

Enforced

# Disappearance

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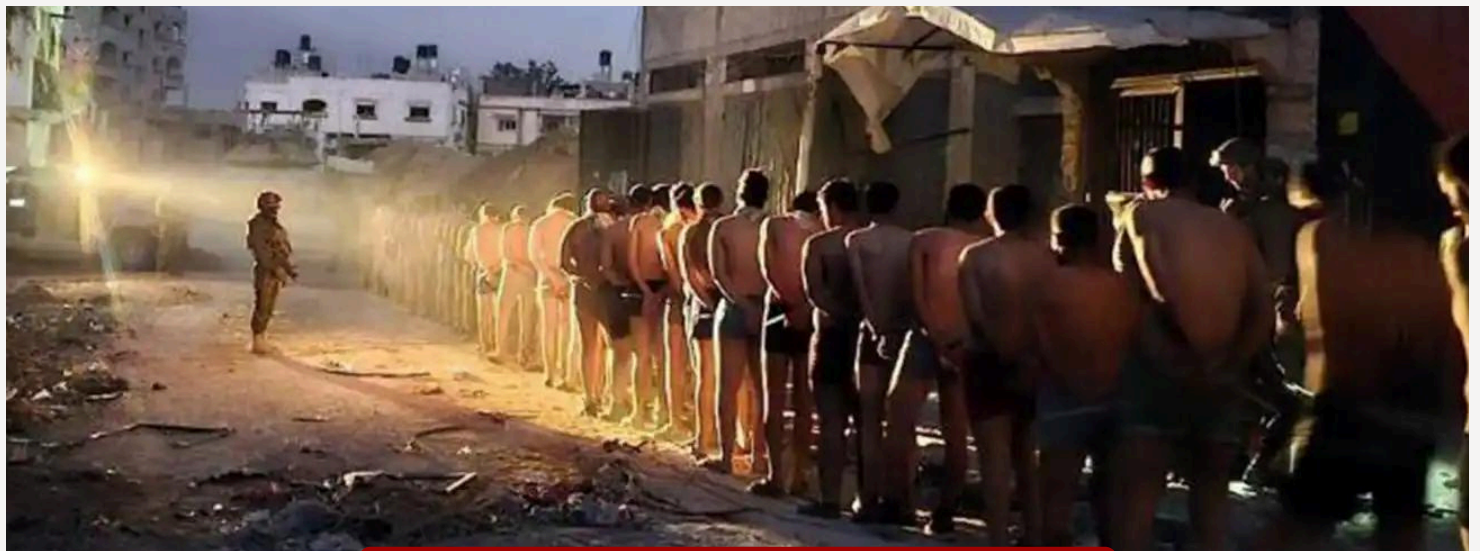
## Enforced Disappearance in the Palestinian Context

Since the commencement of the Israeli aggression on the Gaza Strip, the occupying state has committed many war crimes and crimes against humanity against the civilian population in the Gaza Strip, including the crime of genocide, widespread destruction of property and infrastructure, and random arrest campaigns, including in the so-called safe passages and shelter centers. In addition to that, the crime of enforced disappearance has escalated since October 7.

With the commencement of the Israeli aggression on the Gaza Strip after October 7, and specifically with the launch of the ground offensive in numerous areas of the enclave, many photos and videos were widely spread on the media and social media platforms of large numbers of civilians in Gaza, almost naked, crowded together in large numbers in army vehicles and taken to unknown places.

Subsequently, the Office of the United Nations High Commissioner for Human Rights (OHCHR) announced on 16 December 2023 that it had received disturbing reports from the north of Gaza of mass detentions, ill-treatment, and forced disappearance of possibly thousands of Palestinians, including children, at the hands of the Israeli army forces. Most were rounded up as they were attempting to move south or were taken during operations conducted on their homes, schools, and other places of refuge. Most concerning, there were numerous reports that many of those detained were subjected to serious ill-treatment, which in some instances may amount to torture. Many, without any regard to gender or age, were forced to strip to their underwear, were blindfolded and tightly handcuffed, and were photographed in deliberately humiliating positions before being transported via military vehicles to unknown places of detention.

Of grave concern, the OHCHR also received an increasing number of reports that civilians had been killed, including in apparent extrajudicial executions, in places of refuge, particularly schools. Such incidents may constitute war crimes that must be immediately and fully investigated.



A group of detainees in the Gaza Strip - Al Jazeera

The Israeli occupation forces conducted arrest operations in various areas of the Gaza Strip. The Associated Press published a report on 14 December 2023 documenting the arrest campaigns carried out by the Israeli occupation forces in Deir Al-Balah area in north Gaza, as family members were separated, and hundreds of men were forced to strip to their underwear before being loaded into trucks and transferred to a detention camp on the beach, where they spent hours, in some cases days, subjected to hunger and cold.

"We were treated like cattle. They even wrote numbers on our hands," said Ibrahim Lubbad, a 30-year-old computer engineer arrested with a dozen other family members on 7 December 2023. All released detainees reported Israeli soldiers shouting sexually explicit insults at women and children and beating men with their fists and rifle butts. Many of the detainees said their wrists were blistered from tightly drawn handcuffs. Some detainees also reported that they had no food or water and were forced to share three 1.5-liter bottles with some 300 fellow detainees in one night. Construction worker Nader Zindah said he was fed meager scraps of bread over four days in custody.

