

Israeli Laws: An Instrument of Oppression and Persecution

New Laws and Legal Amendments in 2024

Introduction

Following the events of 7 October 2023 and the ensuing acts of genocide perpetrated by Israeli occupation forces in the Gaza Strip, thousands of Palestinians from Gaza and the West Bank, including occupied East Jerusalem, have been detained. These individuals are currently being held in detention centers operated by the Israeli military or the Israel Prison Service (IPS), subjected to different legal frameworks. The variety of Israeli detention facilities has not masked the alarming realities faced by Palestinian detainees, as revealed by testimonies from both released individuals and those still incarcerated, gathered by lawyers and human rights organizations. These accounts indicate that, irrespective of the legal frameworks governing them, Palestinian prisoners endure consistently inhumane conditions marked by ill-treatment, including torture and sexual violence, along with various other violations.

Concurrently, Palestinian prisoners and their families have been systematically targeted by laws and bills enacted by the Israeli Knesset, some of which have been under discussion since October 7. In 2024, the Knesset persisted in enacting discriminatory laws aimed at Palestinian prisoners, violating their fundamental rights and those of their families, which has led to the deportation of families of prisoners in occupied East Jerusalem. The occupying authorities have further sought to undermine the well-being of prisoners by extending the state of emergency across all detention facilities, conducting trial sessions via video conferencing, denying access to courts, keeping prisoners without proper bedding, and enforcing overcrowding, among other oppressive measures.

This year, the Israeli Knesset has concentrated on enacting or proposing a range of laws that significantly impact the economic conditions of Palestinians, particularly affecting prisoners and their families. A key piece of legislation under consideration is a bill that would permit individuals harmed by what Israel classifies as "terrorism"—specifically actions labeled as Palestinian "resistance"—to seek compensation from organizations that support these acts, including the Palestinian National Authority. Additionally, the Knesset has deliberated on a bill aimed at imposing sanctions on financial institutions located in the West Bank and Gaza Strip that engage with banks and other entities within the occupying state, if it is demonstrated that these institutions transfer funds from the Palestinian Authority to individuals deemed "terrorists" by Israeli standards, including released prisoners and the families of martyrs. The proposed law would also enforce sanctions and restrictions on Israeli financial institutions or those operating within the occupying state if they conduct business with these foreign entities without proper disclosure.¹

Two other proposed draft laws have emerged, enabling the Israeli government to withhold funds from Palestinian tax revenues to pay for the medical care of Palestinian prisoners held in Israeli detention.² This initiative represents a blatant avoidance of the occupying power's obligations regarding prisoner treatment, as outlined in international agreements and the guidelines of the Israel Prison Service. The law received final approval on 11 October 2024, mandating that funds be deducted from the Palestinian tax revenues held by the Israeli government to finance Israeli defense attorneys appointed by the court from the so-called "Government Defense Authority" to represent Palestinian prisoners involved in the October 7 attacks.³ The intention behind this law is to undermine the legitimacy of the arrests made by the Israeli occupation forces, especially since Palestinian lawyers and organizations have refused to defend these prisoners, citing the illegality of their detention. Nevertheless, the Israeli Public Defense Office has declined to represent any Palestinian prisoner from the Gaza Strip arrested after October 7. It is important to recognize that this is merely a part of a broader set of laws and proposals that the occupying state is pursuing to further burden the families of prisoners through various means.

¹ Madar. "Draft law imposes sanctions on foreign and domestic banks, as well as financial institutions, that engage in transactions involving funds for organizations classified as 'terrorist' entities." 17 January 2024. <http://tinyurl.com/3smp2dxc>

² Madar. "A pair of proposed laws aims to withhold Palestinian tax revenues and allocate those funds for the medical care of Palestinian prisoners held in Israeli detention." 25 November 2024. <https://tinyurl.com/y3nvm4sz>

³ Madar. "Final Approval: Legislation allows for the deduction of Palestinian tax revenues to finance Israeli attorneys representing Palestinians involved in the October 7 attacks." 11 December 2024. <https://tinyurl.com/y4kuhpcv>

Regarding the Palestinians apprehended from the Gaza Strip, several were taken into custody under the 2002 Incarceration of Unlawful Combatants Law⁴, a law that significantly undermines the protections outlined by international humanitarian and human rights laws designed to safeguard detainees, particularly vulnerable individuals such as children. Notably, the regulations in effect in 2024 failed to differentiate between adult and child detainees, lacking any protective measures for minors.

It is widely recognized that individuals deprived of their liberty during armed conflicts face heightened vulnerability, with a significant increase in the likelihood of ill-treatment and inhumane conditions. This risk is particularly acute when detention occurs under unlawful circumstances, as seen in the practices of the Israeli occupying state, which has inflicted considerable harm on detainees and caused severe psychological trauma to both them and their families. To alleviate this suffering, international humanitarian law establishes essential standards that must be adhered to for detention to be considered lawful. These regulations, along with international human rights law, outline the legitimate grounds for detaining individuals, mandate procedures to ensure the legality of detention from the outset and throughout its duration, and impose stringent requirements regarding the treatment of detainees and their living conditions. Furthermore, they highlight the importance of maintaining communication between detainees and the outside world, facilitating external oversight of their treatment.

