



in military activities against the occupying state, but may also target individuals who do not partake in any alleged military activities, including children, university students and civil society activists who purportedly pose a risk to the security of the Occupying Power. Ultimately, administrative detention exaggerates the accusations against the detainees.

As a result, some detainees held under administrative detention suffer from psychological and mental disorders due to the element of ‘unpredictability’ and the inability to expect certain events, which can cause a state of shock to the detainees.² It has been revealed that the continuity of the event, its unending nature, its unpredictability and the inability to control its impact are all essential factors that may cause severe damage to the psychological state of mind of the administrative detainee.³ The elements above of administrative detention often cause acute pressure on the detainees that forces them to live in a ‘permanent state of waiting,’ in the absence of a specified detention period. Administrative detainees may be released at the end of the order duration or the order might be extended on the exact same day of the release or a few days prior, causing additional instability, depression, anxiety and trauma.

Altogether, this experience causes psychological and mental torture in the form of anxiety and instability in thoughts; being consumed with “the unknown”. Most importantly, the psychological impacts and implications of detention, which may last for years, do not impact only the detainees, but also extends to the family, relatives and loved ones.

Family Life

Thabet Nassar has a diploma from Al-Rawda College in Nablus and works as a nurse in Rafidia hospital. He is enrolled as a student at Al-Quds Open University specializing in health administration, he has one semester left but due to the continuous arrests, it has kept him from completing his degree. Thabet and wife Rana were married in 2007. They have four children: Yamen, Amal, Mais, and Ahmad, who was still not born when his father was arrested. Rana gave birth to Ahmad on 29 September 2016 in the absence of her husband.

Article 27 of the Fourth Geneva Convention provides for the respect of protected persons’ family rights.⁴ Accordingly, the persistent detention of Thabet violates his and his family’s right to family life. Moreover, the child rights of Thabet’s children must be protected, including the right not to be subjected to arbitrary interference with their privacy, family, and home.

2 Cohen, A. (1980). “After Effects of Stress on Human Performance and Social Behavior.” A Review of Research and Theory. *Psychological Bulletin*, 88, 82-108

3 Eberly, R. E., Harkness, A. R., Engdahl, B. E. (1991). “An Adaptational View of Trauma Response as illustrated by the prisoner of War Experience.” *Journal of Traumatic Stress*. 4 (3), 363-280.

4 Article 27, Fourth Geneva Convention.

“Thabet was only able to live with us for three years because of the continuous Israeli arbitrary arrests. I gave birth to Yamen and Amal while he was in prison, and my daughter Mais was born the day her father was arrested.”

Rana Nassar, Thabet Nassar’s wife



Name: Thabet Nassar Izzat Nassar

Date of Birth: 22 November 1978 (42 years old)

Address: Madama, Nablus

Profession: Nurse

Date of Arrest: 27 January 2021

Prison: Magiddo Prison

Thabet Nassar’s case is a striking illustration of the politicization of military courts through the policy of administrative detention. Thabet’s case appears to have been used as individual punishment for his alleged affiliation to a Palestinian political party deemed unlawful under Israeli military orders. In the context of administrative detention, political affiliation automatically presumes that an individual is committing a crime.

Perpetual Administrative Detention without Charge

Since 1998, when he was just 20 years old, Thabet Nassar has spent a total of around 174 months in Israeli prison and detention. These detention periods have been imposed through a combination of eight arbitrary administrative detentions and two prison sentences, measures that each time were taken based on Thabet’s previous history relating to his alleged affiliation with an association deemed unlawful under Israeli military orders.

Date of Arrest	Date of Release	Duration	Detention
12 Aug 1998	30 Oct 2000	26 months	Sentence
2 Jun 2002	14 Nov 2002	5 months	Administrative Detention
22 May 2004	13 Dec 2006	31 months	Administrative Detention
3 Dec 2007	16 Jul 2009	20 months	Sentence
2 Oct 2009	8 Aug 2010	10 months	Administrative Detention
5 May 2011	13 Jan 2013	20 months	Administrative Detention
4 Oct 2013	24 Sep 2015	24 months	Administrative Detention
9 May 2016	4 Jan 2018	20 months	Administrative Detention
28 Jun 2018	26 Jun 2019	12 months	Administrative Detention
27 January 2021	-	6 months	Administrative Detention

Based on article 285 of Military Order 1651, Israeli military commanders are authorized to detain an individual for up to six-month, renewable, if they have “reasonable grounds to presume that the security of the area or public security requires the detention.” No definition of “security of the area” or “public security” has been provided. Administrative detainees are held without charge; they are held on the grounds that their freedom presents a future risk. There is no explicit limit to the maximum amount of time an individual may be administratively detained, allowing for indefinite detention. The detainee is left unable to adequately defend himself or herself due to the absence of specified charges and is not given the right to a regular trial.

