

Administrative detention and incitement



Arbitrary Administrative Detention: A Crime with Unlimited Scope

Since the occupation of the Palestinian territory, the Israeli occupation authorities have implemented a policy of arbitrary administrative detention against Palestinians. Over all these years, tens of thousands of Palestinians have been held in administrative detention. Administrative detention allows the incarceration of Palestinians without charges or trial under the guise of the so-called 'secret file', which cannot be accessed by the detainee nor his lawyer. According to Israeli military orders, an administrative detention order can be renewed indefinitely, as an administrative detention order is issued for up to six-month renewable periods. Administrative detention affects all segments and categories of the Palestinian people, including university students, journalists, women, members of the Legislative Council, human rights activists, workers, lawyers, mothers, children, the elderly, and even the sick.

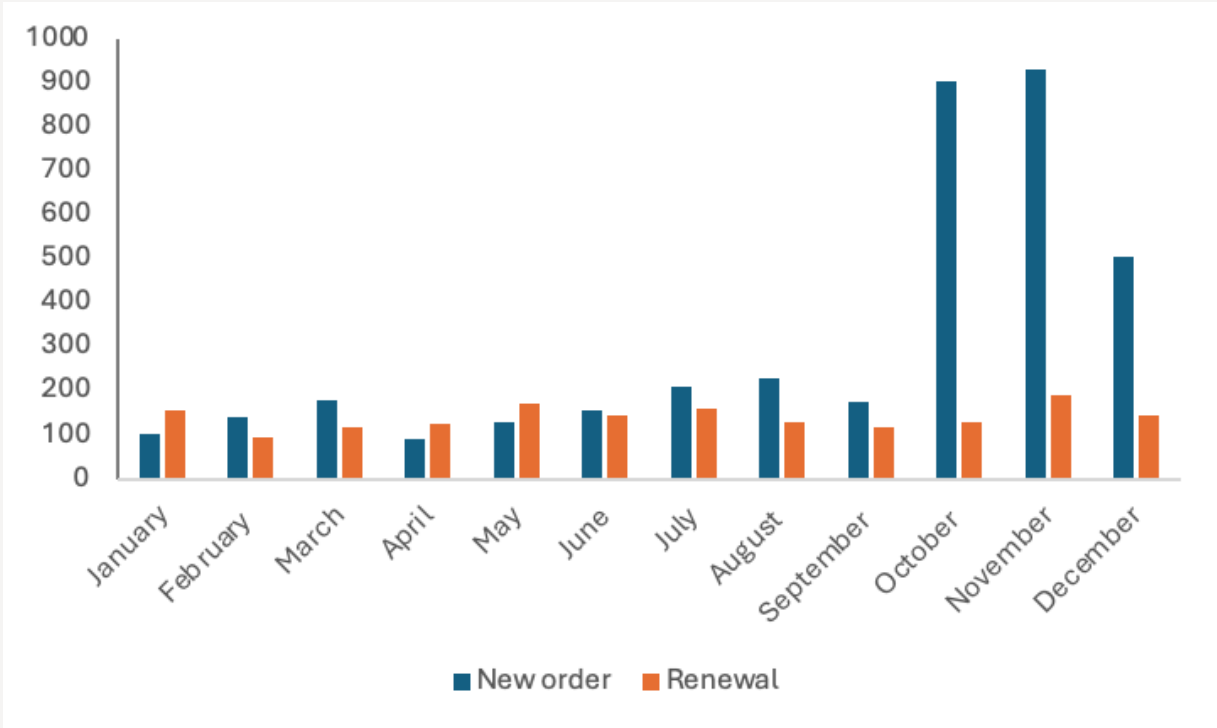
Cases of arbitrary administrative detention increase specifically during periods of popular uprisings and mass protests in the occupied territory, as the occupation authorities utilize the policy of administrative detention as a tool for oppression, control, and intimidation of Palestinians. The authorities not only issue new administrative detention orders against individuals arrested during these uprisings but also renew existing orders. This means that detainees can be kept in detention without new charges, prolonging their imprisonment indefinitely. The renewal of orders also applies to prisoners who have obtained a 'substantial' decision, which is a court pledge not to renew their administrative detention orders and to release them immediately after serving their terms. However, the occupation authorities consider this court ruling to be merely an exception and will not be applied during the period of mass protests.

This was evidenced by the number of prisoners during the first Palestinian Intifada, the "Intifada of the Stones," in 1989, which reached around 1,794 detainees as of November 5th. In the second Palestinian Intifada in 2003, the number of administrative detainees reached approximately 1,007 by January 1st.[1] Administrative detention orders are not limited to the aforementioned cases; they also affect prisoners who have completed their sentences, as they are transferred to administrative detention instead of being released.

With the beginning of the Israeli aggression against the Gaza Strip on October 7, the occupation authorities carried out mass arrests, which are continuing at a high rate in various cities, villages, and camps across the West Bank and Jerusalem. Prisoner institutions documented nearly 5,500 arrest cases from October 7 until the end of the year, 80% of them were transferred to arbitrary administrative detention. The number of administrative detainees by the end of the year reached 3,291 detainees, while the number of administrative detainees before October 7 was around 1,320 detainees, meaning that the number doubled one and a half times what it was before the Israeli aggression.

[1] https://www.btselem.org/arabic/administrative_detention/statistics

Significantly, there has been a spike in the number of child administrative detainees. Palestinian Association for Human Rights – Witness confirmed that in the 16 years before October 2023, an average of 3.6 children were held in administrative detention each year, but this number has risen to 46 children since October 7, an increase of 1,178%^[2]. The number of administrative detainees today is the highest since 1967.



