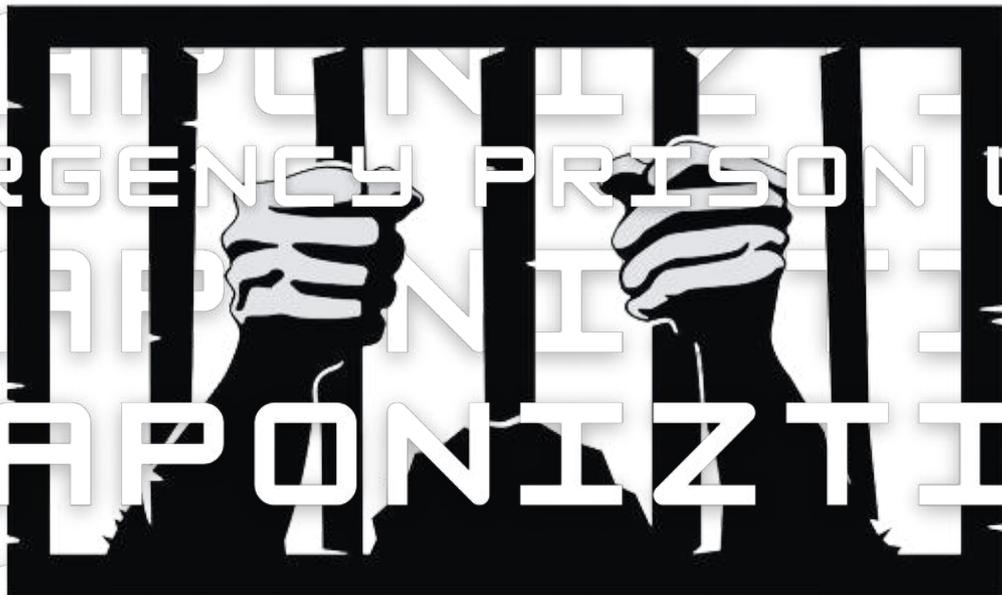


Addressing Mass Incarceration, Ill-Treatment, and Weaponization of Emergency Prison Law for Palestinian Prisoners



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Table of Contents

1. Executive Summary	2
2. Background.....	2
3. Israel’s Use of Administrative Detention Without Charge or Trial	5
4. The Weaponization of Emergency Prison Laws	6
5. Mass Incarceration as a Wartime Strategy	7
6. Israel’s Humiliating Treatment at the Time of Arrest	8
7. Denial of Fundamental Rights, Torture, Inhumane Conditions Inside the Israeli Prison System	9
8. Being Held in Guantánamo-Style Cages and Repurposed Facilities as Prisons to Accommodate Massive Incarcerations	10
9. Revocation of Facilities inside Prisons, Including Access to Medicine	11
10. Denial of Medical treatment and Shutdown of Prison Clinics	12
11. Deaths Inside the Prisons.....	12
12. Involuntary Disappearances of Gazan Workers and Women.....	15
13. Sexual Assaults and Rape Against Palestinian Women	16
14. Analysis	17
15 Conclusion	19
16. Recommendations For The Canadian Government.....	20

1. Executive Summary

This report delves into the escalation of human rights abuses against Palestinian prisoners within the Israeli prison system, spanning across demographics including children, women, the elderly, and disabled individuals. Since October 7th, coinciding with the implementation of emergency prison laws by the Israeli parliament, there has been a marked uptick in arbitrary arrests, administrative detentions without formal charges, and systemic mistreatment of detainees, characterized by reports of torture and enforced disappearances. This surge in Israel's mass incarceration campaign has led to a significant increase in detentions across Gaza, the West Bank, East Jerusalem, and Israel, exposing detainees to deplorable conditions and a denial of fundamental rights.

In response to these egregious human rights violations, urgent action is required from the Canadian government. Canada must acknowledge and condemn Israel's violations of international law, including mass arrests, torture of prisoners, and systemic breaches of human rights. Diplomatic efforts must be intensified to pressure Israel into respecting international human rights and humanitarian law, advocating for the repeal of its emergency prison laws, and facilitating independent investigations into reported violations and deaths in custody. Furthermore, Canada must enact sanctions against Israeli officials, in particular the Israeli national security minister Itamar Ben-Gvir, who is directly responsible for human rights abuses against Palestinian prisoners, signalling a firm commitment to upholding fundamental human rights principles and holding perpetrators accountable for their actions.

2. Background

The enduring practice of detaining Palestinians on political charges, or even without charge, has deep historical roots under the Israeli occupation of Palestinian territories. According to a report by UN Special Rapporteur Dr. Francesca Albanese in July 2023, Israeli authorities have detained over one million Palestinian prisoners since 1967, including at least 20,000 minors.¹ The majority of these prisoners have been systematically denied their fundamental rights as outlined in international human rights and humanitarian law. It is noteworthy that these detainees are subjected to prosecution under Israeli military law, making Israel the sole nation in the world to prosecute children under 18 in such a manner. However, since October 7th, both the frequency of arrests

¹ Abu Dagga, Huda, and Ihsan Adel. 2023. "Summary of the UN Special Rapporteur's Report on the Widespread and Systematic Deprivation of Liberty in the Occupied Palestinian Territory." Law for Palestine. <https://law4palestine.org/wp-content/uploads/2023/07/Summary-of-the-UN-Special-Rapporteurs-Report-on-the-Widespread-and-Systematic-Deprivation-of-Liberty-in-the-Occupied-Palestinian-Territory.pdf>. ; Al Jazeera. 2023. "Why are so many Palestinian prisoners in Israeli jails?" Al Jazeera, October 8, 2023. <https://www.aljazeera.com/news/2023/10/8/why-are-so-many-palestinian-prisoners-in-israeli-jails>.

and the severity of violence against Palestinian detainees have reached unprecedented levels. There exists considerable evidence of enforced disappearances, torture, violence, sexual assaults, and rapes of women prisoners, in addition to instances of humiliating and inhumane treatment. Moreover, several fatalities have been reported because of Israeli police violence and denial of medical treatment while individuals were in custody.²

On October 18th, 2023, the Israeli Parliament (Knesset) passed a law granting National Security Minister Itamar Ben-Gvir the authority to exacerbate the conditions for security prisoners.³ This law represents the latest attempt to weaponize the mistreatment of Palestinian prisoners within Israeli prisons and has led to a marked decline in the human rights landscape within these facilities. Although initially approved for three months, it was recently extended on January 17th, 2024.⁴

