

المؤسسة الدولية للتضامن مع الأسرى  
International Solidarity with Prisoners

تضامن • TADAMON

## Information Sheet

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# Administrative Detention in The Occupation Prisons



## Introduction:



Through its organizations and security, political and media institutions, the Israeli Occupation practices a comprehensive war, organized according to deliberate strategies to neutralize the steadfastness of the Palestinian people in their land, and primarily targets Palestinian prisoners in its jails. The Palestinian prisoner severely suffers from a doubled torture: psychological and physical, not to mention the medical neglectance, Imposing a series of laws aimed to increase their suffering and depression, confiscating their rights and breaking their will, most notably the administrative detention policy.

The occupation is being held  
until now

**450**

administrative detention



## What is Administrative Detention ?

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Its an illegal arbitrary arrest that contradicts the most simple international standards of the human rights because its an arrest without accusation nor trial that depends on a classified file that neither the arrested person nor his lawyers are allowed to look at.

The International Committee of the Red Cross (ICRC) has defined it as depriving a person of his or her freedom, on the initiative or order of the Executive Authority, not judicial, without criminal charges against the detainee or administrative detainee. (The explanation of the two additional protocols that were issued on the 8th of June 1977 followed by the Geneva Conventions issued on the 12th of August 1949.)

This type of detention is carried out without any trial and for a period of one to six months, continuously renewable, under the pretext of a «classified file» of the detainee, which aims to increase the suffering of the prisoners and their families.

## According to the Occupations Point of View, Administrative Detention comes as:

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- Because detainees have political ideas and opinions against the occupation.
- Removing of activists whose presence in the field is feared by the occupation, granted that the Occupation possesses no evidence condemning them before the courts.
- Removing of popular and official leaders to reduce their role in the Occupations Resistance as deputies of the Legislative Council.



# 55.000

administrative detention orders issued from 1967 until the end of October 2018.



- An administrative detention is being issued against prisoners who are being subjected to long periods of investigation not having any security charges or violations punishable by the Occupation's law proved against them.
- A preventive measure, according to the Israeli prosecutions view, prevents a future danger that could have been committed by this person, so he is arrested.



The Occupation uses administrative detention as a collective punishment policy against Palestinians which is affirmed by statistics and numbers.

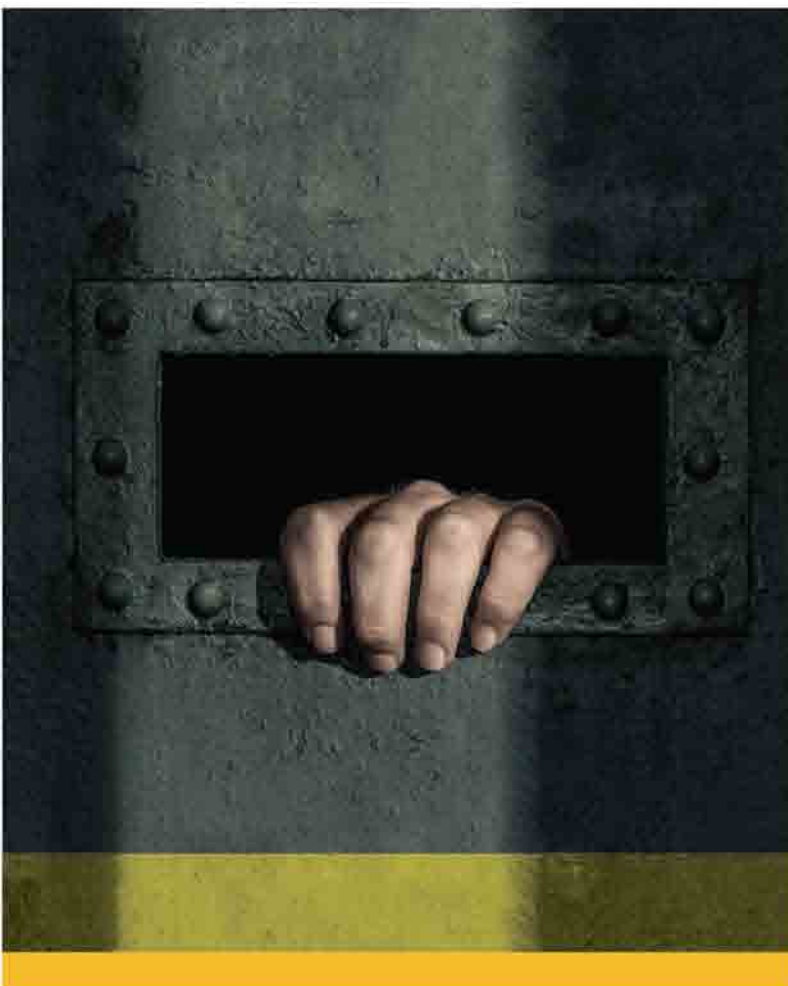
The Palestinian Prisoners' Center for Studies monitored approximately 55,000 administrative