Administrative detention orders in 2023^[3]

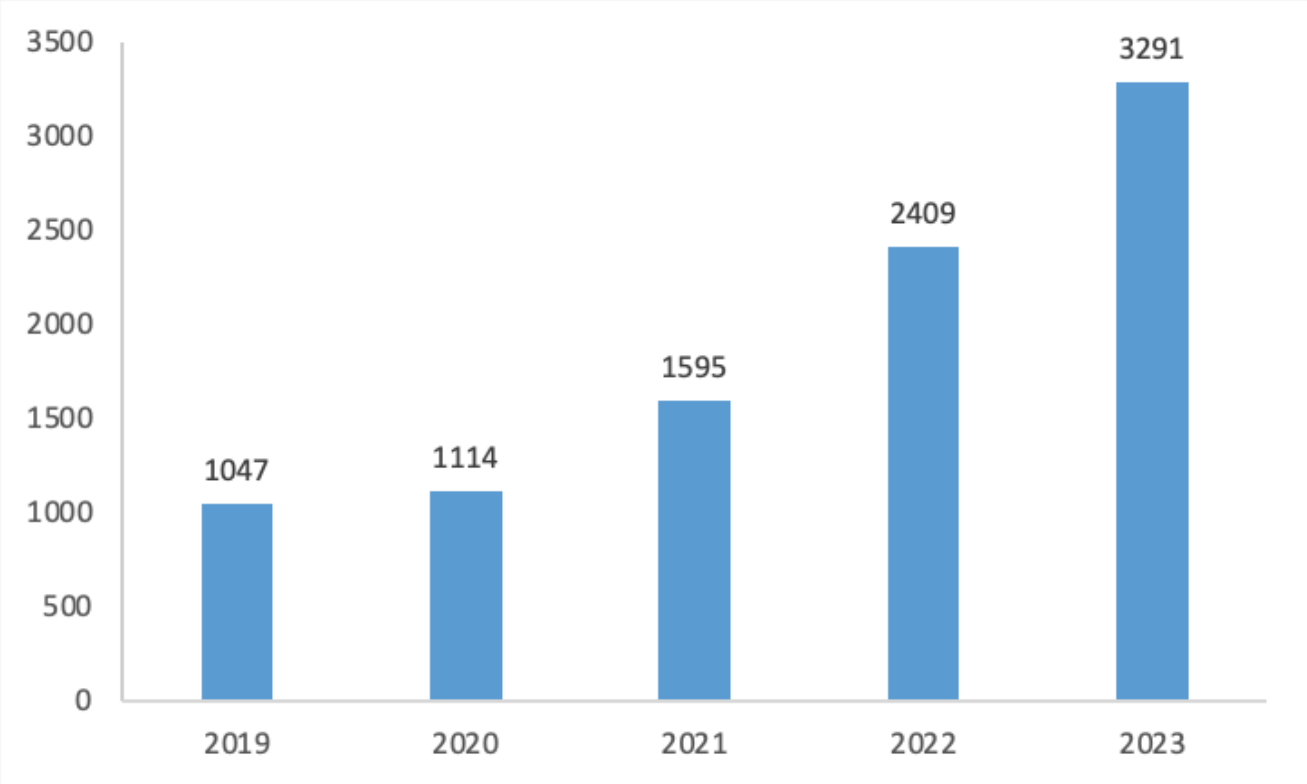
Although the number of prisoners held in administrative detention increases year after year, since the beginning of 2023 there has been an unprecedented spike that reached its peak after October 7, which demonstrates the approach of the occupying state to arrest the largest possible number of Palestinians and throw them in prevention detention, especially after declaring a 'state of emergency'. The significant and continuous escalation of arrests and the transfer of nearly the majority of detainees to administrative detention indicate the Israeli occupation's intention to use these detainees as hostages. Under the International Convention against the Taking of Hostages, the act of hostage-taking refers to 'any person who seizes or detains and threatens to kill, to injure or to continue to detain another person, hostage, to compel a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage.'^[4]

^[2] Military Court Watch. "Detention Update". 31 January 2024. <https://www.militarycourtwatch.org/page.php?id=WkH4ZosDqga1868715AAtPOdyZqiz>

^[3] These figures do not include orders issued against prisoners from Jerusalem. In 2023, there were 60 administrative detainees in Israeli prisons from Jerusalem.

^[4] Ben Sol. International Convention against the Taking of Hostages. University of Sydney, Australia, 2017. https://legal.un.org/avl/pdf/ha/icath/icath_a.pdf

Given the definition stipulated in the Convention and the practices of the occupying state since October 7, it appears that these arrests were used in the first prisoner exchange deal that took place between the Hamas movement and the occupying state in November 2023.



The increase in the number of administrative detainees over five years

The legal amendments also affected the procedures for administrative detention following the declaration of a state of emergency by the Israeli government, as previously mentioned, in order to increase the number of prisoners held as a precaution. It is worth noting that administrative detention and its amendments apply to all detainees in prisons, including children and women, and even prisoners held in administrative detention before October 7. Such amendments confirm the policy of collective punishment implemented by the occupying state against the Palestinians and the consolidation of the concept of arbitrary detention in the Israeli colonial system.



The Military Commander of the Area: The Person Responsible for Issuing Administrative Detention Orders

Administrative detention is carried out without trial based on an order issued by the military commander of the area and relies on 'secret information'. In the West Bank (except for East Jerusalem), administrative detention is regulated by the 'Order Concerning Security Instructions.'^[5] This Order empowers the military commander of the area in the West Bank, or whoever is authorized by the military commanders in this regard, to detain an individual up to six-month renewable periods if they have 'reasonable grounds to presume that the security of the area or public security requires the detention.' If it becomes clear to the military commander upon the expiration of the detention period that there are 'reasonable grounds to presume' that these reasons 'continue to require the detention,' he has the power to 'instruct from time to time' to extend the original order for an additional six months.

There is one military commander for the central area, or the so-called 'Judea and Samaria', which refers to the West Bank excluding East Jerusalem. The military commander of the area has the authority to sign administrative detention orders or to delegate this authority to someone else. In practice, the intelligence officer at Central Command typically signs these administrative orders.

