



PHYSICIANS FOR HUMAN RIGHTS
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Human rights organizations in Israel and the Occupied Palestinian Territory warn of a dangerous escalation in violations of Palestinian prisoners' rights due to the radical policies of the new Israeli government

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While Palestinians imprisoned by the Israeli authorities have always experienced a wholesale violation of their human rights, Israel's new extreme-right-wing government has taken numerous steps to implement a particularly hostile, radical agenda to harm Palestinians in prisons, their families, and Palestinian society as a whole. The arbitrary and punitive measures imposed by the new government indicate that further grave rights violations may follow if immediate action is not taken by the international community.

There are, according to the Israeli Prison Service (IPS), 4,765 Palestinians incarcerated in Israeli prisons and detention centers, constituting 30% of Israel's prison population. The steps taken by the new government, which was formed at the end of December 2022, include the following measures:

Death Penalty Legislation for individuals accused of “terrorism”. While the death penalty is permitted by law in Israel, it has not been implemented. This bill increases the likelihood that the death penalty will be implemented and is formulated to solely apply to crimes committed by Palestinians.

Increased use of administrative detention. Israel makes wholesale use of administrative detention - holding Palestinians without charge or trial, for terms that can be renewed indefinitely. These detentions are based exclusively on secret information, preventing any meaningful judicial review. Israeli military court judges continue to confirm and renew administrative detention orders even for those individuals boycotting the military court procedures, in absentia, without the presence of the detainees and their lawyers. The number of administrative detainees has doubled over the past year. On 1 March 2023, Israel held 967 administrative detainees, including five children and one woman, compared to 489 people one year ago. Israel's use of administrative detention has been widely criticized, including by the UN Committee against Torture, which called on Israel to end the practice.

Imposition of harsher conditions. As of 21 February 2023, following a decision of the Minister of Public Security, the IPS has limited showers to four minutes per individual or one hour of running water per prison wing. This extreme limitation of the basic sanitary needs of prisoners

amounts to cruel, inhumane, and degrading treatment, prohibited by the UN Convention Against Torture, which Israel has ratified. This restriction follows the ban on ovens in Nafha and Ktziot prisons, resulting in a noticeable decrease in the amount of bread provided.

Prison raids and collective isolation. According to recent reports, the IPS Special Units brutally raided the women's section in Damon prison on 29 January 2023, confiscating all electronic equipment, and completely shut down the section for five days, isolating the female prisoners from the outside world, and banning them from family visits and public phones for one month. Further, following the raid, the IPS placed four Palestinian women prisoners in solitary confinement for seven days and transferred their representative to solitary confinement in Neve Tirza prison for eight days. The IPS carried out similar raids in men's prisons as well, Ofer, Ktziot, and Megiddo prisons. Further, the IPS is holding around 60 Palestinian prisoners in collective isolation under harsh conditions in Section 6 in Ktziot prison. These raids give way to a host of human rights violations and serve as one form of collective punishment. Taken together, they may amount also to the torture and ill-treatment of Palestinian prisoners and detainees.

Forcible mass transfer of prisoners. While the IPS have systematically taken these measures against the individuals incarcerated, under the new government, there has been a noticeable increase in the brutality and violence inside prisons. Arbitrary forced transfer destabilizes the daily life and well-being of Palestinians in incarceration and limits the possibility of family visits. Since the government's inception, such transfers have taken place in four different prisons. This collective and retaliatory action, which aims to impose further control over Palestinians in prisons, violates the absolute prohibition in customary international law against the collective punishment of protected persons.

Denial of medical treatment that can "improve quality of life". A recently proposed bill in the Israeli parliament, which is likely to pass, prevents the provision of medical care aimed at improving quality of life, thereby potentially restricting the provision of medical care to the most basic services. Although individuals in Israeli prisons already receive substandard medical care, the vague phrasing of the proposed bill may enable the IPS to withhold a range of medical care, such as dental care, physiotherapy, and other vital treatments.

Revocation of citizenship and residency from Palestinians imprisoned over widely-defined "acts of terror" and who receive financial assistance from the Palestinian Authority (PA). The Israeli parliament passed legislation last week to revoke citizenship and residency of Palestinian citizens of Israel and residents of Jerusalem, respectively, punishing individuals who have already been convicted and imprisoned by leaving them stateless. Contrary to previous legislation, the Interior Minister no longer needs to grant a residency permit to those rendered stateless due to the revocation of their Israeli citizenship or Jerusalem residency status. It is set to directly impact the roughly 450 Palestinians who are incarcerated in Israeli prisons and who now, in the case of their eventual release, face expulsion to the Palestinian Authority or Gaza Strip. This law entrenches the existence of two separate legal systems within Israel and facilitates the mass expulsion of Palestinians, contrary to international law.

Denial of health and social welfare benefits to Palestinians convicted of “acts of terror”. A proposed bill will deny national insurance (Bituah Leumi) benefits to Palestinians, who are residents of Jerusalem or Israeli citizens even after they have completed their sentence. The bill, which explicitly notes that it is intended as a form of deterrence, turns a body intended to promote welfare into an arm of the security and penal bodies.

All of these measures violate international prohibitions on the collective punishment of protected persons, as enshrined in Article 33(1) and Article 32 of the Fourth Geneva Convention. The imposition of the death penalty is prohibited by the Second Optional Protocol to the International Covenant on Civil and Political Rights. In addition, the proposed bill denying medical treatments violates the right to health and medical ethics, while steps to revoke citizenship run counter to the prohibition of arbitrary deprivation of nationality in the context of statelessness, as enshrined in the 1961 Convention on the Reduction of Statelessness. Lastly, the mass detention of Palestinian prisoners as protected persons in the territory of the Occupying Power violates Article 49 of the Fourth Geneva Convention, which prohibits the detention of protected persons outside of the occupied territory.

This slew of punitive measures forms part and parcel of this government’s attack on Palestinians in Israel and the OPT. It creates further segregation within prisons between Israeli Jewish and Palestinian prisoners and is an inherent part of this government’s drive to deepen the apartheid regime in Israel.

As such, we strongly urge the international community to take steps to guarantee the rights, health, and well-being of Palestinians, prevent further grave human rights violations, and unambiguously demand that Israel respect its international obligations. These steps should include the revision, and when necessary, the cancellation of international agreements made with Israel, so as not to provide aid and legitimacy to a serious breach of international responsibility, as well as measures to ensure accountability for Israeli violations, including the crimes of population transfer and torture through the International Criminal Court.

Signing Organizations:

Adalah – The Legal Center for Arab Minority Rights in Israel

Addameer Prisoner Support and Human Rights Association

HaMoked: Center for the Defence of the Individual

Physicians for Human Rights Israel

The Public Committee against Torture in Israel (PCATI)