Prior to October 7th, there were 5,200 Palestinian individuals incarcerated in Israeli detention facilities. According to a report by Haaretz published on August 3rd, 2023, over 50 percent of these detainees were either awaiting trial or held under administrative detention.⁵ Since then, as of February 8th, 2024, Israeli forces, as reported by Al-Jazeera's AJ+ news channel, have arrested over 6,800 Palestinians in the Occupied West Bank, including more than 70 children. These detainees have reportedly suffered physical abuse, including beatings, stripping, denial of medical treatment, and even broken limbs.⁶ The Israeli army has confirmed detaining 2,300 Palestinians in Gaza since October 7th, but many released individuals claim there are thousands more, including children. Besides the accounts provided by released detainees from the West Bank, reports include allegations of being raped, stripped, sexually harassed, and held in cages.⁷

According to reports from rights groups on the ground and Israeli local media, Palestinian prisoners (including children) face escalating torture, exposure to harsh cold, thirst,

² Shezaf, Hagar. 2023. "Six Palestinians Have Died in Israeli Prisons During the War, Two Found Bruised - Israel News." Haaretz, December 9, 2023. <https://www.haaretz.com/israel-news/2023-12-09/ty-article-magazine/.premium/six-palestinians-have-died-in-israeli-prisons-during-the-war-two-found-bruised/0000018c-4ea8-df4b-a78e-dfab60f10000>; AP News. 2023. "Israeli police are investigating 19 prison guards in the death of a 38-year-old Palestinian prisoner." AP News, December 21, 2023. <https://apnews.com/article/israel-palestine-prisoners-gaza-war-86ca53dadb622f3aa70e76d0ee053276>; Anadolu Agency. 2024. "Palestinian detainee killed in Israeli jail: Prisoners' affairs groups." Anadolu Ajansi, January 2, 2024.

³ Keller, Carrie. 2023. "Knesset approves wartime prison crowding, among other emergency measures." The Times of Israel, October 18, 2023. <https://www.timesofisrael.com/knesset-approves-wartime-prison-crowding-among-other-emergency-measures/>

⁴ Middle East Eye. 2024. "Israeli parliament to extend state of 'prison emergency', which worsens confinement of prisoners." January 17, 2024. <https://www.middleeasteye.net/live-blog/live-blog-update/israeli-parliament-extend-state-prison-emergency-which-worsens>

⁵ Shezaf, Hagar, "A Quarter of Palestinians Jailed in Israel Are Imprisoned Without Charges or Trial" <https://www.haaretz.com/israel-news/2023-08-03/ty-article/.premium/a-quarter-of-palestinians-jailed-in-israel-are-imprisoned-without-charges-or-trial/00000189-bce5-d9f3-a1cd-bfff64f00000>.

⁶ Al-Jazeera. (2024, February 08). Footage of an Israeli Soldier. AJ+. Retrieved February 18, 2024, from <https://www.youtube.com/channel/UCV3Nm3T-XAgVhKH9jTOViRg/community?lb=Ugkxpu1ze1cOirthLKIkd1IzoPzG32Nz8AsU>

⁷ Ibid.

hunger, humiliation, and stripping at the time of arrest.⁸ From the moment they are apprehended, prisoners endure physical assaults resulting in broken bones and ribs and are denied access to adequate food, water, and even essential medicine, tragically leading to the deaths of several individuals within the confines of the prison.⁹ Those released recount tales of horrific conditions, including starvation, thirst, mistreatment, torture, and the denial of fundamental rights. According to a ground report from OHCHR representative Ajit Sanghay, a number of released detainees told him that they were released in diapers.¹⁰

Besides arbitrary detentions, Israel is also perpetrating a crime of enforced disappearances in Gaza as the families of detainees in Gaza are unaware of their loved ones' whereabouts. From October 7th to November 29th, the International Committee of the Red Cross hotline received 3,000 calls from families seeking information about such detainees.¹¹ One Israeli channel confirmed that Israel had detained 4,000 Gazan labourers after their permits were arbitrarily cancelled, and they were thus deemed illegal outside Gaza. However, the authorities refused to disclose their whereabouts.¹² Additionally, Red Cross visits are denied inside the prison.¹³ These practices are not only a violation of international law but also turn these detentions into enforced disappearances.

Those arrested in Israel and the Occupied Territories of East Jerusalem include activists, lawyers, nurses, doctors, and artists on charges of incitement and assisting the enemy during the war, mostly under anti-terrorism charges which apply not only to writing and publishing but also to extensive monitoring of social media platforms affiliated with terrorist organizations.¹⁴ Anti-terrorism laws allow the detainees to be denied access to their lawyer for extended periods.¹⁵ The Unlawful Combatant Law has been amended

⁸ Debre Isabel, and Wafaa Shurafa. 2023. "Hungry, thirsty and humiliated: Israel's mass arrest campaign sows fear in northern Gaza." AP News, December 14, 2023. <https://apnews.com/article/palestinians-detained-israel-hamas-gaza-war-0ecbc338e4024add059b87b38022086d>.

⁹ Al Tahhan, Zena, and Ahmed Twajj. 2023. "Israel doubles number of Palestinian prisoners to 10000 in two weeks." Al Jazeera, October 21, 2023. <https://www.aljazeera.com/features/2023/10/21/number-of-palestinian-prisoners-in-israel-doubles-to-10000-in-two-weeks>.

¹⁰ Al Jazeera. 2024. "UN says Palestinians detained by Israeli forces humiliated, beaten." Al Jazeera, January 19, 2024. <https://www.aljazeera.com/news/2024/1/19/un-says-palestinians-detained-by-israeli-forces-humiliated-beaten>.

¹¹ Debre, Isabel, and Wafaa Shrafa. 2023. "Hungry, thirsty and humiliated: Israel's mass arrest campaign sows fear in northern Gaza

¹² Marsi, Federica, and Ylenia Gostoli. 2023. "Thousands of Gaza workers go 'missing' in Israel amid wartime mass arrests | Israel War on Gaza News." Al Jazeera, October 28, 2023. <https://www.aljazeera.com/news/2023/10/28/thousands-of-gaza-workers-go-missing-in-israel-amid-wartime-mass-arrests>.

¹³ Addameer. 2023. "الاحفاء القسري بحق معتقلي قطاع غزة.. جريمة مستمرة ضد الإنسانية." | Addameer, December 18, 2023. <https://www.addameer.org/node/5251>.