Numerous Israeli officials declared and incited the arrest campaigns carried out by the Israeli occupation forces in north Gaza. "We will continue to dismantle each and every one of Hamas strongholds until we finish in Jabalia and Shujaeya and then continue," Israeli government spokesperson Eylon Levy said, signaling the military would widen its campaign as ground forces press deeper into the south. "We will, of course, determine who needs to be arrested, detained, and brought to justice as a Hamas terrorist and who does not," Levy said.

"This is already helping us, and it will be crucial for the next stage of the war. That's the stage where we clean areas from all the remnants of Hamas," said Yaakov Amidror, a former national security advisor to Prime Minister Benjamin Netanyahu. In a post on X, the deputy mayor of occupied Jerusalem, Aryeh King, called for the Israeli army to bury alive Palestinian civilians captured in Gaza, describing them as 'Nazis'. The post made specific reference to footage published by the Israeli army showing captured Palestinians stripped to their underwear and kneeling on the ground. "Burying them alive is the only way to deal with them, as they are nothing but a group of ants." [1] An Israeli government spokesman, Eylon Levy, insisted that "All men we see in the circulated photos are suspected terrorists. and that Israeli forces are detaining everyone present in the areas where evacuation orders were issued, namely all northern areas and parts of the south, to determine who the "terrorists" are." [2]

"It isn't clear on what basis Israel is holding them and it raises real serious questions. Civilians must only be arrested for absolutely necessary and imperative reasons for security," said Omar Shakir, Human Rights Watch's regional director, [3] in response to the horrific mass arrests conducted by Israeli army forces against hundreds of Palestinian men, women, and children.

[1] Al Jazeera. "Israeli official calls for burying Gaza prisoners alive." 9 December 2023. <https://tinyurl.com/vvkywdrf>

[2] The Guardian. "Footage Shows IDF Parading Scores of Palestinian Men Around in Underwear". 8 December 2023. <https://www.theguardian.com/world/2023/dec/08/footage-idf-israel-military-parading-palestinian-men-around-in-underwear>

[3] Associated Press News. "Hungry, thirsty and humiliated: Israel's mass arrest campaign sows fear in northern Gaza". 14 December 2023.

<https://apnews.com/article/palestinians-detained-israel-hamas-gaza-war-0ecbc338e4024add059b87b38022086d>

## Military Camps: The Reality of Torture of Gaza Prisoners

October 7 marked a turning point in the type of the arrests carried out by the occupation army against Palestinians in the Gaza Strip. The occupation forces launched large-scale mass arrests targeting Palestinian workers from Gaza, some of whom had been arrested while they were in their workplaces inside the 1948 occupied territory, even though they had valid work permits and their presence was legal before October 7, but their permits were canceled following the events. Others were arrested while on their way to work. Some Palestinians seeking treatment in the 1948 occupied territory were also arrested.

The occupation authorities announced the existence of two military camps to detain Palestinians from Gaza, including Sde Tieman camp near Beersheba, and Anatot camp near Jerusalem, while refusing to disclose any further information about them. However, detention locations were not limited to these two camps, as some workers were detained in Ofer Prison.



Detainees from Gaza in "Sde Teman" detention center, Al Jazeera from (the Israeli press)

The occupation authorities did not provide any information about the nature of these facilities, conditions of detention, or the number of Palestinians detained there. According to data from the Palestinian Ministry of Labor, the number of workers from Gaza who were present in the 1948 occupied territory before October 7 was approximately 10,300 Palestinian workers, 3,200 of whom were released at Karm Abu Salem crossing on 3 November 2023. Some of them still wore plastic tags on their wrists bearing numbers, and they were released from the detention centers where they were being held. Approximately 6,441 workers were deported to the West Bank governorates, while around 1,000 workers remained missing.[4] Not only were workers arrested, but large numbers of Palestinians were arrested inside Gaza following the genocidal war.

[4] Figures obtained by Addameer from the Palestinian Ministry of Labor and include the number of workers as of 8 November 2023.

After their release, some of the Gaza detainees spoke to Palestinian media about the conditions of the detention camps and the inhumane circumstances they endured, which amounted to torture. The captives affirmed being held in the open air, with their hands being cuffed throughout their detention, in addition to being blindfolded. They also reported being subjected to starvation and thirst, denied medical treatment, as well as being held in unclean places that do not meet the minimum standards of human life.

Some of the released workers spoke to Addameer about the inhuman treatment they were subjected to during detention. N. D. reported that while he was with 70 other workers in a rented house in Rahat area on 10 October 2023, they were evicted by the landlord and were transferred to Rahat police station, where they were held in an outdoor, unroofed courtyard within the facility, with their hands cuffed with plastic ties, feet shackled, and blindfolded, for almost 12 hours. During their detention, they were repeatedly beaten by police officers, attacked by military dogs, and kept under the sun without food or water.

