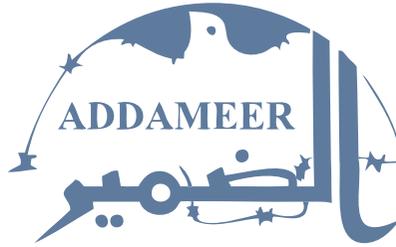


Beyond Accountability

Legal Analysis of the Occupying Power's Policy of Impunity





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2026

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Introduction

For over seventy years, the Palestinian people have endured a colonial-settler regime imposed by the Israeli occupation authorities, beginning with the Nakba in 1948. Since that pivotal year, the Palestinian territories have experienced a continuous wave of Israeli military assaults and the expansion of settlements. The Israeli apparatus has turned the Palestinian territories into a relentless battlefield, whether through military actions that lead to further devastation and loss of life, or through policies of settlement and forced displacement aimed at erasing the Palestinian presence. This includes home demolitions, land seizures, the erection of annexation walls, arbitrary arrests, and other measures that threaten to displace Palestinians once more. These actions and policies cannot be seen in isolation; they form a comprehensive, systematic strategy to eradicate the entire Palestinian existence.

In this context, the plight of Palestinian prisoners held in Israeli prisons and detention centers stands out as one of the most significant issues facing the Palestinian community. Arrests serve as a mechanism of oppression, control, and persecution that the Israeli occupation employs systematically and continuously against the Palestinian people. These prisoners endure severe detention conditions characterized by various forms of violations, including both physical and psychological torture, as well as ill-treatment. Such actions represent a clear breach of international conventions that explicitly forbid torture. Even though local and international organizations have documented these violations, the Israeli occupation forces persist in employing unwarranted force against Palestinian prisoners, particularly given the impunity that the Israeli occupation government maintains, which further endangers more prisoners.

Since "Israel" acts as a belligerent occupying power in the Palestinian territories seized in 1967, it holds international responsibility, both civil and criminal. It is civilly liable for compensating all damages arising from its ongoing aggression, while criminal responsibility entails prosecuting those accountable for war crimes and crimes against humanity, including members of its armed forces and settlers.¹

¹ Secular Studies and Research Center in the Arab World (SSRCAW). "Israel's International Responsibility for the Violations it Commits against Palestinian Prisoners." 8 August 2019 <https://tinyurl.com/prn7y2f3>

Despite the efforts of Addameer and various human rights organizations, documentation and monitoring reveal that the majority of complaints lodged by Palestinian prisoners concerning torture and ill-treatment fail to result in any real accountability for those responsible. Frequently, Israeli authorities dismiss these cases without conducting a thorough investigation. The responses to these complaints typically fall into one of two predictable patterns: either a total denial, asserting that “the complaint is baseless,” which effectively dismisses the violation without a genuine inquiry, or a tacit acknowledgment paired with the rationale that “the procedures were sound.” In such instances, the justification for torture is framed as a matter of “necessity,”² and often the reply is that there is a lack of sufficient evidence.

For instance, in the last decade, Addameer has submitted over 70 complaints against interrogators from the Israeli Security Agency (ISA), personnel from the Israel Prison Service (IPS), and members of the Israeli military. Yet, all these cases were closed without any form of accountability or remedy. This situation undermines the principles of international law and the responsibilities of the occupying power of Israel under international agreements, highlights a significant failure to enforce the law, and cultivates an environment of impunity.

The plight of Palestinian prisoners is not a recent development. It traces back to the time of the British Mandate, during which tens of thousands of Palestinians faced arrest and systematic violence, cruelty, and oppression. Each time Palestinians stood up against injustice and tyranny, the campaigns of arrest intensified, accompanied by horrific torture methods, including flogging to the brink of death, testicle squeezing, foot burning, stake insertion, forced waterboarding, exposure to dog attacks, and suspension from ceilings. This was in addition to deliberate killings and executions.³ The occupying power of Israel inherited numerous infamous prisons and detention facilities from the British Mandate, along with a plethora of unjust laws and decisions, the most notable being “administrative detention.” This has evolved into a tool for revenge and collective punishment against the Palestinians, becoming a core aspect of the occupation’s approach to dealing with them.⁴

2 Adalah. “On Torture.” P. 46, June 2012. <https://tinyurl.com/bp4wuppr>

3 Institute for Palestine Studies. “The Prisoners’ Issue Goes Back to a Time Prior to the Nakba”. 24 May 2023. <https://tinyurl.com/28t9xs4r>

4 Ibid.



Since the occupying power assumed control over the West Bank and the Gaza Strip in 1967, the Israeli military judiciary was created, serving as a mechanism to enforce dominance and control over the Palestinian population, prosecuting hundreds of thousands of Palestinians without any consideration for fair trial guarantees. This system acts as an instrument of apartheid, as it prosecutes Palestinians, while Israeli settlers who illegally inhabit the Palestinian territories are exempt from such treatment. Legally, settlers should be governed by the laws and military orders applicable in these areas. However, in reality, they are prosecuted under Israeli law in courts situated within the occupying power. In contrast, Palestinians living in the occupied territories (the West Bank, the Gaza Strip, and occupied Jerusalem) face military courts if their actions occur in the occupied West Bank. If the offense takes place in occupied Jerusalem or within the occupying power, the detainee can be tried in Israeli civil courts. Similarly, if the act occurs in the Gaza Strip, the detainee is also subject to civil court proceedings.⁵

Israeli military courts serve as a key mechanism for legitimizing these violations. They depend on evidence obtained from confessions made under pressure and lack essential fair trial guarantees, such as public hearings, impartiality, and the defendant’s right to confront witnesses. Human rights organizations have

5 For more information on Israeli military courts, see “In the Case of Palestinian People vs. Military Courts.” <https://tinyurl.com/y8dkdtzt>

reported that the conviction rate in these courts surpasses 99%, highlighting their formal and non-independent character, which stands in stark contrast to the core principles of judicial independence established in international human rights law.⁶

Since the onset of the occupation and continuing to the present, the military commander has issued over 2,500 military orders that impact every facet of Palestinian life,⁷ clearly breaching the stipulations of international humanitarian law. This law mandates that the occupying power must uphold the legal system that existed in the occupied territory before the occupation, unless an urgent military necessity dictates otherwise.⁸

In addition to facing trials under military orders enacted by the occupying power since 1967, Palestinians are also prosecuted in military courts for purportedly breaching the British Defense (Emergency) Regulations of 1945 (DER 1945), which were established by the British Mandate Government in Palestine in 1945. The occupying power claims that these regulations remain in effect as of 1967 and thus constitute part of the law governing the occupied Palestinian territories, which it, as the occupying authority, is entitled to enforce. This assertion persists even though the British authorities abolished the Defense (Emergency) Regulations of 1945 at the conclusion of the Mandate.⁹

The situation within Israeli prisons and detention centers cannot be understood without considering the context of events occurring outside their walls. The plight of Palestinian prisoners is intricately tied to the broader Palestinian circumstances. Each Israeli military operation or assault on Palestinian lands, whether in the West Bank or the Gaza Strip, triggers an alarming surge in arrests. In reality, Israeli prisons serve as an extension of the oppression, mistreatment, and displacement that are prevalent in the Palestinian communities. Palestinian prisoners are enduring victims of a continuous crime, reflected in an apartheid system designed to undermine the resilience of the Palestinian people.

6 The Bar Human Rights Committee of England & Wales. "Court Observation and Fact-Finding Report – The Israeli Military Courts in the West Bank of the Occupied Palestinian Territory." P. 26, 2024. <https://tinyurl.com/ycxdhvsd>

7 Francesca Albanese. "Arbitrary Deprivation of Liberty in the Occupied Palestinian Territory: The Palestinian Experience Behind and Beyond Bars." Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. Document No. A/HRC/5359/, p.8, 14 July 2023. <https://docs.un.org/ar/A/HRC/5359/>

8 See Article 64(1) of the Fourth Geneva Convention and Article 43 of the Fourth Hague Convention.

9 The Bar Human Rights Committee of England & Wales. "Court Observation and Fact-Finding Report – The Israeli Military Courts in the West Bank of the Occupied Palestinian Territory." P. 23, 2024. <https://tinyurl.com/ycxdhvsd>

As confrontations escalate on the ground, whether during uprisings or repeated assaults, the number of detainees in Israeli prisons continues to rise. During the first intifada, known as the "Stone Intifada," and leading up to the establishment of the Palestinian Authority, the scope and randomness of arrests expanded significantly as Israeli occupation forces sought to suppress the intifada. The total number of detainees soared to nearly 200,000 Palestinians.¹⁰ Furthermore, the practice of 'administrative detention' has intensified. The Israeli occupation has employed detention as a tool of repression, aimed at undermining and instilling fear within the Palestinian community.¹¹

In a crucial chapter of the Palestinian prisoners' movement, the Second Intifada, aka Al-Aqsa Intifada, marked a significant rise in the mass arrest policies implemented by the occupying authorities. These arrests were coupled with a brutal and systematic approach involving various forms of physical and psychological torture, alongside mistreatment during interrogation and detention.

