



Administrative Detention as a Tool of Oppression and Domination

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For decades, the Israeli occupation authorities have systematically utilized administrative detention to indefinitely hold Palestinians without charge or fair trial based on “secret information.” Reappropriating a colonial practice established during the British Mandate era, the Israeli occupation has established an administrative detention scheme under three laws: (1) Article 285 of Military Order 1651, which is part of the military legislation they apply to the West Bank, (2) the Internment of Unlawful Combatants Law, which they have used against residents of the Gaza Strip since 2005, and (3) the Emergency Powers (Detentions) law, which they can apply to individuals holding Israeli citizenship.¹

Israeli military commanders consistently issue Palestinians administrative detention orders under this scheme for “security reasons” based solely on “secret evidence.” Once the order is issued, the detainee can be held for up to six months with indefinite renewals without ever receiving a charge or trial nor being informed of the evidence against them. These indefinite, baseless administrative detentions take a major psychological toll on detainees. This psychological effect is weaponized by Israeli forces to exact revenge on Palestinians. The occupation authorities will deliberately withhold the length of the detention, only informing detainees their detention was renewed on the day they thought they would be released. Furthermore, administrative detention orders are often targeted at former prisoners, children, and the elderly and sick.

Thus far in 2022, the Israeli occupation forces have only expanded their systematic and arbitrary administrative detention practices. According to documentation by Addameer, as of the end of September 2022, there are presently around 800 Palestinian administrative detainees languishing indefinitely in occupation prisons without charge or trial, including two women, six children, and three Palestinian Legislative Council members. Further, from January through September of 2022 alone, the Israeli military commander has issued 1,570 administrative detention orders in the West Bank and Gaza as well as at least 40 in Jerusalem and the 1948 occupied Palestinian territories. If this trend continues through the rest of the year, the

¹ Addameer Prisoner Support and Human Rights Association, “Administrative Detention in the Occupied Palestinian Territory: A Legal Analysis Report,” Fourth Edition 2016, https://www.addameer.org/sites/default/files/publications/administrative_detention_analysis_report_2016.pdf.

number of orders issued in 2022 will exceed the 1,595 issued in 2021, which was the highest recorded in the past five years. In fact, the number of administrative detention orders issued in 2021 outpaced the prior year by 40%.² This surge illustrates the Israeli occupation authorities expanded use of arbitrary arrests and administrative detention orders against Palestinians engaged in solidarity protests across the occupied Palestinian territory during the *2021 Unity Uprising*. Of the at least 5,728 administrative detention orders issued in the past five years, more than 51% of them were issued in 2021 and the first eight months of 2022 alone.

Administrative Detention of Elderly and Ill Palestinians

The Israeli occupation maintains a systematic policy of medical negligence toward Palestinian prisoners.³ Human rights organizations indicate that there are at least 600 sick prisoners in Israeli prisons, many of whom suffer from chronic diseases and serious illnesses such as cancer. Many of these prisoners are held under administrative detention. In fact, the Israeli occupation forces consistently target elderly and ill Palestinians when issuing administrative detention orders.

The case of Jamal Zaid illustrates an example of the targeted medical negligence experienced by elderly administrative detainees. The 64-year-old, whose administrative detention was just renewed in September 2022, suffers from kidney failure among other medical conditions, and undergoes dialysis three times a week. Mr. Zaid was issued an administrative detention order in September 2021 despite having spent a year in administrative detention ending only in May 2020. During his first period of detention, Mr. Zaid began to suffer from kidney problems. Despite his lawyers repeatedly raising his health condition, presenting medical reports, and stressing the need for release to receive necessary medical care, the occupation courts claimed his health did not prevent him from engaging in activities that posed “a threat to the security of the region.”

Following his release in 2020, Mr. Zaid found out he needed dialysis as a result of the medical neglect he experienced in detention, including deprivation of food he needed for his conditions, exposure to extreme cold, and being given the wrong medications. After his rearrest on 15 September 2021, the military judge said the administrative detention order would be shortened to three months. Nonetheless, the occupation courts have continued to renew Mr. Zaid’s administrative detention ever since, forcing him to remain in harsh conditions where he is not receiving proper treatment.⁴

² Addameer Prisoner Support and Human Rights Association, “Administrative Detention Fact Sheet 2022,” 20 January 2022, <https://www.addameer.org/media/4698>.

