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Induced Desperation: The Psychological Torture of Administrative Detention

Administrative detention is a policy practiced by the Israeli forces in which Palestinians are held without charge or trial. Administrative detainees are held for **indefinite periods** on the grounds of **secret information to which neither they nor their legal counsel have access**. This factsheet aims to provide context for the practice of administrative detention, underline the psychological suffering associated with the policy, and highlight the ways in which the practice may be considered a form of psychological torture in accordance with international law.

This factsheet aims to address the ways in which administrative detention constitutes an act of mental suffering inflicted by Israeli occupation authorities as a form of punishment, intimidation, or

coercion, as defined by the Convention Against Torture. The undertaking stems from the need to shed light on the psychological, physical and mental effects of indefinite detention without trial which cause the detainee to live in limbo without knowing their fate. Additionally, the factsheet aims to advocate for legal action internationally and locally to call for an end to this widespread and systematic policy used against Palestinians.

Legal Background

In the occupied Palestinian West Bank, the Israeli army issues administrative detention orders against Palestinian civilians on the basis of article 285 of Military Order 1651. Article 285 empowers military commanders to detain an individual for 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”. No definition of “security of the area” or “public security” is given. In occupied Jerusalem and historical Palestine, Palestinians may be held under administrative detention according to the Emergency Powers (Detention) Law (1979).

Administrative detainees are held without charge, and are instead held on grounds that their freedom presents a future risk. The detention order, signed by the Military Commander of the Area, is for one to six months, renewable, and based on information gathered by the Israeli intelligence, Shabak. **However, just before the expiry date, the detention order is frequently renewed; 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, narrowly defined circumstances. In accordance with the International Covenant on Civil and Political Rights (ICCPR), there must be a public emergency that threatens the life of the nation. Furthermore, administrative detention can only be ordered on an individual case-by-case basis, without discrimination of any kind. Administrative detention cannot be used as a substitute for criminal prosecution where there is insufficient evidence to a conviction. Israel’s use of administrative detention, however, in its collective and large-scale application, deliberately infringes on these restrictions and amounts to arbitrary and wrongful detention.

Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as “any act by which severe pain or suffering, *whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.*” [emphasis added].

Underlining administrative detention as a form of collective punishment, the use of administrative detention is used in a widespread manner and often affects Palestinians in peaks during arrest campaigns. For example, during the escalating unrest in the West Bank and occupied Jerusalem, a mass arrest campaign began in October 2015, resulting in the number of administrative detainees reaching 750 in April 2016. Between 01 January 2016 and 25 April 2016, there were a documented 589 administrative detention orders issued (including 276 new orders, and 313 renewal orders), signifying this alarmingly escalated use of administrative detention in the current period.

Historically, administrative detention has been used as a form of collective punishment and control. Hundreds of Palestinians who were opposed to the terms of the Oslo Accords in 1993-1994 were

placed under administrative detention. In 2005, in the months leading to the Palestinian elections, hundreds of Palestinians were placed under administrative detention as a method of control of Palestinian society in the context of upcoming political elections. In the recent 2014 war on Gaza, the number of Palestinians under administrative detention reached 550 in September 2014 (rising significantly from 192 in May 2014).

The Psychology of Administrative Detention: A Permanent State of Waiting

Linguistics specialist Almerindo Ojeda lists the practices that may constitute psychological torture. One of the practices which constitutes psychological torture is "Induced Desperation" which is defined as *arbitrary arrest; indefinite detention; random punishment or reward;... or "learned helplessness"*.^[1]

Psychologist Murad Amro at the Palestinian Counseling Center (PCC) stated that, "Administrative detention can be characterized as psychological torture due to the detainee's dealing with dimensions of the unknown. For administrative detention you do not know why you're there, and you do not know when you will leave; time and space is out of the locus of control."^[2] Murad Amro further highlights the elements of loss of control over the future as is characteristic of administrative detainees, feelings of borderline, i.e. swinging between moments of looking forward to release and the realization or belief that detention will be extended further. Altogether, this experience causes anxiety, instability in thoughts, and being consumed with "the unknown." Mr. Amro further highlights the feelings of helplessness and lack of control associated with this experience, which causes psychological and mental torture of the detainee and his or her family.

Administrative detention may be considered a form of psychological torture as the detainee is subjected to detention without fair trial guarantees, as well as the indefinite nature of the detention, where orders can be renewed every six months, indefinitely. The detainee may develop severe depression, anxiety, paralyzed personality, and dysfunctional cognitive ability. This is principally due to the fact that the detainee is not informed of the reasons or time for his or her detention, and is denied access to the secret evidence on the grounds of which he or she is held.