Numerous regions in the West Bank and the Gaza Strip experienced extensive military incursions by the Israeli occupation forces, particularly during Operations Defensive Shield, Summer Rains, and Cast Lead.¹² These large-scale operations caused widespread destruction, including the demolition of thousands of housing units and the devastation of large swathes of agricultural land, estimated to be in the thousands of dunams. Additionally, these operations were accompanied by sweeping arrest campaigns. Notably, during Operation Defensive Shield, around 15,000 Palestinians were detained under extremely harsh conditions.¹³

Incursions and arrests have persisted. By the conclusion of 2024, the Israeli occupation authorities had documented nearly hundreds of thousands of Palestinian arrests since 1967, illustrating the systematic intensification of detention policies as a means of collective oppression. Among these incidents, over 50,000 arrests of minors under 18 were recorded, alongside more than 17,000 arrests of Palestinian women and girls, including mothers. Furthermore, the Israeli occupation authorities issued upwards of 60,000 administrative detention orders against Palestinian detainees, all without charges or fair trials.¹⁴

10 Anadolu Agency. "... Palestinians Arrested by Israel since 1967." 11 July 2023. <https://tinyurl.com/52sp27nu>

11 Al-Ghad. "356,000 Arrests since the 1987 Stone Intifada." 8 December 2021. <https://tinyurl.com/4hzesd3f>

12 Palestine Today. "The Al-Aqsa Intifada: Significant Achievements and Sacrifices Etched in Blood." 8 December 2021. <https://tinyurl.com/msrvzsvf>

13 Addameer. "Addameer Primer 2003: Background Information on Political Detention." P. 11.

14 Al Jazeera. "On Palestinian Prisoners' Day: Record Numbers of Israeli Violations." 17 April 2025. <https://tinyurl.com/22u2smx3>

Through the monitoring efforts of Addameer and other human rights organizations focused on prisoners; it can be affirmed that all these detainees have endured oppressive and degrading treatment within Israeli prisons. Such treatment has manifested as both physical and psychological torture, as well as the denial of fundamental rights. These actions constitute genocide, war crimes, and crimes against humanity as defined by international law. This matter will be discussed in further detail later.

The types of violations have been diverse, encompassing, but not limited to: physical and psychological torture during interrogation and detention, sexual and physical assault, prolonged solitary confinement, excessive force, intentional medical neglect, force-feeding, and extrajudicial killings. Numerous instances have been recorded where these violations have led to lasting injuries or fatalities in detention.

These abuses—from medical neglect to torture, from field executions to excessive force—serve to intensify the suffering of Palestinian prisoners, putting them in jeopardy of death or lasting harm. In the face of ongoing impunity and the lack of effective international accountability mechanisms, the Israeli occupation authorities persist in their oppressive actions without encountering any genuine deterrent, highlighting a grave failure of the international system to uphold fundamental human rights.

This culture of impunity has created an atmosphere that permits these oppressive actions to persist. The rise in the number of prisoner martyrs, particularly following 7 October 2023, highlights this issue. During this time, there has been a marked increase in the violations of prisoners' rights, including a surge in martyrdom cases due to torture, medical neglect, starvation,¹⁵ or excessive force. Numerous inmates have lost their lives, with some announcements coming after extended durations, while others remain unaccounted for.

As of the writing of this report, no autopsy has been conducted on any martyr from the Gaza Strip to ascertain the reasons for their deaths, despite numerous appeals, in a bid to obscure the crimes of the occupation. The lack of international accountability only serves to perpetuate these offenses and exacerbates the already dire humanitarian situation.

In light of this reality, this legal analytical report aims to examine the issue of impunity concerning the violations inflicted upon Palestinian prisoners, emphasizing the absence of legal accountability for the Israeli occupation

¹⁵ National Security Minister Itamar Ben-Gvir has clearly declared his commitment to a policy of starvation against prisoners, stating: "I am here to ensure that the 'terrorists' receive the minimum of the minimum (in food)."

authorities, particularly given the complicity of the judicial system and internal oversight mechanisms. This report employs a descriptive analytical approach, utilizing qualitative research methods through a review of pertinent literature and a legal examination of international treaties that govern the rights of detainees, with particular attention to how these agreements can prevent torture and ensure that perpetrators are held responsible.

This report will focus on the obligations of the occupying power to prevent torture by detailing the conventions it has ratified that outlaw such practices. Furthermore, it will delve into the rulings of the Israeli Supreme Court concerning the torture of Palestinian detainees, scrutinize these decisions, and connect them to the legal and human rights challenges faced by Palestinian prisoners in Israeli detention



facilities. Moreover, it will assess the complaints mechanism within the Israeli judicial framework and evaluate how effectively this system addresses these grievances in the absence of true justice.

Furthermore, this report will showcase a collection of case studies that underscore the impunity discussed herein. It will also emphasize the international community's role in challenging the culture of impunity, particularly focusing on the International Criminal Court's (ICC) involvement in investigating abuses against Palestinian prisoners and the potential for holding Israeli officials accountable under international criminal law.





The Commitment of the Occupying Power to the Ban on Torture

The protection of physical integrity is paramount in international law. The absolute prohibition against torture and ill-treatment is a clear and unyielding rule that cannot be justified under any circumstances. No situation, whether during war, in emergencies, or otherwise, can be used to limit this prohibition. Moreover, the prohibition of torture is recognized as a peremptory norm of international law, meaning it takes precedence over any conflicting provisions in treaties or customary law¹⁶. Additionally, torture is classified as a war crime and a crime against humanity when perpetrated on a widespread and systematic basis.

In light of this critical issue, states are obligated to uphold and safeguard this right, alongside a duty to prevent torture. States need to implement preventive measures to ensure that the agencies of the occupying power refrain from engaging in such acts. This includes the prompt investigation of torture allegations, accountability for those responsible for these crimes, and the establishment of legal processes that ensure fair trials for detainees.¹⁷

One of the key conventions that tackled the problem of torture is the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). This convention made it clear in its first article that torture is defined as: “any act by which severe pain or suffering, whether physical or mental...” Furthermore, it emphasized in its second article that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”

This convention has effectively established the principle of international criminal responsibility for those who commit torture crimes, while also highlighting the obligations of states to prevent torture and prosecute those accountable. It is important to note that the occupying power ratified the Convention against Torture on 3 October 1991. This

¹⁶ Office of the United Nations High Commissioner for Human Rights (OHCHR). “Preventing Torture – An Operational Guide for National Human Rights Institutions.” P.1, 2010. <https://tinyurl.com/2s3fdene>

¹⁷ Ibid.

ratification carries significant importance and imposes obligations on the occupying power, as it is legally bound to prevent torture, safeguard individuals from such practices, and ensure that perpetrators are held accountable, whether within its own borders or in the territories it occupies.

Nevertheless, the reality tells a different story. Documentation from Addameer and various human rights organizations focused on prisoners reveals that the occupying power engages in the most egregious forms of torture against Palestinian prisoners. Furthermore, it fails to conduct fair and effective investigations into these incidents. In fact, it is often observed that Israeli occupation forces evade punishment. This indicates that the occupying power is shirking its responsibilities under this convention, while also noting that it has made reservations regarding Article 20 of the convention, which grants the Committee against Torture the authority to investigate allegations of torture it receives.¹⁸

Moreover, the occupying power has not ratified the Optional Protocol to the Convention against Torture, which establishes an innovative dual system for regular monitoring of detention centers by independent and experienced local and international visiting bodies. This system allows for unrestricted visits aimed at preventing torture incidents and improving the conditions of detention for individuals deprived of their liberty. Thus, the occupying power's refusal to ratify the Optional Protocol appears to be a tactic to keep its oppressive practices away from international scrutiny and to evade legal and moral accountability for the serious violations faced by Palestinian detainees.

To this day, the occupying power has failed to implement any laws that specifically and explicitly criminalize torture, despite its international obligations as a signatory to both the United Nations Convention against Torture and the International Covenant on Civil and Political Rights, as well as the numerous statements it has made to the United Nations Human Rights Committee and other international bodies, indicating its intention to do so. The occupying power argues that the current provisions in its penal code, categorized under "other crimes," necessitate the criminalization of all forms of torture. However, the offenses outlined in this legislation do not meet the criteria established by the Convention against Torture and other accepted international norms,¹⁹ as the occupying power has not acknowledged torture as a separate crime that warrants specific legal

18 To verify the legal standing of each state concerning the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, kindly consult the official United Nations treaty database at the following link: <https://tinyurl.com/2rf4d8vv>

19 PCATI & FIDH. "43rd Session (4th cycle) of the Working Group on the Universal Periodic Review UN Human Rights Council." P. 11, 11 October 2022. <https://tinyurl.com/4vx66xy8>

measures and protections.