The occupying power's disregard for international humanitarian law is starkly illustrated by its classification of the Gaza Strip as a non-occupied territory, even though it maintains effective control over all ports and crossings. This situation mirrors the annexation of Jerusalem in the 1970s, which constitutes a blatant breach of international law that forbids any demographic or political alterations in occupied regions. Furthermore, it underscores that the occupying power cannot escape its obligations under the Fourth Geneva Convention, which mandates that it must not implement actions that would change the legal status of the territory and must ensure the protection of civilians within the occupied territory. In this regard, the International Court of Justice delivered an advisory opinion in 2024, reaffirming the illegality of Israel's sovereignty over any segment of the occupied Palestinian territory and stating that security concerns do not warrant a violation of the principle against acquiring territory through force.⁵ The Court urged the United Nations and its member states to take concrete measures to bring an end to the Israeli occupation.

In the West Bank, the occupying state claims that it adheres to the Geneva Convention as an occupying power; however, the situation on the ground exposes serious breaches of these standards. The occupying state enforces its own legal framework on the Palestinian population and subjects them to military courts designed specifically for their prosecution. This practice contravenes the Geneva Convention's stipulations, which require the occupying power to uphold the rights of civilians and prohibit the imposition of extraordinary laws that jeopardize their fundamental freedoms. Such actions are indicative of a systematic colonization strategy aimed at entrenching the occupation and maintaining control, starkly opposing the obligations of the occupying power under international law to protect civilians in the occupied territory. Consequently, all legal actions taken by the occupying authority that involve the arrest and prosecution of Palestinians are deemed unlawful and violate international law.

This paper examines the laws enacted by the occupying state in 2024, along with certain laws that are still under consideration but have a substantial effect on the Palestinian prisoners' rights. It will also explore the legal and procedural dimensions of these laws to illustrate that the accountability for crimes against prisoners lies not solely with the individuals who commit them but is fundamentally embedded in the judicial and legal framework set up by the occupying authority.

Laws Aimed at Palestinians in the West Bank

⁴ The 2002 Incarceration of Unlawful Combatants Law is a piece of legislation in Israel that permits the detention of individuals suspected of engaging in "hostile" activities, either directly or indirectly, or those identified as members of groups opposing Israel. This law applies to individuals who do not meet the criteria for prisoner-of-war status as outlined in the Third Geneva Convention of 1949.

⁵ OHCHR. Experts hail ICJ declaration on illegality of Israel's presence in the occupied Palestinian territory as 'historic' for Palestinians and international law. 30 July 2024. https://www.ohchr.org/en/press-releases/2024/07/experts-hail-icj-declaration-illegality-israels-presence-occupied?utm_source=chatgpt.com

In 2024, the Israeli Knesset experienced a notable increase in the passage of laws that are both racist and colonial in nature. This marks a deepening of the racial segregation policies implemented by the occupying state, with a legal framework that varies in its treatment of Palestinians, including those imprisoned in the West Bank, Gaza Strip, and the territory occupied since 1948. These laws infringe upon the fundamental rights of detainees and their families, undermining guarantees for fair trials, the right of children to freedom, and the principle of detention as a last resort. Notably, Israeli legislation allows for the detention of children as young as 14, subjecting them to harsh sentences. Furthermore, these laws facilitate the deportation of families of prisoners accused by the occupying state of involvement in "attacks" while broadening the definitions of terrorism and support for terrorism.

These laws not only infringe upon the fundamental rights of Palestinian prisoners and their families but also reflect a systemic policy designed to suppress Palestinian identity and erode the Palestinian presence within the occupied territory. They contribute to the consolidation of a discriminatory legal framework that seeks to marginalize and undermine Palestinian identity.

Israeli Laws: Legal Violations and Collective Punishment against Palestinians

The state of Israel, in its role as an occupying power, persists in enacting and implementing laws that reinforce its colonial agenda against Palestinians, especially in occupied East Jerusalem and the 1948 occupied territory. These laws are designed to enable the forced removal and displacement of Palestinians under the guise of security concerns. Such laws and legislative initiatives serve as a key mechanism for carrying out a systematic campaign of ethnic cleansing against Palestinians, with a particular focus on Palestinian prisoners and their families.