¹⁴ Addameer. 2023. "Escalation of arrest campaigns since the beginning of the Israeli aggression and the conditions of the prisoners in Israeli prisons." | Addameer, October 19, 2023. <https://www.addameer.org/news/5164>.

¹⁵ Ibid.

several times whereby detainees can be prevented from meeting their lawyers for 90 days.¹⁶

One of the most appalling aspects of Israeli prisons is the prevalence of sexual violence and rape against Palestinian women prisoners. On February 19th, 2024 several UN experts issued a joint statement expressing concern about credible reports of rape and sexual violence against women prisoners.¹⁷ The humiliation of women prisoners was compounded when Israeli soldiers posted their images online. Moreover, the UN experts expressed concern about women who went missing after interacting with Israeli soldiers.¹⁸

It should also be noted that almost none of these detainees arrested after October 7th have been formally charged. While the Israeli army maintains that these arrests are essential for intelligence gathering against Hamas, the Israeli newspaper Haaretz reports that only 15 to 20 percent of the Gaza detainees belong to Hamas.

3. Israel's Use of Administrative Detention Without Charge or Trial

A significant number of Palestinian prisoners are held under administrative detention, a unique status that does not require formal charges. Administrative detention is a legal provision under Israeli law wherein individuals are detained without trial, not for a committed offence, but rather based on anticipated violations of the law in the future. This preventive measure lacks a predetermined time frame and is executed without formal legal proceedings, relying on classified evidence undisclosed to the detainee and their lawyer. Detainees face unspecified allegations without the ability to mount a legal defence, remain uncertain about the duration of their detention, and are neither formally charged, tried, nor convicted. According to the Israeli rights group B'T Selem:

Israel routinely uses administrative detention and has, over the years, placed thousands of Palestinians behind bars for periods ranging from several months to several years, without charging them, without telling them what they are accused of, and without disclosing the alleged evidence to them or to their lawyers.¹⁹

¹⁶ Ibid.

¹⁷ UN OHCHR. 2024. "Israel/oPt: UN experts appalled by reported human rights violations against Palestinian women and girls." ohchr, February 19, 2024. <https://www.ohchr.org/en/press-releases/2024/02/israelopt-un-experts-appalled-reported-human-rights-violations-against>.

¹⁸ Ibid.

¹⁹ B'TSelem. n.d. "Administrative Detention." https://www.btselem.org/administrative_detention.

Whereas this form of weaponization of law has been practiced by Israel for decades, the Israeli parliament introduced a new prison emergency law to deliberately worsen the conditions of prisons for Palestinian prisoners and allow mass incarceration as a war strategy.

4. The Weaponization of Emergency Prison Laws

The exacerbation of conditions for Palestinian prisoners was already in motion before the escalation of hostilities post-October 7th. Spearheaded by National Security Minister Ben-Gvir, this initiative was a key agenda of the newly formed Israeli government, comprising far-right factions. Upon assuming his role, Minister Ben-Gvir assumed direct oversight of the project. Immediately upon his appointment, he directed the prison chief, Katy Perry, to implement measures aimed at worsening conditions within the prison facilities. To enforce compliance, the minister personally made an inspection in 2023.

According to Haaretz, as soon as he assumed the office of National security minister, Ben-Gvir sought to control the prison service and officer appointments, dramatically worsen conditions for Palestinian security prisoners, and improve those of Jewish terrorists.

On October 16th, 2023, just nine days after the October 7th attack, the Israeli Parliament (Knesset) passed a law granting Minister Ben-Gvir the authority to worsen the conditions for security prisoners. This legislation permitted the overcrowding of Palestinian detainees and prisoners on mattresses, instead of beds, to accommodate a potential increase in the number of prisoners, as reported by The Times of Israel.²⁰ Originally this bill was approved for three months but it was recently extended on January 17th, 2024.

The alteration of laws by Israel to facilitate the enforced disappearance of Palestinians has been a grave concern. Since the beginning of the aggression, the occupying authorities have actively sought to revise military orders and laws, enabling prolonged detention without any legal repercussions. The Unlawful Combatant Law has undergone multiple amendments, allowing the issuance of an illegal combatant order within 42 days, as opposed to the previous 7 days. Judicial review now occurs within 45 days, up from 14 days, and detainees can be denied access to their lawyers for up to 80 days.²¹

²⁰ Keller, Carrie. 2023. "Knesset approves wartime prison crowding, among other emergency measures."

²¹ Addameer. 2023, "الاحفاء القسري بحق معتقلي قطاع غزة.. جريمة مستمرة ضد الإنسانية"

Concerning the emergency directives aimed at obstructing detainee-lawyer meetings during investigations, the duration of the ban has been prolonged to 90 days. The modifications to existing laws, the extension of the period during which detainees are barred from meeting their lawyers, and the delays in presenting them before a judge collectively manifest another aspect of enforced disappearance. This arises from the fact that legal representatives are left unaware of the detainee's location and the circumstances of their confinement. These amendments serve the purpose of impeding lawyers from overseeing and documenting crimes and violations against detainees.²² The crime of enforced disappearance is considered a crime against humanity according to the Rome Statute of the International Criminal Court.²³

5. Mass Incarceration as a Wartime Strategy

Israel is using mass incarceration as a war strategy, as the notes accompanying the new law indicate that the security assessment is “many more detainees are expected to be absorbed in the near future in view of the state of war, taking into account that the fighting is still ongoing.”²⁴

After October 7th, Israeli defence forces conducted raids and mass arrests in West Bank villages, as well as rounding up civilians in Gaza. In the initial days, the majority of Gazans who were apprehended were labourers working within Israel. Their work permits were promptly revoked after October 7th, resulting in their detention being considered illegal.²⁵

There were about 5,200 Palestinians in Israeli prisons prior to October 7th when the Palestinian armed resistance group Hamas launched an attack on Israel.²⁶ Within two weeks the number of Palestinian prisoners doubled.²⁷ In the subsequent two weeks, Israel arrested 4,000 labourers from Gaza and more than 1,000 people in the occupied West Bank.²⁸ According to Al-Jazeera, the IDF detained more than 6,000 Palestinians,

²² Ibid.

²³ Article (7)(1)(i) of the Rome Statute of the International Criminal Court, adopted in Rome on 17 July 1998.

²⁴ Keller, Carrie. 2023. “Knesset approves wartime prison crowding, among other emergency measures.”