Afterward, the workers were transferred to Ofer Prison, where they were held in a barracks with an area of about 700 square meters, divided into two sections; with each section holding around 150 workers. The conditions in the cells were extremely poor, as each section contained only three portable toilets and lacked any showers. Both the cells and the toilets did not contain any personal hygiene supplies, such as soap or toilet paper.

"Every day, 10 detainees were transferred for interrogation, with each interrogation session lasting no more than 15 minutes, yet the transfer to the interrogation facility within Ofer Prison took four hours, as we were subjected to a complete search when going to and returning from interrogation," said liberated prisoner N. D.[5]

Liberated prisoner A. M. explained that he was arrested on 24 December 2023 after his house, which is located in the area between Al-Bureij and Al-Maghazi, was raided by an Israeli military intelligence officer and around 10 soldiers. A. M. was handcuffed behind his back, blindfolded, and was not allowed to change his clothes. Then, he was taken to an abandoned house and interrogated for two hours while bound and blindfolded. The next day, he was transferred to an unknown place, where he was examined by a doctor. A. M. reported that he was a cancer patient, but he could not complete his treatment. "I was ordered to take off my clothes, and I was given a gray prison jumpsuit. I was forced to sleep on a concrete floor. When I woke up the next day, I was told that I was in an army camp," said A. M.[6]

[5] Field interview conducted by Addameer with N. D. on 23 October 2023 after being released from Ofer Prison.

[6] A phone interview conducted by Addameer with liberated prisoner A. M. on 20 February 2024.

N. D. spoke of the painful handcuffing to which detainees were subjected in military camps. "When I was arrested, my hands were cuffed with plastic tied, but when I reached the army camp, I was cuffed with metal cuffs in front of my body. Throughout my detention, I was cuffed and blindfolded until I was released." [7] Dozens of liberated detainees confirmed through the media that they had been subjected to severe beatings and torture at the hands of the occupation forces in military camps. They also stated that the Israeli forces unleashed military dogs at them, in addition to being held in extremely harsh conditions and being given a thin mattress and a thin blanket.

The Palestinian Center for Human Rights (PCHR) published shocking testimonies of released detainees who were arrested from Gaza, abused, taken to unknown destinations after field investigation, assaulted while they were blindfolded, handcuffed, and half-naked, and detained in inhumane conditions in Israeli prisons and military camps. 33-year-old freed detainee, Abdulqader Tafesh, from Jabalia refugee camp in north Gaza, reported on the circumstances of his detention. "After my arrest on 12 December 2023, and the field investigation, which included torture, handcuffing, and other things, I was transferred with scores of detainees by a truck to a prison facility in Erez. One soldier got into the truck and urinated on us. My detention lasted for a few weeks and was characterized by difficulties and torture, which resulted in a difficult psychological state, damage to my nerves, difficulty moving, a state of hysteria and forgetfulness, and an inability to sleep." [8]

Thirty-two-year-old freed detainee Rushdi Zaza was subjected to similar violations. "After my arrest, we were transferred to a detention facility inside Israel, which was a barracks holding around 100 detainees. I was interrogated there. I was moved to multiple detention facilities, but I did not know their locations or names. Every time, there were rounds of interrogation and beatings all over my body. During my detention, I was not brought before a court, a lawyer, or a judge. I felt that my detention, and that of others, was an act of revenge." [9]



Number of Gaza detainees released - Palestinian Information Center

[7] Field interview conducted by Addameer with N. D. on 23 October 2023 after being released from Ofer Prison.

[8] Palestinian Center for Human Rights. "They arrested me from the hospital and tortured me despite my injury." 22 March 2024. <https://tinyurl.com/yc49pmyv>

[9] Palestinian Center for Human Rights. "This is how I was arrested with my wife and tortured." 7 April 2024. <https://tinyurl.com/4cdc8the>

## Israeli Courts Complicit in the Crime of Enforced Disappearance

The Israeli authorities detain Palestinian residents of Gaza under a law that does not guarantee the right to meaningful judicial review and violates due process rights. The Unlawful Combatant Law, enacted by the Knesset in 2002, permits the Chief of General Staff of the Israeli forces to incarcerate a person based on 'reasonable cause' that 'he is an unlawful combatant and that his release will harm national security.'



Occupation Courts - Arabs 48

The law defines an unlawful combatant as a person 'who has participated either directly or indirectly in hostile acts against the State of Israel or is a member of a force perpetrating hostile acts against the State of Israel.' The law provides that the court presumptively accepts the Defense Ministry's finding that the organization in question is a 'hostile' force and that membership makes the detainee 'a person whose release would harm State security.'

These presumptions impose the burden on the detainee to prove that they are not a threat, instead of placing the burden of proof on the state authorities, as international human rights law requires.[10] The secrecy of the evidence makes it virtually impossible for the detainee to meaningfully challenge the allegations. In addition, the scope of the court's review in a detention renewal hearing is limited to determining whether the authorities' use of discretion was reasonable, which is even further limited by the law's presumptions.