detention orders issued by the occupation authorities against the Palestinian people from 1967 until the end of October 2018. During the Intifada in Jerusalem, which began in October 2015, between a new decision and a renewal of detention by adding additional periods of time, including 25 administrative decisions targeting women, and 55 administrative decisions targeting children who are below the age of 18.

In a precedent that was not used by any of the occupying authorities, the Israeli occupation arrested dozens of democratically elected PLC members, most of whom were transferred to administrative detention without charge. They renewed their detention for multiple periods of up to eight years, such like the case of MP Muhammad Jamal al-Natsheh From Hebron.

## Administrative Detention Under International Law:



The Israeli Occupation does not care about any of the international conventions that protects human rights that guarantees the right of a life of freedom and peace for an individual.

In addition to one of the most important principles that rule over the administrative detention is ending this kind of freedom depravation, as long as the detainee no longer forms a real threat to the

country's security in the present nor in the future, which guarantees the facilitation of the release of the said detainee immediatly after having the reasons behind his detainment demolished as presented in the Article (3 75)of the First Additional Protocol, and Article 132 of the Fourth Geneva Convention, in which both approved the priciple of mandatory conclusion of the administrative detention right after the end of its reasons, which is not applied by the Occupation.

Not to mention that allowing the detained person to know the reasons behind his deprivation of His freedom is one of the elements of the obligation of humane treatment provided for in the Fourth Geneva Convention and its Additional Protocols, which is why it is compulsory that the detainee is informed immediately, in a language the he understands, as to why he is being detained, so that he would be able appeal the decision of the court.

The Israeli Prison Service violates article 84 of the Fourth Geneva Convention, for administrative detainees are still being imprisoned along with the rest of the prisoners, detainees and convicts. For, in some divisions of The Negev and Awfar prisons, administrative detainees live in special divisons for convicts, and are subjected to the regulations of the prison service for security prisoners and not to the conditions of detention of administrative detainees.

## Exploitation of International law:

International humanitarian law has authorized the use of administrative detention, but for imperative and exceptional security reasons, and has warned against its use collectively and negatively. This may reach the level of «collective punishment». Administrative detention ends immediately after the disappearance of the reasons. In-turn, fair judicial procedures and guarantees are set if recourse is made.





## The General Principles Established by International Law when Resorting Exceptionally to Administrative Detention are as Follows:

1. Administrative detention is an exceptional measure: the Fourth Geneva Convention unequivocally stated that administrative detention is an extremely cruel measure of control over matters that is used exceptionally.
2. Administrative detention is not a substitute for criminal proceedings.  
(The indictment)
3. Administrative detention, if practiced on its own terms, is for each case only and shall not be collective in any way since the International Law prohibits collective punishment.
4. Administrative detention is terminated when the reasons behind it cease.
5. The right to know the reasons behind administrative detention.
6. The person subjected to administrative detention has the right to challenge the legality of his detention with minimal delay.
7. Consider the legality of administrative detention by an independent and impartial body.

8. Allows the detainee to obtain legal assistance.
9. Enables the detainee, who is detained administratively, and his legal representative to attend the case in person.
10. Allows the detainee, who is detained administratively, to communicate with his family members (visits and letters).
11. The administrative detainees right to the medical care required to his condition.
12. Allows the detainee, who is detained administratively, to submit memoranda regarding the treatment he receives and the conditions of his detention.
13. The right to access the detainees , who are detained administratively, by the ICRC under Article 143 of the Fourth Geneva Convention.

## **The Occupation's Policy Against the administrative Detainees Clearly Violates the International Law which is Distinguished through the Following :**

1. The Occupation doesn't abide to the general principles, nor the judicial guarantees, nor the fair procedures that are related to administrative detention in accordance with international law and the Geneva Convention.
2. The Occupation doesn't provide any of the aforementioned rights to the administrative detainees, like the right to medical treatment, and the right to communicate with family members.
3. The Israeli Occupation uses administrative detention as a form of punishment, relying on a secret file, using it to exercise collective punishments against Palestinians for long periods of time that may reach several years.