²⁵ Debre, Isabel, and Wafaa Shrafa. 2023. “Hungry, thirsty and humiliated: Israel's mass arrest campaign sows fear in northern Gaza.”; Anadolu Agency. 2023. “4,000 Palestinian workers held by Israel for questioning into Hamas attack.” *Anadolu Ajansı*, October 17, 2023. <https://www.aa.com.tr/en/middle-east/4-000-palestinian-workers-held-by-israel-for-questioning-into-hamas-attack/3023180>; Marsi, Federica, and Ylenia Gostoli. 2023. “Thousands of Gaza workers go ‘missing’ in Israel amid wartime mass arrests” [https://www.aljazeera.com/news/2023/10/28/thousands-of-gaza-workers-go-missing-in-israel-amid-wartime-mass-arrests](https://www.aljazeera.com/news/2023/10/28/thousands-of-gaza-workers-go-missing-in-israel-amid-wartime-mass-arrests;);

²⁶ Al Tahhan, Zena, and Ahmed Twajj, “Israel doubles number of Palestinian prisoners to 10000 in two weeks.”

²⁷ Ibid.

²⁸ Ibid.

including 880 children, in the West Bank in roughly the first 100 days.²⁹ While this report is being written, the mass detention campaign and raids continue.³⁰ According to Ramallah-based rights group Addameer, “arrests are taking place 24 hours a day.”³¹

In Israel and the Occupied Territories of East Jerusalem, the lack of transparency persists as there is ongoing uncertainty surrounding the number of detainees being held. The Israeli occupation forces have been arresting countless Palestinians, including activists, lawyers, nurses, doctors, and artists on charges ranging from incitement to assisting the enemy during the war.³² Notably, as mentioned above the anti-terrorism law has undergone several amendments, expanding its scope beyond direct participation and publication activities to encompass extensive monitoring of news on social media affiliated with "terrorist organizations."³³

6. Israel’s Humiliating Treatment at the Time of Arrest

The shocking manner in which arrests are conducted in Gaza leaves an indelible mark of horror. According to an Associated Press (AP) report published on December 14, 2023:

Soldiers go door to door with dogs, using loudspeakers to call on families to come outside, residents said. Or they blast doors of homes open with a grenade, yelling at men to remove their clothes and confiscating money, identity documents and cellphones. Some released detainees reported soldiers shouting sexually explicit insults at women and children and beating men with their fists and rifle butts after bursting into their homes. Others reported enduring humiliating stretches of near-nudity as Israeli troops took the photos that later went viral. Some guessed they were driven several kilometers (miles) before being dumped in cold sand.³⁴

The AP report mentioned earlier also reveals that the detainees, including men forced to strip to their underwear, were transported to a detention camp on the beach, where they endured hours, and in some cases, days of hunger and exposure to cold temperatures.³⁵ According to the AP report, Palestinians apprehended in Beit Lahiya, Jabaliya refugee

²⁹ Ibid.

³⁰ Debre, Isabel, and Wafaa Shrafa. 2023. “Hungry, thirsty and humiliated: Israel's mass arrest campaign sows fear in northern Gaza”

³¹ Al Tahhan, Zena, and Ahmed Twajj, “Israel doubles number of Palestinian prisoners to 10000 in two weeks.”

³² Addameer, “Escalation of arrest campaigns since the beginning of the Israeli aggression and the conditions of the prisoners in Israeli prisons.”

³³ Ibid.

³⁴ Debre, Isabel, and Wafaa Shrafa. 2023. “Hungry, thirsty and humiliated: Israel's mass arrest campaign sows fear in northern Gaza”

³⁵ Ibid.

camp, and Gaza City neighbourhoods reported being bound, blindfolded, and transported in trucks. Some reported being taken nearly stripped to an undisclosed location for detention, with limited access to water.³⁶ Images and footage depicting stripped Palestinian men kneeling in the streets with heads bowed and hands bound behind their backs have generated widespread outrage globally.³⁷ Even the spokesperson for the U.S. State Department Matthew Miller expressed profound concern stating that the United States “found the images [of stripped Palestinian detainees] deeply disturbing.”³⁸

7. Denial of Fundamental Rights, Torture, Inhumane Conditions Inside the Israeli Prison System

Prisoner testimonies over the years have consistently highlighted a pattern of torture and abuse. However, the severity and frequency of these beatings reached unprecedented levels with the onset of the recent conflict. According to a November 29th report by Al-Jazeera, Palestinian prisoners released as part of the truce agreement between Israel and Hamas have shared accounts of being subjected to beatings and humiliation by Israeli soldiers.

Addameer's recent disclosure unveils a deeply disturbing trend of escalating ill-treatment within prisons, marked by pervasive physical attacks. Detainees facing arrest now endure assaults that surpass previous abuses, including the breaking of ribs, limbs, hands, and legs. This new wave of deplorable actions encompasses degrading insults, curses, and the use of handcuffs tightened to inflict severe pain. Furthermore, naked, humiliating group searches highlight an alarming pattern of gross human rights violations.³⁹

Further evidence is provided by a report by Geneva-based Euro-Med Monitor team which claims that Palestinian detainees have been treated inhumanely by Israeli army and Shin Bet intelligence agency investigators, described as being treated akin to "non-human animals."⁴⁰ These claims are based on testimonies gathered by Euro-Med Monitor from individuals recently released after spending several days in Israeli custody. These

³⁶ Ibid.

³⁷ AP News. 2023. “Video shows Palestinians detained in Gaza,” In video and photos published Thursday, dozens of Palestinian men are seen sitting in rows on a street in northern Gaza. <https://apnews.com/video/gaza-strip-israel-government-war-and-unrest-hamas-national-80fea8dc7b7c4e13be62c5473250ecdc>.

³⁸ Debre, Isabel, and Wafaa Shrafa. 2023. “Hungry, thirsty and humiliated: Israel's mass arrest campaign sows fear in northern Gaza”

³⁹ Addameer, “Escalation of arrest campaigns since the beginning of the Israeli aggression and the conditions of the prisoners in Israeli prisons.”