On 16 July 2024, a government bill was enacted that allows for the revocation of citizenship or residency. This legislation merges four previously introduced bills in the Israeli Knesset. It stipulates that any Palestinian convicted of committing a "terrorist act," as defined by Israeli law, inciting "terrorism," or receiving financial support from the Palestinian Authority may have their citizenship or residency revoked. This action represents a blatant infringement on the Universal Declaration of Human Rights, which prohibits the arbitrary revocation of citizenship.⁶

Furthermore, on 1 April 2024, the House Arrest for Released Prisoners Law was approved in its final reading. This law empowers Israeli courts to impose movement restrictions on released prisoners, including limitations on their residence and barring them from returning to their workplaces or educational institutions, based on requests from those who claim to have been "harmful" by resistance actions.⁷ This approach extends punishment beyond the completion of a sentence, contravening the principle against double jeopardy in international criminal law. It also violates the 1966 International Covenant on Civil and Political Rights, which ensures freedom of movement and prohibits arbitrary restrictions on individuals without valid legal grounds.

A law facilitating the expulsion of families associated with resistance fighters was approved, having passed its initial reading on 11 February 2024 and its final reading on 7 November 2024.⁸ This legislation mandates the removal of family members of any Palestinian resistance fighter to the Gaza Strip or another location designated by the Israeli Ministry of Interior, should it be established that they had prior knowledge of the fighter's intentions or showed support for them. For individuals holding Israeli citizenship, the expulsion period ranges from a minimum of seven years to a maximum of 15 years. Those with permanent or temporary residency face a deportation period of no less than 10 years and no more than 20 years,⁹ which raises significant concerns regarding the principle of individual responsibility under international law.

⁶ Madar. "First reading: A bill to revoke citizenship or residency for individuals who commit, encourage, or glorify acts of terrorism in times of war." 17 July 2024. <https://rb.gy/9i51qs>

⁷ Madar. "Final reading: Legislation and specific laws to enforce limitations on released prisoners regarding their ability to return to their homes, employment, or educational institutions." 3 April 2024. <https://tinyurl.com/5n7zir5s>

⁸ Madar. "Preliminary reading: A proposed fourth draft law to deport a family member of a resistance fighter if they were aware of an attack before its execution or expressed support for it." 12 February 2024. <http://tinyurl.com/4d67xy2a>

⁹ Madar. "Final reading: A law to expel a family member of a resistance fighter if they publicly support the attack or are informed about it beforehand." 7 November 2024. <https://tinyurl.com/mrxz29rt>

On 19 November 2024, the Knesset plenum finalized a draft law that suspends social benefits for what it terms "terrorists," their families, and individuals living outside "Israel" (specifically referring to the West Bank and Gaza Strip), if Israeli authorities determine that the individual has committed a "terrorist" act as defined by Israeli law.¹⁰

These laws represent a blatant breach of international law principles, directly opposing the tenets that forbid collective punishment and forced displacement. The Fourth Geneva Convention of 1949, especially Article 33, explicitly states that "collective penalties and likewise all measures of intimidation or terrorism are prohibited." Additionally, Article 49 forbids the forced transfer of protected individuals from an occupied territory, making any laws regarding the expulsion and revocation of citizenship or residency for Palestinians illegal under international standards. Moreover, Article 15 of the Universal Declaration of Human Rights from 1948 asserts that "everyone has the right to a nationality, and no one shall be arbitrarily deprived of their nationality." This principle invalidates any laws that strip citizenship and residency from the families of Palestinian prisoners.

Moreover, these laws violate the 1973 United Nations International Convention on the Suppression and Punishment of the Crime of Apartheid, which categorizes forced displacement as a form of apartheid when employed for racial or ethnic persecution. This is particularly evident in the targeted nature of these policies against Palestinians. Consequently, these laws and initiatives not only contravene international law but also reveal a systematic agenda aimed at displacing Palestinians and altering their demographic landscape, necessitating decisive international action to denounce and prevent their enforcement.

The Israeli occupation authorities have intensified their mistreatment of Palestinian prisoners and their families, labeling them as "terrorists." A new bill has been introduced that permits immediate termination of employment for anyone accused of "supporting terrorism." This legislation allows employers to fire an employee without prior notice if they are convicted of supporting "terrorism" as defined by Israeli law, or even if an indictment is filed against them—effectively before any legal verdict is reached.¹¹

On 20 March 2024, the Knesset plenum passed a preliminary reading of a bill that broadens the definition of incitement to "terrorism" on social media. Under this proposed law, it would be considered an offense if there is a "credible" basis for believing that the content incites terrorism, rather than requiring "proven content" as stipulated in the current legislation. Furthermore, this offense would extend to individuals who like or share posts that could reasonably be interpreted as inciting terrorism. In such cases, the police would have the power to arrest someone based solely on a complaint from any person or organization without requiring prior approval from a relevant parliamentary authority.¹²

These proposals, despite not receiving final approval, reveal the Israeli occupation's intent to exploit legal provisions by broadening their scope and incorporating ambiguous clauses. This strategy aims to facilitate the targeting and arrest of numerous Palestinians while avoiding genuine legal infractions. Such actions highlight the capriciousness and illegitimacy of these arrests.