[10] Human Rights Watch. "Gaza: Unlawful Combatants Law Violates Rights." March 2017 <https://www.hrw.org/news/2017/03/01/gaza-unlawful-combatants-law-violates-rights>

Since the occupying state declared a state of emergency, it has introduced a set of legal amendments to the Unlawful Combatant Law, under which Palestinian residents from Gaza are dealt with, and it is similar to administrative detention. Among the key amendments that were introduced to this law is extending the detention to 45 days, and the judicial review now occurs within 75 days. In addition, detainees can be prevented from meeting with their lawyers for 180 days.[11] In this context, we note that since the beginning of the Israeli aggression, the Israeli authorities have refused to allow the International Committee of the Red Cross to visit Palestinian detainees, whether in prisons or army camps.

International law does not recognize the status of 'unlawful combatant,' but sets out protections for civilians engaged in hostilities in the Fourth Geneva Convention that would apply to Palestinians from Gaza held under the Unlawful Combatants Law. Under the Fourth Geneva Convention, the occupying power may use administrative detention 'for imperative reasons of security.' In practice, the Unlawful Combatants Law strips individuals of the rights and protections guaranteed in international humanitarian law for prisoners and detainees.

With the legal amendments that were made to the Unlawful Combatant Law, and in light of the occupying power's refusal to disclose any information regarding the detainees from Gaza in terms of their numbers, and the conditions and places of their detention, a group of Israeli human rights organizations submitted a number of petitions to Israel's High Court, requesting that the court instruct the Israeli Army, Prison Service, and the Israeli Police to disclose the names and whereabouts of all Gaza residents being held in Israeli detention centers.[12] The response to this petition was to disclose the whereabouts of only ten detainees. There were multiple petitions submitted by Israeli human rights organizations, all of which sought to obtain information about Gaza detainees, and to demand disclosure of their whereabouts and the legal grounds for their detention, as well as their release as long as their detention is lawful.

In a petition submitted on 22 October 2023 to determine the whereabouts of more than 400 Palestinians from Gaza who were held after October 7, the occupying state announced that the responsible body for addressing this matter was the National Security Council. The latter disclosed the whereabouts of a limited number of detainees without disclosing the legal grounds for their detention. Another petition was submitted on 12 December 2023 to the High Court of Justice to issue writs of habeas corpus for Palestinians from Gaza, whose place of detention remained unknown. The Center for the Defense of the Individual – HaMoked demanded that the State disclose the detainees' current whereabouts, which authorities were holding them, the law underlying their incarceration, and the circumstances surrounding the putative release of some of them. HaMoked also requested the release of the detainees insofar as they were held unlawfully, or in locations that were not official incarceration facilities.

[11] To learn more, see the chapter on Legal Amendments.

[12] HaMoked. "Six human rights organizations in High Court petition: Thousands of Palestinian permit-holders from Gaza are being held in Israel secretly and illegally; Order the Israeli authorities to disclose the names and locations of all detainees and release those unlawfully detained to the West Bank." 23 October 2023. <https://hamoked.org/document.php?dID=Updates2378>



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However, the occupying state delayed responding to the petition until the High Court summarily rejected the petition on 18 February 2024.[13] Again, the Court unreservedly adopted the State's position and ruled that 'the petition in hand concerns different petitioners whose matters vary one from the other, and the matters of different petitioners should not be brought together in the same petition.'

Given the decisions of the Israeli courts in rejecting all petitions submitted by human rights organizations, and only disclosing the whereabouts of certain individuals listed in these petitions, while maintaining the legal basis for secret detention, it is evident that such detentions are arbitrary and that the State is deliberately refusing to disclose the whereabouts or circumstances of Gaza detainees to cover up the crimes committed against them in various places of detention, whether in army camps or Ofer Prison. Rejecting these petitions implies sentencing these detainees to be subjected to numerous types of cruel and inhuman treatment, and the continuation of the crime of enforced disappearance against them.



[13] HaMoked. "High Court of Justice Rejected HaMoked's Petition to Reveal the Whereabouts of 62 Gazans Incarcerated in Israel and Thus Again Sanctioned Protracted Incommunicado Detention". 18 February 2024.

<https://hamoked.org/document.php?dID=Updates2389>

## Unknown Fate After Hospital Arrests

Although hospitals are considered civilian buildings protected under international law, the occupying state has begun attacking and bombing hospitals and those in them since October 7. Dozens of Israeli physicians were part of this practice, as they incited crimes against hospitals and signed a letter calling for the destruction of Gaza Hospitals.[14] In addition, Gaza hospitals were besieged, and patients were either arrested or instructed to leave.

On 12 December 2023, the occupation forces launched a series of air strikes in the vicinity of Kamal Adwan Hospital in Beit Lahia in north Gaza, following several days of siege and shelling of the hospital. The Israeli forces imposed a security cordon on the hospital and detained 1,000 to 1,200 Palestinians mostly men and boys aged between 16 and 65 years old, including medical staff. In a press conference held in the hospital courtyard, the Director General of the Ministry of Health in Gaza stated that more than 70 medical staff, including Dr. Ahmad Al-Kahlot, General Director of the hospital – were arrested and taken to an unknown location.[15]