4. The Israeli Supreme Court gave the GSS the right not to disclose the charges against the administrative detainee, even to the detainee himself or his lawyer, violating in turn Article 92 of the International Convention of Civil and Political Rights, which states: «Everyone arrested shall be informed of the reasons behind his arrest at the time of the arrest's occurrence, and must be promptly informed of any charge against him.»
5. The Israeli Occupation's detainment of Palestinians administratively under the Emergency regulation of 1945 is illegal especially that they claim that it was a part of the country's law when Israel Occupied the West Bank in 1967. In contrary, the truth is that, these said regulations were never a part of the country's law in 1967, since the British abolished these laws on the 14th of May 1948. Not to mention that Article 43 of the Hague Conventions of 1907 does not allow the occupying Power to change the legislative reality of the occupied country.
6. In addition to that, the Fourth Geneva Convention of 1949, in particular, Articles 70 and 71 of which, for the trial to be considered fair, it requires that the accused be informed of a clear indictment and in a language which he understands that shows the reasons for his detention to enable him to defend himself, and since administrative detention is based on the «confidential file», it becomes abundantly clear that there are no fair trial guarantees in the Courts that look into administrative detention.
7. This is a war crime in accordance with articles 130 and 131 of the Third Geneva Convention, as well as articles 147 and 148 of the Fourth Geneva Convention, especially since the Israeli entity accepted to govern Palestinian territories under international law and the Hague Conventions of 1907.

Thus, the Occupation's practice of administrative detention becomes illegal and contravenes the most basic humanitarian conventions. Therefore, the States that have signed these agreements must intervene urgently to protect the Palestinian people from the crime of collective administrative detention against them, in which hundreds of Palestinian people are held in detention continuously.

## How do the Prisoners Face the Administrative Detention Decision ?

The administrative prisoners are trying to confront the decision in two ways: first, «steadfastness and constancy». The second option is the hunger strike. The last option is painful and severe, and requires the support of detainees at the official and legal levels. Particularly, since during the strike, the detainee refrains from eating all available food items and forms except for water and salt, which is considered the most dangerous step for the prisoners because of the serious risks - physical and psychological – that it sometimes reached the death of a number of them, so the hunger strike is a means of fighting with an effective impact on the Prison administration and the public opinion to achieve the human prisoner's demands.





The administrative prisoners fought through a hunger strike in 2014 that lasted two consecutive months to protest against the policy of administrative detention and the increasing renewal of prisoners.

Also, all the administrative prisoners boycotted the administrative courts at all levels since mid-February of this year and continued until mid-September of the same

year in protest against the escalation of administrative detention. They suspended this step to give the Special Committee of the Management of the Combatant Program for Administrative Prisoners time to study the court's decisions against the prisoners.

While dozens of administrative prisoners have been engaged in individual hunger strikes for months, some of them reached extremely dangerous health conditions, thus, remained under intensive care, to demand their right to freedom and release from arbitrary administrative detention, as was the case with the liberated prisoners «Mohammed Alan», and «Khader Adnan», as well as others who fought through the strike more than once after the occupation authorities had broken their promise to end their administrative detention, just like prisoner «Rizk Rajoub's» case of 60 years old.



## A Portion of the Violations of the Occupation Against the Administrative Prisoners:

- To disrupt the life of the targeted prisoner of administrative detention, where he is almost free for several months until his arrest again, and thus can not accomplish something important in his life, like studying or working
- Harassment of the detainee and his family from the first moment of arrest.
- Arrest for 8 days without informing him of the reasons for his arrest or presenting him to a judge.
- Inform the administrative detainee of the decision to renew his detention for another period on the same day that the previous administrative term ends in order to impact him psychologically, by making him believe that for some time he will be released.



- Re-arrest the administrative prisoner immediately after the decision to release him has been declared , which affects him significantly psychologically.
- Re-arrest some administrative prisoners two days or a week at most after their release. Not to mention that there are those who were re-arrested immediately after there release from prison.
- Prevention of the detainee to see his lawyer within a week of his arrest.
- Detention is carried out in the presence of a «secret file» that prevents the detainee from defending himself.
- Denial of compensation for damage caused by arbitrary deprivation of freedom



Administrative detention is a weapon pointed to the necks of the Palestinian people, used by the Israeli occupation authorities as a collective punishment that violates international laws and norms, and is a clear crime against humanity.



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