Certain laws affecting prisoners were initiated following the declaration of a broad "state of emergency" in the occupying state¹³, which was initially set to conclude at the end of 2024. However, this state of emergency has been extended for an additional year, until December 2025, based on a joint recommendation from the Foreign Affairs and Security Committee and the Constitutional Committee.¹⁴ This state of emergency has granted the Israeli government extraordinary powers, including the

¹⁰ Madar. "Final reading: A proposed law aimed at terminating social allowance payments to individuals and families from the West Bank and Gaza Strip under the justification of 'terrorism'." 21 November 2024. <https://tinyurl.com/uv8aj54b>

¹¹ Madar. "A draft law to permit the instant termination of employment for individuals accused of terrorism." 25 January 2024. <https://rb.gy/2mm6gg>

¹² Madar. "Preliminary reading: A draft law to broaden the definition of incitement on social media and facilitate arrests." 25 March 2023. <https://tinyurl.com/2r7ck6pn>.

¹³ A state of emergency is a unique situation declared to manage uncontrollable events, such as natural disasters or crises related to security and health. This declaration is made by the government or the Knesset. In Israel, the authority to declare a state of emergency is rooted in the 1948 Emergency Law and the Basic Law: The Government. These laws empower the Knesset and the government to take necessary actions during exceptional situations while also implementing oversight measures to prevent any misuse of these powers.

¹⁴ BBC. "Israeli Knesset extends state of emergency, what does it mean?" 24 December 2024. <https://www.bbc.com/arabic/articles/c4qz3lwp7n0o>

authority to implement emergency regulations that can supersede laws enacted by the Knesset. Some of these regulations undermine prisoners' rights to fair trial protections, access to court appearances, and the ability to mount a defense.

A notable law, enacted through a temporary order on 7 October 2023, mandates that trial sessions for prisoners and detainees occur via video conferencing. While labeled as "temporary measures," this amendment is designed to expedite trial processes and further diminish detainees' capacity to defend themselves. Trials can proceed without the physical presence of the detainee or, in rare instances, without a defense attorney present. Although intended as a temporary solution, this amendment has been renewed multiple times, and by 2024, all trial sessions for detainees, including those under administrative detention, were conducted using this technology.

It is important to highlight that this amendment affected not only detainees in the West Bank but also those in the Gaza Strip. Lawyers faced significant delays in trial sessions, frequent adjournments, and prolonged periods where prisoners were unable to meet with their legal representatives. Furthermore, there were extended timelines for issuing administrative detention orders and various other legal constraints.¹⁵

In addition, the occupying authority introduced a draft law to amend the Prisons Law (Prison Emergency Law), allowing for the detention of individuals without beds when none are available, as long as this is for the shortest duration possible. In such instances, mattresses must be provided for prisoners to sleep on the floor. This amendment enabled the occupying state to disregard an Israeli court ruling that mandated a minimum living space of 4.5 square meters per prisoner within the detention facilities. This law came into effect in October 2023 and was initially set for three months. However, it granted the Knesset's National Security Committee the power to extend its duration. On 17 January 2024, the Knesset plenum approved the final reading to extend the law until 18 April 2024.¹⁶ In a notable departure from previous extensions, which were each limited to three months, the Knesset approved on 28 May 2024, a seven-month extension of the Emergency Law, permitting the occupying authorities to reduce the living space allocated to prisoners below the standards outlined in international conventions, extending the deadline to 31 December 2024.¹⁷

Escalating Sanctions against Palestinians in Legislative and Judicial Spheres

In 2024, the Israeli legislative and judicial systems experienced an unprecedented surge in sanctions targeting Palestinians. Israeli authorities enacted and modified a series of laws designed to intensify penalties across various domains. These include measures for the deportation of Palestinian families, the revocation of social benefits, and stricter penalties for Palestinian workers lacking entry permits. Moreover, a law seeks to impose more severe sentences on individuals convicted of offenses defined as terrorism by the occupying state was proposed, extending the duration of existing penalties and implementing collective punishments that affect many aspects of Palestinian life.

These legislative changes indicate a clear shift towards harsher penalties and an increase in punitive actions against Palestinians. The laws, which now extend their reach to the families of prisoners, violate international law by enforcing collective punishment on all Palestinians, undermining the principle of individual criminal responsibility recognized in international legal frameworks. An examination of the laws under consideration by the Israeli Knesset reveals a deliberate effort by Israeli political and legislative leaders to create legal loopholes that justify actions that the occupying state uses as a rationale for disregarding its international law and human rights obligations.

In this context, the Israeli judicial system underwent significant changes from 7 October 2023 and into 2024. The policies implemented by Israeli military courts became increasingly stringent, broadening the definition of offenses to include anyone perceived as sympathetic to or inciting what the occupying state labels as "terrorism." The range of security-related charges expanded, and the threshold for crimes against "Israeli security" was raised, allowing for a wider interpretation.

