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## Human Rights Council

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**Human rights situation in Palestine and other  
occupied Arab territories**

### **Joint written statement\* submitted by Organization for Defending Victims of Violence, Khiam Rehabilitation Center for Victims of Torture, non-governmental organizations in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 May 2023]

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\* Issued as received, in the language of submission only.

## Human rights situation in the Occupied Palestinian Territories

The systematic and discriminatory use of administrative detention of Palestinians by Israel, makes up a part of the domination system and its oppression, and is considered as the crimes against humanity of “Apartheid” (1) . According to the ICC Statute, detention, not in accordance with fundamental international law principles, if takes place as a part of extensive or systematic aggression against civilian population, is deemed to amount to crimes against humanity.

Detention and transfer of Palestinians from where they live to Israeli prisons is deemed to amount to “war crime” according to international law (2) . Past experience has shown that Israel does not comply with its commitments and leaves the Palestinian people and prisoners to face any future developments alone.

According to reports, 4900 Palestinian detainees experience harsh conditions of incarceration as a result of occupying power’s actions. Israel blatantly violates basic human rights and values and ignores recognized international conventions and norms that include the Geneva Four Conventions (1949), the International Covenants, Universal Declaration of Human Rights and humanitarian law principles. There are 700 sick individuals among the detainees, 24 of which suffer from rare cancer. Also, there are 31 women, 160 children and 990 administrative detainees among the prisoners. This is the highest numbers in the recent years (3).

It must be said that among the prisoners 336 have lost their lives for various reasons, such as interrogation, deliberate medical negligence and being shot. It is necessary for immediate investigation be launched on the series of Israeli offenses, and the bodies of dozens of prisoners and martyrs who have been kept in Israeli morgues for almost 30 years as, a result of their crimes against Palestinians including prisoners and detainees. Also, it is necessary for measures to be taken by the UN for making Israel accountable for its crimes against Palestinians that include prisoners and detainees.

Administrative Detention sentences which is handed out to more than 1000 administrative detainees in prisons in occupied territories, most of whom are deemed as previously released prisoners and it is clear that in the past they have spent time in jail and are re-arrested, it can be said that the occupying Israeli authorities in the past year have escalated the administrative detention of Palestinians and this policy has affected all groups that include children. Currently, there are 8 minors in administrative detention (4) . The conditions of minors who have spent their childhood behind bars, accuses the Israeli government of exploitation of the administrative detention process, stripping legal interests, and extension of these detentions without observation of laws, regulations and judicial process and also guarantees that international law has provided.

In confirmation of aforementioned, the death of Khader Adnan in prison can be mentioned which is seen as the cruel treatment of prisoners by Israel, which is a reminder of the deadly costs that Palestinians pay for challenging Israeli apartheid and the military justice system. Khader Adnan, died after 87 days on hunger strike in protest against the systematic arbitrary detention of Palestinians and their inhuman and cruel treatment on 2 May in Israel’s Ramle prison. It must be reminded that two more prisoners were also killed in this way before Adnan and Walid Dagga is currently suffering similar conditions. This kind of deprivation of life is in fact gradual killing and tortures prisoners to death.

Palestinian prisoners often use hunger strikes to challenge Israel policies, and by endangering their health and lives demand the rights that the Israelis deprive them of. Like many other Palestinians in Israeli prisons, Adnan did not have any other ways to challenge the injustices committed against him and thousands of others under Israeli apartheid.

In view of what was said above, it can be concluded that most likely Palestinian youths spend time behind bars without legal basis, with an objective and through the administrative detention policy Israel imposes an elderly population to Palestine.

Administrative detention verdicts, rubber stamped by Israeli military courts, are commonly used to punish and suppress any opposition to the repressive Israeli policies. Israel has used administrative detention as a "tool for collective punishment of Palestinians, including women, children and the sick."

On this basis, in protest towards Israel's actions and grave violation of human rights in the Occupied Palestinian Territories, through a letter submitted to the ICC prosecutor, a number of UN special rapporteurs have expressed concern over the extensive impunity and the deteriorating human rights conditions in Occupied Palestinian Territories. The UN Experts welcome the beginning of the prosecutor's office's investigation, on 3 March 2021, on the situation of Palestine on the basis the claims to war crimes in the West Bank, East Jerusalem and Gaza Strip. The Experts believe that this decision is a turning point for international community's efforts for the realization of justice in the region. They also deem the prosecutor's intention to visit the Occupied Palestinian Territories in 2023 a vital step towards attainment of Justice. Unaccountability in the Occupied Palestinian Territories helps lawlessness. Arbitrary arrest and detention, and denial of fair trial, forced and extensive demolitions of civilian property, arbitrary relocation and forced evictions of civilian population under occupation, with continued displacement of approximately 1200 residents of Masafer Yatta including 500 children (biggest example of forced relocation since 1967), (5) cannot be justified with military necessity, and requires immediate investigation and make the perpetrators accountable at the international level.

In view of the extensive violations of human rights by Israel against Palestinians, Ms. Albanese the UN Special Rapporteur on the human rights situation in Occupied Palestinian Territories, since her appointment as the Special Rapporteur, has met notable opposition from the rightwing in Israel due to her remarks on the Israeli-Palestinian conflict. In her report to the UN General Assembly (6), she considered Israel as a "settler colonialism" which remains unaccountable for committing violations of international law including those that amount to potential "war crimes", "crimes against humanity" and "crime of aggression" in Occupied Palestinian Territories, for violation of human rights including the crimes that can amount to apartheid. At the same time, the huge campaigns of the rightwing Israel, with Twitter campaigns put pressure on Antonio Guterres, the UN Secretary-General, and Volker Turk, the UN High Commissioner for Human Rights to remove Francesca Albanese, by condemning her to Anti-Semitism.

Considering the situation in the OPT, ODVV calls on the international community and the Special Rapporteur on OPT, the UN Secretary-General and the UN High Commissioner for Human Rights to:

- Set new strategy to investigate the prisoners' issue, at political, legal and media levels and also local, regional and international levels.
- The need for international organizations' intervention to put a stop to the abuse of Palestinian prisoners and imposition of stringent restrictions on the imposition of administrative detention, in accordance with international humanitarian law.
- Call on the Palestinian authorities to refer cases of unlawful administrative detention to international courts.

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1. The Rome Statute of the International Criminal Court  
2. ibid

3. <https://www.pngo.net/?4236&lang=en>
4. <https://english.almayadeen.net/news/politics/administrative-detention-of-palestinian-minors-ongoing---rep>
5. <https://www.ohchr.org/sites/default/files/documents/countries/palestine/2023-03-23-Letter-ICC-Palestine.pdf>
6. A/77/356