³ Addameer Prisoner Support and Human Rights Association, “Policy of Deliberate Medical Negligence,” January 2016, https://www.addameer.org/key_issues/medical_negligence.

Addameer Prisoner Support and Human Rights Association, “Imprisonment and Medical Negligence: Two Locks on One Cell,” 26 May 2019, <https://www.addameer.org/publications/imprisonment-and-medical-negligence-two-locks-one-cell>.

⁴ Addameer Prisoner Support and Human Rights Association, “Jamal Zaid,” 05 September 2022, <https://www.addameer.org/prisoner/4597>.

Similarly to what Jamal Zaid is experiencing, the occupation authorities held 49-year-old Abdul Baset Ma'tan, who suffers from colon cancer, in administrative detention from October 2021 till April 2022. During Mr. Ma'tan's detention, after informing the occupation authorities that he had cancer and was planning to undergo chemotherapy, he was exposed to extremely cold weather and subjected to inhumane treatment. In fact, the military courts explicitly denied Mr. Ma'tan's medical appeal and prohibited him from receiving necessary surgical follow-up in January 2022 for the removal of part of his intestines. Furthermore, while in administrative detention, Mr. Ma'tan was not seen by a specialist doctor for his health condition. Instead, he was taken to a prison clinic where he was merely given a blood test, medicine for cholesterol, and some vitamins. Israeli intelligence officers also informed him that administrative detention would be extended if he did not cooperate with them and threatened to withhold necessary medical treatment.⁵ Notably, Mr. Ma'tan was re-arrested on 21 July 2022 and placed under six-month administrative detention.



The Israeli occupation's continuous practice of medical neglect and targeted administrative detention orders against elderly and ill Palestinians violates several international laws and customs. First and foremost, Articles 76 and 92 of the Fourth Geneva Convention stipulate the right of sick detainees to receive adequate medical care, maintain a healthy diet, and receive necessary medical examinations. Furthermore, as the United Nations Human Rights Council (HRC) Working Group on Arbitrary Detention pointed out in a 2021 opinion on elderly, ill Palestinian prisoner Jamal al-Niser, "denial of medical assistance also constitutes a violation of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), in particular rules 24, 25, 27, and 30."⁶

In addition to directly violating the aforementioned rules, the occupation authorities' medical negligence toward administrative detainees violates the International Covenant on Civil and Political Rights (ICCPR), to which Israel is a party. The ICCPR guarantees not only the inherent right to life, but also prohibits cruel, inhuman, or degrading treatment and enshrines prisoners' rights to be treated with humanity and dignity.⁷ Understood together, these provisions clearly require that administrative detainees are provided with access to necessary medical care and treatment as that is part of protecting the right to life and humane treatment.

⁵ Addameer Prisoner Support and Human Rights Association, "Abel Baset Ma'tan," 05 September 2022, <https://www.addameer.org/prisoner/4735>.

⁶ UN Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its 92nd session, 15-19 November 2021: No. 61/2021 concerning Jamal Afif Suleiman al-Niser, Israel*, 3 December 2021, https://www.ohchr.org/sites/default/files/2022-03/A_HRC_WGAD_2021_61_AEV.pdf.

⁷ Articles 6, 7, and 10 of the International Covenant on Civil and Political Rights.

Administrative Detention of Palestinian Children

As of the end of September 2022, Israeli occupation authorities hold six Palestinian children under administrative detention. These practices are consistent with the occupation's systematic targeting of children, demonstrating that not even children are exempt from Israel's arbitrary administrative detention policies.⁸ Since 2015, Israeli forces have issued 36 arbitrary administrative detention orders against Palestinian children. Additionally, outside of these administrative detentions, in 2022 the occupying power arrested over 986 Palestinian children.