Thus, the lack of clear laws against torture in the occupying power led to the establishment of a legal framework through investigative committees and decisions made by the judiciary and government. This paved the way for the legitimization of torture in certain instances and the development of rationalizations for its application. Nevertheless, the occupying power did not give significant attention to the torture issue until the late 1980s. From 1967 to 1987, the Israeli government consistently refuted claims that interrogators from the Israel Security Agency (ISA) employed torture techniques during the interrogation of Palestinian detainees to obtain confessions. However, in 1987, the Israeli government had no choice but to change its stance after public scandals emerged, revealing the ISA's involvement in torture practices during detentions.

One of the most notable scandals was the 1980 incident involving Circassian-Israeli military officer Izzat Nafsu, who endured torture during his interrogation. Furthermore, there was the Bus 300 case, where two Palestinian prisoners were executed without due process. In response, the Israeli government formed a committee to investigate the interrogation techniques employed by the ISA, which became known as the Landau Commission. On 30 October 1987, the Commission released its findings, stating that the application of 'moderate physical pressure' could be acceptable in certain situations, as long as it adhered to specific guidelines. Moreover, the Commission mandated that interrogators refer to a confidential list detailing both allowed and forbidden methods, and stressed the importance of disclosing any techniques utilized during interrogations. It also required that a renewal of permission for these methods be obtained every three months.²⁰

The Landau Commission failed to deter Israeli Shin Bet interrogators from engaging in torture against Palestinians. In Clause 4/7, the Commission stated: "Strategies for exerting pressure should emphasize psychological tactics rather than resorting to physical violence, and should involve ongoing physical interrogation through deceit, which includes the use of misinformation." Yet, this same clause also allowed for a moderate level of physical pressure if prior methods were ineffective, without establishing any criteria for such pressure.²¹ Consequently, the Commission left a loophole that enabled the Shin Bet interrogators to conceal their actions and provided them with a veneer of legitimacy for employing violence. The

20 Addameer. "Cell 26 – A Study on the Use of Torture against Palestinian Prisoners in Israeli Interrogation Cells." P. 34, 9 July 2021.

<https://www.addameer.ps/ar/media/4447>

21 Ibid.

Commission's ruling effectively served as a legal endorsement for the practices of the Israeli Shin Bet, which have been extensively documented in both local and international reports as instances of torture and ill-treatment.

In the pursuit of providing GSS interrogators with a legal shield that safeguards them from judicial accountability, the Commission proposed that the "necessity" defense, as outlined in Israeli criminal law, be employed to rationalize fundamentally unlawful actions, such as the use of physical force during interrogations. This defense serves as a justification for the execution of criminal acts when they are associated with preventing a significant danger that cannot be mitigated through alternative means. The Commission defended this suggestion by asserting that the preservation of state security outweighs concerns regarding the rights of detainees, especially in matters of security. Therefore, this recommendation can be viewed as a legal tool designed to protect GSS interrogators from prosecution, creating a situation of impunity by legitimizing the use of coercive methods beyond the reach of effective judicial scrutiny, all under the pretext of security necessity.²²

In November 1987, the Knesset ratified the Landau Commission report. A month later, the First Intifada erupted, and Shin Bet interrogators began to apply the findings of the report, employing systematic torture techniques against thousands of Palestinian detainees under the guise of committing "security offenses," despite the fact that many of these "offenses" were not directly tied to hostile actions. These offenses encompassed, among other things, participation in political gatherings or marches, displaying politically significant flags or slogans, possessing literature or publications deemed forbidden by military authorities, and expressing support or sympathy for any activities associated with a "hostile organization."²³

Under these allegations, Palestinians faced detention and interrogation, enduring extreme forms of torture such as electric shocks applied to various body parts, including the genitals; burns from cigarettes; violent shaking; sexual assault; severe sleep deprivation; denial of toilet access; threats of murder or rape; and suffocation techniques like pressure on the windpipe or covering the head with pressure bags. Detainees were also bound and limited in their movements for prolonged durations. These abusive practices persisted even after the conclusion of the First Intifada in 1993; in fact, they continued systematically, not only by the Shin Bet security service but also by members of the Israeli military and police, all

22 Ardi Imseis. "Moderate Torture on Trial: Critical Reflections on the Israeli Supreme Court Judgement concerning the Legality of General Security Service Interrogation Methods." P. 335, 2021. <https://lawcat.berkeley.edu/record/1117623?ln=en&v=pdf>

23 Ibid. P. 336.

under the guise of addressing "security threats."²⁴

As the number of torture cases rose, so did the volume of petitions filed with the Israeli Supreme Court. In September 1999, the Court responded to a petition from the Public Committee Against Torture in Israel (PCATI), which challenged the occupying power of Israel, demanding a ruling that would prohibit the use of torture and inhumane or degrading treatment during interrogations carried out by the Israeli General Security Service (GSS).²⁵

The merely formal Court's ruling confirmed that torture is illegal under any circumstances, as it breaches the fundamental tenets of the rule of law and human rights. While many interpreted the ruling as effectively nullifying the Landau Commission's recommendations, the Court did not categorically ban all physical methods. Instead, it made exceptions for situations where there is a perceived "imminent and genuine threat" to individuals' lives – commonly referred to in legal terms as a "ticking time bomb scenario."²⁶ By doing this, the Court created a legal loophole that permits the invocation of necessity to rationalize actions that could be classified as torture, despite this justification fundamentally opposing the absolute prohibition of torture under international law, which states that torture is impermissible – both legally and morally – and cannot be justified or accepted under any circumstances.

This exception has been practically interpreted as an implicit legal foundation that enables Shin Bet interrogators to persist in employing interrogation techniques that may constitute torture and cruel treatment, all under the guise of an urgent necessity. As a result, this legal perspective has been utilized to rationalize torture practices, with the Attorney General frequently suggesting the dismissal of complaints against interrogators based on a "legal justification" rooted in a state of necessity, thereby absolving the interrogators of criminal responsibility.²⁷

Therefore, interrogators are not subject to criminal liability or punishment when they employ physical force or other interrogation techniques in situations that demand immediate action and where there is a clear and imminent danger, as long as they reasonably believe that no alternative methods exist to preserve lives. This behavior is legally sanctioned, akin to the principles of self-defense, which provides them with immunity from criminal charges. The Court's decision indicated that "the Public Prosecutor holds the power to decide on cases where interrogators

24 Ibid. P. 337.

25 Al-Haq. "Legal Paper: Addressing Torture in International Conventions and the Palestinian Reality." P. 23, 2021. <https://tinyurl.com/4p9supn5>

26 Ibid.

27 Ibid.

will not face trial if they assert that their actions were taken out of necessity.”²⁸

In light of the Israeli Supreme Court’s decision regarding the torture case initiated by PCATI, former Attorney General Elyakim Rubinstein released a memorandum that detailed the conditions under which Shin Bet interrogators might avoid prosecution by claiming they acted out of “necessity.” Rubinstein established specific criteria for the Attorney General to consider when deciding against filing charges, including the severity of the threat, the urgency of the situation, the proportionality of the methods employed, and the level of oversight from senior officials.²⁹

Despite the Supreme Court’s clear stance that violent interrogation techniques could not be pre-approved, Rubinstein’s guidelines effectively paved the way for prior authorization of what are termed “special methods” during interrogations. In certain instances, Shin Bet interrogators even reassured detainees that they had obtained prior consent from high-ranking officials, occasionally claiming the Prime Minister himself sanctioned it.³⁰

This transformation has resulted in the institutionalization and bureaucratization of the concept of “necessity,” shifting it from a mechanism for retroactively evaluating criminal responsibility to a justification for preemptive actions that evade accountability. This fosters a culture of impunity and undermines the rule of law.³¹

Given this context, it is evident that the occupying power, through its various political, security, and judicial frameworks, has played a role in sustaining a policy of impunity for Palestinian prisoners. This is accomplished by its failure to implement clear and definitive domestic laws that criminalize torture in all its manifestations, through judicial rulings—most notably the decision by the Israeli Supreme Court—which have facilitated the application of torture in what is referred to as a “ticking time bomb” scenario, and through the actual practices observed in interrogation centers and prisons, where torture and ill-treatment are systematically executed, sometimes with prior consent from the head of the Shin Bet or even the Prime Minister himself.