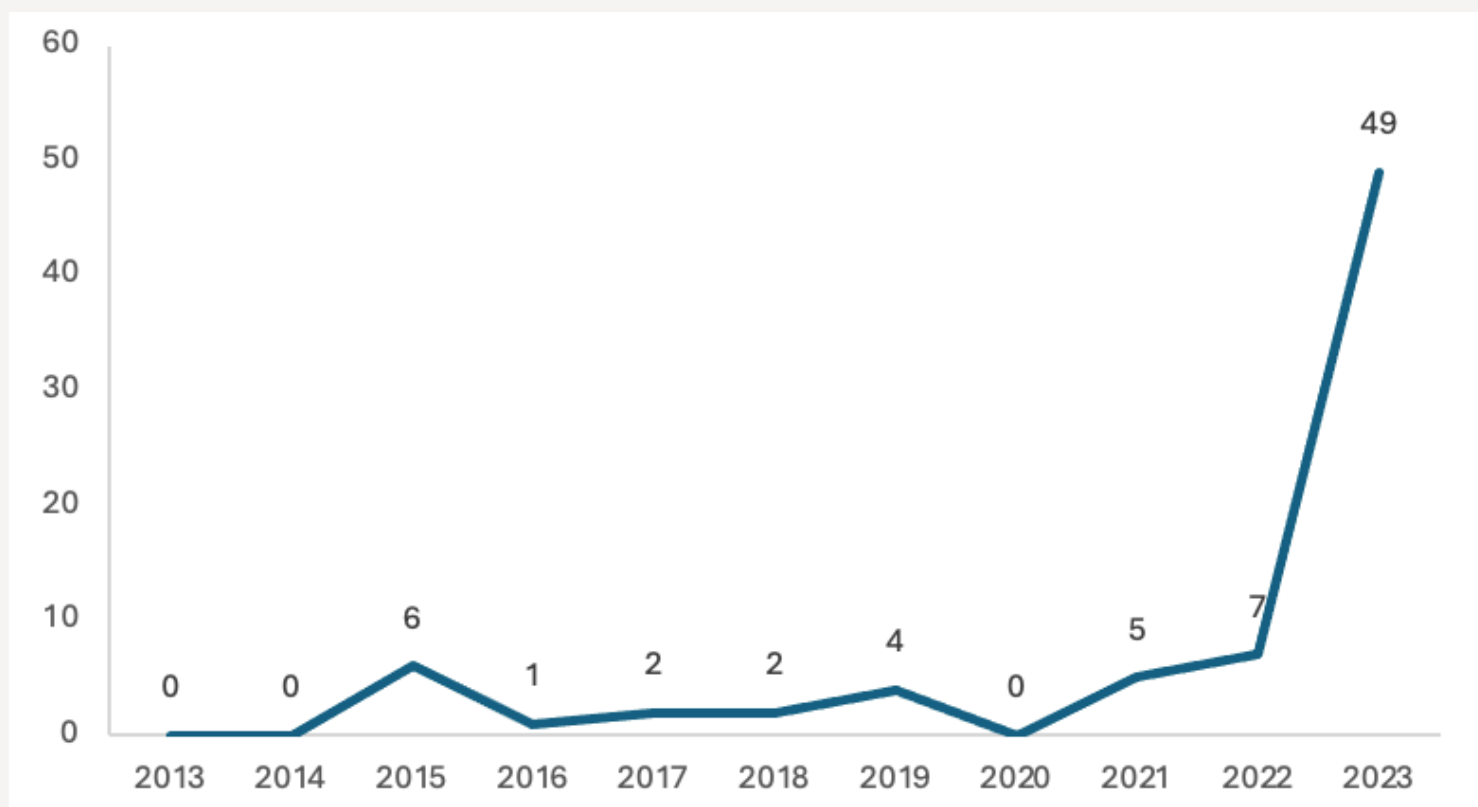
Administrative detention, as practiced by the Israeli occupation authorities, constitutes a form of psychological torture, and amounts to a crime against humanity and a war crime under the Rome Statute, which criminalizes depriving any prisoner of war, or any protected person, of his right to a fair and regular trial. Trial sessions in administrative detention take place privately, thus the detainee is deprived of his right to a public trial, which contravenes what is stipulated in the International Covenant on Civil and Political Rights which guarantees the detainee's right to a public trial. Therefore, this crime falls within the jurisdiction of the International Criminal Court, which can hold the military commander of the area accountable as a war criminal as he is directly responsible for this crime.



[5] Order Concerning Security Instructions, Consolidated Version, Order No. 1651 of 2009, Title IX, Chapter 2

Administrative Detention of Palestinian Children

At the end of 2023, the Israeli occupation forces were still detaining 49 Palestinian children^[6] in three Israeli prisons; Ofer Prison, Damon Prison, and Megiddo Prison. It is the highest number of children placed in administrative detention during the previous ten years, due to the mass arrests carried out by the Israeli occupation forces since the beginning of the year, and were intensified in an unprecedented manner after October 7. Although administrative detention is merely preventive detention and is not based on any legal grounds, the Israeli occupation forces still expose children to all forms of violations during detention, starting with separating them from their families and homes, which they consider a safe haven, in addition to the traumatizing night arrests, breaking down the doors of homes, assaulting their families, handcuffing and blindfolding them, and subjecting them to the interrogation experience, during which they are often denied access to legal consultation and thrown in solitary confinement cells.



Numbers of children in administrative detention 2013-2023

On 13 October 2023, Israeli occupation forces stormed the house of A. M. in Beit Awa, near Hebron, after blowing up the front door. The boy was thrown to the ground on his back, and his mother and sisters were verbally assaulted. He was tightly cuffed with plastic ties behind his back, and he was hit under his left eye by the rifle of the area officer, who identified himself as 'Jaber Abu Ibrahim.'

^[6] Madar Center. "Conditions of Palestinian prisoners and Israeli prisons by the end of 2023." 5 February 2024. <http://tinyurl.com/33pksjun>

A. M. was taken to a military vehicle, and during the transfer, one soldier put his foot on him, while another photographed him on the phone. Although A. M. was blindfolded, he could distinguish the matter because of the flash. After he arrived at Beit Awa military camp, he and other detainees were placed inside a container on its metal floor. Whenever A. M. asked for water, the soldiers would beat him on his stomach or step on his head. He also requested to ease the plastic ties that were causing him pain, but the soldiers refused. One soldier choked him and ordered him to hit his head hard against the wall behind him so that the soldier could hear the sound. When A. M. refused to do so, the soldier grabbed him by the face and violently hit him against the wall.

