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Joint Written Intervention¹

7 February 2022

Israel's Arbitrary Detention Policy: Increased Administrative Detention and Mass Arrests against Palestinians

In 2021, Israeli authorities deployed extraordinary violence against the Palestinian people, particularly through the expansion of the mass arbitrary arrests and detention across the occupied Palestinian territory (OPT).² By the end of 2021, the Israeli Occupation Forces (IOF) arrested an estimate of 8,000 Palestinians,³ about 2,784 – among them 750 children and 120 women – were arrested from Jerusalem alone, representing almost a double increase in the number of Palestinians arrested in Jerusalem in 2020 – 1,975 in total, including 363 children and 100 women.⁴

The IOF increasingly rely on arbitrary arrests to silence Palestinian human rights defenders, political activists, students and children. The IOF's arbitrary detention of Palestinian Legislative Council (PLC) members and political leaders aim to obstruct the Palestinian people's exercise of political sovereignty and self-determination. By 2022, nine PLC members continue to be arbitrarily held in Israeli prisons, six of whom are held under administrative detention, without charge or trial.⁵

Most recently, on 10 January 2022, undercover Israeli special forces supported by the IOF stormed the Eastern Gate of Birzeit University shooting live ammunition at Palestinian

¹ Al Mezan Centre for Human Rights, Palestinian Centre for Human Rights, Human Rights & Democratic Participation Center "SHAMS", Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH), Cairo Institute for Human Rights Studies, Women's Centre for Legal Aid and Counseling, Habitat International Coalition, Addameer Prisoner Support and Human Rights Association, DCI - Defense for Children International – Palestine, Jerusalem Legal Aid and Human Rights Center, Addameer Association for Human Rights, Ramallah Center for Human Rights Studies, Hurriyat - Center for Defense of Liberties and Civil Rights, The Independent Commission for Human Rights (Ombudsman Office), Muwatin Institute for Democracy and Human Rights, The Civic Coalition for Palestinian Rights in Jerusalem, Community Action Center/Al-Quds University.

² Addameer, 'Mass Arrests and Detention Amidst the Escalation of Israeli Aggression against the Palestinian People' (20 May 2021) <<https://www.addameer.org/index.php/media/4393>>.

³ Addameer, 'Palestinian Prisoners' Society Annual Report 2021' (1 January 2022) (Arabic) <<https://www.addameer.org/ar/media/4644>>.

⁴ *Ibid.*

⁵ These include Marwan Al-Barghouthi, Ahmad Sa'adat, Nizar Ramadan, Khaled Tafesh, Yasser Mansour, Nayef AlRjoub, Ahmad Mubarak, Mohammad Abu Teir, and Hasan Yousef.

students, wounding one in the thigh, and arresting five others, while targeting a student council organizational meeting held by over a dozen students, among them the heads of various student blocs.⁶ This comes on the heels of IOF's intensified campaign against Palestinian students and youth groups, to stifle student expression through mass arbitrary arrests and detention and the designation of student groups as "unlawful."⁷

Palestinian Administrative Detainees Boycott Military Courts Following Increased Administrative Detention Orders

As part of Israel's institutionalised effort to silence Palestinians and undermine any efforts seeking to challenge its apartheid regime, in addition to its heavy reliance on mass arrests, Israeli authorities escalated the practice of administrative detention – an arbitrary, coercive, and punitive procedure where detainees are held without charge or trial based on "secret material" for an indefinite time,⁸ as a method of subjugation and intimidation. By the end of 2021, the Israeli military commander issued 1,595 new and renewed administrative detention orders.⁹ Currently, there are 500 Palestinian administrative detainees, including four children and one woman.¹⁰

In light of Israel's widespread administrative detention policy and farcical military judicial proceedings, on 20 December 2021, Palestinian administrative detainees announced their collective and comprehensive boycott of Israeli military courts at all levels, as of 1 January 2022, under the campaign '*Our Decision is Freedom... No to Administrative Detention*.'¹¹ Accordingly, Palestinian administrative detainees refuse to participate in court procedures and hearings; their legal counsels no longer attend or participate in court procedures on their behalf.

The long-term administrative detention of Amal Nakhleh, 18, reflects Israel's systematic targeting of Palestinian children, where that no one is exempt from this arbitrary policy and deliberate medical neglect, not even vulnerable Palestinian children or those developing grave health conditions.¹² Amal was 17 years old when he was arrested by IOF from his home in Al-Jalazon Refugee Camp on 21 January 2021. Since then, he continues to be held

⁶ Addameer, 'Undercover Israeli Occupation Forces Storm Birzeit University, Arresting Five Palestinian Students and Shot Live Ammunition' (12 January 2022) <<http://addameer.org/news/4652>>.

⁷ Addameer, 'Israel's Designation of the Democratic Progressive Student Pole an 'Unlawful Association' is Another Manifestation of Its Apartheid Regime, (8 December 2020) <<https://www.addameer.org/news/4259>>.

⁸ Addameer, 'Administrative Detention' (July 2017) <[Administrative Detention | Addameer](#)>.

⁹ Addameer, 'Palestinian Prisoners' Society Annual Report 2021' (1 January 2022) (Arabic) <<https://www.addameer.org/ar/media/4644>>.

¹⁰ Addameer, "Statistics," at: <http://www.addameer.org/statistics>.

¹¹ Addameer, 'Our Decision is Freedom, No to Administrative Detention: Palestinian Administrative Detainees Declare Boycott of Israeli Military Courts' (20 January 2022) <<http://addameer.org/news/4662>>.

