanitarian law only permits administrative detention by an occupying power under specific, exceptional circumstances “for imperative reasons of security,” where no alternative is available.<sup>46</sup> Under Article 9 of the International Covenant on Civil and Political Rights (ICCPR), administrative detention can only be ordered on an individual case-by-case basis without discrimination of any kind. The Israeli occupying authorities’ use of administrative detention to target Palestinians as a form of collective punishment and domination is clearly in violation of this rule. Furthermore, international law makes clear that administrative detention is still governed by the basic rules for detention, including fair trial guarantees, minimum detention conditions, and absolute prohibitions against torture, all of which are consistently violated by Israel.

38. The UN Working Group on Arbitrary Detention, in its 2021 report, cited several egregious violations committed by Israel’s administrative detention scheme. In its collective, discriminatory, and large-scale use of administrative detention, Israel is deliberately infringing on fair trial guarantees and international restrictions for the use of administrative detentions.

### **Increased, Excessive Reliance on Administrative Detention**

39. Instead of decreasing their use of administrative detention, since 2018 Israeli occupying authorities have only escalated the practice. Administrative detention is increasingly employed as an arbitrary, coercive, and punitive measure. According to documentation by Addameer, at the end of September 2022, around 800 Palestinian administrative detainees are languishing indefinitely in occupation prisons without charge or trial, including two women, six children, and three Palestinian Legislative Council members.

40. Further, from January through September of 2022 alone, the Israeli military commander issued 1,570 administrative detention orders in the West Bank and Gaza as well as at least 40 orders against Palestinian Jerusalemites and Palestinians who hold Israeli citizenships. If this trend continues through the rest of the year, the number of orders issued in 2022 will exceed the 1,595 issued in 2021, which was the highest recorded in the past five years. The number of administrative detention orders issued in 2021 outpaced the prior year by 40%.<sup>47</sup> This surge illustrates the Israeli occupying authorities expanded use of arbitrary arrests and administrative detention orders against Palestinians engaged in solidarity protests across Palestine during the 2021 Unity Uprising. Of the at least 5,728 administrative detention orders issued in the past five years, more than 51% of them were issued in 2021 and the first eight months of 2022 alone.

#### Arbitrary Detention under the Pretext of "Security Reasons"

41. Administrative detention in the oPt is ordered by the Israeli military commander and grounded on "security reasons." In most cases, they are informed that there is "secret evidence" against them and they are being held for security reasons without further explanation, charges, or trial. These practices of only telling detainees they are being held for pretextual "security" reasons are in stark violation of the fundamental right to liberty and freedom of arbitrary arrest and detention, enshrined in Article 9 of the ICCPR.

42. Furthermore, following the issuance of an administrative detention order, a judicial review of the order must take place within eight days. Since administrative detention is without an actual trial, judicial review of the files is done by a judicial control court before a military judge and not a committee. The Israeli military judge decides as to whether to invite the Israeli intelligence officer when examining each file and, in most cases, decides to confirm the administrative detention order without reading the entire contents of the confidential material or examining the information's authenticity. The military judge then rules to reduce, cancel, or confirm the order, with the overwhelming majority either approved or reduced. The detainee then has a right to appeal the military judge's decision, presided over by another military judge. The appeal process is mainly farcical, given that the detainees and their lawyers do not have access to the "secret" information on which the orders are based.<sup>1</sup> As such it is clear that Israel is relying on "security reasons" as the pretext for its discriminatory use of administrative detention.

#### Recommendations

**Accordingly, States must ask Israel to:**

- Put an end to the widespread practice of arbitrary arrest and detention, including, administrative detention, and ensure that detainees are provided all legal and procedural safeguards of a fair trial, including the right to be informed of the reason for their arrest and detention, and access to legal counsel.

<sup>1</sup> Addameer Prisoner Support and Human Rights Association, Al-Haq, Al Mezan Center for Human Rights, BADIL Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies, Civil Coalition for Palestinian Rights in Jerusalem, and Habitat International Coalition, *Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel's Seventeenth to Nineteenth Periodic Reports*, 10 November 2019, available at: <http://mezan.org/en/uploads/files/1573555716491.pdf>.