Following a visit to the child in Ofer Prison on 26 October 2023, the lawyer reported that A. M. showed him signs of the restraints; dark brown lines along the right forearm near the front bone, about three-centimeter long, and also along the palm near the arteries, two to three-centimeter-long and 0.5-centimeter wide.

During the transfers carried out by Israeli soldiers to multiple military camps before arriving at the prison, A.M. was abused and his cuffs were tightened. He was not only beaten and abused by the soldiers during the transfers but also by the interrogator at Ofer Prison. "The interrogator asked me why I was there. I told him that I did not do anything, but he called me a liar and punched me in the stomach and face,"[7] A.M. reported to the lawyer. About two weeks after his arrest, a six-month administrative detention order was issued against him.

Q.A. was another boy who endured similar arrest and detention conditions on October 12, 2023, after the Yamam Unit stormed his family house with a military dog. He was attacked and thrown to the ground by the dog, then assaulted by around ten soldiers. One soldier put his foot on Q.A.'s neck while the others cuffed him with three plastic ties behind his back and took him to an unidentified military camp. The soldiers continued to assault him in the camp until his mouth bled. He was then transferred to Ofer Prison, strip-searched, and detained in Section 13, which lacked the minimum requirements for human life. A few days later, he was issued a six-month administrative detention order.



[7] An interview conducted by the defense attorney for the child (A.M.) in Ofer Prison on October 26, 2023.

Administrative Detention of MPs and Human Rights Activists

Administrative detention affects all segments of Palestinian society, mostly students, members of the Palestinian Legislative Council, and human rights defenders, especially in light of the large-scale arrests conducted by the Israeli occupation forces in conjunction with the aggression against the Gaza Strip. Since the beginning of the year, nearly 197 university students have been arrested, and a large number of them have been transferred to administrative detention. In addition, 52 journalists were arrested throughout the year, 20 of whom remained in administrative detention at the end of 2023. Most of the journalists were arrested after October 7.[8] Furthermore, the Israeli forces arrested 16 PLC members since the beginning of 2023, 15 of whom were arrested after October 7, and all of them are being held in administrative detention.[9]



The targeting of academics also emerged, such as Professor Imad Al-Barghouti, who was arrested for the fourth time from his house in Kobar near Ramallah on 23 October 2023. Moreover, engineers, lawyers, and civil society activists were arrested as part of the ongoing targeting by the Israeli occupation forces, and a large number of them were held in administrative detention at least once. The Israeli occupation uses administrative detention as a tool to suppress civil society and restrict freedom of expression and political action. Amidst the increasing role of activists and human rights defenders in promoting human rights principles and carrying out their work on a normal, daily basis, they become more vulnerable to various forms of abuse and persecution by the Israeli authorities.

[8] This number refers to journalists arrested during 2023 and does not include the total number of detained journalists, some of whom were arrested in previous years.

[9] This number refers to MPs arrested during 2023, while the total number of detained MPs is 18.

Administrative Detention as the First and Last Resort

Bilal Hamouda was arrested on 27 April 2023 and was transferred to administrative detention for six months, after which it was renewed for an additional four months from 26 October 2023 until 25 February 2024. During the court session that was held on 29 October 2023, the Military Prosecution requested the renewal of the detention order for four months, claiming that Hamouda was involved in popular terrorism and suspected of being involved in incitement on social media. The lawyer affirmed that no other materials were added to the case and that the renewal had no legal grounds, adding that Hamouda, along with other detainees, were assaulted by jailers and Hamouda was injured by a rubber-coated steel bullet, and pointing out the extremely harsh conditions of detention in prison which led to the killing of prisoner Arafat Hamdan. The lawyer requested the release of Hamouda due to such harsh conditions of detention because of the practices of the jailers, which led to the martyrdom of many prisoners in a record time.

However, Judge Ofer Shetzer rejected the lawyer's arguments and confirmed the detention order for the full term. With the expiration of this order on 25 February 2024, the military commander of the area issued a new order against the detainee Bilal Hamouda for four months ending on 24 June 2024.

The role of judges in military courts in facilitating administrative detention is evident. Although issuing administrative detention orders is the responsibility of the area's military commander under a recommendation from Israeli intelligence or the military prosecution, judges have a pivotal role in approving and confirming all of these orders for the full term. For many years, the Israeli military courts have endorsed a complex policy aimed at keeping Palestinian prisoners behind bars in various ways, as judges agree to transfer detainees to administrative detention based on false indictments in which the military prosecution fails to collect evidence and prove charges against the Palestinians. The opposite is also true; a detainee may serve his term in administrative detention before being indicted. The goal in the end is the same, which is to keep detainees in custody for as long as possible.

Prisoner Imad Ghatasha was arrested on 17 July 2023 and the Chief of Military Prosecution, Doron Saadoun, charged him with incitement and supporting a hostile organization on 24 July 2023, based on Section 251(B)(3) of the Security Instructions (consolidated version) (Judea and Samaria) No. 1651 of 2009. The indictment included one item; showing sympathy or support for a hostile organization, and contained a posting of pictures of Palestinian martyrs on his Facebook account. Due to the military prosecution's failure to collect all the evidence against Ghatasha, the military commander of the area issued an administrative detention order against him, which was confirmed by Judge Erbil Azuray from 16 August 2023 until 16 January 2024, and the order was renewed.