Also on December 12, the World Health Organization expressed concern over the Israeli occupation forces' prolonged checking process and detention of a Palestinian Red Crescent Society staff member during a joint mission to supply and evacuate Al-Ahli Hospital in northern Gaza. 'WHO' reported that the Israeli forces seized a staff member of PRCS, and forced him to kneel at gunpoint, and was taken out of sight, where he was reportedly harassed, beaten, stripped naked, and searched. The staff member was released later that night but left to walk south with his hands still tied behind his back, without clothes or shoes.[16]

On December 17, after a siege that lasted 16 days, Israeli military forces unlawfully detained and forcibly disappeared human rights defender and head of Al-Awda Hospital Ahmad Muhanna. At the same time, 21 other people, including staff members, were initially detained, bound, stripped of their clothes, and released after several hours of interrogation and ill-treatment, except for Ahmad Muhanna, who remained in custody.[17]



[14] Al Jazeera. "Israeli physicians call for the bombing of Gaza hospitals." 5 November 2023. <https://tinyurl.com/2c9fmdvn>

[15] Al Jazeera. "The Israeli occupation army unleashes military dogs on those besieged at Kamal Adwan Hospital." 17 December 2023. <https://tinyurl.com/5ytsv43t>

[16] Relief Web. "UN Human Rights Officer – OPT: Disturbing reports from the North of Gaza of Mass Detention, Ill-treatment and Enforced Disappearances of Possibly Thousands of Palestinians". 16 December 2023. <https://reliefweb.int/report/occupied-palestinian-territory/un-human-rights-office-opt-disturbing-reports-north-gaza-mass-detentions-ill-treatment-and-enforced-disappearances-possibly-thousands-palestinians>

[17] Front Line Defenders. "Deep Concern at the Enforced Disappearance, Detention and Ill-treatment of Human Rights Defenders in the Gaza Strip". 20 December 2023. <https://www.frontlinedefenders.org/en/statement-report/israelopt-deep-concern-enforced-disappearance-detention-and-ill-treatment-human>

Al-Shifa Hospital was also besieged in November. After days of siege, specifically on 13 November 2023, journalist and activist Mohammad Obaid was able to leave the hospital, and the next day he managed to travel along a safe passage on Salah al-Din Street, which separates the northern area from the southern area. However, Obaid was arrested by the occupation forces after arriving at Al-Humaidat metal gates placed by the Israeli army near Al-Kuwaiti roundabout. Obaid was forced to strip to his underwear, and he was tied up, blindfolded, and taken to a place close to Netzarim area, where he was interrogated by an intelligence officer and beaten by soldiers, mostly on the head.

On the same day, Obaid was transferred with other detainees to Be'eri settlement, where he was held with 80 to 100 Palestinians in a barracks, part of which had an open roof, for eight days, during which they were handcuffed and blindfolded. "The food was very bad and was merely to keep you alive. It was impossible to eat and get full throughout the detention. As for water, there was a water tap outside the bathrooms that we used to drink," explained Obaid about the conditions of detention.[18]

Eight days later, Obaid was transferred to Naqab Prison, along with 25 detainees. Upon arrival, Obaid was taken to the medical examination room, where six soldiers severely beat him while he was blindfolded until his face bled. After that, a prison doctor entered the room, removed Obaid's blindfold, and asked him what had happened to him. Obaid replied that the soldiers assaulted him, but the doctor turned away, and the soldiers continued beating Obaid. Afterward, Obaid was led to the abandoned tent sections, and his handcuffs and blindfold were removed. The detainees were forced to sleep on thin mattresses, and because of overcrowding, they had to place two mattresses on the floor crosswise for three detainees to sleep on, and each was given a light blanket. The bathrooms had no hot water, and there were no personal hygiene items, including clean clothes. The detainees were allowed yard time, but not every day. Obaid was detained in Naqab Prison for 45 days without charge or trial.[19]



REUTERS Kamal Adwan Hospital after the end of the Israeli military operation there and the implementation of dozens of arrests - Sky News Arabia

[18] A phone interview conducted by Addameer with released prisoner Mohammad Obaid on 24 January 2024.

[19] Ibid.

## Robbed of Their Identity and Number-Tagged

A large number of the Palestinians who were arrested from Gaza are held in the Israeli army-run Sde Tieman camp in Beersheba. Palestinians released from this camp confirmed to the media that they were subjected to torture and starvation, and were held in inhumane conditions, as they were kept cuffed and blindfolded for long periods of the day, if not all of it, and were forced to kneel for long hours during the day. As for the wounded and sick who were incarcerated in this camp, their suffering was double. The Israeli army established a field hospital in this camp to hold the wounded and sick. Following a visit to the camp, a Medical Ethics Affairs Committee confirmed that the detainees held in this facility were not identified by name, but were rather given a five-digit military identification number, and all of them, including the patients in the field hospital, had their hands and legs shackled to their beds for most of the day.