<sup>2</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review: Israel, UN Doc. A/HRC/28/15, 20 April 2018 at 118.

<sup>3</sup> Id. at 118.160

<sup>4</sup> Id. at 118.72

<sup>5</sup> Id. at 118.77

<sup>6</sup> Id. at 118.167

<sup>7</sup> Id. at 118.163

<sup>8</sup> Id. at 118.162

<sup>9</sup> Id. at 118.166

<sup>10</sup> Id. at 118.200

<sup>11</sup> Id. at 118.78

<sup>12</sup> Id. at 118.79

<sup>13</sup> Id. at 118.164

<sup>14</sup> Id. at 118.81

<sup>15</sup> Id. at 118.82

<sup>16</sup> Id. at 118.162

<sup>17</sup> Id. at 118.159

<sup>18</sup> Addameer, Cell 26: A Study on the Use of Torture against Palestinian Prisoners in Israeli Interrogation Centers, 13 June 2022, available at: <http://addameer.org/media/4821>

<sup>19</sup> Telefono, Danish Institute Against Torture, last accessed on 23 September 2020, available at: <https://www.dignity.dk/en/dignitys-work/health-team/torturemethods/telefono/>.

<sup>20</sup> For more on this subject, see Addameer Prisoner Support and Human Rights Association's brochure on torture positions in Israeli occupation prisons via [http://www.addameer.org/sites/default/files/publications/webenglishbooklet\\_1.pdf](http://www.addameer.org/sites/default/files/publications/webenglishbooklet_1.pdf).

<sup>21</sup> Kelly Bulkeley, why sleep deprivation is torture, published on 15 December 2014, last accessed on 17 August 2020, available at: <https://www.psychologytoday.com/us/blog/dreaming-in-the-digital-age/201412/whysleep-deprivation-istorture>. Also see: Senate report on CIA torture, Human Rights First. Last accessed on 11 September 2020, available at: <https://www.humanrightsfirst.org/senatereport-cia-torture/sleep-deprivation>.

<sup>22</sup> Psychological effects of torture a comparison of tortured with non-tortured political activists in Turkey, the American Journal of Psychiatry (2006).

<sup>23</sup> Stuart Turner and Caroline Grost, Psychological sequelae of torture) United States, international handbook of traumatic stress syndromes, 1993, p. 704.

<sup>24</sup> Status of treaties, United Nations Treaty Collection, last updated on: 29 December 2020. Last accessed on 30 December 2020, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-9&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&lang=en)

<sup>25</sup> Addameer, The Systematic use of Torture and Ill-Treatment at Israeli Interrogation Centers ... Cases of Torture Committed at al-Mascobiyya Interrogation Center, 23 January 2022, available at: <https://www.addameer.org/publications/systematic-use-torture-and-ill-treatment-israeli-interrogation-centers-cases-torture>

<sup>26</sup> For more on this subject, see Addameer Prisoner Support and Human Rights Association, "Cases of Torture Committed at al-Mascobiyya Interrogation Center,"

[https://www.addameer.org/sites/default/files/publications/story\\_based\\_torture\\_final.pdf](https://www.addameer.org/sites/default/files/publications/story_based_torture_final.pdf). An English translation of the decision is available at [http://www.hamoked.org/files/2012/264\\_eng.pdf](http://www.hamoked.org/files/2012/264_eng.pdf).

<sup>27</sup> See statement at: <https://www.ohchr.org/en/press-releases/2021/02/israel-must-end-impunity-torture-and-ill-treatment-un-experts>.

<sup>28</sup> Addameer Collects Hard Evidence On Torture and Ill-Treatment Committed Against Palestinian Detainees at Israeli Interrogation Centers. Addameer Prisoner Support and Human Rights Association. Published on 23 December 2019. Last accessed on 3 October 2021. Available via <https://www.addameer.org/news/addameer-collects-hard-evidence-torture-and-ill-treatment-committed-against-palestinian>.

<sup>29</sup> Torture: Human Rights, Medical Ethics and the Case of Israel, edited by Neve Gordon and Ruchama Marton. P20-21.