Extension of the administrative detention period severely increases the psychological suffering of the detainee. Once the detainee begins thinking that he or she will soon be released, the Israeli authorities often renew the detention order for up to six additional months, still without putting forth any charges. The policy of administrative detention does not rely on clear evidence, charges or offenses committed in a particular period of time, but rather on secret information that indicates that the detainee is of a 'dangerous type.' This secret information may include alleged information that the detainee is a member of an illegal organization or is involved in military activities against the occupying state, but may also target individuals who do not take part in any alleged military activities, including children, university students and civil society activists who purportedly pose a risk to the security of the area. Ultimately the administrative detention terrorizes the detainee by exaggerating the accusations against him or her based on secret information. This ultimately leads to frustration and feelings of helplessness by the detainee, who is left not knowing the genuine reasons for the detention.

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 detainee.^[3] If a certain event is fairly predictable, then the individual is more capable to control its circumstances and he or she is better able to meet it with more preparation that would result in reducing the impact of the event. In the case of administrative detention, a detainee nor their family can predict the outcome, and the psychological and mental impact to each may be profound. 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.^[4] The aforementioned elements of administrative detention often cause acute pressure on the detainee that forces him or her 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 their term or the term might be extended on the day of the release date or a few days prior, causing instability, depression, anxiety and trauma. Several studies on the effects of administrative detention showed the element of unpredictability and absence of specific end date are all contributing factors to causing psychological disorder.^[5] A study by Sutker reveals that the symptoms of the disorders that arise among prisoners are marked by their sustainability, which means that they can last for a long period of time even after the detainees are released.^[6] Thus, the character, feelings and behaviors of the detainees are all shaped by the experience of being held under administrative detention. Additionally, the psychological impacts and implications of detention, which may last for years, do not impact only the detainee, but also extends to the family, relatives and beloved ones.

In some cases, the repeated renewal of administrative detention orders has led some administrative detainees to go on hunger strike to protest the illegality of their detention. The case of hunger-striking administrative detainee Khader Adnan, whose case drew worldwide attention most recently in 2015, demonstrates the decision to embark on hunger strike in protest of continued detention without charge or trial. Mr. Adnan provided the following testimony:

"I have been held ten times in prison under administrative detention, and each time I get told that I was placed under administrative detention, it's like a hammer hitting me in the head, because each time the order would end, I thought that I'd be going home, but it suddenly gets renewed. There's no psychological peace of mind when you are under administrative detention. When I used to get told about the order renewal I would just sit inside the cell and other prisoners would come to cheer me up and make me feel better. I wouldn't join the other prisoners in their fora [recreational time] outside... Administrative detention is a life killer - it makes your life stop. For other prisoners who were charged with an offense- they could at least count the days, but for me I did not want to count the days because I knew that the order would get renewed. It is a shock for me, but a bigger shock for my family, who each time expected my release and suddenly received the news about the renewal. Some detainees and their families face trauma as a result of administrative detention order renewals because your parents are always waiting for you to come home and then the order gets renewed and your family goes through the trauma all over again... The reason I decided to go on hunger strike is because of the arbitrary nature of administrative detention, and it was my last resort to protest my detention. I got to a point where I either decided to die or be released, but definitely not be held under administrative detention again."

26-year-old Dia'a Al Hroub, a graduate of Birzeit university in media and sociology recounted:

"I was arrested 25 days after my graduation ceremony from Birzeit University. I was initially placed under administrative detention for 6 months, but the detention order was renewed three times. Administrative detention is different than regular sentences... I hadn't done anything, so I wasn't expecting it. Administrative detention came when I was starting to plan for my life and I did not know why I was being held in detention. There was something they were investigating that I did not have anything to do with but they couldn't prove it, and I remained silent. But the interrogator insisted I was involved in "illegal activities". If you've done something, you know what you've done and you would have a scenario in your head, but with administrative detention, you know nothing. The administrative detention order was set to end, but a day before Eid they renewed it. It was not easy for my family or for me. It was psychologically devastating. I had somebody with me who was in

prison for 14 years who said to me that he was in a better position than me because at least he knew the date of his release, but I didn't. I was psychologically unstable... waiting for the day I would be released. The administrative detention affected me so badly psychologically and mentally, myself and my family... I kept asking myself the same question: why am I here? Administrative detention destroys you psychologically on so many different levels."

Addameer's Legal Unit Coordinator Ayman Nasser, who spent a year in administrative detention, with four 3-month renewals underlined this psychological experience stating *"The terrible thing about administrative detention is that you don't know if you will be released or if your administrative detention will be renewed. You're in that middle place."*

Mr. Nasser added that the renewals would take place only a few days prior to the scheduled end of the order: *"The most difficult thing for me was that my 5 year old son used to ask me, 'Dad, when will you be released?' and it used to cause me anxiety because it was a simple question yet you do not have an answer. Also, my children would buy new clothes before my scheduled release, and that the news of the renewal of the detention would come as a shock to them, one arguably with a severe long term impact. These things are psychologically destructive for my family and for myself."*

Muneer Abu Sharar (33-years-old) from the outskirts of Hebron was arrested twice under administrative detention. The last detention period was from 24 July 2014 - 31 March 2016 in which his 6-month orders were renewed three times, followed by a 4-month order. Abu Sharar recounted his experience under administrative detention:

"Being under administrative detention is mentally exhausting. You tell yourself that you will be strong if your administrative detention order is renewed, but you lie to yourself. Each time the scheduled end date of the order was approaching I would get excited, and my mind would be consumed with the outside world, so I couldn't help but think about life after detention. Even if I had a one percent chance of being released, I would keep thinking about that one percent. But I was shocked with the news of each of the four renewals. It was as if a new sentence was imposed upon me. The difference between a person who is charged and sentenced, and a person under administrative detention is knowing the exact period of detention. Each renewal is like a new prison experience. The experience of being under administrative detention was not only mentally exhausting for myself, but also for my family. My elderly mother could not grasp my administrative detention; each time the order end date approached, she would prepare for my release. She was then shocked by the news of a renewal. This shock was not limited to my mother, but also my siblings, relatives, and loved ones. We were all in an unstable mental state... The whole experience is mentally and psychologically draining. The systematic policies of psychological torture are much worse than physical torture... When people would ask me about the ways I was being tortured, I couldn't answer them because there were no physical scars on my body. I didn't realize that I was being tortured because my understanding of torture was only physical and not psychological."

These testimonies by former administrative detainees taken in June 2016 demonstrate the psychological state caused by this arbitrary detention, especially the unpredictability associated with the unknown release dates and the shock associated with the renewal of the orders. The testimonies given by administrative detainees reveal the expected outcome of the mental and psychological effects of administrative detention, namely the experience of living in a 'permanent state of waiting,' in which he or she cannot perceive the future of his or her detention, and in which time and space are outside the detainee's locus of control. The cases reveal that in the case of administrative detention, there is no place for future plans or any psychological and mental stability. There is a permanent fear among the detainee and his or her family that the order will be renewed a few days before the scheduled end date. Even if the family is psychologically prepared for the events, the majority of family members that Addameer informs of a renewal date display elements of shock. The news of

renewals are often the cause of psychological trauma resulting from this associated shock, for both the detainee and his or her family members, who are anxiously awaiting an actual release and instead experience severe frustration caused by the continued renewals. Arguably, the dissociative state to which detainees are led, the associated depression as well as the loss of hope for judicial justice may lead to hunger strike, putting the individuals very life at risk. The case of Khader Adnan as mentioned above which exemplifies this inclination, is not the only one of its kind. Administrative detainees have historically used hunger strikes as the only means to protest their detention without charge or trial. The fact that some administrative detainees were willing to sacrifice their lives indicates their lack of judicial process alternatives, as well as the psychological state of mind to which they are led.

Conclusion

This factsheet has underlined the ways in which administrative detention may constitute a persisting form of psychological torture, due to the element of unpredictability, associated loss of spatial and temporal locus of control, the resulting depression and severe anxiety, as well as other resulting mental and psychological disorders and trauma.

As of May 2016, there were an estimated 715 Palestinians held in administrative detention, including 3 Palestinian Legislative Council members, approximately 8 children, and a circus performer. As the Israeli occupation has intensified the use of administrative detention since October 2015, members of various sectors of Palestinian society, including children, have been placed under administrative detention. Recently, Addameer's media coordinator [Hasan Safadi](#) was arrested on 01 May 2016 and spent 40 days under interrogation. He was subsequently placed under administrative detention due to lack of adequate evidence and charges to keep him detained. Additionally, Bilal Kayed who was arrested in 2002 and sentenced to 14 years and a half in prison was set to be released after serving his sentence. On the day of his scheduled release, a 6-month administrative detention order was issued against Mr. Kayed, who is currently [on hunger strike](#) in protest of his detention. [Mohammad Abu Sakha](#), a Palestinian circus performer and trainer for special needs children was arrested in December 2015 from Za'atara checkpoint in the occupied West Bank and he continues to be held, as his administrative order was renewed on 13 June 2016 for an additional 6 months. These recent cases highlight the continued practice of administrative detention as arbitrary and punitive policy practiced in the absence of sufficient evidence or charges.

In many of the legal cases pursued by Addameer, individuals spend years in prison after being sentenced for committing violations, in accordance with Israeli military orders. When the period ends, however, rather than being released, many are immediately placed under administrative detention under the pretext that they still pose a threat to security. Palestinian detainees have spent up to ten cumulative years in administrative detention without charge or trial. This experience of administrative detention is undoubtedly severely devastating, and impacts the overall psychological health of administrative detainees and their families.

Addameer affirms concluding observations of the United Nations Committee Against Torture (CAT), 13 May 2016, which called on the Israeli government to "[t]ake the measures necessary to end the practice of administrative detention and ensure that all persons who are currently held in administrative detention are afforded all basic legal safeguards." Thus, Addameer calls upon the international community to push the Israeli government to end the use of administrative detention. Addameer calls for administrative detention to be recognized as a form of psychological torture that should be prohibited in line with the Convention Against Torture's non-derogable prohibition.

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