¹⁵ For more details, see Addameer's paper: "New Laws and Legal Amendments in 2023." 12 May 2024.

<https://www.addameer.org/ar/media/5347>

¹⁶ Madar. "Final reading: Extension of emergency law to further reduce the allocated space for Palestinian security prisoners in Israeli prisons and detention centers." 25 January 2024. <https://rb.gy/6q8wsn>

¹⁷ Madar. "Final reading: The emergency law to be extended for an additional seven months, enabling a decrease in the allocated space for security prisoners in Israeli prisons and detention facilities." 29 May 2024. <https://tinyurl.com/47s46e4k>

Lawyers have reported a troubling rise in the severity of punishments for Palestinian prisoners, often surpassing the actual charges they face. Arbitrary and harsh sentences have been imposed on all Palestinian detainees, irrespective of their specific offenses, in clear violation of international laws that ensure the right to a fair trial.

Addameer has noted a marked increase in penalties for various offenses following October 7, as illustrated in the table below.

Offense	Before October 7	After October 7
Ties to a terrorist organization	6-18 months	12-40 months
Incitement	0-18 months	6-36 months
Arm possession	6-18 months	18-40 months
Molotov cocktail throwing	12-18 months	16-24 months
Stone throwing	6-12 months	6-18 months
Shooting without causing injuries	24-36 months	36-60 months

Numerous prisoners have recounted their experiences of beatings, torture, and medical neglect before judges, with visible injuries on their bodies supporting their claims. Yet, the bulk of these allegations were dismissed by the judges, resulting in no consequences for the offenders. This situation highlights the role of the occupying authorities in hiding the crimes committed against Palestinian prisoners, allowing the perpetrators to evade justice.

These actions reveal the Israeli judicial system's complicity in undermining Palestinian rights and indicate a significant erosion of its independence. The judiciary has transformed into a political instrument that prioritizes the interests of the occupation over human rights. In military court proceedings, all oppressive actions are rationalized as "security necessities," blatantly ignoring international human rights standards. This clearly illustrates how the Israeli judicial system has become a tool for enforcing collective punishment against Palestinian prisoners, part of a broader strategy aimed at dismantling Palestinian resilience and will.

Laws Aimed at Palestinian Children

Israeli authorities have been detaining numerous children for many years, but 2024 has seen an alarming surge in arrest campaigns specifically aimed at minors. The occupying forces have broadened their authority to apprehend children and impose harsh penalties through a new law that permits severe consequences for those as young as 14 if their actions are classified as "terrorist acts" or driven by nationalist sentiments. This law, deemed an emergency measure, is set to last for five years, with the possibility of extension. It allows courts to impose lengthy prison sentences on children under 14, who are initially held in specialized detention facilities until they reach that age, at which point they are transferred to prison to serve the remainder of their sentence. The Knesset plenum ratified this legislation in its final reading on 7 November 2024.¹⁸

In this regard, we highlight Amendment No. 22 of 2016 to the Child Law (Trials, Punishments, and Remedies). This amendment permits the imprisonment of Palestinian minors for actual offenses such as murder, attempted murder, or causing murder, even if they are under 14 years old at the time of conviction. When a prison sentence is handed down to minors below this age, they are placed in a closed facility, with the sentence to be served in full only after they turn 14.¹⁹ This legislation represents yet another facet of the Israeli occupation's ongoing strategy to target and suppress Palestinian children through arbitrary legal measures that are exclusively applied to them. It highlights the discriminatory nature of the Israeli legal framework, which subjects children to a rigid military judicial system devoid of fundamental fair trial rights. Minors frequently face trials without access to legal representation and are tried based on confidential evidence that neither they nor their lawyers can examine. In contrast, Israeli children benefit from a civilian judicial system that affords them comprehensive legal protection. This disparity not only breaches the principle of equality before the law but also starkly illustrates how Israel manipulates the judiciary as a means of oppression against Palestinians, including minors.

¹⁸ Madar. "Final reading: A new law permits lengthy sentences for individuals under the age of 14." 7 November 2024. <https://tinyurl.com/5eexv4ts>

¹⁹ Addameer. "Report on Violations of the Rights of Prisoners in Israeli Detention 2016." 22 August 2017.

This law blatantly violates the international obligations of the occupying power, particularly the 1989 Convention on the Rights of the Child (CRC). Article 37 of this convention states that no child should endure torture or any form of cruel, inhuman, or degrading treatment or punishment, nor should any child be unlawfully or arbitrarily deprived of their liberty. The detention or imprisonment of a child should only occur as a last resort and for the shortest necessary duration. Additionally, Article 40 emphasizes the right to a fair trial for children, a right that is denied to Palestinian children under Israeli policies, which fail to uphold these fundamental legal protections.