⁴⁰ Euro-Med Monitor. “In Israeli army camps, Gazan detainees subjected to torture and degrading treatment.” Euro-Med Monitor. Published January 7, 2024. Accessed February 22, 2024. <https://euromedmonitor.org/en/article/6082/In-Israeli-army-camps,-Gazan-detainees-subjected-to-torture-and-degrading-treatment>.

detainees report systematic torture and inhumane treatment suffered in Israeli army camps, with some individuals forcibly disappeared from the Gaza Strip.⁴¹

Additionally, elderly individuals, including an 80-year-old woman, as well as men over 70 years old were reportedly among those arrested. Jihad Zaqout, aged 75, recounted his harrowing experience to Euro-Med Monitor. He detailed his arrest on December 12th, 2023, from his Gaza City residence by Israeli forces. Zaqout described enduring physical abuse, including beatings, kicks, and being bound with iron baskets. He was then used as a human shield in a neighbourhood with ongoing military operations. During transportation with other Palestinian prisoners, Zaqout reported continuous beatings by Israeli soldiers using rifle butts. Upon arrival at an army camp housing hundreds of prisoners, they were forced to sleep on the ground without mattresses and were deprived of regular restroom access. Detainees also suffered further beatings and were denied necessary medical treatment, according to his account.⁴²

8. Being Held in Guantánamo-Style Cages and Repurposed Facilities as Prisons to Accommodate Massive Incarcerations

According to multiple reports, most inmates are detained in Israeli army camps rather than by the Israeli Prison Administration, leading to their detention outside the bounds of legality. To accommodate the large number of arbitrarily detained prisoners, Israeli authorities and the military have repurposed many buildings. According to an Al-Jazeera report published on October 28th, 2023, Walid (alternative name used for security reasons), a Palestinian worker from the West Bank, was arrested on October 8th, 2023, and detained in the Anatot facility. Human rights groups say this facility is among those repurposed by the Israeli government to hold hundreds of workers in arbitrary detention, in breach of international law. Walid says he was kept in a cage, exposed to the sun without shelter, and deprived of food, water, or access to a toilet for three days, according to a written testimony given to the Israel-based human rights organization HaMoked and seen by Al Jazeera. He was then moved to an area of about 300 square meters where hundreds of labourers shared a chemical toilet cubicle. When he asked to contact the Red Cross, he was cursed at and beaten up by soldiers. He was released when Israeli officers confirmed that he is not a resident of Gaza.⁴³

Concrete evidence of detainees being caged in army camps rather than Israeli prisons have also been gathered by Euro-Med Monitor, an organization with field

⁴¹ Ibid.

⁴² Euro-Med Monitor, "In Israeli army camps, Gazan detainees subjected to torture and degrading treatment."

⁴³ Marsi, Federica, and Ylenia Gostoli. 2023. "Thousands of Gaza workers go 'missing' in Israel amid wartime mass arrests"

representatives operating in Gaza. Euro-Med Monitor said that the Sde Teman army camp, located between Beersheba and Gaza, has been turned into a Guantánamo-like prison. There, detainees are held in very harsh conditions akin to open-air chicken cages, without access to food or drink for long periods of time, while being prevented from meeting with lawyers or receiving Red Cross visits. According to evidence collected from a released prisoner who insisted on anonymity due to safety concerns, the majority of inmates are held in Israeli army camps rather than by the Israeli Prison Administration, and as a result, are not held under legal detention circumstances. He added that once they are transferred, detainees are forced to remain inside iron cages despite the very cold weather. He also mentioned various forms of torture and said that detainees frequently endured severe beatings all over their bodies, electric shock torture, purposeful burning with cigarette butts, being tied up by the hands and feet in different positions, and suspended by their hands and feet.⁴⁴

9. Revocation of Facilities inside Prisons, Including Access to Medicine

In the wake of the emergency prison law, Israeli authorities have stripped away numerous basic facilities within the prisons. During the ongoing conflict, rights groups have reported significant restrictions imposed by the Israeli Prison Service IPS on essentials like water, food, medical care, communal items, as well as limitations or complete halts to family and lawyer visits.⁴⁵ According to Physicians for Human Rights Israel (PHRI):

Authorities also disconnected access to power and water supplies, limited the number of meals per day, restricted prisoners to their cells and prevented access to medical clinics and visits by legal representatives and other officials. At least two prisoners have died while in custody since the beginning of the latest round of hostilities.⁴⁶

Further testimony provided by Addameer, a human rights organization dedicated to supporting prisoners' rights, has documented retaliatory actions by the Israeli Prison Services (IPS). These measures include the severance of all communication with the prisons, closure of sections, confiscation of television sets, denial of prisoner visits, electricity cuts in multiple facilities, and restricting access to water to just one hour per day.

⁴⁴ Euro-Med Monitor, "In Israeli army camps, Gazan detainees subjected to torture and degrading treatment."

⁴⁵ Marsi, Federica, and Ylenia Gostoli. 2023. "Thousands of Gaza workers go 'missing' in Israel amid wartime mass arrests"

⁴⁶ Ibid.

Also as reported by The Times of Israel on October 18th, Ben-Gvir, the leader of the far-right Otzma Yehudit Party, garnered attention for instructing the prison service to cut down on the shower times for terror inmates. He also put an end to the practice of baking fresh pita in prison kitchens and reduced prisoner visitations. These measures have come under criticism as they appear vindictive and counterproductive to Israel's efforts in the fight against terrorism.⁴⁷

10. Denial of Medical treatment and Shutdown of Prison Clinics

Additionally, there have been reports of raids on several prisons and attacks on prisoners.⁴⁸ While PHRI testifies that prisoners are prevented access to the medical clinics, Addameer's findings shed light on a distressing situation, revealing the deliberate obstruction of access to medical care, as the organization reported the shutdown of prison clinics and the prevention of prisoners from seeking essential medical attention at hospitals and external clinics, even for those grappling with critical conditions such as cancer.⁴⁹

The lack of access to essential medical care within Israeli prisons extends beyond instances of neglect and emerges as a calculated denial of treatment, as evidenced by the closure of prison clinics. While numerous human rights reports have documented fatalities resulting from torture and violence inflicted by prison guards, there are also recorded instances where fatalities occurred due to lack of access to medications while in custody. Specifically, testimonies collected by Haaretz shed light on the deaths of individuals like Raja Samour, a diabetic patient, and Majed Zaqoul, a cancer patient, who perished after being denied necessary medical care at Anatot prison. These cases underscore the alarming consequences of the denial of medical treatment within Israeli prisons, emphasizing the urgent need for accountability and reform to prevent further loss of life due to such systemic neglect.⁵⁰

11. Deaths Inside the Prisons

Although deaths within prisons are often shrouded in secrecy due to a lack of official transparency, numerous reports from human rights organizations and news outlets have surfaced, documenting instances of fatalities resulting from torture and the deliberate denial of essential medical care. According to an in-depth feature report published by

⁴⁷ Keller, Carrie. 2023. "Knesset approves wartime prison crowding, among other emergency measures."