¹² Addameer, 'Imprisonment of Children' (December 2017) <https://www.addameer.org/the_prisoners/children#:~:text=Many%20Palestinian%20children%20even%20serve.the%20sam%20e%20courts%20as%20adults>.

under administrative detention despite his age, and more seriously, the precarity of his health condition.¹³ The Israeli military commander renewed Amal's administrative detention on 13 January 2022 for an additional four months, representing the third renewal and fourth term of his administrative detention since his arrest. During Amal's confirmation hearing on 18 January 2022, both Amal and his legal counsel were not present, as part of Amal's participation in the collective military courts boycott campaign. Consequently, Ofer military court confirmed the order on 24 January 2022, in *absentia*.

Further, the recent case of arrest on charges and then transfer of Bashir Khairi to administrative detention without charges highlights Israel's practice of using administrative detention to extend the period of detention; confirming the arbitrary nature of such practice and its use as a coercive tool amounting to torture.¹⁴ 79-year-old retired Palestinian lawyer, Bashir Khairi, was first arrested on 29 October 2021. Following repeated extensions of his detention, Israeli military court decided to release him on bail given his old age, health condition, and outdated charges laid against him. In response, the Israeli military prosecutor requested an extension of his detention to submit an appeal, twice, before obtaining a 6-month administrative detention order until 28 April 2022, based on "secret evidence" for posing an imminent "security threat" to the region. In light of Israeli authorities' clear persecution attempt, Bashir Khairi announced his boycott of all further military court proceedings.

Worsening Prison Conditions amid COVID-19 Crisis

The Israeli Prison Services' (IPS) deliberate medical negligence policy has become an integral part of Israel's oppression of Palestinian prisoners and detainees, infringing on their rights to health and dignified treatment.¹⁵ Towards the end of 2021, there were 600 sick Palestinian prisoners in Israeli prisons, including four cases of cancer, and 14 cases of chronic illnesses.¹⁶ Israel has failed to ensure the protection of Palestinian prisoners and detainees during the spread of COVID-19, as they continue to be subjected to harsh living conditions that do not align with the bare minimum of adequate living standards, 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 and leave Palestinian prisoners unprotected and exposed to the rapid spread of COVID-19.¹⁷

¹³Addameer, 'Urgent Intervention for the Immediate Release of Child Administrative Detainee Under Extenuating Medical Circumstances' (17 June 2021) <<https://www.addameer.org/news/4417>>.

¹⁴Addameer, 'Israeli Occupation Authorities Leverage Individual Palestinian Human Rights Defenders to Escalate Systematic Harassment Campaign Against Palestinian Civil Society' (12 December 2021) <<https://www.addameer.org/news/4611>>.

¹⁵Addameer, 'Imprisonment and Medical Negligence: Two Locks on One Cell' (26 May 2019) <<https://www.addameer.org/index.php/publications/imprisonment-and-medical-negligence-two-locks-one-cell>>.

¹⁶Addameer, 'Palestinian Prisoners' Society Annual Report 2021' (Arabic) (1 January 2022) <<https://www.addameer.org/ar/media/4644>>.

¹⁷Addameer, 'Annual Violations of Palestinian Prisoners and Detainees' Rights in Israeli Occupation Prisons Report 2020' 21-27 (5 August 2021) (Arabic) <<https://www.addameer.org/ar/media/4467>>.

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.”¹⁸ On 27 March 2020, the IPS decided to release some 400 “non-violent” Israeli common-law prisoners who are serving lighter sentences and nearing the end of their time in prison,¹⁹ selected on the basis of health condition and age.²⁰ Yet, Israel did not establish the same release policy for Palestinian prisoners and detainees, reflecting its discriminatory treatment between Jewish and non-Jewish prisoners, consistent with its overall institutionalised regime of racial domination and oppression.

On 23 January 2022, the Palestinian Prisoners’ Society documented mass outbreak of over 100 cases of COVID-19 among Palestinian prisoners and detainees in Ofer Israeli prison alone.²¹ Since April 2021, Palestinian prisoners’ civil society institutions and the Palestinian Authority’s Commission of Detainees and Ex-Detainees Affairs have documented over 530 cases of COVID-19 among Palestinian male and female prisoners and detainees across Israeli prisons.²²

Recommendations:

Accordingly, we call on the Council and Member States to:

1. Urge Israel to end its arbitrary administrative detention policy, and to release all Palestinian political prisoners detained indefinitely without charge or trial under administrative detention and those who are nearing the end of their sentences;
2. Demand the immediate release of Amal Nakhleh, Bashir Khairi, along with all vulnerable Palestinian political prisoners from Israeli prisons and ensure their safety, particularly those who are more susceptible to COVID-19, including prisoners with underlying health conditions, children, women, and elderly;
3. Recognise the discriminatory policies of arbitrary mass arrests and widespread administrative detention as part of Israel’s apartheid system applied to the entirety of the Palestinian people.

¹⁸ OHCHR, ‘COVID-19: Measures needed to protect people deprived of liberty, UN torture prevention body says’ (30 March 2020) <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25756>>.

¹⁹ 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>>.

²⁰ 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) <<http://www.alhaq.org/advocacy/16674.html>>.

²¹ Addameer, ‘Urgent Intervention for the Immediate Release of Vulnerable Palestinian Prisoners Facing Risk of Severe Illness of Covid-19 in Ofer Prison’ (24 January 2022) <<https://www.addameer.org/news/4670>>.

²² *Ibid.*