<sup>30</sup> Third Geneva Convention, Article 84; Additional Protocol II, Article 6(2); Additional Protocol I, Article 75(4); International Covenant on Civil and Political Rights, Article 14(1); European Convention on Human Rights, Article 6(1).

<sup>31</sup> Addameer, UN Experts Urge Israel to Ensure Accountability for Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 February 2021, available at: <http://addameer.org/news/4301>

<sup>32</sup> Addameer Prisoner Support and Human Rights Association, *Annual Report 2019*, 4 January 2021, <https://www.addameer.org/node/4286>.

<sup>33</sup> See the UN Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV), published in Human Rights: A Compilation of International Instruments of the United Nations, Volume 1, the UN, New York, 1993, Sales No. A.94.XIV-Vol.1, Part 1, page 337.

<sup>34</sup> Addameer, *Annual Report 2019*, p. 56-57.

<sup>35</sup> "Density in Prisons and Detention Centers" by the Association for Civil Rights in Israel. Published on 25/2/2019. Date of access: 15/2/2020 via <https://www.acri.org.il/post/171>.

<sup>36</sup> This stage requires the state to provide 3 square meters in living space excluding the toilets and shower facilities.

<sup>37</sup> The nine withheld bodies of Palestinian prisoners include Anis Doula (who passed away in Askalan prison in 1980), Aziz Owaisat (who passed away in 2018), Fares Baroud, Nassar Taqatqa, and Bassam Al-Sayeh (all passed away in 2019), Saadi Al-Garabli and Kamal Abu Wa'ar (passed away in 2020), Sami Al-Amour (passed away in 2021), and Daoud Zubeidi (passed away in July 2022)

<sup>38</sup> Jerusalem Legal Aid and Human Rights Center, "The Warmth of our Sons: Necropolitics, Memory and the Palestinian Quest for Closure", 2021

<http://www.jlac.ps/userfiles/file/Studies/The%20Warmth%20of%20our%20Sons.pdf>.

<sup>39</sup> OHCHR, "COVID-19: Measures needed to protect people deprived of liberty, UN torture prevention body says," 30 March 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25756>.

<sup>40</sup> The Jerusalem Post, "Israel releases 230 prisoners early to reduce crowding amid COVID-19 fears," 29 March 2020, <https://www.jpost.com/breaking-news/israel-releases-230-prisoners-early-to-reduce-crowding-amid-covid-19-fears-622844>.

<sup>41</sup> See Al-Haq, "Addameer and Al-Haq Send Appeal to UN Special Procedures on the Situation of Palestinian Prisoners in Israeli Prisons amidst Concerns over COVID-19 Exposure," 2 April 2020, available at: <http://www.alhaq.org/advocacy/16674.html>.

<sup>42</sup>

[https://www.adalah.org/uploads/uploads/Gilboa\\_prisoners\\_conditions\\_petitionSCT\\_decision\\_23072020.pdf](https://www.adalah.org/uploads/uploads/Gilboa_prisoners_conditions_petitionSCT_decision_23072020.pdf).

<sup>43</sup> "Israel abrogates its responsibility to maintain social distancing between Palestinian prisoners to combat the coronavirus," Adalah – the Legal Center for Arab Minority Rights in Israel, published on July 23<sup>rd</sup>, 2020. Available via: <https://www.adalah.org/ar/content/view/10070>.

<sup>44</sup> Addameer, "In the Case of the Palestinian People vs. Military Courts," 1 March 2021, <https://www.addameer.org/node/4318>.

<sup>45</sup> Addameer Prisoner Support and Human Rights Association, "Deportation As Policy: Palestinian Prisoners & Detainees in Israeli Detention," 18 April 2016, <https://www.addameer.org/publications/deportation-policy-palestinian-prisoners-detainees-israeli-detention>.

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<sup>46</sup> See Article 78 of the Fourth Geneva Convention 1949, which says, "If the Occupying Power considers

it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment."

<sup>47</sup> Addameer Prisoner Support and Human Rights Association, "Administrative Detention Fact Sheet 2022," 20 January 2022, <https://www.addameer.org/media/4698>.