⁴⁸ Marsi, Federica, and Ylenia Gostoli. 2023. "Thousands of Gaza workers go 'missing' in Israel amid wartime mass arrests"

⁴⁹ Ibid.

⁵⁰ Shezaf, Hagar, "Six Palestinians Have Died in Israeli Prisons During the War, Two Found Bruised"

the Israeli newspaper Haaretz in December, four Palestinian prisoners died in Israeli prisons, and at least two died in military detention during Israel's conflict with Hamas in Gaza. Autopsy evidence and other sources suggest that at least two of the bodies showed signs of bruising. Some of the cases indicate evidence of violence or medical neglect prior to the deaths.⁵¹

Thirty-three-year-old Abed al-Rahman Mara'i, a resident of the village of Qarawat Bani Hassan in the northern West Bank, died at Israel's Megiddo Prison on November 13 during his administrative detention that began in February. According to the findings that were sent to Haaretz, Marai's chest was bruised and his ribs and breastbone were broken. There were also signs of external bruises to his head, neck, back, buttocks, left arm and thigh. According to the report, he was healthy and had no pre existing conditions before his imprisonment.⁵²

The full story of this tragic death was later told by a former detainee. According to Haaretz, a former detainee who was released from Megiddo Prison in the northern region on November 16th reported that he had shared a cell with Mara'i. In a telephone interview with Physicians for Human Rights Israel PHRI following his release, he recounted that since the onset of the conflict, personnel from different units of the prison service at Megiddo Prison would routinely arrive every Sunday and Tuesday to restrain the prisoners' hands behind their backs and subject them to physical abuse. He further mentioned witnessing Mara'i being assaulted a few days before his own release. The detainee described how the guards would handcuff them behind their backs before initiating a barrage of punches. One of the prisoners, Abed al-Rahman Mara'i, became the target of their taunts, and they insulted his deceased father. He began to scream, prompting around 15 individuals from the unit to swarm him, relentlessly striking him. The assault lasted for approximately five minutes, with a focus on targeting his head. Afterward, they forcibly removed him from the scene. Around a week later, the other inmates received word that Mara'i had passed away.

Another custodial death was reported by the Associated Press. As per a report released on December 21, Thar Abu Assab, 39 was discovered with "significant signs of physical trauma" on his body, as stated by the Palestinian Prisoners' Club, an advocacy organization. He passed away on November 18th at Ketziot prison in the southern

⁵¹ Shezaf, Hagar. 2023. "Six Palestinians Have Died in Israeli Prisons During the War, Two Found Bruised" ; Anadolu Agency. 2024. "Palestinian detainee killed in Israeli jail: Prisoners' affairs groups." Anadolu Ajansı, January 2, 2024.

⁵² Shezaf, Hagar. 2023. "Six Palestinians Have Died in Israeli Prisons During the War, Two Found Bruised" ; Anadolu Agency. 2024. "Palestinian detainee killed in Israeli jail: Prisoners' affairs groups." Anadolu Ajansı, January 2, 2024.

Negev Desert. Abu Assab had been arrested in 2005 and was serving a 25-year sentence for attempted murder.⁵³

According to Haaretz, on December 1st, a video interview surfaced on social media featuring Mahmoud Qatanani, an 18-year-old affiliated with Islamic Jihad from the Askar refugee camp in Nablus. Qatanani, who claims to have shared a cell with Abu Assab, alleges that Abu Assab succumbed to fatal injuries inflicted by the Keter unit of the prison service, known for its role in quelling unrest.

In the interview, Qatanani recounts, "They entered our cell and started beating us without cause. They dragged Thaer Abu Assab to the bathroom door and struck him with a club, causing severe head injuries. Despite noticing the bleeding, the guard continued to assault him, ultimately breaking his shoulder. Then, he struck him again, causing a piece of his skull to fall to the floor." Following the assault, according to Qatanani, the guards departed from the cell.⁵⁴

It's important to highlight that the fatalities outlined in the Haaretz article coincide with periods during which detainees and prisoners have reported instances of violence against them within the prison system to their legal representatives and Israeli military courts. Comparable remarks have also been voiced by prisoners who were released as part of the Israel-Hamas agreement.

Another instance of custodial death has been documented by Palestinian prisoners' affairs groups. According to a report from Anadolu News agency published on January 2nd, 2024, the Israeli Prison Services announced that they would investigate the circumstances surrounding the detainee's death, which occurred in Meggido prison. In a joint statement quoted by the official Palestinian news agency Wafa, the Palestinian Commission of Detainees and Ex-Detainees Affairs and the Palestinian Prisoner's Society asserted that Israel had assassinated detainee Abdul Rahman Bassem Al-Bahsh, aged 23, from the city of Nablus.⁵⁵

⁵³ AP News. 2023. "Israeli police are investigating 19 prison guards in the death of a 38-year-old Palestinian prisoner." AP News, December 21, 2023. <https://apnews.com/article/israel-palestine-prisoners-gaza-war-86ca53dadb622f3aa70e76d0ee053276>

⁵⁴ Shezaf, Hagar, "Six Palestinians Have Died in Israeli Prisons During the War, Two Found Bruised" ; Anadolu Agency. 2024. "Palestinian detainee killed in Israeli jail: Prisoners'

⁵⁵ Anadolu Agency. 2024. "Palestinian detainee killed in Israeli jail: Prisoners' affairs groups." Anadolu Ajansı, January 2, 2024. <https://www.aa.com.tr/en/middle-east/palestinian-detainee-killed-in-israeli-jail-prisoners-affairs-groups/3097710>

Euro-Med Monitor also claims to have received testimonies concerning the deaths of two detainees within the Sde Teman camp, one of whom had a foot amputation; these deaths have not been officially acknowledged by Israel.⁵⁶

It is imperative to recognize that the custodial deaths mentioned above are not isolated occurrences, but rather indicative of a broader pattern of systematic and institutionalized torture, ill-treatment and denial of basic needs including medicine within Israeli prisons.

12. Involuntary Disappearances of Gazan Workers and Women

While the number of detainees in Gaza is still unknown, these detainees can be categorized as enforced disappearances because their loved ones are not informed of their whereabouts for weeks.