International humanitarian law permits administrative detention under specific and narrowly defined circumstances. Administrative detention can only be used in emergency situations but requires that the authorities follow basic rules for detention, including a fair hearing at which the detainee can challenge the reasons for his or her detention. Furthermore, administrative detention should be individual on a case-by-case basis. It cannot be used as a substitute for criminal prosecution where there is insufficient evidence for a conviction. However, Israel’s use of administrative detention in its collective and large-scale application deliberately infringes on these restrictions and amounts to arbitrary and wrongful detention. Historically and up until today, the Israeli prolonged apartheid regime uses administrative detention as a form to gain and maintain control over the Palestinian people consisting of collective punishment.

Nowhere in Thabet’s case history is his prolonged detention’s arbitrary nature more apparent than in the record of justifications military authorities used to detain Thabet. The vagueness of the generic allegation of being “a threat to the security of the area” that was used to justify his administrative detention orders, coupled with the use of secret information inaccessible to the defence and therefore unchallengeable, are indications of a system where no burden of proof whatsoever needs to be met by the military prosecution. Such practices can only be interpreted as judicial “rubber-stamping” of unlawful measures under international law. However, as Thabet’s case exhibits, administrative detention is used impermissibly as an alternative to prosecution or as a punitive measure.

Moreover, the criminalization of mere membership in or affiliation with a political party violates fundamental international conventions ensuring the protection of such activities under the freedoms to belief and association. It also allows Israeli military authorities to detain individuals without proving – or even alleging – any actual individual culpability for activities or resistance against the ongoing belligerent Israeli occupation that could be deemed legitimate offenses.

Unsubstantiated Confirmation of Administrative Detention Orders

Israeli military prosecutor displays a significant dependency on the discretion

of the Israeli government and intelligence agencies, which has effectively transformed the judicial system into a tool of occupation to legalize Israeli violations of Palestinian human rights. This includes confirming unnecessary administrative detention orders and approving these orders’ extension and renewal based on “secret information” provided by the Israeli Intelligence Agency. Moreover, the Israeli occupation’s administrative detention policy is a stark violation of the principle of a fair trial, mainly the rights to know the nature and cause of the charges, guaranteed by international treaties which Israel has ratified. In all court hearings, the military judges claim that the secret file’s information is serious, dangerous, and is enough to issue and confirm the administrative detention order against him. However, the question remains: If Thabet Nassar does, in fact, pose a threat to the security of the state, why hasn’t he been presented with any charges up until this day?

In his previous detention, in almost all of the hearings, the military prosecution claimed that Thabet is involved in military activities within the PFLP without proving any of these accusations. In 2007, Thabet served a 19-month sentence, since then the military prosecution has constantly failed to submit a list of charges against him. It should be noted that Thabet has denied all of the accusations against him and his previous interrogation session were very short and did not tackle many questions, as there exists prior intention to issue an administrative detention order against him, confirming that his detentions are based on his previous ones.

The Psychological Aspect of Administrative Detention

Several studies on the effects of administrative detention show that the element of unpredictability and the absence of a specific end date are all contributing factors to causing psychological disorder for the detainees.¹ Israel’s arbitrary policy of administrative detention may be considered a form of psychological torture as Palestinian detainees are subject to arbitrary detention without fair trial guarantees indefinitely, they are not informed of the reasons or time for their detention, and are denied access to the secret evidence on the grounds of which they are held. Consequently, detainees feel helpless and develop severe depression, anxiety, paralysed personality, and dysfunctional cognitive ability.

Moreover, the continuous extension of the administrative detention period increases the psychological suffering of the detainees. Once the detainees begin thinking that they will soon be released, the Israeli authorities often renew the detention order for up to an additional six months, still without putting forth any charges. This secret information used as the basis of administrative detention, may include allegations of membership in an illegal organization or involvement

1 Baum, A., Davidson, L.M. (1986). Suggested Framework for Studying Factors that Contribute to Trauma in Disaster. In Babara, J.S. & Marry L. (Eds.), *Disasters and Mental Health*. Washington, DC: American Psychiatric Press.