The occupying state also violated its commitment to the detainees who obtained a 'substantial' decision not to renew their administrative detention orders. This system is followed in military courts, but the detainees were stripped of this right, including those who were arrested before October 7, as their administrative detention orders were renewed by the military commander of the area. Among those detainees were Raghad Al-Fanni and Laith Kasabreh, whose administrative detention orders were confirmed. Many of these detainees had spent several months in administrative detention

Incitement Charges Against Palestinian Journalists

The occupation forces pursue Palestinians on the ground, but they also control their lives and prosecute them based on their actions in the virtual world on social media. The occupying state arrests hundreds of Palestinians annually on the grounds of expressing opinions on social media sites, which the occupying state defines as 'incitement' under Articles 144(B) and Article 144 (D)(2) on Incitement to Violence or Terror of the Penal Code of 1977 concerning the residents of East Jerusalem and the 1948 occupied territory. Concerning the residents of the West Bank, the occupation military prosecution bases its decisions against the Palestinians on the grounds of 'incitement' on Articles 251 and 199(C) of the Military Order concerning Security Instructions (consolidated version) (Judea and Samaria) No. 1651 of 2009.[10]



Case Study: Journalist Tariq Al-Sharif

Journalist Tariq Al-Sharif was arrested on 19 November 2023 when around 15 to 20 Israeli soldiers stormed his house in Al-Bireh around 4:00 a.m. His hands were tied with plastic ties behind his back and was taken to an army camp near Ramallah, where he was held until 1:00 p.m. bound, without food, and access to the bathroom. He was only provided with water and was physically assaulted. After that, he was transferred to Ofer Prison where he was detained in a waiting room measuring 3x2 meters, after a prison guard removed his plastic ties and blindfold using a sharp tool, causing a slight cut to Al-Sharif's right hand.



[10] For more on the incitement clause, see Addameer: "Arrests on charges of 'incitement' on social media platforms and Israeli government policy: A Facebook case study." 7 January 2019. <http://tinyurl.com/4s2uxbum>

After about two hours, Al-Sharif was cuffed in front of his body and taken for interrogation by the Israeli police. "A number of officers standing at the door greeted me and said the famous broadcaster has come," Al-Sharif told the defense lawyer.[11] An officer who introduced himself as Naseem interrogated Al-Sharif for about two hours about his journalistic work. Two days later, Al-Sharif was subjected to a Shin Bet interrogation by an interrogator who introduced himself as Orabi. The four-hour interrogation also centered around Al-Sharif's journalistic work; particularly an episode broadcasted on Al-Raya Radio during the morning program on 8 October 2023, in addition to more episodes from 2021 until 2023.

On the eighth day of his detention, a hearing was held for Al-Sharif via video conferencing, during which the judge extended his detention for a week on charges of incitement. After more than a week around 7:30 p.m., prison guards stormed the section where Al-Sharif was being held, cuffed him along with 10 other prisoners, and placed them in a waiting room, after which they were transferred by the Nahshon Unit to a prison vehicle with their heads down between their legs. The prisoners were taken to a Shin Bet interrogation facility near Ofer Prison, where Al-Sharif was interrogated once again by Officer Orabi about his Facebook posts from 2021 to 2023. The interrogation lasted about half an hour, after which Al-Sharif was returned to prison.

An indictment was filed against Al-Sharif and included incitement and support for a 'hostile organization', due to the broadcast of radio episodes, one of which was on 30 March 2022 marking Earth Day, during which Al-Sharif presented the events that took place on that day. However, the occupying state manipulated what was presented in that episode into claiming that it was showing sympathy for martyr Diyaa Hamarashe, while adding to the indictment the radio episode Al-Sharif presented on 8 October 2023 about the events of October 7. Al-Sharif's indictment shows the adamance of the occupying state to prosecute journalists because of their journalistic work without any legal grounds. In drafting the terms of incitement and sympathy, the occupying state deliberately made them vague, without clear specifications so that it could use them as a weapon against journalists in particular and other Palestinians in general and put them in prisons.

Since October 7, the majority of indictments have begun with a preamble explaining what happened on October 7, after which the State of Israel declared a state of war as if justifying the widespread arrests and administrative detention orders that escalated unprecedentedly after October 7. This preamble proves the illegality of detention and the basis of detention in the current political situation while demonstrating the policy of collective punishment and the invocation of what happened on October 7 to target all Palestinians, regardless of the nature of their work or ages.[12]

[11] A lawyer interview with Tariq Al-Sharif in Ofer Prison on 4 January 2024.

[12] See Appendix II to view the preamble in Hebrew

Accused of Terror until Proven Innocent

The occupation authorities have always practiced all forms of racism and violence against the Palestinians, but the recent Israeli aggression on all Palestinian lands revealed practices beyond racism, such that Palestinians in the 1948 occupied territory are accused of supporting terror until their innocence is proven, and not the other way around. All Palestinians who exercise the most basic constitutional rights, such as the right to express opinion, have become at the top of the occupation forces' target list, in addition to turning demonstrations in support of the Palestinian cause in the 1948 occupied territory into opportunities to arrest and prosecute their participants based on the Anti-Terrorism Law of 2016. The Israeli authorities suppressed the demonstrations in the cities of Um al-Fahm and Haifa and arrested 12 demonstrators on 19 October 2023, as reported by Adalah Center.[13]

Some of those detained were kept in custody, including lawyer Ahmad Khalifa and activist Mohammad Jabarin, as the judge in Haifa Magistrate Court decided on October 21 to extend their detention until October 25 after suspicions of incitement were added to their files. Their detention was extended again by Acre Magistrate Court on October 25, claiming that they were leaders of the demonstration. The defense team appealed the extension decision, but Haifa District Court rejected the appeal on October 26 and maintained the decision issued by Acre Magistrate Court. After 18 days of detention, the Israeli Public Prosecution filed an indictment against the detainees, which included charges of 'incitement on terror' and 'identifying with a terrorist organization,' considering them to be leaders of the demonstration and claiming that the slogans spoken at the demonstration constituted incitement to and support of terror. The prosecution also requested that the detention of the accused be extended until the conclusion of the proceedings. The prosecution submitted a request to detain Khalifa and Jabarin until the conclusion of the proceedings, in line with the instructions issued by the Public Prosecutor to the police at the beginning of the war. These instructions mandate that the police must request the courts to extend the detention of any person accused of incitement until the end of the proceedings against them.[14]



