



State of Palestine
Ministry of Foreign Affairs and Expatriates
Multilateral Affairs Sector

Factsheet about the Palestinian Prisoners and their Conditions inside the Israeli Prisons

Palestine
2018

Facts & Numbers:¹

- Since Israel's occupation of the West Bank, including East Jerusalem, and the Gaza Strip in 1967, an estimated number of **800,000** Palestinians have been detained in Israeli prisons. This number constitutes about **20%** of the Palestinian population as a whole in the Occupied Palestinian Territory and as much as **40%** of the total male Palestinian population.
- Since 1967, Israel has issued at least **52,000** administrative detention orders. Currently, there remain **450** Palestinians held in administrative detention without trial or charges.
- During 2017, **6742** Palestinians were detained and imprisoned by Israeli Occupation Forces (IOF), including **1467** children between the ages of (10-18), **14** elected PLC members and **25** journalists.
- In 2017, **30** Palestinians were detained after being shot and injured by live ammunition and rubber bullets.

Administrative Detention allows Israeli military courts to hold a Palestinian prisoners without charge or trial for periods of six months that can be renewed indefinitely.

¹ For more information, see: Addameer, Prisoner Support and Human Rights Association, www.addameer.org; Defense for Children International- Palestine, www.dci-palestine.org/; Military Court Watch, www.militarycourtwatch.org/; Btselem, Israeli center for Human Rights, <https://www.btselem.org/statistics>.

- Palestinian detainees are subject to torture, inhumane and degrading treatment in Israeli prisons.
- Israel authorizes the use of interrogation measures that amount to torture.
- Israel's military courts deprive Palestinian detainees of the legal and procedural safeguards and rights they are entitled to under International Human Rights Law and International Humanitarian Law.

FACT: Israel has the ONLY military juvenile court system in the world

- According to UNICEF, Israel has the only military juvenile court system in the world.
- Palestinian child prisoners are denied access to their parents and lawyers.
- In 2017, the majority of Palestinian child prisoners (65%) were subjected to physical abuse and strip searches.
- In 2017, almost 60% of child prisoners were threatened with violence, including rape, castration, home demolition, imprisonment for life, and denial of food.
- Palestinian detainees are forcibly transferred outside the Occupied Palestinian Territory, in contravention with the Fourth Geneva Convention Relative to the Protection of Protection of Civilian Persons in Time of War 1949.

Detention Conditions:

Israel's widespread and systematic violations of the rights of Palestinian prisoners are grave breaches of both International Human Rights Law (IHRL) and International Humanitarian Law (IHL). These breaches include:

- ✓ The forcible transfer of Palestinian detainees to jails inside Israel;
- ✓ Subjugation of Palestinian detainees to torture, inhumane and degrading treatment;
- ✓ Deliberate medical negligence;
- ✓ Bad hygiene conditions;

- ✓ Arbitrary, restrictive and punitive measures;
- ✓ Prolonged solitary confinement, including of minors;
- ✓ Violations of the prisoners' rights to visitation and contact with their families;
- ✓ Detention conditions are dire. Some of the detention centers are buildings, while others are merely tents erected within military camps, exposing detainees to extreme weather conditions.
- ✓ Overcrowded facilities;
- ✓ Israel, the occupying power, has significantly decreased the free of charge items provided by the prison administration for the basic needs of the prisoners since 1994.
- ✓ Currently, prisoners and detainees rely mainly on the prison's canteen for the purchase of their basic supplies, including clothes, food, personal hygiene products, cleaning materials. The canteen sells items at a price that far exceeds the market price outside of the prison;
- ✓ A large number of detainees imprisoned are either wounded or ill. Currently, there are **1800** Palestinian detainees who suffer from deteriorating health conditions. Prison clinics have gained notoriety for offering only aspirin for health treatments and physicians within the clinics are all soldiers;
- ✓ The long hours of transferring the detainees from Israeli prisons to military courts exhaust the detainees.

FACT: According to Israeli figures, the Israel Prison Authority reported income of 33.82 million USD from selling food, cleaning products, and other basic items to Palestinian prisoners at prices of to 140% more than the average market price.

Legal Framework:

The above-mentioned violations the Palestinian detainees are subject to are in breach of both International Human Rights Law and International Humanitarian Law and are enshrined in the following articles:

- Articles (3, 7, 9, 13, 10, 17 and 18) of the Universal Declaration of Human Rights;
- Article (8(2)) of the Rome Statute of the International Court of Justice;
- Articles (49 and 76) on the illegality of detaining protected persons outside the occupied territory and 78 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949;
- Articles (4 ,9(4) and 14) of the International Covenant on Civil and Political Rights;
- The United Nations Convention on the Rights of the Child;
- The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Rule (90) of the ICRC Customary International Humanitarian Law;
- Article (75 (2)) of Additional Protocol I of the Geneva Convention 1949;
- Article (4 (2)) of Additional Protocol II of the Geneva Convention 1949;
- Rule (24) of the UN Standard Minimum Rules for the Treatment of Prisoners;
- Article II(a) and II (a)iii of the Convention for the Suppression and Punishment of the Crime of Apartheid;
- UN Security Council Resolution 605 of the year 1987.

Israeli Obligations under International Law towards Palestinian Prisoners:

- As the occupying power, Israel is administratively and financially responsible for the occupied territory and its people.
- Obligations of the detaining power regarding the allowances of the detainees are enshrined in both Articles **98** and **81** of the Fourth Geneva Convention. Israel does not honor this obligation.

FACT: The Fourth Geneva Convention obliges Israel, as an occupying power, to provide allowances for Palestinian detainees.

- Article **98** of the Fourth Geneva Convention states that the Detaining Power should provide allowances for the detainees as part of its responsibility towards them.
- Article **81** of the Fourth Geneva Convention prohibits any deduction from the salary or income of the detainees. It also ensures that support should be provided for the dependents on the detainees.
- The occupation authorities are responsible for the provision of the maintenance for those dependent on the detainees when they are unable to do so themselves.
- The majority of detainees are the sole financial providers for their families, which means Israel is required to provide for their dependents. It does not.