This legislation infringes upon the International Covenant on Civil and Political Rights, particularly Article 9, which prohibits arbitrary detention and mandates that detainees be informed of the reasons for their detention. Additionally, Article 14 emphasizes the need to provide a fair trial conducted by an independent and impartial tribunal. However, this principle does not extend to Israeli military courts, which are compromised in their independence due to the influence of Israeli military commanders. Moreover, this law blatantly contravenes the Fourth Geneva Convention of 1949, specifically Articles 66 and 71, which forbid the trial of protected individuals in the courts of the occupying power unless a fair trial is assured. Article 147 categorizes forced transfer and unlawful detention as "grave breaches," suggesting that the occupying state may be engaging in war crimes through the enforcement of this law against Palestinian minors.

The Bar Human Rights Committee of England and Wales (BHRC) has also published a report on the Israeli military justice system in the West Bank, highlighting that these military courts fail to adhere to internationally accepted fair trial standards. This failure is attributed to the Israeli military's authority over the selection of judges and prosecutors, a lack of independence and impartiality, and unlawful practices such as collusion between military judges and prosecutors during trials. Furthermore, detainees and their lawyers are often excluded from these discussions, denying defendants a genuine opportunity to mount a defense. The report concludes that the Israeli military justice system functions as a repressive mechanism for controlling the Palestinian population rather than serving as a fair and independent judicial framework.²⁰

Ongoing Oppressive Legislation Targeting Gaza Detainees

Since the withdrawal of Israeli occupation forces from the Gaza Strip in 2005, the occupying state has maintained its legal framework over individuals detained from the enclave. However, following the events of October 7, significant changes were made to these laws, enhancing the Israeli authorities' powers regarding arrests and interrogations while lengthening the previously established detention durations. This shift has severely impacted the rights of Palestinian prisoners, especially those apprehended after October 7. The amendments were designed to provide the occupying forces with increased authority to exert pressure on Palestinian detainees through legal modifications that greatly limit and infringe upon their rights.

In the aftermath of October 7, Israeli authorities revised multiple laws concerning detainees from Gaza. These legal changes broadened arrest powers, enabling nearly unrestricted extensions of detention periods, and granted the Israeli authorities more powers to limit detainees' rights to communicate with their legal representatives. A key piece of legislation, the "Unlawful Combatants Law," permits the detention of individuals without specific charges or a trial, violating international justice standards. This law has been revised multiple times in the last two months of 2023 and throughout 2024, increasing the pre-trial detention period to 75 days and allowing continued detention for extended durations without adequate judicial oversight. Furthermore, the timeframe for restricting detainees from meeting with their lawyers has been prolonged, with limits extending up to 180 days.²¹

2024 Legal Amendments to Laws Relating to Gaza Detainees

Numerous laws and rulings concerning detainees from the Gaza Strip have been prolonged and modified, justified by the need to enhance security during "emergency" circumstances. The legislation

²⁰ Bar Human Rights Committee of England & Wales. "Court observation of the Israeli military courts in the West Bank". <https://www.addameer.org/ar/news/5449>

²¹ Addameer. "New Laws and Legal Amendments in 2023." 12 May 2024. <https://www.addameer.org/ar/media/5347>

introduced or revised since early October 2023²² signifies a broadening of the Israeli authorities' powers while simultaneously limiting the rights of Palestinian detainees. In this discussion, we will explore these laws and the changes implemented throughout the year.

- *Extension of Emergency Regulations (Lawyer's Meeting with a Suspect of a Security Offense)*

The Knesset has sanctioned the continuation of Emergency Regulations that restrict Palestinian detainees—those from the Gaza Strip and Palestinians with Israeli citizenship—from consulting with their legal representatives. These regulations took effect on 22 January 2024 and will remain in place until 3 April 2024. According to this law, an investigating officer has the authority to deny access to a lawyer for up to 15 days. Should the head of the Investigations Department of the Intelligence Service seek an extension, this ban can be prolonged multiple times, but the total duration cannot exceed 30 days. Furthermore, if the District Court opts to extend the ban, it may do so repeatedly, as long as the cumulative duration does not exceed 180 days, contingent upon a request that has received approval from the Attorney General.

On 2 April 2024, the previously established periods were revised from 180 days to 60 days. Nevertheless, the President of the District Court or their deputy can, upon request from the head of the Police Investigations Department or the Intelligence Service and with the Attorney General's approval, extend the ban for an additional period of up to 20 days each time, as long as the total extensions do not surpass 120 days.²³ This extension was initially valid until 18 June 2024 but was subsequently renewed through the same procedures until 18 December 2024.