[13] Adalah Center. "Adalah's Monitoring of War Violations: Hundreds of Cases of Various Persecutions of Palestinian Citizens." 27 October 2023. <https://www.adalah.org/ar/content/view/10939>

[14] Public Prosecution: Investigation, arrest, and prosecution of anyone who publishes words of praise and support for atrocities. 15 October 2023. <https://www.israelhayom.co.il/news/law/article/14714230>

The defense team submitted repeated requests to consider alternatives to the detention of Khalifa and Jabarin, such as house arrest, in addition to other restrictions determined by the court, yet the court rejected these requests, and Haifa District Court extended Khalifa's detention on 15 January 2024 until the end of the legal proceedings against him, claiming that Khalifa deemed a 'threat' to the public due to the security conditions prevailing in the country. In rejection of this decision, the defense team filed an appeal with the Israeli Supreme Court for the actual release of Khalifa, and on 9 February 2024, the decision of Haifa District Court in which it was decided to extend Khalifa's detention was cancelled and the court decided to release him to house arrest.[15] As part of the ongoing targeting of Palestinians due to political activities, shortly after Khalifa's arrest, his house was shot at by unknown assailants.[16] On 16 January 2024, Haifa Magistrate Court extended Jabarin's detention until the conclusion of proceedings.[17]

As part of its widespread targeting of activists, artists, and human rights activists in the 1948 occupied territory, the occupation forces arrested the Palestinian artist, Dalal Abu Amneh, after she posted 'There is no victor but Allah' on her Facebook page, deemed by the occupation forces a form of incitement and support for terror. The arrest came after Abu Amneh had filed a complaint against settler incitement against her. After three days of detention, Nazareth Magistrate Court released Abu Amneh under restrictive conditions, including house arrest in her family's home from 18/10/2013 until 23/10/2023, in addition to fining her 2,500 shekels and barring her from posting anything related to the war and current situation for 45 days. The occupation authorities initiated a massive campaign of incitement against her, and settlers protested outside her house and chanted racist statements, in addition to receiving death threats. The incitement also extended to her place of study, as the CEO of Bitsalmo organization, Shai Glick, and the President of the Technion, Professor Uri Sivan, demanded the permanent deportation of students and faculty members for the so-called 'support for terrorism.'

Moreover, the occupying state considered the possibility of introducing an amendment to the police instructions, the aim of which was to allow the police to open fire on demonstrators due to their 'threat to public order.' The Palestinians were not spared from accusations of incitement being thrown against them, which went beyond accusing them of posting inflammatory phrases on social media platforms, namely Facebook. Rather, the matter went beyond that and also became the number of 'likes' that any Palestinian could place on any post, causing him to be prosecuted.

[15] Adalah Center. "After four months in detention, Israeli Supreme Court released Palestinian attorney charged with speech-related offenses during an anti-war demonstration in Um al-Fahm, to house arrest." 9 February 2024. <https://www.adalah.org/en/content/view/11048>

[16] Sonara. "Um al-Fahm: Shooting at the house of detained lawyer Ahmad Khalifa." <https://tinyurl.com/ysxhf66a>

[17] Adalah Center. "Demanding justice for the detainees Mohammad Jabarin and Ahmad Khalifa following their participation in Um al-Fahm demonstration." 17 December 2023. <https://www.adalah.org/ar/content/view/11002>

The existence of certain applications on Palestinian phones has also become a pretext for arrest or assault. Since October 7, the Meta company has imposed major restrictions on content related to the Palestinian cause, which made Palestinians turn to the Telegram application as it does not impose restrictions on Palestinian content. With the widespread spread of this application among the Palestinians, the occupation forces began searching Palestinian phones at checkpoints in the West Bank, looking for any post or image on social media platforms, mostly Telegram, that supports Hamas or sympathizes with the people of the Gaza Strip. The presence of such materials is sufficient to arrest the owner of the phone, and charge him with 'incitement,' or beat him up and smash his phone.

With the tightening noose on Palestinian content, and despite the caution of some Palestinians in publishing any posts that might be interpreted as inflammatory material to avoid arrest, the occupation forces began snooping around phone applications in search of personal messages that might contain anything that expresses support for the resistance, even if with simple hints.

By utilizing such methods, the Israeli occupation forces arrested dozens of Palestinian women, specifically journalists, students, activists, and human rights defenders, in the 1948 occupied territory and the West Bank. Not only they were arrested, but some of them were also photographed in handcuffs and had their photos published on social media platforms, such as the cases of lawyer Asala Abu Khdeir and actress Maysaa Abdel Hadi. This is a violation of their privacy and their right to a fair trial. Later Abu Khdeir's law license was revoked due to the same post, and a court session is scheduled to be held on 16 April 2024 to decide whether the law license will be revoked permanently or temporarily.





During the year 2023, Palestinian students were subjected to a fierce arrest campaign by the Israeli occupation forces, affecting more than 100 school and university students. The occupation forces continued to target university students in various Palestinian universities, as the year witnessed mass arrests from Birzeit University, Polytechnic University, and Al-Quds University.

During this year, the occupation forces not only made arrests of university students, but also stormed the campus of Birzeit University several times, vandalized university property, and arrested students. On 24 September 2023, the occupation forces stormed the campus and arrested the eight students who were protesting inside the student council. According to the testimony of one of the security guards, who refused to disclose his name, the security guard saw the soldiers' vehicles near the campus around 5:00 a.m., and went directly to the western gate to inform his supervisor. When he approached the gate, he was stopped and detained along with other security guards by three Israeli soldiers. About 10 minutes later, another army force, consisting of around 20 soldiers, stormed the place and headed towards the student council, where a number of students were holding a sit-in. The guards could not know what was happening inside or what happened with the students, until after the army completely withdrew from the campus. The soldiers also sabotaged and destroyed the contents of the student council, including furniture, belongings, and documents.