The conduct of military judges during hearings for detention extensions, especially when they inquire of Shin Bet interrogators if they have secured approval or permission for what is termed a “military interrogation,”³² clearly reflects their

prior awareness of the nature of these methods and the grave violations of detainees’ rights that they involve. This indicates a form of implicit complicity in violent interrogation techniques, which fundamentally undermine the principle of effective and independent judicial oversight, as well as the ideals of judicial independence and impartiality.

Despite the explicit legal responsibilities of the occupying power under international law, which require it to implement effective measures to prevent torture in all its forms within any territory under its control, including the obligation to ensure prompt and impartial investigations into all pertinent allegations, the actual situation reveals a consistent pattern of abuse and a culture of impunity. Therefore, it is crucial to shed light on the internal legal accountability mechanisms established by the occupying power and evaluate their effectiveness and usefulness in providing justice to victims, deterring offenders, and ensuring that such violations do not recur, especially in light of the occupying authorities’ ongoing neglect of their obligations and their systematic breaches of international humanitarian law and human rights law.

28 PCATI. “War Crimes in the Interrogation Room: PCATI’s Case for the ICC concerning Torture and Ill-treatment of Palestinian Detainees in Israel.” P.24, February 2024. <https://tinyurl.com/mtr93b9>

29 Ibid. P. 25

30 Ibid.

31 Ibid. P. 26

32 Ibid.



Legal Procedures in a Non-Enforcement State

Accountability and oversight are essential foundations that states depend on to combat crimes and severe human rights abuses, whether these are perpetrated by state officials or occur under their direct or indirect influence. Ensuring that those responsible for these violations face legal and criminal consequences not only provides justice for victims but also showcases the judicial system's capacity to fulfill its role in delivering justice, thereby boosting public trust in state institutions and reinforcing the rule of law. From a preventative standpoint, accountability plays a crucial role in both general and specific deterrence, thereby diminishing the chances of future violations. Consequently, international human rights law, along with various national laws, imposes a legal duty on states to investigate claims of violations and prosecute those accountable, thereby preventing impunity and ensuring justice for victims.

Members of the Israeli security forces persist in committing serious and systematic violations against the Palestinian population in the occupied Palestinian territories, with no authentic accountability measures being implemented against them. Despite the ongoing and systematic nature of these violations, the Israeli occupation authorities refuse to recognize that they are part of a deliberate policy aimed at establishing permanent security control over the Palestinian people. The lack of accountability reflects the de facto immunity that the Israeli occupation forces enjoy, which is granted by the state, either through the failure to initiate thorough investigations or by dismissing cases without accountability. This immunity signifies a lack of political will from the occupation authorities to hold violators accountable, thereby entrenching a culture of impunity and perpetuating a discriminatory system rooted in systematic control and oppression.

Despite this, the occupying power is keen on preserving its image as a 'democratic state', irrespective of the numerous violations it perpetrates. This democratic facade serves as the foundation for both national and international legitimacy, prompting the allocation of substantial resources to uphold it. Nevertheless, its ongoing dominance over the occupied Palestinian territory and its people undermines this image

and its capacity to fully comply with international laws and standards.³³

Even though the occupation regime is in place, it is superficially managed in a way that seems legal, 'cloaked' in a veneer of legality. Consequently, the occupying power has poured vast resources not only into disguising its noncompliance with the law but also into creating an illusion of adherence to the rule of law.³⁴ To reconcile the disparity between its democratic rhetoric and the enduring military occupation of Palestinian territory, the occupying power has instituted mechanisms to investigate complaints regarding legal violations by its forces, aiming to project a democratic image. However, real-world experience has shown that these mechanisms serve to protect the state rather than safeguard human rights.

While every agency empowered to use force has the capacity to enforce laws and directives, it is essential for each agency to ensure compliance with the rule of law and to recommend prosecution for any interrogator, police officer, prison guard, or soldier who violates legal standards. Unfortunately, this remains more of a theoretical concept than a practical reality.³⁵

Each agency has established a dedicated body to address complaints. The General Security Service – Shin Bet has the Mavtan unit specifically for reviewing complaints from detainees undergoing interrogation. The police have the Mahash unit tasked with investigating police officers. The Israel Prison Service has Yabs, a national unit responsible for investigating prison guards. The Israeli military has the military police investigation unit – Metzah to handle such matters.³⁶

Israel's Complaints Mechanism against GSS Employees

In 1992, the occupying power set up the Police Investigation Department (PID), an autonomous entity responsible for probing police officers who are suspected of engaging in offenses that carry a prison sentence of over one year. As torture scandals involving GSS personnel continued to emerge, two amendments were made to the Police Ordinance (67): Amendment No. 12 in 1994 and Amendment No. 18 in 2004. These amendments broadened the PID's powers to encompass the investigation of crimes perpetrated by GSS employees.

The first amendment empowered the PID to investigate suspected offenses by GSS employees during or in connection with an interrogation they undertook, or

33 Madar. "On the Lawbreaking Authorities of Israel Attempting to Conceal the Atrocities of the Occupation." Israeli Scene, Issue 333, p. 5, 20 May 2014. <https://tinyurl.com/7dybdcwr>

34 Ibid.

35 Ibid.

36 Ibid.

in connection with a person who was detained or arrested for the purpose of interrogation. The second amendment extended the investigative powers of the GSS to all suspected offenses committed by GSS employees during or in connection with the performance of their duties, including those not related to interrogations.³⁷

The intention behind empowering the PID to investigate GSS employees was to enhance the quality of investigations due to its independent status. Nevertheless, for the legislature to ensure immunity for GSS employees, complaints regarding suspected offenses by police officers are submitted directly to the PID, whereas complaints relating to a suspected offense by a GSS employee are submitted to the Attorney General, who is empowered to decide whether to refer the complaint to the PID for investigation. Despite the amendments aiming to remove the investigative powers from the GSS and assign them to an external entity, this shift has not materialized in practice.³⁸

When GSS personnel commit torture or ill-treatment, complaints are submitted to the Attorney General, who in turn forwards them for preliminary examination to the GSS Complaints Investigation Unit – Mavtan. A GSS brigadier general, whose identity is secret, conducts a preliminary examination of these complaints, which typically takes several years. This preliminary investigation includes an interview between a GSS official and the complainant. However, this interview often resembles an investigation rather than a procedure aimed at providing the victim with a sense of justice. The interview is conducted inside the prison by an anonymous person, without the victim having legal representation.³⁹

The Mavtan Unit was established in 1992 as an internal unit within the General Security Service. Due to its subordination to this agency, the unit has been largely ineffective. Of the 800 complaints filed by the Public Committee Against Torture in Israel between 2001 and 2013, Mavtan failed to find even a single case warranting a criminal investigation.⁴⁰ The independence and objectivity of the complaints' inspector are questionable. First, the inspector is a GSS employee subordinate to the head of the GSS, who is supposed to be one of the subjects of his review. Second, it is reasonable to assume that, coming from the ranks of the GSS, having 'worked' in the field, and possibly maintaining professional and social contacts

37 PCATI. "Accountability Denied: The Absence of Investigation and Punishment of Torture in Israel." P. 37, December 2009. <https://tinyurl.com/296rhx3v>

38 Ibid. P. 90

39 Adalah. "The Mechanism for Investigating Allegations of Torture in Israel: An Analysis of the 2012 GSS Investigation Decision and the Turkel Report." June 2013. <https://tinyurl.com/nhbhv9z>

40 Hagar Kotef and Merav Amir. "Torture's Bureaucracy and the Legitimacy Effect." P. 6, 28 February 2025. <https://tinyurl.com/4ztp6vze>

with his colleagues in the organization, impairs the inspector's objectivity to a lesser or greater extent.⁴¹

Consequently, the findings of this initial investigation are not transparent and are challenging to contest. Experience has demonstrated that Mavtan dismisses the majority of complaints it receives, citing insufficient evidence to back the complainant's allegations. Under Israeli law, GSS investigations are not bound by the legal obligation for audio and visual documentation. Only a limited number of these investigations are captured by surveillance cameras, and even then, it is sporadic, with no records maintained. Thus, the essence of the investigation conducted by the Ministry of Justice hinges on juxtaposing the complainant's allegations against those of GSS agents. At the same time, Mavtan consistently favors the accounts of GSS agents, whom they regard as far more reliable than the testimonies of Palestinians. Furthermore, detainees are unable to consult independent medical professionals to record evidence of torture and ill-treatment. As a result, it becomes exceedingly challenging to substantiate claims of torture in Israeli courts.⁴²