Additionally, the Knesset has consistently prolonged the government's temporary emergency law, which permits the court to extend the detention of any individual suspected of involvement in the October 7 attacks for 45 days at a time, without a specified limit on detention duration or the necessity of filing charges. This extension remains in effect until 18 December 2024.²⁴ The law has seen several concerning modifications. Initially, it categorized detainees accused of participating in attacks as "unlawful combatants,"²⁵ a classification that facilitates significant violations of fundamental human rights. Subsequently, the definition was broadened to include "suspects of security issues," thereby widening the scope of suspicion and increasing the risk of arbitrary detention for more individuals.

This amendment signifies a significant decline in detention practices and blatantly contravenes human rights standards established by international law and humanitarian law, including the Geneva Conventions. Prolonging detention without formal charges or a trial, along with the option for indefinite renewal, amounts to arbitrary detention and infringes upon the detainees' right to a fair trial and to be informed of the charges against them. Furthermore, it raises the risk of subjecting them to torture or inhumane treatment. Redefining detainees as "suspects" transforms this legislation into a clear breach of fundamental human rights, effectively undermining the legal protections afforded to detainees.

- *Amendment to the "Unlawful Combatants" Law*

On 8 October 2023, Israeli Defense Minister Yoav Galant issued an order classifying Palestinian detainees from the Gaza Strip as unlawful combatants under the Israeli Unlawful Combatants Law of 2002. In 2023, this law was amended to broaden the authority for issuing detention orders and to lengthen the durations for detention orders, judicial reviews, and the ban on meeting with a lawyer.

On 18 December 2023, a further amendment to the Unlawful Combatants Law was published in Law Book No. 3130, page 302. This new provision allows detention orders to be issued for a maximum of 45 days by officers of specified ranks. Judicial reviews can occur within 75 days, and the ban on meeting with a lawyer can last up to 180 days. This amendment was valid for four months from its enactment. Following this, several extensions were made using the same framework, which reduced the lawyer meeting ban from 180 days to 90 days. After a series of legal changes throughout the year, another amendment was introduced on 1 August 2024, which increased the detention period to 30 days from the arrest date, extended the judicial review period to 45 days, and limited the ban on legal counsel to a maximum of 75 days.

²² *Ibid.*

²³ This amendment was published in the Law Book, volume 3199, page 462.

²⁴ Madar. "Final reading: A temporary law extends the detention of individuals connected to the October 7 attacks for 45 days at a stretch, without time limit." 17 July 2024. <https://shorturl.at/vO5c5>

²⁵ *Ibid.*

The basis for detention under the Unlawful Combatants Law does not align with the principles of international humanitarian law. This legislation lacks any requirements for the occupying state of Israel to thoroughly assess each detained individual to ascertain if they truly represent a "security threat" and whether alternative, less severe measures could be implemented. This is clearly illustrated by the trial sessions conducted for Gaza detainees via videoconference, which were limited to just two minutes. During these brief sessions, detainees were unable to see the judge; they only encountered the translator, who would relay a few phrases, such as "extending their detention until the end of the war" or "extending their detention due to alleged ties to a terrorist organization."

Such detention orders and related phrases were issued without allowing detainees the chance to present their defense, as judges denied them the opportunity to advocate for themselves. This enabled Israeli authorities to prolong detention periods and apprehend hundreds of citizens in a brief timeframe. Moreover, the law does not mandate that authorities provide detainees with a timely opportunity to contest the legality of their detention; appeals can be delayed for as long as 45 days due to recent amendments. In contrast, international law stipulates that detainees should have the right to an immediate appeal before an independent and impartial tribunal.

In addition, the law and its amendments fail to explicitly require that detainees be informed of the specific reasons for their detention in a comprehensible language prior to the review of their detention orders, which is at odds with international standards. The legislation also permits the use of secret evidence in detention decisions, undermining the international legal obligation to provide detainees with adequate information to effectively challenge their cases.²⁶ Furthermore, the denial of access to legal counsel for up to 75 days under the pretext of "national security" infringes upon detainees' rights to legal representation. This practice also obscures evidence of the systematic torture they endure in Israeli prisons and detention facilities, thereby continuing the cycle of impunity that the occupying power has consistently maintained.

Despite the numerous legal challenges surrounding this legislation and its arbitrary application towards Palestinian detainees, the occupying state continues to utilize it to carry out mass arrests of Palestinians from Gaza, subjecting them to prolonged periods of abuse within detention facilities and central prisons. The Israeli authorities have leveraged this law to strip Palestinian detainees of fundamental rights, prolong their detention without access to legal counsel, and engage in enforced disappearances. This has led to systematic mistreatment, including severe torture and deplorable living conditions.

The laws enacted during the state of emergency have further exacerbated the situation, denying detainees their rights and contributing to the spread of illnesses within prisons. Detainees have been denied access to medical care, breaks, and basic hygiene facilities, resulting in outbreaks of scabies. Tragically, these dire conditions have led to the deaths of many individuals. It is important to note that the laws affecting Gaza detainees extend beyond those discussed here, including the Living Space Law and the Videoconference Trials Law, which also impose significant restrictions on their rights.