The occupation forces continued to assault the students during and after the arrest. Student Shadi Amira was arrested on 2 November 2023. A few days later, Amira was taken for interrogation at Al-Mascobiya Interrogation and Detention Center and was assaulted by a group of jailers. "Every time I was taken for interrogation, I was assaulted by four jailers, who beat me with their hands, feet, and sticks. When I arrived in Rooms 4, an interrogator came and started boxing on my face and body,"[18] Amira reported to the lawyer.

After he was arrested on 18 July 2023, student Tamer Ramadan was subjected to a harsh and continuous interrogation for 10 days. He was not allowed to eat or smoke during the interrogation and was threatened with the storming of his family's home and the arrest of his mother. The interrogation continued for 40 days, and Ramadan was placed in solitary confinement cells for 55 days.[19].

[18] A lawyer interview with prisoner Shadi Amira at Al-Mascobiya on 8 November 2023.

[19] A lawyer interview with prisoner Tamer Ramadan in Ofer Prison on 12 September 2023.

Moreover, the occupation forces launched an arrest campaign in the city of Hebron on 3 December 2023, targeting four female students from Hebron University, among whom was student B. K., who was taken with the other female students to Ofer Prison, but was first held at Etzion Interrogation and Detention Center for hours. Upon their arrival at Ofer Prison, the female students were chained and taken to a cell, after which one soldier suddenly pushed B. K.'s head down while she was handcuffed and blindfolded. B. K. was then interrogated for nearly an hour, during which the interrogator threatened her with arresting her family. After that, the female students were transferred to Hasharon Prison and detained in a dirty room. A female soldier named Yasmin searched them and abused B. K. during the search by pulling her hair and hitting her.[20] After they were transferred to Damon Prison, all female students received administrative detention orders for four months per each.

In addition to obstructing the educational process for university students, school students were arrested. Although the occupying state released 169 Palestinian children from its prisons as part of the humanitarian exchange deal between the Palestinian resistance and the occupation, the Israeli authorities prevented nearly 50 liberated prisoners, specifically residents of Jerusalem, from returning to school. School administrations affiliated with the Israeli Ministry of Education and the Jerusalem Municipality refused to allow them to return to school, under the pretext of a decision from the Israeli Ministry of Education not to receive students.

A few days after his liberation, student Ahmad Salaymeh went back to school to continue his education, only to be surprised when he and his mother were denied access to the school premises by a decision issued by the Israeli Ministry of Education.[21] A session was held in the Jerusalem Municipality/Education Department for the liberated prisoners in the exchange deal; namely Ahmad Al-Salaymeh, Motaz Salaymeh, and Mohammad Salaymeh, to examine their return to school and await the decision of the Ministry of Education. However, the Ministry of Education stated that until the end of the winter vacation on 24 January 2024, the prisoners released as part of the exchange deal would not be allowed to return to schools. After the holiday ends, there will be an individual examination for each student.[22]



[20] A lawyer interview with prisoner B. K. in Damon Prison on 21 December 2023.

[21] Al Jazeera. "The youngest child freed in the exchange deal told Al Jazeera: The occupation robbed me of my right to education." 6 December 2023. <https://tinyurl.com/ync8973y>.

[22] Wadi Hilweh Information Center. "The Updates of Jerusalem on the 67th day of Operation Al-Aqsa Flood." 12 December 2023. <https://tinyurl.com/4yd4ucvf>

On 4 August 2023, the village of Burqa near Ramallah was attacked by dozens of settlers, who attacked the residents and their property. When the villagers tried to confront their attackers, more than 200 settlers flocked to the village to turn it into a war zone. On the other hand, the village youth began attempts to legitimately defend themselves and their property and stop the settlers' attacks, clashes broke out between the unarmed youth and the settlers, half of whom were armed. An armed settler fired live fire at the young men, and 19-year-old Qusai Matan sustained gunshot wounds to the neck area. Matan was rushed to the hospital, but he succumbed to his wounds.



The Israeli army said in a statement that they received reports indicating that Israeli civilians were injured by stones thrown at them, and during the clashes, they opened fire towards the Palestinians, resulting in the death of a Palestinian. As a result of this assault, the occupation authorities arrested two Israelis on charges of involvement in the killing of Matan. The settlers were Yehiel Indore the prime suspect, who was hit by a stone in the head and was transferred to Shaare Zedek Hospital, and Elisha Yered, a former spokesman for Knesset member Limor Son Har-Melech of the right-wing Otzma Yehudit Party, led by Minister of National Security Itamar Ben-Gvir. Yered used to call on social media platforms for the destruction of Palestinian villages and blood revenge against Palestinians. Despite his incitement and hate speech, he was named a 'promising Israeli youth' by the right-wing Channel 14.

On 5 August 2023, Jerusalem District Court decided to detain the two suspects for five days for further interrogation. In a session held on 8 August 2023, the Israeli police requested to extend their detention for 12 days on suspicion of killing Matan, but Judge Zion Saharai decided to release them and transferred them to house arrest, claiming that the evidence submitted did not meet the minimum standard required to establish the crime of manslaughter and did not justify extending the detention. On the other hand, the Israeli police filed an appeal with the Supreme Court against the judge's decision and managed to keep Indore in detention. The court released Yered and placed him under house arrest.[23]

[23] The Times of Israel. "Settler suspect in fatal shooting of Palestinian released to house arrest; the second suspect still in remand." 10 August 2023. <https://rb.gy/3k7n7d>

Despite all the facts that the Israeli courts and police ignored concerning the murders committed by settlers against Palestinians, the use of excessive force that is disproportionate to the force used by the Palestinians, and the fatal shooting of Matan with live ammunition, there was no evidence submitted to establish the manslaughter against the settlers or prove the judge's request, which is supposed to be impartial and not racist in making decisions in favor of anyone. Conversely, the occupation forces arrested five Palestinians from Burqa who witnessed the assassination carried out by settlers. The arbitrariness and the abuse of the Israeli forces were manifested in the arrest process, as the occupation forces surrounded and stormed the home of the Asalia family on 7 August 2023, and arrested the father, who was also shot by the settler who killed Matan, and four of his sons; two of whom are children), on charges of their involvement in the clashes with the settlers on the day of the incident.