Once the initial investigation concludes, the GSS sends its findings to the Attorney General, who oversees Mavtan. The Attorney General, or a representative from the State Prosecutor's Office, holds the power to approve the GSS's suggestion to close the investigation. They also have the authority to determine whether to launch a criminal investigation. If the Attorney General, or their representative, concludes that crimes have occurred, they will instruct Mavtan to initiate a criminal investigation. After this investigation, they will decide on filing an indictment⁴³, noting that their decision can be appealed to the Supreme Court.⁴⁴

Mavtan's incompetence has permitted the occupying power to conceal its use of torture for many years. As criticism of the occupying power grew regarding its poor handling, or lack of action, on torture allegations, it became increasingly challenging to defend Mavtan's apparent leniency and, more crucially, its lack of independence. As a result, the unit was reassigned to the Ministry of Justice in 2014.⁴⁵

41 HaMoked. "Absolute Prohibition: The Torture and Ill-treatment of Palestinian Detainees." P. 80, May 2007. https://hamoked.org/items/13100_eng.pdf

42 PCATI. "War Crimes in the Interrogation Room: PCATI's Case for the ICC concerning Torture and Ill-treatment of Palestinian Detainees in Israel." P.27, February 2024. <https://tinyurl.com/mtr93b9>

43 PCATI. "Torture in Israel 2021: Situation Report." 2019. <https://tinyurl.com/z73bcdun>

44 Adalah. "The Mechanism for Investigating Allegations of Torture in Israel: An Analysis of the 2012 GSS Investigation Decision and the Turkel Report." June 2013. <https://tinyurl.com/nhbhv9z>

45 Hagar Kotef and Merav Amir. "Torture's Bureaucracy and the Legitimacy Effect." P. 6, 28 February 2025. <https://tinyurl.com/4ztp6vze>

Nonetheless, Mavtan continues to act as a significant institutional barrier that only serves to prolong or fragment the complaint process. The preliminary examination inevitably compromises the integrity of future investigations by causing delays, manipulating evidence, and allowing defendants to prepare their testimonies more effectively, especially when there is a lack of coordination.⁴⁶ The investigations Mavtan undertakes are merely superficial, designed to buy time and result in the loss of crucial evidence that could otherwise be secured.⁴⁷

Furthermore, the creation of Mavtan, along with its apparent disinterest in conducting authentic investigations, has resolved the fundamental conflict between the necessity of thoroughly investigating torture and the imperative to shield the interrogation techniques employed by the GSS from judicial scrutiny. Mavtan has allowed the occupying power to showcase its judicial system's capacity to review GSS activities while simultaneously safeguarding the judiciary from facing off against GSS investigators who blatantly breach international law.⁴⁸

Despite the numerous complaints lodged against GSS interrogators, these grievances have proven ineffective and have not resulted in meaningful accountability for those responsible. Between 2001 and 2023, PCATI alone submitted over 1,450 complaints concerning the use of torture by GSS. Yet, only three criminal investigations have taken place, and no charges have been brought against the offenders.⁴⁹

Among these instances, PCATI submitted a complaint on 13 March 2005, on behalf of 'A'. This complaint detailed that the complainant was compelled to endure hours of interrogation in a stressful and painful position, during which the interrogator verbally abused him, spat on him, threatened him with rape, and denied him sleep. The official response, dated 20 February 2006, claimed that the complainant was not deprived of sleep and deemed the complaint baseless. Furthermore, regarding the spitting incident, the response noted: "During the investigation, a drop of saliva from one of the interrogators accidentally landed on the complainant's cheek. The interrogator promptly wiped it away and expressed regret. Other than that, no interrogator spat on the complainant."⁵⁰

On 30 November 2005, a complaint was lodged on behalf of 'A', claiming that

46 A phone interview with lawyer Nadia Daqqa on 13 March 2025.

47 Ibid.

48 Hagar Kotef and Merav Amir. "Torture's Bureaucracy and the Legitimacy Effect." P. 6, 28 February 2025. <https://tinyurl.com/4ztp6vze>

49 PCATI. "Annual Report 2023." P. 12 <https://tinyurl.com/y9kxhaph>

50 "Immunity Regulations." Ibid. P. 46.

during his interrogation, he was slapped by the interrogators and one of them punched him in the head. Despite the fact that the interrogation occurred during Ramadan, it extended for a grueling fourteen hours, during which the interrogators withheld food from him until midnight. However, the response issued on 24 September 2007 declared the complaint to be baseless. It asserted that none of the complainant's interrogations spanned from morning to midnight, and that all were significantly shorter in duration. Furthermore, it was claimed that the complainant was not interrogated on any of the dates he mentioned, and during his meeting with Mavtan, he denied being deprived of food and water at the conclusion of his daily fast. In that same session, the complainant also limited the focus of his allegations regarding the beatings. Mavtan stated, "No evidence or justification for his complaint was discovered", even after the complainant had narrowed the focus of his allegations.⁵¹

The Israeli Supreme Court has played a significant role in maintaining the culture of impunity for General Security Service interrogators. The Court dismissed a petition from human rights organizations that sought a criminal investigation into every instance where a complaint was lodged regarding torture or ill-treatment of detainees by the GSS. Rather than addressing these serious allegations, the Court upheld the validity of the preliminary examination process that must occur before any criminal investigation, despite widespread criticism regarding its effectiveness, which has not resulted in the prosecution of any interrogators since it was established.⁵²

In light of this, the existence of Mavtan can be viewed as a representation of what researcher Nasser Hussein⁵³ has termed the concept of 'excessive legitimacy', a characteristic of the post-British colonial era. This governance style is evident in the creation of intricate and fragmented bureaucratic units and authorities, which lead to a convoluted administrative system that allocates tasks and powers among quasi-judicial entities that carry out limited and narrowly defined functions. Such a structure fosters the public's perception that a legal and orderly process is being adhered to, even though the actual influence of these bodies is minimal. This dynamic enhances the illusion of procedural formality while undermining the genuine effectiveness of justice and accountability.⁵⁴

51 PCATI. "Accountability Denied: The Absence of Investigation and Punishment of Torture in Israel." P. 58, December 2009. <https://tinyurl.com/296rhx3v>

52 For more information, see Israeli Supreme Court Decision No. 111265/ via <https://tinyurl.com/yhb9uj4h>

53 Assistant Professor, Law, Jurisprudence and Social Thought, Amherst College, USA.

54 Hagar Kotef and Merav Amir. "Torture's Bureaucracy and the Legitimacy Effect." P. 6, 28 February 2025. <https://tinyurl.com/4ztp6vze>

Israel's Complaints Mechanism against IOF Personnel

The Military Police Investigations Unit (MPIU) – Metzah is tasked with overseeing criminal investigations involving personnel from the Israeli Occupation Forces. This includes looking into allegations of unwarranted violence during arrests and detentions. Its primary objective is to probe incidents where soldiers are believed to have acted against the orders or directives provided to them. It is important to note that Metzah does not assess the legality of these orders, but focuses instead on how they are executed.⁵⁵ To initiate such an investigation, prior consent from the Military Attorney General's Office is necessary; however, an internal inquiry by the Complaints Inspector is not a prerequisite for launching the investigation. Unfortunately, these inquiries are frequently carried out in a rather lenient manner, often depending solely on the accounts of soldiers and victims, while neglecting to gather external evidence.⁵⁶

While prisoners and released detainees are expected to submit complaints directly, the reality presents considerable challenges. Palestinians residing in the West Bank and the Gaza Strip are not permitted to lodge complaints directly with MPIU. Instead, they must file their grievances at Israeli police stations, the majority of which are situated within Jewish settlements in the West Bank. This creates a significant barrier, as Palestinians cannot enter these settlements without a police escort. Furthermore, there are no Arabic-speaking interrogators available to document complaints in the complainants' native language. Consequently, Palestinians must depend on lawyers and human rights organizations to submit their complaints on their behalf.⁵⁷

Upon concluding its investigation, MPIU forwards the investigation file to the Field Affairs Prosecution, which is the Military Prosecution's criminal enforcement division, created in 2007 to tackle what are deemed apparent violations of the laws of war. The Military Prosecutor in this division reviews the file and may request additional investigation if deemed necessary. Based on the findings, the Military Prosecution determines whether to pursue criminal charges against the involved soldiers, impose disciplinary actions, or close the file without any further action.⁵⁸

55 The Israeli Information Center for Human Rights in the Occupied Territories – B'Tselem. "No Accountability." 11 November 2017. <https://www.btselem.org/arabic/accountability>

56 Ibid.

57 The Palestinian Forum for Israeli Studies – MADAR. "In 2015, Charging Instruments in just 1.3% of "Processed" Files concerning Israeli Soldiers' Attacks on Palestinians and Palestinian Properties." 10 January 2017. <https://tinyurl.com/yyw45usb>