Efforts by Human Rights Organizations to Address Enforced Disappearance via Existing Legal Frameworks

In 2024, a coalition of human rights organizations filed multiple petitions with the Israeli High Court, urging that the Israeli authorities be held responsible for the abuses inflicted on Palestinian detainees. This call for accountability comes amid alarming reports of enforced disappearances perpetrated by the occupying state against individuals from the Gaza Strip. The petitions highlighted several critical issues, such as the obstruction of the International Committee of the Red Cross from visiting Palestinian prisoners, the unjust separation of detainees from their families without proper legal justification, and

²⁶ DIAKONIA. "Unlawful Incarceration: An international law-based assessment of the legality of the military detention regime that Israel applies to Palestinians." 30 August 2024.
<https://www.diakonia.se/ihl/news/unlawful-incarceration-legality-military-detention-regime-gaza/>

the closure of the Sde Teiman detention facility, which has primarily been used by the Israeli army to detain individuals from Gaza, as previously outlined in our report on the Sde Teiman Detention Camp.²⁷

In response to the crime of enforced disappearance, which the occupying state has attempted to obscure through the laws and regulations it implemented during 2023-2024, various human rights organizations have filed multiple petitions seeking to disclose the names and identities of detainees along with their detention locations. Although the occupying state has dismissed many of these petitions, human rights groups have continued to advocate for the Red Cross's right to visit Palestinian prisoners, as this organization is recognized internationally for this purpose. On 24 February 2024, a coalition of human rights organizations formally requested the High Court to permit the Red Cross to access Palestinian prisoners in Israeli facilities, following a ban on the Red Cross visits that began with the onset of the war in October 2023. The petition emphasized that international law mandates the occupying state to grant the Red Cross access to Palestinian prisoners and to provide comprehensive information about all such detainees.

The petition highlighted the severe conditions faced by Palestinian prisoners and detainees in Israeli detention facilities. It confirmed reports of fatalities among detainees and instances of extreme violence. Furthermore, the petition emphasized that under both international and Israeli law, Palestinian detainees have the right to receive visits from the ICRC. This obligation becomes even more critical during times of conflict, as the risk of rights violations against detainees escalates.²⁸ In response, on 19 June 2024, Israeli authorities announced plans to establish an alternative mechanism to the ICRC. This new system aims to fulfill the same role as the ICRC by designating an external entity within the state that will be allowed to visit prison facilities, address prisoner complaints, and relay information about them. From the petitioners' viewpoint, this move signifies a deliberate choice by the Israeli government to contravene international law and to create a substitute for the globally recognized framework.²⁹ To this day, the occupation continues to obstruct the ICRC from accessing any information regarding Palestinian prisoners and detainees, effectively denying them visits altogether.

The petitions filed by human rights organizations starkly highlight the ongoing issue of enforced disappearances among Palestinian prisoners and detainees, which constitutes a grave breach of international law, especially the Geneva Conventions that safeguard the rights of detainees and establish humane treatment standards. The responses from the state to these petitions indicate a deliberate governmental strategy to obscure and cover up these violations through legislative and judicial maneuvers. In numerous instances, Israeli authorities have failed to provide any information about the prisoners or their detention conditions. Some responses even suggest the state's attempt to create "alternative mechanisms" to sidestep its international obligations, seeking unlawful solutions to evade the responsibilities mandated by global standards.

The laws and regulations enacted, including the creation of new detention facilities and their legal justification for enforced disappearances, are designed evidently to evade international scrutiny as part of the occupying authorities' efforts to legitimize their violations and oppressive actions against Palestinians. These policies further entrench the Israeli authorities' attempts to avoid presenting conclusive evidence of enforced disappearances or the inhumane treatment endured by prisoners in various detention facilities.

Moreover, it is evident that the Israeli judicial system, despite its repeated responses to these petitions, operates under a state policy aimed at sanitizing the crimes committed against Palestinians. Cases are often delayed for extended periods, hindering genuine and effective accountability. These actions demonstrate that Israeli legislation and the judiciary play an active role in obscuring the crime of the enforced disappearance of Palestinian prisoners, reinforcing oppressive policies, and evading legal and humanitarian responsibilities in blatant disregard of international standards.

²⁷ Addameer. "Israeli detention camps: An extension of the genocide of Gaza detainees and a history of oppression and persecution: Sde Teiman Camp." 29 January 2025. <https://www.addameer.org/ar/media/5480>

²⁸ HaMoked. "Human rights organizations in a High Court petition: Repeal the ban on Red Cross visits to Palestinian prisoners". 22 February 2024. <https://hamoked.org/document.php?dID=Updates2391>

²⁹ Association for Civil Rights in Israel. "Lift the blanket ban on Red Cross visits to Palestinian prisoners." 19 June 2024. <https://www.acri.org.il/post/1061>