



Current Escalation of Israel's Systematic Arbitrary Arrest and Detention Campaigns Against Palestinians

In the latest Israeli crackdown on Palestinians on both sides of the Green Line, Israel undertook large-scale campaigns of systematic arbitrary arrest and detention. Between 13 April and 26 May 2021, Israel detained some 2650 Palestinians on both sides of the Green Line.¹ These arrests are a continuation of a long-established policy used to intimidate and silence Palestinians. Notably, these campaigns are upheld by Israel's apartheid judicial system, which systematically grants impunity to Israeli occupying forces (IOF), police, and settlers, while upholding indictments submitted against Palestinian detainees and ignoring evidence of their physical assault.

Repression of Protests, Violent Arrests and Ill-treatment During Detention

Israel's violence and state repression serves as a tool of collective punishment targeting all Palestinians who engage in support, protests, or self-defence. The excessive use of force by Israel includes the deployment of tear gas, sound grenades, rubber-coated metal bullets, home raids, and physical assaults of Palestinians, including women, children, the elderly and Palestinians with disabilities.² In particular, the IOF target the upper body leading to serious injuries, including the loss of eyes, and hospitalizations. Moreover, such violence is not limited to protest sites, but is also perpetrated arbitrarily in neighbouring areas, including by the undercover *mustaribeen*.³

The IOF violently assault those arrested, beating them with batons and rifle butts, stepping on their heads and neck, dragging them by their hair or clothing, and deliberately slamming their heads against the ground, walls and cars.⁴ Once arrested, the IOF employ greater violence against detainees during the period of transfer to, and in, detention centres, that have resulted in heavy bruising and fractures in their feet, hands, and back, along with injuries to their eyes, face, and head.

In detention centres, physical violence, ill-treatment, deliberate medical negligence, and psychological torture are routinely deployed, in contravention of international law. Excessive force and ill-treatment have been used against detainees with mental health problems, leading to seizures and requiring their transfer to the hospital, despite cases in

¹ Addameer collected these numbers with coordination with lawyers and local civil society groups. The number of arrests is rapidly changing by the hour, and these numbers may expect change.

² Addameer, "Mass Arrests and Detention Amidst the Escalation of Israeli Aggression Against the Palestinian People," 20 May 2021, at: <https://www.addameer.org/media/4393>.

³ The *mustaribeen/mista'arvim* are undercover Israeli forces, disguised as Palestinian civilians, carrying hidden weapons.

⁴ See supra note 3.

which police were clearly notified about the detainees' pre-existing health issues.⁵ Still, dozens of cases were recorded in which the police refused to transfer injured detainees to hospitals for medical treatment despite the recommendations of paramedics and their need for immediate medical care.⁶

Campaigns of Systematic Arbitrary Arrest

In the past few weeks, Israel has escalated its practice of systematic arbitrary arrest and detention across the West Bank, including East Jerusalem, and inside the Green Line. These arrests, both random and organized, are carried out indiscriminately and en masse during demonstrations, including in nearby neighbourhoods, and through organised arrest campaigns.

According to the Israeli police report on 25 May 2021, at least 1550 were detained in Israel since 9 May 2021. The overwhelming majority of detainees were Palestinian citizens of Israel or from Jerusalem. The majority of those detained were released following high fines and financial guarantees, or on the condition that they cannot return to their neighbourhoods for periods of time and/or home arrest, highlighting the arbitrary nature of their arrest. Random arrests took place in the streets and public arenas during repression of protests, as well as during home raids and attacks on families, where many children were detained. In addition to the physical violations of the rights of child detainees, many children were subjected to threats, denied access to legal counsel, interrogated in a language that is not their mother tongue and for prolonged periods, including at night.

Between 24 and 25 May 2021, Israeli police carried out a retaliatory campaign of mass arbitrary arrests against Palestinians in Jerusalem and Palestinian citizens of Israel, under the announced "Operation Law and Order."⁷ In its statement, the Israeli police highlighted that the aim of this campaign is "to settle the score" with Palestinians for their political positions and activities.⁸ Dr. Hassan Jabareen, general director of Adalah said "These raids are intended to intimidate and to exact revenge on Palestinian citizens of Israel – 'to settle the score' with Palestinians, in the Israeli police's own words – for their political positions and activities." At least 250 Palestinians were detained in those two days, with a particular focus on demonstrators, activists, and minors. Israeli authorities submitted 150 indictments against Palestinian detainees, the majority of which related to charges of assaulting police personnel, participating in protests, throwing stones, incitement, and harassment of the police.