Furthermore, doctors in the field hospital do not specialize in performing complex surgeries, and thus doctors from outside the facility are called to provide advice. In critical cases, a detainee is transferred to a civilian hospital, but they are discharged very early.[20] These measures may be one of the main reasons that led to the death of 27 Palestinians in these camps. Although this facility is affiliated with and run by the Israeli army, the Israeli Ministry of Health also participates in the management of this facility and therefore bears a large part of the responsibility for all these medical crimes and the inhumane conditions endured by Palestinian detainees. This is evident through an announcement issued by Israel's Ministry of Health that Palestinians detained during the first days of the war would not receive medical treatment in Israeli hospitals, and that they would be transferred to medical facilities affiliated with either the Prison Service or the army, without providing details about the capacity of such facilities to provide patients with medical treatment.[21]

[20] Arabs 48. "Report: Israel robs Gaza detainees of their identities and tags them with numbers." 12 March 2024. <https://tinyurl.com/39rmpeja>

[21] Adir Yenko and Ilana Curiel. "Following protests: The Ministry of Health claims that a hospital will be established for Gazan terrorists." 13 years. After the Storm: The Ministry of Health claims that a hospital will be built for those who carried out attacks from Gaza (ynet.co.il)

The directives of the Ministry of Health stipulate that detained Gazans would not be transferred to civilian hospitals to receive medical treatment, unless a detainee's injuries are life-threatening or could lead to serious and irreversible damage or disability,[22] provided that the necessary medical treatment is not available in the 'military' healthcare facility.[23] These directives reveal the Ministry of Health's decline to provide appropriate medical treatment to Gaza detainees – especially the wounded and sick – in need of special medical care that cannot be provided in army camps or the Ramla Prison clinic.

## Gaza Strip Detainees in Underground Cells

"They should not see the light of the sun, and their imprisonment should be on minimal conditions," declared Ben-Gvir following a visit to what they called "Nukhba detainees"[24] on 15 November 2023, as he ordered the reopening of the underground wing of Nitzan Prison in Ramla to be used to house the "Nukhba detainees". The wing is located underground, with no sunlight, and its cells are small in size. Due to its very harsh conditions, it was closed years ago. However, Ben-Gvir's request came as part of the Israeli occupation's systematic approach of placing Palestinians in solitary confinement.



[22] Serious and irreversible disability is defined per the guidelines of the Israeli Ministry of Health as the loss of the functioning of a critical organ; such as the amputation of a limb, the loss of an eye, or the loss of functioning of a critical organ.

[23] Physicians for Human Rights. "Medical ethics and the detention of Gazans since the start of the 2023 war." 18 April 2024. <https://www.phr.org.il/en/shut-down-the-sde-teiman-facility-now/>

[24] The Nukhba is the commando unit of Al-Qassam Brigades, the military wing of Hamas. The Israeli authorities claim that this unit led Al-Aqsa Flood Operation on October 7.

Israeli Channel 13 broadcasted a video report on 18 February 2024 about the inhuman and harsh conditions in which the “Nukhba detainees” are held. The report showed detainees held in small, crowded cells; with up to seven detainees per cell.[25] These cells are stripped of the necessities of life, containing double metal bunk beds with no mattresses, pillows, or blankets, and there are no toilets in the cells. The report indicated that bread and yellow cheese were provided as food for these detainees and nothing else. The detainees' legs are shackled all day long, and there is a chain between the shackles that intertwines two detainees. This was confirmed by Katy Perry, the former head of the Israel Prison Service, adding that 'Elite' detainees are kept shackled even while they are inside the cells.[26] In addition, Israel Hay [Israel is alive] song is constantly played, claiming that it lifts the spirits of the Israeli jailers, but the purpose of these songs is psychological warfare on the detainees and a form of torture practiced on them. The video also showed a surveillance camera in the corner of the cell. The detainees appeared kneeling on the ground with bowed heads, and the guards entered the cells accompanied by a police dog.

Despite the harsh and aggravating conditions in which detained Gazans are held, Ben-Gvir dismissed the head of the Prisons Service, Katy Perry, claiming that she was lenient with the detainees, and appointed a new commissioner.



[25] <https://youtu.be/jBp7eEHH2fo?si=ZJEmU4z3upcoqOna>

[26] Madar Center. "What is happening now in Israeli prisons: forced disappearance, abuse and death of Palestinian detainees!" 29 January 2024. <https://rb.gy/f3xrp6>

## Gaza Detainees in Ofer Prison

Some of the Gaza detainees are held in Section 23 of Ofer Prison, while others are held in tents set up in the prison's courtyards. Human rights organizations or independent lawyers were denied visits to these detainees due to the occupying state's policy of enforced disappearance against them. However, the testimonies collected from Palestinian prisoners in Israeli prisons and those detained in adjacent sections indicated that they constantly hear the sounds of detained Gazans screaming while being tortured, in addition to hearing them barking. "We hear the sounds of beatings with sticks, and the screams of detainees coming from Section 23. We hear them saying Israel hay in Hebrew, and we also hear them barking [...] Sometimes the guards go and assault them during security checks. Then they reach the section I am in, panting,"[27] reported prisoner Ibrahim Al-Zuhairi to his lawyer during a visit to Section 24.

Prisoner Adnan Habiyeh, who is also held in Section 24, told the defense lawyer, "We were hearing sounds of beatings and screaming all day long from Section 23." [28] Prisoner Mohammad Al-Qadi, who is held in Section (15), Cell No. (4), confirmed that he saw a detainee while Al-Qadi was being taken out for a visit. The detainee's hands and feet were cuffed and he could not walk. "The detainee looked like a skeleton." [29] Most of the prisoners visited by the defense lawyer recounted hearing the sounds of the detainees screaming in Section 23, mostly at dawn hours, in addition to hearing the sounds of dogs barking.