According to a report by Al Jazeera published on October 28th, the Israeli media channel N12 reported that 4,000 Palestinians from Gaza were undergoing interrogation in Israeli holding facilities regarding their potential involvement in the attack.⁵⁷

In a significant turn of events on October 10th, COGAT, the Israeli government body overseeing permit systems in the occupied territories, revoked all work permits of Gaza residents, abruptly designating them as 'illegal aliens.' Miriam Marmur, advocacy director of Geisha, an Israeli human rights organization, highlights that while Israel has detained thousands of Palestinians in the past, this marks the first instance of mass detentions following permit cancellations. Adding to the concern, Israeli authorities have withheld information about these detainees. Miriam suggests that this action appears retaliatory in nature, constituting a violation of international law.⁵⁸

The disappearance of Palestinian girls, as highlighted by United Nations special rapporteurs, underscores a deeply troubling trend within the ongoing conflict. The UN experts also raised concern regarding an undisclosed number of Palestinian women and minors who have allegedly disappeared following interactions with the Israeli army in Gaza. Additionally, they observed that the Israeli army purportedly took photos of female detainees in humiliating situations, subsequently sharing them online.⁵⁹

⁵⁶ Ibid.

⁵⁷ Marsi, Federica, and Ylenia Gostoli. 2023. "Thousands of Gaza workers go 'missing' in Israel amid wartime mass arrests"

⁵⁸ Ibid.

⁵⁹ UN OHCHR, "Israel/oPt: UN experts appalled by reported human rights violations against Palestinian women and girls."

As mentioned above, the International Committee of the Red Cross reported that their hotline received 3,000 calls from families of such detainees from October 7th until November 29th.⁶⁰ HaMoked, another Israeli human rights organization focusing on the freedom of movement for Palestinians, also provided testimony regarding the involuntary disappearances of Gaza workers. In an interview with Al Jazeera, Jessica Montell, executive director of HaMoked, stated that over 400 families and friends of missing individuals have reached out to the organization in attempts to locate their loved ones, all while grappling with Israel's bombardments and severe siege. However, she notes that these calls have dwindled as residents of Gaza are increasingly cut off from communications.⁶¹

As stated by the Palestinian advocacy organization Addameer, Israeli authorities have enforced total isolation on incarcerated individuals, especially those originating from the Gaza Strip. This measure effectively bars visits from the International Committee of the Red Cross and legal representatives, preventing them from meeting with the detainees.⁶²

13. Sexual Assaults and Rape Against Palestinian Women

A considerable number of Palestinian prisoners are women, the elderly, sick and wounded. Addameer has noted that the eldest female detained is an 82-year-old who is suffering from Alzheimer's disease.⁶³ There are also reports of sexual assaults and rape against women under custody. Various UN experts have taken notice of the rapes in a recent report published on February 19, 2024, and have issued the following statement:⁶⁴

We are particularly distressed by reports that Palestinian women and girls in detention have been subjected to multiple forms of sexual assault, including being stripped naked and searched by male Israeli army officers. At least two female Palestinian detainees were reportedly raped, while others were threatened with rape and sexual violence.⁶⁵

While Gazan men are arrested in a humiliating manner, women face the additional indignity of enduring sexually explicit insults from Israeli soldiers, as mentioned in a report by the Associated Press. The report noted that some released detainees reported

⁶⁰ Debre, Isabel, and Wafaa Shrafa. 2023. "Hungry, thirsty and humiliated: Israel's mass arrest campaign sows fear in northern Gaza"

⁶¹ Marsi, Federica, and Ylenia Gostoli. 2023. "Thousands of Gaza workers go 'missing' in Israel amid wartime mass arrests"

⁶² Addameer, "الاحفاء القسري بحق معتقلي قطاع غزة.. جريمة مستمرة ضد الإنسانية."

⁶³ Ibid.

⁶⁴ UN OHCHR, "Israel/oPt: UN experts appalled by reported human rights violations against Palestinian women and girls."

⁶⁵ Ibid.

soldiers shouting sexually explicit insults at women and children and beating men with their fists and rifle butts after bursting into their homes during the arrest process.⁶⁶

14. Analysis

Israel's treatment of prisoners reflects a departure from established international standards governing fair trial and detention. The degrading practice of forcing prisoners to strip, coupled with starvation and exposure to harsh weather conditions, not only undermines the principles of humane treatment but also infringes upon their right to dignity. The utilization of mass incarceration as a wartime strategy, resulting in dire detention conditions, constitutes a severe violation of human rights. Furthermore, the act of enforced disappearances, a grave crime under international law, compounds the egregious nature of these violations. The cumulative impact of these practices underscores a concerning disregard for fundamental rights and international norms, demanding heightened scrutiny and redress.

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Universal Declaration of Human Rights (UDHR), as well as the International Covenant on Civil and Political Rights (ICCPR), affirm the right to life and prohibit the arbitrary deprivation of life. They also unequivocally ban the use of torture and cruel, inhuman, or degrading treatment or punishment. The CAT explicitly defines and prohibits torture in Article 1, while Articles 2, 4, and 14 establish the responsibility of states to prevent torture, criminalize such acts, and provide redress and compensation to victims.⁶⁷ In addition, Article 5 of the UDHR states "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."⁶⁸ The ICCPR echoes this sentiment in Article 7, emphasizing the protection of individuals from torture or inhuman treatment.⁶⁹ Furthermore, In the context of armed conflicts, the Geneva Conventions, through Common Article 3, also prohibit violence, cruel treatment, and torture, emphasizing the protection of individuals' lives and dignity.⁷⁰ Together, these international legal frameworks form a robust set of provisions safeguarding individuals from the horrors of torture and cruel treatment in various settings.

⁶⁶ Debre, Isabel, and Wafaa Shurfa. 2023. "Hungry, thirsty and humiliated: Israel's mass arrest campaign sows fear in northern Gaza."

⁶⁷ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), opened for signature December 10, 1984, 1465 U.N.T.S. 85 (entered into force June 26, 1987).

⁶⁸ Universal Declaration of Human Rights, art. 5, G.A. Res. 217A (III), U.N. Doc. A/RES/217(III) (1948).

⁶⁹ International Covenant on Civil and Political Rights, art. 7, opened for signature December 16, 1966, 999 U.N.T.S. 171 (entered into force March 23, 1976).

⁷⁰ Geneva Conventions, Common Article 3, 75 U.N.T.S. 287.