Illustrative of the abusive practices of issuing administrative detentions to Palestinian children is the case of Anas Abu Rob, 17 years old, currently held in Maggido Prison under administrative detention. On 17 March 2022, at 2:00 am, the Israeli occupation forces arrested Abu Rob from his home in the occupied West Bank city of Jenin without providing him with a warrant, decision by a public authority, or rationale for the detention order. Abu Rob's detention was extended for several days under the pretext of interrogation. The Israeli military prosecutor failed to provide a proper list of charges against Abu Rob, consequently, the Israeli military commander issued a four-month administrative detention order against him, which was later renewed for an additional four months, up for indefinite renewals. The military judge in the confirmation hearing for Abu Rob's administrative detention noted the current instabilities in the West Bank and confirmed that Abu Rob's detention is needed to avoid possible "security threats" in the area. Meaning, this child is not detained based on a specific act, but rather within the Israeli occupation's large-scale retaliatory mass arrest campaigns in the West Bank, as a policy of collective punishment against the Palestinian people.



The widespread practice of issuing children administrative detention orders violates not only the ICCPR but also the Convention on the Rights of the Child (CRC) and several other international legal doctrines.⁹ The CRC, ratified by Israel in 1991, states that the detention of children should be a last resort and for the shortest possible period, that no child shall be deprived of their freedom arbitrarily, and that children must not be subjected to cruel, inhumane, or degrading treatment.¹⁰ However, Israeli occupying forces engage in widespread, systematic, and institutionalized violations of these rights through physical violence, verbal abuse, intimidation, coerced confessions, and denial of due process rights.

⁸ Addameer Prisoner Support and Human Rights Association, "Imprisonment of Children," December 2017, https://www.addameer.org/the_prisoners/children.

⁹ For a comprehensive list of all the ways the Israeli occupation's child detention practices violate international law see: <https://law4palestine.org/protection-of-child-prisoners-in-israeli-prisons-under-international-law/>.

¹⁰ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

Specifically, in their 2021 opinion on [Amal Nakhleh's](#) detention, the UN HRC Working Group on Arbitrary Detention concluded that the circumstances of Mr. Nakhleh's administrative detention violated several international laws and conventions. First, international law requires that children deprived of their liberty be provided with a warrant, the reason for their arrest, and the charges against them. These guarantees, violated by the occupying power, are enshrined in Articles 9(2) and 14(3)(a) of the ICCPR and 40(2)(b)(ii) of the CRC.¹¹ These fundamental due process protections are also procedurally inherent to the right to liberty and security and the prohibition on arbitrary deprivation guaranteed in Articles 3 and 9 of the Universal Declaration of Human Rights and Principles 2, 4, and 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Second, the Working Group concluded that Israeli forces violated ICCPR Articles 9(4) and 14(1) as well as CRC Articles 37(d) and 40(2)(b)(iii), which all protect children's right to fair, legal hearings with an impartial authority and to challenge the legality of any continued deprivation of their liberty.¹² Third, although the right to evidence is not absolute, ICCPR Articles 14(1) and 14(3)(b) and (e) as well as CRC Article 40(2)(b)(iv) require detaining powers to, at minimum, show that there were legitimate reasons for redacting access to evidence. These rules too were violated in the case of Amal Nakhleh.¹³

Beyond the international law violations found by the Working Group on Arbitrary Detention in Amal Nakhleh's case, other UN bodies and officers have consistently acknowledged the illegality of the Israeli occupation's administrative detention scheme's use against children. For example, several UN experts and Special Rapporteurs stated in 2021 that the arbitrary detention of children "is particularly abhorrent, violating minimum standards established by the Convention on the Rights of the Child."¹⁴ Despite these calls, occupation authorities continue gravely violating children's rights to freedom and life by arbitrarily detaining them and forcing them to grow up and reach adulthood in prison, isolated from their families, schools, and communities.

Administrative Detention of Formerly Imprisoned Palestinians

Like previously mentioned detainees Abdul Baset Ma'tan and Jamal Zaid, uncountable Palestinians in administrative detention have previously been held in Israeli occupation prisons. In fact, the Israeli Occupation Forces maintain a policy of systematically targeting former prisoners and detainees. On August 24th of 2022, Israeli occupation forces undertook a massive campaign across the occupied West Bank wherein they arbitrarily arrested and administratively detained at

¹¹ UN Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its 92nd session, 15-19 November 2021: No. 60/2021 concerning Amal Nakhleh, Israel*, 15 December 2021, https://www.ohchr.org/sites/default/files/2022-01/A_HRC_WGAD_2021_60_isr_AEV.pdf.