Released detainee O. W. spoke to Addameer about the conditions of the tents in which he was detained with others in Ofer Prison. The prison administration set up tents in the courtyards, the area of each tent is estimated at 150 square meters, and each is surrounded by a five-meter-long wall, with a metal fence and guards stationed between the wall and the courtyards. The Prison Service held between 230 and 250 detainees in the tents. The floor of the tents was sandy, with nothing inside but mattresses and blankets, which were insufficient for all the detainees.

Due to the small size of the tent compared to the number of detainees held in it, some of the detainees slept outside. "The tent was inadequate for everyone. Some of us slept outside. It was very cold, and there were detainees without mattresses or blankets. More than once it rained on us, so we entered the tent but remained standing because there was not enough space to sleep. There was nothing inside, and four detainees shared the same blanket." [30]

Detained Gazans suffered from a lack of cleanliness in these tents, as there were no cleaning tools, nor even personal hygiene materials. Showers were outside the tents, but hot water was not available at all, and the prison administration did not provide spare clothes for the detainees. O. W. spoke about the policy of medical neglect and procrastination in providing medical treatment to individuals with chronic diseases, such as heart disease. "I suffer from heart problems, and I need an inhaler. I, however, refused to go out to the clinic because the jailers used to blind those who went out to the clinic, tie them up, and assault them before our eyes." [31]

[27] A lawyer visit to prisoner Ibrahim Al-Zuhairi in Ofer Prison on 10 December 2023.

[28] A lawyer visit to prisoner Adnan Habiyeh in Ofer Prison on 8 November 2023.

[29] A lawyer visit to prisoner Mohammad Al-Qadi in Ofer Prison on 3 January 2024.

[30] A phone interview conducted by Addameer with released detainee O. W. on 7 November 2023.

[31] Ibid.



## Gaza Women Detainees in Damon Prison



In parallel with the fierce and widespread mass arrests carried out by the Israeli occupation forces against Palestinian women in the Gaza Strip, in light of the crime of genocide and the enforced disappearance of Gazans, human rights organizations were able to obtain information regarding the detention of a number of Gaza women in Damon prison. However, the prison administration refused to disclose their names, numbers, and conditions of detention. Although visits to these women detainees were denied, some lawyers were able to find out their names, through women prisoners from the West Bank and the 1948 occupied territory held in the same prison, but in different rooms with no communication with them.

However, the Prison Service rejected all visitation requests submitted by all parties, including Israeli organizations, such as Physicians for Human Rights, which had submitted a request to visit 82-year-old Alzheimer patient Fahmiyeh Antar. PHR managed to obtain Israeli court approval to visit her due to the privacy of her situation, but the IPS had released her before allowing anyone to visit her and check on her health condition. Antar was arrested in Gaza along with her assistant.

What confirms the random and retaliatory arrests carried out by the occupation forces in Gaza is breaking into safe houses, carrying out field executions of homeowners, and arresting women. Cases of arrests of grandmothers and their grandchildren were documented, as they were held in Damon Prison. For instance, the occupation forces arrested more than seven women from Abu Shamla family.

The testimonies of released Gaza female prisoners that were published in the media, and were also collected by human rights organizations, confirmed that they endured severe abuse during arrest and detention, humiliating strip searches, handcuffing, and blindfolding. They were held in group isolation cells that did not contain the most basic necessities of life, banned from communicating with anyone inside or outside the prison/army camps, and were cut off from news of their families throughout their detention.

Released detainee F. M., was arrested from the West Bank only because she is originally from Gaza, and was detained in Anatot army camp. She confirmed that she was handcuffed and blindfolded throughout her detention, forced to take off her hijab, and prevented from communicating with other detainees. She reported that they were sleeping on the floor on light blankets, and she was only given one Acamol pill throughout her detention, even though she had cancer and was being treated before her arrest.

Some of the released female detainees noted that they were arrested in what Israel called 'safe passages' while fleeing their homes. One female detainee was forced to leave her children in the custody of a stranger, and she was arrested and separated from her children. The same was confirmed by the other female detainees in Damon Prison.

These cases are merely simple cases that human rights organizations were able to access or document through the media. Due to the cutting off of communications from Gaza due to the bombing and shelling, and in light of the strict ban on visits to Gaza male and female detainees in Israeli prisons, human rights organizations are still facing extreme difficulty in documenting what these female captives were subjected to.

## **The Execution of a Palestinian Young Man by an Israeli Soldier**

Since the start of the Israeli ground incursion into several areas in Gaza, human rights organizations have been able to collect information and testimonies about the harrowing crimes committed by Israeli forces in the targeted areas, including field executions of civilians after raiding their homes, and the execution of men by gunshots. The media published a set of pictures showing a group of Palestinian young men with their hands tied, after being executed and thrown by the occupation forces. These crimes were committed against unarmed civilians, and a photo was widely circulated on social media, showing the hand of a young Palestinian man who was deliberately run over by Israeli tanks. As for women and children, they were abused and held in rooms separate from males. Moreover, there are cases in which women were arrested from their homes after executing their families and taken to unknown locations.