Additionally, the right to adequate medical care is protected under various international human rights instruments, including the UDHR and the International Covenant on Economic, Social and Cultural Rights (ICESCR). When deaths occur under custody due to violence or denial of medical treatment, they may constitute violations of these international legal principles, subjecting the responsible party to legal accountability.

Prolonged detentions without charges and trial constitute arbitrary detentions, expressly prohibited under both international human rights and humanitarian law. According to Article 9 of the ICCPR, "No one shall be subjected to arbitrary arrest or detention." Additionally, the Geneva Conventions contain protections related to the treatment and trial of detainees in armed conflict. In the context of the Palestinian prisoners, their detentions are deemed arbitrary as they are arrested and held without formal charges, a blatant violation of their rights. The relevant international legal instruments clearly affirm the right to liberty and due process.

Moreover, administrative detention without formal charges and trial constitutes a blatant violation of international human rights and humanitarian law. Fundamentally, it undermines the right to a fair and public hearing, as enshrined in Article 14 of the ICCPR.⁷¹ The denial of due process, including the absence of formal charges and the opportunity for a timely and impartial trial, infringes upon the right to be presumed innocent until proven guilty. This practice also contravenes Article 9 of the ICCPR, which safeguards against arbitrary detention and insists on the necessity of judicial review to prevent abuse.⁷² Moreover, the use of administrative detention for extended periods, without concrete evidence or disclosure of classified information to the detainees or their legal representatives, violates the principles of transparency and the right to challenge the legality of one's detention, as outlined in the ICCPR and the Geneva Conventions. Overall, administrative detention without adherence to established legal procedures poses a severe affront to the foundational principles of justice and human rights under international law.

Furthermore, the relocation of Palestinians from the occupied territories to prisons within Israel violates Article 49, Paragraph 1 of the Fourth Geneva Convention, by engaging in the prohibited transfer of protected persons from occupied territories.⁷³ It also

⁷¹ International Covenant on Civil and Political Rights, art. 14, opened for signature December 16, 1966, 999 U.N.T.S. 171 (entered into force March 23, 1976).

⁷² International Covenant on Civil and Political Rights, art. 9, opened for signature December 16, 1966, 999 U.N.T.S. 171 (entered into force March 23, 1976).

⁷³ Fourth Geneva Convention, art. 49, para. 1, 75 U.N.T.S. 287.

contravenes Article 49, Paragraph 3, as it disrupts family unity by preventing prisoners from seeing their families.⁷⁴

It is also worth noting that the violations of international law perpetrated by Israel may also amount to war crimes and crimes against humanity under the Rome statute, which criminalizes acts such as torture, sexual violence, and the deprivation of a free trial. As such, these actions could be subject to legal proceedings in the International Criminal Court. Failure to address these grave violations would undermine the principles of justice, human dignity, and the rule of law upon which the international community relies for peace and stability.

In conclusion, the treatment of Palestinian prisoners represents a clear departure from established international standards governing fair trial and detention. The egregious violations of human rights, including arbitrary detentions, torture, and enforced disappearances, demand urgent attention and redress. Israel has ratified the above treaties, and is obligated to comply with their provisions. Canada has also ratified the above treaties, and is obliged to uphold and promote these fundamental human rights principles both domestically and internationally. In other words, it is imperative for Canada to address Israel's human rights violations, advocate for adherence to international law, and ensure the protection of the rights of Palestinian prisoners.

15 Conclusion

In conclusion, Israel's treatment of prisoners represents a clear departure from established international standards governing fair trial and detention, manifesting a concerning disregard for fundamental rights and international norms. The degrading practices, such as torture, forced stripping, coupled with starvation, exposure to harsh conditions, and enforced disappearances, constitute severe violations of human rights. Prolonged detentions without charges, arbitrary detentions, and administrative detention practices undermine the right to liberty, due process, and a fair trial, contravening key international legal instruments. The prohibition against torture, enshrined in various international agreements, emphasizes the need for protection from cruel treatment. Additionally, the relocation of Palestinians from the occupied territories to prisons within Israel violates key provisions of the Geneva Conventions, particularly disrupting family unity. It is imperative for Canada, as a signatory to these treaties, to advocate for adherence to international law, address arbitrary detentions, and ensure the protection of the rights of Palestinian prisoners. The cumulative impact of these violations demands heightened

⁷⁴ Ibid.

scrutiny, redress, and a commitment to upholding the principles of justice and human rights under international law.

The Canadian government is compelled to take urgent action against this ongoing mass incarceration campaign, ill-treatment, torture, and weaponization of law for several compelling reasons. Firstly, these practices starkly violate fundamental human rights principles enshrined in international agreements to which Canada has ratified. The systemic denial of due process, infliction of physical and psychological harm, and the weaponization of laws undermine the values of justice and human dignity that Canada actively upholds on the global stage. Secondly, these egregious violations contribute to a broader destabilization of peace and security in the region, affecting the well-being of countless individuals and perpetuating cycles of conflict. By intervening promptly, Canada can play a crucial role in mitigating the humanitarian crisis unfolding in the affected territories. Furthermore, the global community, including Canada, has a responsibility to address such grave breaches of international law, ensuring accountability and justice for the victims.

16. Recommendations For The Canadian Government

- 1. Condemn Israel's Violations of International Law** - Canada must urgently condemn Israel's mass arrests, torture of prisoners, and violations of International Law.
- 2. Exert Diplomatic Pressure** - It is imperative that Canada use its diplomatic influence to alleviate the situation for Palestinian Prisoners. This includes urging Israel to adhere to international human rights and humanitarian law, ensuring detainees' rights are respected, and demanding the repeal of emergency prison laws. Canada must exert diplomatic pressure on the Israeli government to release all individuals arbitrarily arrested subsequent to October 7, as well as those detained under administrative detention prior to October 7, including all minors.
- 3. Call for Independent Investigations** - International human rights organizations have had limited access to Israeli prisons. Canada must take a leadership position in advocating for full independent investigations into reported human rights violations and deaths in Israeli custody.
- 4. Impose Sanctions on Israeli Officials, Including Itmar Ben Gvir** - Israeli officials have operated with near impunity, despite countless human rights violations occurring against Palestinians. Canada must support accountability measures to ensure justice for victims and uphold the integrity of international law. This includes imposing sanctions on Israeli officials responsible for human rights abuses against Palestinian prisoners, including Israeli National Security Minister Itamar Ben-Gvir who is directly responsible for introducing prison laws and systematically worsening the conditions of prisoners in custody.