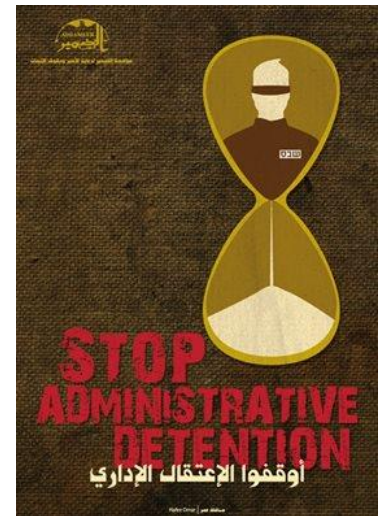
¹² Id.

¹³ Id.

¹⁴ *Israel: Release or charge five Palestinian hunger strikers – UN Experts*, 21 October 2021, <https://www.ohchr.org/en/press-releases/2021/10/israel-release-or-charge-five-palestinian-hunger-strikers-un-experts>

least 14 Palestinians under the pretext of their participation in popular resistance activities being a “security threat.” At least half of those placed in administrative detention had previously been held in Israeli military prisons, including Asem Al-Kaabi who had spent 18 years in detention, Ahmad Hajaj, who had spent 17 years in detention, and Bilal Al-Kayed who had spent over 14 years in detention. This was not the only recent campaign wherein the occupation forces rearrested liberated prisoners across Palestine during periods of heightened tensions. In May 2021, the occupation forces mass arrested nearly 60 Palestinians, the majority of whom were formerly freed prisoners as well as activists and politicians. At least 25 of those arrested were transferred to administrative detention without charge or trial.¹⁵ Many of these arrests made over the course of the past few years, whether during mass campaigns or not, directly targeted former prisoners.

The psychological impact that repeated arrests and detention has on Palestinians cannot be understated. In addition to the inherent psychological toll, administrative detention without charge or trial takes, being subjected to repeated harassment, arrests, and detentions can easily induce stress, panic, depression, feelings of helplessness, and desperation.¹⁶ As scholar Almerindo Ojeda explained, one of the practices that constitute psychological torture is “Induced Desperation,” which he defines as “arbitrary arrest; indefinite detention; random punishment or reward; ... or ‘learned helplessness.’”¹⁷ For the many Palestinian prisoners who are routinely released, arbitrarily rearrested, and placed in administrative detention for months or longer, this “induced desperation” can be even more extreme. As one former detainee Muneer Abu Sharar, who was arrested twice under administrative detention explained,



*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.*¹⁸

¹⁵ Addameer Prisoner Support and Human Rights Association, “Mass Arrests and Detention Amidst the Escalation of Israeli Aggression Against the Palestinian People,” 20 May 2021, <https://www.addameer.org/media/4393>.

¹⁶ For a comprehensive analysis of the psychological impact of administrative detention on detainees, see: Addameer Prisoner Support and Human Rights Association, “Induced Desperation: The Psychological Torture of Administrative Detention,” 26 June 2016, <https://www.addameer.org/publications/induced-desperation-psychological-torture-administrative-detention>.

¹⁷ Ojeda, Almerindo, 2006. “What is Psychological Torture?” The Trauma of Psychological Torture.

¹⁸ Addameer Prisoner Support and Human Rights Association, “Induced Desperation: The Psychological Torture of Administrative Detention,” 26 June 2016, <https://www.addameer.org/publications/induced-desperation-psychological-torture-administrative-detention>.

A form of psychological torture, administrative detention generally, and, particularly, repeated detentions of former prisoners are illegal under international law. Not only are detainees often held repeatedly for the same supposed “crimes” without charge, but the experience of repeated arrests violates both the ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Israel in 1991. CAT Article 1 defines torture as “any act by which severe pain or suffering, whether physical or mental, is inflicted on a person ... by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” Similar, ICCPR Article 7 enshrines freedom from “torture or ... cruel, inhuman or degrading treatment or punishment.” Israeli occupation authorities’ use of psychological torture on former detainees targeted for rearrest under administrative detention is a form of persecution and torture clearly illegal under international laws. As current administrative detainee and former prisoner Salah Hammouri stated in his letter from inside the Israeli occupation prison:

To those of us who have been arrested numerous times, this number has become a kind of barcode. It makes us feel we are no more than some manufactured goods for the prisons.... We must snatch small moments of life and joy between each detainment, whilst somehow coming to fear the short-lived joy and stability in our lives. Afraid of the next shock that will hit us, and of disappointments, we can no longer muster the courage to plan for a future that remains ever distant. Anxiety and instability loom over us and everyone surrounding us.¹⁹

[Salah Hammouri](#) was arrested on 7 March 2022 and received a three-month administrative detention order, which was renewed twice on 5 June and 5 September. Since the age of 15, Salah has been facing continuous judicial and administrative harassment by the Israeli occupation authorities, including six periods of imprisonment and arbitrary arrests, several travel bans, separation from his family, surveillance and spyware attack, and most recently, the illegal revocation of his permanent Jerusalem residency and forced deportation from Jerusalem.

Concluding Remarks

The Israeli occupation authorities’ ongoing, systematic, and targeted use of their administrative detention scheme violates uncountable international humanitarian and human rights laws, norms, treaties, and conventions. Palestinians, including children, the elderly and ill, and former prisoners are regularly held for indefinite periods of time based on “secret evidence” without charge or fair

¹⁹ Justice for Salah, *Until when will I hold the number 1124052?*, 13 August 2022, <https://justiceforsalah.net/08/2022/news/until-when-will-i-hold-the-number-1124052%ef%bf%bc/>

trial guarantees. The occupation military relies on political rationales as a pretext for their discriminatory policy of issuing targeted administrative detention orders.

International humanitarian law only permits administrative detention by an occupying power under specific, exceptional circumstances “for imperative reasons of security,” where no alternative is available.²⁰ As such, the use of administrative detention is tightly governed by several international laws. Under Article 9 of the International Covenant on Civil and Political Rights, administrative detention can only be ordered on an individual case-by-case basis without discrimination of any kind. The Israeli occupation authorities’ use of administrative detention to target Palestinians as a form of collective punishment and domination is clearly in violation of this rule. As the UN Working Group on Arbitrary Detention explained, this form of detention cannot be used in a sweeping manner or as “an alternative to filing charges or for the sole purpose of interrogation or as a general deterrent for future activity.”²¹ Furthermore, international law makes clear that administrative detention is still governed by the basic rules for detention, including fair trial guarantees, minimum detention conditions, and absolute prohibitions against torture, ill-treatment, and other cruel, inhuman, or degrading treatment or punishment.

The Israeli occupation regime’s systematic and arbitrary practice of administrative detention violates these core international legal principles and standards. The UN Working Group on Arbitrary Detention, in its 2021 report, cited several egregious violations committed by the Israeli occupation’s administrative detention scheme. These include violating the prohibition on discriminatory arrest and detention practices enshrined in ICCPR Articles 2(1) and 26 and the Universal Declaration of Human Rights Articles 2 and 7 as well as fair trial guarantees mandated by the ICCPR Article 14 and customary international law.²² These due process violations include, but are not limited to, denying Palestinians the right to know the nature and cause of the charges, the right to an independent and impartial tribunal, the right to a public trial and proceedings, the right to assistance of an interpreter, and the right to counsel and effective assistance of counsel.²³

In its collective, discriminatory, and large-scale use of administrative detention, the Israeli occupation is deliberately infringing on fair trial guarantees and international restrictions for the use of administrative detentions in violation of the ICCPR, the Universal Declaration of Human Rights, the CAT, the CRC, and other international law doctrines. Addameer affirms the calls of

²⁰ See Article 78 of the Fourth Geneva Convention 1949, which says, “If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.”

²¹ UN Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its 92nd session, 15-19 November 2021: No. 61/2021 concerning Jamal Afif Suleiman al-Niser, Israel*, 3 December 2021, https://www.ohchr.org/sites/default/files/2022-03/A_HRC_WGAD_2021_61_AEV.pdf.

²² *Id.*

²³ Addameer Prisoner Support and Human Rights Association, “Administrative Detention in the Occupied Palestinian Territory: A Legal Analysis Report,” Fourth Edition 2016, https://www.addameer.org/sites/default/files/publications/administrative_detention_analysis_report_2016.pdf.

UN committees and working groups for Israel to end its illegal, discriminatory, and systematic administrative detention system. As the UN Committee Against Torture said in their 13 May 2016 report, the Israeli occupation government must “[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.”