Field executions were carried out by the occupation forces from inside military vehicles and high-rise buildings, during which Palestinian civilians were targeted by Israeli snipers, whether while they were inside their homes, during attempts to move in residential areas, while fleeing to other areas, or during an arrest. This is what happened to a Palestinian man who was apprehended on 30 December 2023 in north Gaza. Following an interrogation, the prisoner was handed over to a soldier assigned to guard him. The soldier, however, opened fire on the prisoner, killing him, and later claimed that he felt 'threatened'. On December 31, the Israeli police opened an investigation into this case.

Euro-Med Human Rights Monitor confirmed it had received hundreds of reports regarding Palestinians going missing in the Gaza Strip. It is suspected that these people were taken into custody directly from their homes or shelter centers during raids by Israeli forces, following Israel's ground invasion of Gaza; dozens of them were subjected to arbitrary and extrajudicial executions.[32]

Although the media and journalists are covering what they can of the Israeli occupation crimes in Gaza, there is unclear information regarding Gaza detainees, the violations they are subjected to, and the legal basis for the detention of hundreds of thousands of them, amid the crime of enforced disappearance which the Israeli authorities have been deliberately committing since the start of the aggression against Gaza. The occupying state is still utilizing all its capabilities to cover up its crimes against detained Gazans. The information obtained by Palestinian or Israeli rights groups does not constitute part of the abuse and crimes committed against detainees.

International humanitarian law conventions do not refer to the term 'enforced disappearance' itself. However, enforced disappearance violates, or threatens to violate, multiple customary rules of international humanitarian law; in particular the prohibition of arbitrary deprivation of liberty (Rule 99); the prohibition of torture and other cruel or inhuman treatment (Rule 90); and the prohibition of murder (Rule 89). In addition, in international armed conflicts, information must be exchanged regarding persons deprived of their liberty and enforced disappearance is prohibited (Chapter 37). In non-international armed conflicts, parties are also required to take steps to prevent disappearances, including recording and notification of personal details of persons deprived of their liberty (Rule 123), and consideration must also be given to the rule that each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate (Rule 117).

The cumulative conclusion of these rules is that enforced disappearance is prohibited in international humanitarian law. Nevertheless, the occupying state continues to blatantly violate international law, practices the crime of enforced disappearance of Palestinian detainees, and refuses to disclose any information it has on their fate.

[32] Euro-Med Human Rights Monitor. "Following Reports of Execution, Intl. Community Must Pressure Israel to Reveal Whereabouts of Hundreds of Gazan Detainees". 4 January 2024.  
<https://euromedmonitor.org/en/article/6077/Following-reports-of-executions,-intl.-community-must-pressure-Israel-to-reveal-whereabouts-of-hundreds-of-Gazan-detainees>

## Enforced Disappearance in International Law

According to Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance, "enforced disappearance is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."<sup>[33]</sup>

The Convention also indicated in Article 1 that no one shall be subjected to enforced disappearance and prohibited the invocation of any exceptional circumstances, whether a state of war or internal conflicts, to justify enforced disappearance. Article 24 specifies the definition of a victim as "the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance. The victims of enforced disappearance have the right to obtain reparation and prompt, fair, and adequate compensation."<sup>[34]</sup>

This Convention is not the only convention that prohibits the crime of enforced disappearance. Rather, the rules of international humanitarian law published by the International Committee of the Red Cross in 2005 prohibit the act of enforced disappearance, as Rule 98 stipulates that "Enforced disappearance is prohibited in international and non-international armed conflicts."<sup>[35]</sup> The systematic practice of enforced disappearance is considered a crime against humanity, according to Article (7)(1)(I) of the Rome Statute of the International Criminal Court, whereas Article 7(2) defines enforced disappearance as "the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time."<sup>[36]</sup>

Considering the definition contained in the International Criminal Court's statute of enforced disappearance, we see that the crime consists of multiple key elements, the most important of which are (1) The perpetrator, the arrested, detained, or abducted one or more persons, (2) The perpetrator was aware that such arrest, detention or abduction would be followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of such person or persons, (3) The perpetrator intended to remove such person or persons from the protection of the law for a prolonged period of time, and (4) The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.<sup>[37]</sup>

<sup>[33]</sup> International Convention for the Protection of All Persons from Enforced Disappearance, Article (1).

<https://www.ohchr.org/sites/default/files/disappearance-convention.pdf>

<sup>[34]</sup> International Convention for the Protection of All Persons from Enforced Disappearance, Article (24).

<https://www.ohchr.org/sites/default/files/disappearance-convention.pdf>

<sup>[35]</sup> International Humanitarian Law Database. Rule 98. Enforced Disappearance.

<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule98>

<sup>[36]</sup> <https://www.icc-cpi.int/sites/default/files/Publications/Rome-Statute.pdf>

<sup>[37]</sup> International Criminal Court. Elements of Crime. Adopted by the Assembly of States Parties to the Rome Statute of the International Criminal Court, First Session, New York, 3-10 September 2002. <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>