58 B'Tselem. "The Occupation's Fig Leaf: Israel's Military Law Enforcement System as a Whitewash Mechanism." P. 11, May 2016. https://www.btselem.org/download/201605_occupations_fig_leaf_arabic.pdf

These investigations frequently conclude without yielding substantial results. A significant number of these cases are dismissed due to a perceived ‘absence of guilt’, as the prosecution often depends on the testimonies of the accused soldiers, typically lacking any concrete evidence. Despite the prosecution’s oversight and monitoring of the investigation from the beginning, there has been little to no meaningful effort over the years to enhance the quality of these investigations. Instead, it continues to depend on the inadequate investigations carried out by the MPIU. Given these conditions, it is hardly surprising that numerous cases are closed due to insufficient evidence. This situation indicates a calculated strategy by the prosecution, rather than simply reflecting the realities of the cases themselves.⁵⁹

Between 2000 and the end of 2015, B’Tselem made requests to the Military Prosecution Office to investigate 739 incidents where soldiers killed, injured, or beat Palestinians, used them as human shields, or caused damage to Palestinian property. The organization meticulously gathered and verified information regarding these incidents before submitting the requests to the Military Prosecution Office. Figures from mid-2016 revealed that in a quarter of these cases (182), no investigation was ever launched, in nearly half (343) the investigation was closed with no further action, and only in very rare cases (25) were charges brought against the implicated soldiers. Another thirteen cases were referred for disciplinary action.⁶⁰

For these reasons, in May 2016, B’Tselem decided it would no longer forward complaints to the military law enforcement system. This choice was made to prevent reinforcing the deceptive impression that the occupation authorities aim to create, which implies that there is an effective law enforcement mechanism within the military system. This misleading perception lends a false sense of legitimacy—both at home and abroad—to the ongoing policies of the occupation and acts as a means to counter criticism regarding human rights abuses. Consequently, the military, including the MAG Corps, portrays itself as an entity that genuinely values accountability, when in fact, the reality is quite the opposite. This seemingly structured framework aids in the creation of a deceptive law enforcement system that, at first glance, appears ethical and disciplined. It also fosters a false narrative about the military as an organization committed to curbing ‘abnormal’ or ‘exceptional’ practices, while implying that there are effective professional and structural mechanisms in place to tackle such violations.⁶¹

59 B’Tselem. “No Accountability.” 11 November 2017. <https://www.btselem.org/arabic/accountability>

60 Ibid.

61 Ibid.

Israel’s Complaints Mechanism against Prison Guards

The Prisoner Guards Investigation Unit – Yabs was created to look into allegations of legal breaches or criminal activities carried out by Israeli prison guards during their official duties. This includes instances of excessive force, torture, or any cruel treatment that infringes upon the rights of prisoners. As one of the Israeli security agencies, it claims to uphold the law and human rights within the prison system. This unit operates under the Unit of International Crimes Investigations, which is part of the Investigations and Intelligence Division of the Israeli Police.⁶² A prisoner has the right to lodge a complaint either directly or through their attorney if they experience any form of assault. Following this, the unit will dispatch an investigator to perform a preliminary inquiry and gather the detainee’s account.⁶³ Should there be sufficient evidence indicating a violation, the unit will forward the complaint to the Prosecution for further examination. However, it is common for the Prosecution to dismiss the complaint due to insufficient evidence.

It is essential to highlight the occupying power’s breach of international humanitarian law by empowering the Israeli Civil Police, Border Police Forces, Israel Prison Service, and General Security Service in the West Bank. These organizations are classified as civilian entities and, as such, are prohibited from conducting any operations within the occupied territory. Nevertheless, in practice, these agencies function as instruments to enforce de facto sovereignty and oppress Palestinians in the occupied area. This situation stands in stark contrast to the temporary nature of the occupation, where the occupying power’s responsibilities are confined to managing the occupied territory, without asserting any form of sovereignty over it.⁶⁴

Despite the many merely formal mechanisms that the occupying power asserts it uses to investigate violations, these systems were not created with the intention of delivering justice or holding perpetrators accountable. Instead, they were selectively and artificially designed to sustain a culture of impunity, postpone the resolution of violations, and foster a deceptive perception of commitment to accountability and the rule of law. However, the truth is that these mechanisms are ineffective, lack seriousness and independence, and merely serve to polish the occupation’s reputation in the eyes of the international community without offering any genuine remedy for victims. Furthermore, the occupying power has constructed a comprehensive system of procedures, legislation, and practices that continue to enable impunity. In the following sections, we will examine these strategies to comprehend how they are employed to undermine justice and protect perpetrators from prosecution.

62 See the Turkel Report, page 307, paragraph 51.

63 Kol Alhaq. “Filing a Complaint by a Prisoner or Detainee to the National Prison Guard Investigation Unit.” 2 March 2025. <https://tinyurl.com/894cj259>

64 See Article 64 of the Fourth Geneva Convention and Article 43 of the Hague Convention of 1907.



Shields of Impunity: Mechanisms of Immunity against Accountability

Israel, as an occupying power, has established a complex, multi-layered system of immunity that shields its forces from being held accountable for serious violations against Palestinian prisoners and detainees. This culture of impunity extends beyond mere political reluctance, the lack of independent judicial bodies, or ineffective complaint mechanisms. At its essence, it represents a systemic institutional policy and procedural framework specifically designed to hinder justice from the outset.

These tactics encompass actions aimed at obstructing the documentation of violations, limiting victims' access to legal assistance, concealing evidence, prolonging legal processes, and fostering a legal and administrative atmosphere that effectively safeguards offenders. This system not only shields offenders from accountability but also fosters a culture of impunity, undermines the rights of victims, and contravenes essential tenets of international human rights law.

In the following sections, we will examine the most notable of these strategies that serve as procedural instruments to impede any efforts to secure justice:

1. Blindfolding Prisoners and Obstructing Them from Identifying the Perpetrators

Blindfolding is a widely used technique during arrests and interrogations, effectively preventing detainees from recognizing the faces of soldiers or interrogators. This seemingly straightforward practice conceals the identities of the abusers, complicating the victim's ability to identify the perpetrator or provide reliable testimony. In addition to that, it undermines the prisoners' capacity to defend themselves or avoid assaults from soldiers or interrogators, facilitating further repression and ill-treatment of the detainees.

The implementation of this practice intensified after 7 October 2023, evolving from a situational tactic into a permanent instrument of isolation and humiliation. In the facilities where

prisoners from the Gaza Strip were held, detainees endured shackles and blindfolds for extended durations, often exceeding seven continuous months. Prisoner A. recounted: “They arrested me at a checkpoint in Hamad City. I was taken to the barracks area, where I remained for 100 days. I was unconscious and handcuffed throughout the day, and the conditions there were extremely harsh, involving beatings, oppression, and the use of dogs.”⁶⁵ Consequently, it becomes exceedingly challenging for prisoners to identify their abusers and ascertain those accountable for these violations.

2. Using Pseudonyms or Concealing Identity

The Israeli occupation forces intentionally hide the true identities of their personnel by employing pseudonyms or nicknames rather than their actual names, particularly during interrogation sessions or in official documents pertaining to them. These names are frequently of Arabic origin or represent military ranks, designed to create a deceptive impression for the detainee while simultaneously obscuring the actual identities of the abusers. This practice poses a significant barrier to the ability to file documented legal complaints against those responsible for the violations, as the victim is unable to accurately identify the perpetrator, thereby undermining any subsequent legal proceedings.

In the instance of prisoner M., she endured severe interrogation by multiple interrogators who referred to themselves as “Nura,” “Yahya,” “The Colonel,” “Rumi,” “Dalia,” and “Captain Husam.”⁶⁶ Consequently, the use of such pseudonyms fosters a culture of impunity, rendering it nearly impossible to trace individual accountability or to hold any security agency legally responsible for the violations that have occurred.

3. Lack of Cameras or Documentation in Detention Facilities

Detention and interrogation facilities frequently lack surveillance cameras or any method to document the events occurring within their walls. This intentional omission is part of a broader strategy designed to erase evidence and hinder victims from substantiating the abuses they endure during their detention or interrogation.

This issue is further intensified by the Israeli Criminal Procedure Law,

which specifically exempts investigations conducted by the General Security Service (GSS) from the mandatory legal requirement for visual and audio recording of interrogations when suspects are questioned regarding a “security offense.” This loophole provides interrogators with legal justification to avoid documenting the proceedings in interrogation rooms⁶⁷, even in instances involving minors, which goes against the legal protections that should be in place for them.