The father and his four sons were interrogated and then taken to court, which released them on bail of 2,000 shekels per each, in addition to placing them under house arrest in the village of Burqa until 17 August 2023. The actions carried out by the occupation forces against the Asalia family, including the unlawful deprivation of basic rights and freedoms, constituted crimes of apartheid committed against humanity stipulated in the Rome Statute and International Convention on the Suppression and Punishment of the Crime of Apartheid.

Given the trial procedures followed by the Israeli courts with the Palestinians and settlers, a system of apartheid and discrimination appears in dealing in favor of the settlers, despite the presence of all the evidence, including the murder weapon and witnesses, which all confirmed that Indore was the killer. It also shows the occupying state's lack of commitment to international agreements that stipulate the need to handle similar incidents equally and fairly, yet when an Israeli is allegedly killed by a Palestinian, a series of punitive measures is initiated against the Palestinian suspect, such as in the case of Islam Al-Faroukh.

Al-Faroukh carried out a bombing attack in occupied Jerusalem and killed three settlers. He was arrested and placed in solitary confinement for more than eight months, and his family's home was demolished on 8 June 2023 as collective punishment. Additionally, a Palestinian is given a life sentence for every Israeli he kills, in addition to a series of collective punishments against the family, including the demolition of a house that does not belong to the prisoner or martyr and the displacement of the family.[24]

All of these practices show the laxity and discrimination practiced in favor of the settlers, which constitutes the apartheid system upon which the occupying state and all its organs are based, and which constitutes a crime against humanity. "We strongly condemn yesterday's terror attack by Israeli extremist settlers that killed a 19-year-old Palestinian," the US State Department said in a statement.[25]

[24] For the number of homes demolished as collective punishment, see the chapter on Prison Policies.

[25] TRT Arabic. "Terror attack. Washington sharpens its tone regarding the killing of a Palestinian by an Israeli settler." 8 August 2023. <http://tinyurl.com/5n8yv6hy>.

Israeli laws and amendments were and are still a tool used by successive governments to achieve political goals and harass all segments of Palestinian society, by expelling them from their lands and displacing them indirectly, in addition to controlling the largest possible segment by putting them in prisons. The judicial system colludes with the occupation authorities and achieves its goals. This is evident through the violations that are monitored inside the courts, as Palestinian prisoners disclose all the violations they are exposed to during the sessions, and they are recorded in the minutes of the sessions, but without any accountability or any change in the conditions of detention. Rather, these violations continue to escalate, establishing the judges' central and effective role in the inhuman reality of the Palestinian prisoners inside the occupation prisons. Furthermore, despite all the petitions that have been submitted historically by human rights organizations to address various topics affecting the lives of prisoners, only a few of them were considered and accepted by the Israeli courts.

הנאשם הג"ל מואסס בואת בביצוע העבירה הנאה :

מהות העבירה: הסתה ותמיכה בארגון עוין, עבירה לפי סעיף 251(ב)(3) לצו בדבר הוראות בטחון (נוסח משולב) (יהודה והשומרון) (מס' 1651), התש"ע-2009.

פרט העבירה: הנאשם הג"ל, באזור, בתקופה שתחילתה ביום 2 למאי 2023 ועד ליום 16 באוקטובר 2023 או בתקופה הסמוכה לכך, ניסה, בין בעל פה ובין באופן אחר, להשפיע על דעת הקהל באזור באופן העלול לפגוע בשלום הציבור או בסדר הציבורי או פרסם דברי שבח, אהדה או תמיכה בארגון עוין, בפעולותיו או במטרותיו, והכל במקום ציבורי או באופן שאנשים הנמצאים במקום ציבורי יכולים לראות או לשמוע גילוי כזה של הזדהות או אהדה, דהיינו:

רקע:

ביום 7 באוקטובר 2023, החל משעות הבוקר המוקדמות, חדרו פעילי ארגון הטרור חמאס ברצועת עזה, יחד עם אחרים (להלן: "פעילי טרור"), תוך שהם פורצים את גדר הנבול, וכאשר חלקם חמושים היטב במגוון אמצעי לחימה, לשטח מדינת ישראל. פעילי הטרור ביצעו מעשי טרור קשים, רצחניים ואכזריים, במהלכם, בין היתר, רצחו באופן מתוכנן ומכוון בדם קר גברים ונשים, זקנים, ילדים וטף, ישראלים וזרים, חיילים וחיילות ששהו באותה העת במספר רב של יישובים אזרחיים, במסיבת הטבע "נובה", ליד קיבוץ הרעים, וכן בבסיסי צה"ל, ופצעו רבים. מעבר לכך, חטפו פעילי טרור מרצועת עזה כ-200 ישראלים וזרים, גברים ונשים, קשישים, ילדים ופעוטות (להלן: "מעשי הזוועה החמוניים"). במקביל, החל משעות הבוקר המוקדמות של יום זה, ובמשך תקופה נמשכת, ירו ארגוני הטרור ירי מאסיבי של אלפי רקטות ופצצות מרגמה, אל עבר שטחי מדינת ישראל, שגרמו לפגיעה ולנזק בחייהם של ישראלים, בגופן וברכושם. מעשי הטרור הנפשעים של פעילי הטרור גרמו, לפי הנתונים עד עתה, למעלה מ-1,300 הרוגים ו-3,500 פצועים, בדרגות פגיעה שונות. במהלך האירועים, החלו להתפרסם סרטונים המתעדים את מעשי הזוועה החמוניים. בתגובה למתקפת טרור רצחנית זו, הכריזה ממשלת ישראל על מלחמת "חרבות ברזל" במסגרתה נכנסו כוחות צבא לרצועת עזה. עקב האמור לעיל, קיים חשש להסלמה בגזרות אחרות, בקרב פעילי ותומכי טרור באשר הם. בעת הגשת כתב האישום, מצויה מדינת ישראל במלחמה.

Appendix II: preamble in Hebrew