In Jerusalem, arbitrary arrest campaigns targeted young men, women, and children and were especially prevalent in and around the Damascus Gate near Al-Aqsa Mosque and the Sheikh Jarrah neighbourhood. Many of these campaigns were pre-emptive - such as the case on 9 May 2021, the day ahead of a planned march by Israeli settlers into Al-Aqsa

⁵ See supra note 3.

⁶ See supra note 3.

⁷ <https://www.ynet.co.il/news/article/SyMVBVOKO>.

⁸ Mondoweiss, "Israeli police are rounding up hundreds of Palestinians to 'settle scores' in mass arrest campaign," 24 May 2021, at: <https://mondoweiss.net/2021/05/israeli-police-are-rounding-up-hundreds-of-palestinians-to-settle-scores-in-mass-arrest-campaign/>.

Mosque, of mass arrests of Jerusalemite activists and those who had been previously arrested—and all were retaliatory. Most of those detained were released a few days later, with dozens of orders of transfer from Al-Aqsa Mosque, surrounding neighbourhoods, including Sheikh Jarrah, and additional orders of forced house arrest.

In other parts of the West Bank, a campaign of arbitrary arrests began on 4 May 2021 and intensified on 12 May 2021, targeting freed prisoners, activists, and politicians. On 12 May alone, nearly 60 Palestinians, including journalists, activists, and candidates for the Palestinian Legislative Council (PLC) were arrested.⁹ Overall, between 13 April and 26 May 2021, around 550 Palestinians in the West Bank were arrested in night raids that included the storming of their houses, attacks on family, and property destruction by the IOF. According to Addameer’s documentation, 38 children, two journalists, six candidates for the PLC, and two former PLC members were arrested. The majority of the detainees in the West Bank remain in detention, where they are subjected to additional fair trial violations by the Israeli military judicial system.¹⁰

At the same time, Israel issued 155 administrative detention orders between 1-26 May 2021, including 84 new administrative orders, including eight Jerusalemites and two children.¹¹ Since April, three children were transferred to administrative detention, including the case of Amal Nakhleh, whose case was directly addressed by UN human rights experts.¹² Currently, around 550 Palestinians are held in administrative detention indefinitely without charge and based on “secret evidence.”¹³

Complicity of the Israeli Apartheid Judiciary System

The practices of the Israeli judicial system clearly demonstrate an apartheid system in which two separate, discriminatory legal systems are in place: one for Israeli Jews and the other for Palestinians on both sides of the Green Line. Recent events have brought the reality of Israeli apartheid to the fore, with a clear contrast between the impunity granted to IOF, Israeli police, and Israeli settlers and the wide-scale arrests and assault campaign targeting Palestinians.

Indictments submitted against Palestinian detainees centred on racially-motivated charges of incitement to “terrorism,” and/or “harassment of police work,” aimed at the intentional portrayal of Palestinians as violent and racially and ideologically-motivated. Furthermore, Israeli judges refuse to address physical evidence of assault and ill-treatment left on the detainees’ bodies. While Palestinians are subjected to Israeli-imposed arbitrary release conditions, including house arrest, denial to return to place of residence, and a ban on

⁹ See supra note 3.

¹⁰ Addameer, “In the Case of the Palestinian People vs. Military Courts Campaign,” 1 March 2021, at: <https://www.addameer.org/node/4318>.

¹¹ See supra note 3.

¹² Published communiqué by UN OHCHR experts, 25 February 2021, UA ISR 2/2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26048>

¹³ Addameer, “Administrative Detention in the Occupied Palestinian Territory: A Legal Analysis Report,” 2016, at: https://www.addameer.org/sites/default/files/publications/administrative_detention_analysis_report_2016.pdf

participating in protests, Jewish Israelis are rarely detained or held accountable. The Israeli prosecutor submitted indictments against only 15 Israeli Jews during recent events, including charges related to stone throwing and attacks on Israeli press crews covering events.¹⁴

Recommendations

Accordingly, we call on Member States of the Human Rights Council to:

- i. Condemn Israel's intimidation tactics against Palestinians on both sides of the Green Line, including its systematic and long-established arbitrary detention policies;
- ii. Recognise that in the context of the commission of the crime of apartheid, Israel persecutes Palestinian "organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid" through harassment, arbitrary detention, torture, and other ill-treatment on both sides of the Green Line, who mobilise to challenge Israel's policies, laws and practices of racial domination and oppression; and
- iii. Call on the CoI established pursuant to the resolution adopted during the 30th Special Session of the HRC to address Israel's systematic and long-established arbitrary detention policies.

¹⁴ See supra note 3.