Testimonies from prisoners illustrate how this lack of documentation is manipulated as a direct means for unrestrained abuse. Prisoner A. states: “When I was beaten, they would take me to a room downstairs without cameras.”⁶⁸ Prisoner I. shares: “The beatings occur on the staircase, particularly in a spot near the showers, which is not covered by the cameras. It’s like a blind spot.”⁶⁹

This systematic method demonstrates a calculated policy to remove torture and ill-treatment from any oversight, effectively rendering any internal accountability processes meaningless. Units such as Mavtan and Mahash depend almost entirely on the statements of interrogators when a complaint is lodged.

4. Double Documentation of Interrogations and Fabrication of Official Facts

One of the most discreet yet powerful ways to shield GSS interrogators from accountability is through a double-documentation system for interrogations. After each interrogation session, two distinct versions of the memorandum are created and distributed:

Version I: This is internal, confidential, and shared exclusively with Shin Bet personnel. It includes comprehensive details, such as the illegal interrogation techniques employed, which may involve torture, psychological or physical coercion, and other forms of ill-treatment.

Version II: This is specifically crafted for submission to the police, the prosecution, and the courts. It is frequently redacted or key information is obscured, giving the impression that the proceedings were conducted

⁶⁷ See Article 17 of the Israeli Criminal Procedure Law (Interrogation of the Accused) of 2002.

⁶⁸ A lawyer’s visit to prisoner A. in Damon Prison on 6 March 2025.

⁶⁹ A phone interview with released prisoner I. on 19 February 2025.

⁶⁵ A lawyer’s visit to prisoner A. in Ofer Prison on 19 December 2024.

⁶⁶ An affidavit collected by Addameer from prisoner M. in Damon Prison on 11 July 2021.

within legal boundaries.⁷⁰

In a calculated effort to hide the torture techniques employed during interrogations, the prosecution frequently labels the interrogation processes as “secret,” claiming that revealing them could jeopardize the safety of the interrogators. Yet, this enforced secrecy goes beyond merely protecting the identities of the interrogators; it also encompasses the very essence of the interrogation itself. Take, for instance, the case of prisoner Samer Al-Arbid, which we will explore in depth later on. The prosecution opted to classify a staggering 90% of the interrogation file as confidential, allowing access to only 10% of its contents.

This deliberate separation between the internal documentation and the legal documentation represents a systematic misrepresentation of the reality occurring within the interrogation rooms. It hinders the opportunity to present any genuine legal evidence should a future investigation arise or if a case is brought to court. This situation creates a fundamental barrier to justice and nurtures a culture of impunity within the Israeli security apparatus.

5. Tampering with or Withholding Medical Records

The fifth method entails the removal of medical documents pertaining to the interrogation period from the medical files of the complainants. When lawyers for detainees seek to examine the medical records of those who have claimed to have experienced torture or ill-treatment, these records seldom contain medical documentation from the interrogation period, even in instances where there is evidence suggesting that detainees received medical examinations during that time by healthcare professionals. This practice contravenes the Israel Prison Service’s (IPS) duty to document and maintain medical records throughout the duration of detention and to guarantee that the detainee or their legal representative can access these records.⁷¹

Documented instances, such as the case of prisoner Samer Al-Arbid, have demonstrated that certain detainees were transferred to hospitals due to worsening health conditions resulting from torture, without the actual reasons for their conditions being noted in the medical records. In some situations, detainees were admitted to hospitals under false identities in

an effort to hide their identities and limit access to their medical records.

The Israeli occupation authorities persist in withholding autopsy reports from human rights organizations and the lawyers representing the martyrs. Furthermore, they continue to retain the bodies of 87 martyrs, 76 of whom were killed after October 7, in a blatant effort to obscure the circumstances surrounding their deaths. This deliberate suppression of forensic medical data results in the destruction of evidence that could substantiate claims of extrajudicial killings, torture, or the use of excessive force. Consequently, this facilitates the evasion of criminal responsibility for the perpetrators, both on a local and international scale.

Records suggest that certain health sector personnel within the Israeli security framework may be involved or complicit in this cover-up, either by neglecting to document the specifics of injuries and torture or by deleting or hiding portions of the official medical records.

6. Blocking Lawyer Visitation and Isolation from the Outside World

Numerous detainees are denied their fundamental right to connect with a lawyer or their families, especially during the crucial early moments of arrest and interrogation. This enforced isolation is manipulated to apply pressure and inflict abuse upon them, all while lacking any legal supervision, which undermines their capacity to establish a robust legal defense.

In the West Bank, Israeli military orders permit the denial of detainees’ access to their lawyers for durations extending up to 60 days. This process begins with a directive from the investigating officer for an initial 15-day period, which can then be prolonged by the head of the interrogation center for an equivalent duration, followed by a military judge who can extend it for an additional 30 days. While it is possible to file a petition to the Supreme Court, such requests are frequently dismissed, citing the ‘precarious security situation’. Furthermore, the ban orders are routinely renewed for brief intervals (ranging from two to three days) to obstruct legal challenges. As a result, detainees may remain in total isolation for over a month, with their lawyers unaware of their whereabouts or well-being.⁷²

In the aftermath of the genocide that occurred after October 7, and as part of the extraordinary measures enacted under the ‘Emergency Orders,’ severe restrictions were placed on the rights of Palestinian detainees, including

70 PCATI. “Accountability Denied: The Absence of Investigation and Punishment of Torture in Israel.” P. 10, December 2009. <https://tinyurl.com/296rhx3v>

71 Ibid. P. 10-11.

72 For more information on the denial of prisoners’ access to their legal counsel, visit <https://tinyurl.com/mr9ky8b6>

those from the Gaza Strip and individuals with Israeli citizenship. Under these orders, the investigating officer is empowered to deny a detainee the opportunity to consult with their attorney for a duration of up to 60 days. Furthermore, the head of the District Court or their deputy, upon receiving a justified request from the head of the police investigation department or the GSS, and with the Attorney General's approval, may prolong the ban order for an additional period not exceeding 20 days at a time, ensuring that the cumulative duration of the ban does not surpass 120 days.

Furthermore, Israeli Defense Minister Yoav Galant has issued an order classifying Palestinian detainees from the Gaza Strip as "unlawful combatants," in accordance with the "Unlawful Combatants Detention Law of 2002," which has seen several of its legal provisions regarding detention procedures modified. The most recent amendments permit an individual to be held for up to 30 days without being presented to any judicial authority to assess the legality of their detention. Moreover, the law permits detainees to be barred from consulting with their lawyers for a period of up to 75 days.⁷³

Once the ban order expires, the Israeli occupation authorities create substantial barriers that hinder the prisoners' ability to confer with their legal representatives. Visiting appointments are scheduled for dates that are considerably far off, often by which time any evidence of torture may have faded. Moreover, these meetings are conducted under the watchful eyes of soldiers who surround both the prisoner and the lawyer, fostering an atmosphere of intimidation and stripping the meeting of its confidential essence. Typically, these interactions occur behind glass, using a telephone, and are monitored by surveillance cameras, all within cramped and unsuitable environments. This severely restricts the lawyer's capacity to obtain precise information regarding the abuses the prisoner has endured.

It has been documented that prisoners endure physical assaults while being transported for visitation, heightening their fear and intensifying their psychological distress. They face threats if they disclose these abuses to their lawyers. Consequently, they choose to remain silent about these violations, which hinders the documentation and legal pursuit of these offenses. Moreover, lawyers in the West Bank are denied access permits to visit prisons situated in the territories occupied since 1948, creating an

additional barrier to offering legal assistance to prisoners and documenting the abuses they experience.

7. Court Hearings via Videoconference

In the aftermath of the genocidal crime that commenced on October 7, the range of repressive actions has broadened to encompass prisoners within Israeli prisons. New legislative and regulatory amendments have been introduced, tightening the conditions of detention and diminishing the legal protections available to these prisoners.

A Temporary Military Order No. 2141 was enacted, marking a significant shift in judicial processes for prisoners from the West Bank. This order mandated that all forms of hearings, including those for detention extensions, trials, appeals, and judicial reviews of administrative detention orders, be conducted via videoconference rather than requiring the physical presence of the prisoner in court. Furthermore, all legal proceedings related to cases with previously filed indictments, as well as those filed subsequently, including trial hearings, were suspended as part of these temporary exceptional measures. Later, the aforementioned military order was revised to broaden its scope to include indictment hearings and the initiation of trials, permitting these to also be held via videoconference, which clearly contravenes the guarantees of a fair trial.

The use of videoconferencing in detention and trial proceedings eliminates the need for prisoners to appear in person before judges. This situation complicates the judiciary's ability to assess their physical and mental well-being directly. Furthermore, it conceals any physical signs or clear evidence of torture or ill-treatment they might have endured during interrogation or detention. As a result, this practice further obscures the visible indicators of violations and impedes the documentation process, making it challenging to hold those accountable for their actions.

Despite the testimonies from prisoners about the torture and ill-treatment they endure during interrogations, which they present in court during trials, the Israeli judiciary frequently disregards these accounts and fails to consider them, neglecting to initiate an independent investigation or take necessary legal actions. This behavior represents a blatant breach of the legal protections that require judges to look into claims of torture, particularly when such claims are made in the context of judicial proceedings.

73 For more information on the Israeli laws, see "Israeli Laws: A Tool of Oppression and Persecution." <https://www.addameer.ps/ar/media/5551>

Moreover, the requests from prisoners for medical treatment are often overlooked. Even when a court mandates that the Israel Prison Service must provide medical care, there is a lack of effective follow-up on the execution of this order. Lawyers have reported that numerous prisoners have communicated their distress over severe detention conditions and have sought treatment during court appearances. Unfortunately, the responses from the courts have often been nothing more than perfunctory.

For instance, prisoner A., who suffered severe beatings during his arrest that led to the loss of vision in one eye, persistently sought medical care during court proceedings, yet the court failed to take any meaningful steps to uphold his right to treatment. The court only provided verbal directives to the security staff in the courtroom to forward a copy of the hearing minutes to the head of the prison clinic, without any follow-up or assurance that these directives would be executed, even in light of the prisoner's ongoing pleas and the worsening of his health.

This pattern of judicial conduct demonstrates a blatant disregard for the basic rights of detainees and highlights the complicity of judges, positioning them as active participants in a system of impunity that permits violations to persist without consequences or accountability.

Prisoner Z., aged sixty at the time of his arrest and subsequent administrative detention, was afflicted with multiple sclerosis, diabetes, high blood pressure, leg pain, scabies, and complications from a stroke. Despite his challenging health issues, the judges upheld the decision to maintain his administrative detention for six months, later dismissing the appeal made by his lawyer. Even with his critical health status, the military commander ordered the continuation of his detention, which the court validated for the full duration. Considering his precarious health and the genuine threat to his life, the Israeli occupation authorities convened to reassess the confirmation of his administrative detention, prompted by a request from his lawyer due to the alarming decline in his health. The judge ultimately decided to uphold the administrative detention order for the entire term, "essentially," indicating no further renewal would be necessary.

Despite his numerous pleas during court proceedings for medical treatment, these were consistently overlooked; this negligence resulted in a significant decline in his health, rendering him unable to move. However, he was not transferred to a civilian hospital for care until enduring months of medical neglect at Megiddo Prison. Merely two days before his transfer

to the civilian hospital, prison officials had only relocated him to Ramleh Prison clinic, notorious for its inadequate medical services, rather than granting him release.

The actions taken against detainees from the Gaza Strip following October 7, particularly the practice of conducting hearings remotely through telephone or videoconference, indicate a blatant collusion between the judiciary, including military judges, and the security services. The detention of numerous individuals has been extended without their physical presence or the chance to mount a defense. Several detainees have documented these violations, stating: "On the 21st of Ramadan, I had a court session that I attended by phone. I learned from the translator that my detention had been extended until the end of the proceedings. I did not see the judge, nor did I know the court's location or the length of the extension."⁷⁴

In another account, "The judge told me, 'You belong to a terrorist organization.' I replied, 'That's not true,' and the officer beside me struck me."⁷⁵ Another detainee recounted, "Three days ago, I had a court session, but they did not let me speak."⁷⁶ In similar instances, prisoner N. was denied the opportunity to respond to the judge's accusations,⁷⁷ while the judge ordered prisoner Kh. to leave, refusing to hear him out.⁷⁸ The judge disconnected the call with prisoner M. when he attempted to defend himself.⁷⁹

These testimonies starkly illustrate how trials are merely a formality to cover up arbitrary and indefinite detention decisions, highlighting the degradation of fundamental judicial protections within a system that fosters impunity.

8. Threats and Intimidation When Filing a Complaint

Israeli occupation interrogators and personnel employ systematic intimidation tactics against detainees who wish to file complaints about their experiences of torture or ill-treatment. These tactics encompass threats of re-arrest or retaliation against family members, efforts to silence victims, and the denial of access to legal recourse.

74 A lawyer's visit to prisoner A. in Ofer Prison on 7 August 2024.

75 A lawyer's visit to prisoner A. in Ofer Prison on 24 July 2024.

76 A lawyer's visit to prisoner R. in Ofer Prison on 22 October 2024.

77 A lawyer's visit to prisoner N. in Ofer Prison on 10 September 2024.

78 A lawyer's visit to prisoner Kh. in Ofer Prison on 4 November 2024.

79 A lawyer's visit to prisoner M. in Ofer Prison on 13 October 2024.

One of the prisoners who faced such threats is prisoner A., who was warned, before her release, that she would be re-arrested if she revealed the abuses she endured in prison. She experienced numerous violations, including being placed in isolation immediately upon her arrival at Damon Prison in a cramped cell, despite her severe fear of confined spaces. When the cell door was shut, she felt trapped and suffocated, as if she were entombed. She was also denied breaks and cleaning supplies. After her isolation period ended, she was moved to the detention section, where she witnessed several violent raids involving police dogs, which included the use of pepper spray, handcuffing of female prisoners, and forcing them out to the yard while playing the Israeli anthem. Notably, she lost 16 kilograms over four months due to the starvation policy implemented in Israeli prisons.⁸⁰

Bureaucratic procedures worsen this situation, particularly when prison guards face allegations of misconduct. Once a complaint is lodged, the Prisoner Guards' Investigation Unit takes on the task of carrying out the investigation. However, the testimony of the detainee might not be collected in the facility where they are incarcerated. Instead, they could be subjected to a grueling, multi-day bus journey to Ramleh Prison to provide their statement. Throughout this ordeal, they endure physical abuse and ill-treatment, which deters them from following through with their complaint.

9. Delaying the Initiation of Investigations

The investigations carried out by the Israeli occupation authorities demonstrate a severe lack of seriousness and professionalism. They often serve merely as formalities designed to buy time, with no genuine intention of revealing the truth or holding the accountable parties responsible.⁸¹ Such investigations can drag on for several years, during which victims may lose their ability to remember critical details. Consequently, cases are frequently closed without any results, creating an environment of impunity and undermining trust in the justice system.

The review process for complaints often takes years. As reported by the Public Committee Against Torture in Israel (PCATI), the average duration for Mavtan to finish a preliminary examination is 44 months (3.6 years). The longest case under preliminary examination has extended to 97 months (8

years).⁸² Throughout this period, a detainee could have been released, yet they remain at risk of re-arrest if they continue to assert their rights. This situation represents a blatant violation of justice principles and the right to fairness, further entrenching a culture of impunity.⁸³

For instance, HaMoked submitted an official complaint in response to the brutal crackdown on prisoners at Naqab Prison on 25 March 2019. Israeli security forces stormed Sections 3, 4, and 7, attacking prisoners with stun grenades, tear gas, and rubber bullets,⁸⁴ leading to at least 90 injuries.⁸⁵ Despite the gravity and thorough documentation of these violations, HaMoked has not yet received an official reply from the relevant authorities concerning the complaint, even more than six years after the event.⁸⁶

Investigations into allegations of torture frequently continue beyond the release of the prisoner, necessitating their physical presence to testify about the abuses they endured during their detention. However, numerous prisoners hesitate to appear before the appropriate authorities due to fears of re-arrest or retaliation. For instance, prisoner H. chose not to testify about the sexual assault she experienced, fearing re-arrest. We will examine her case in greater detail later in this report.

When Palestinian children from the West Bank are arrested, their families and lawyers are barred from attending the interrogation sessions. This denial strips the child of crucial psychological and legal support during this critical phase. In Jerusalem, there are ongoing systematic violations that intentionally keep parents away. Police interrogators create various excuses to exclude them, and arrests are often made at night, with interrogations commencing right away. The interrogators take advantage of the rapid procedures in Jerusalem to hinder lawyers from arriving on time, thus denying the children the essential legal guidance they need.

82 PCATI & FIDH. "43rd Session (4th cycle) of the Working Group on the Universal Periodic Review UN Human Rights Council." P. 11, 11 October 2022. <https://tinyurl.com/4vx66xy8> p 12.

83 A phone interview with lawyer Nadia Daqa on 13 March 2025.

84 RT. "Clashes in Naqab Prison between Palestinian Prisoners and Israeli Security Forces." 25 March 2019. <https://tinyurl.com/58yczszv>

85 Al Jazeera. "Naqab Prison: A Bloody Night of Crackdown on Palestinian Prisoners." 25 March 2019. <https://tinyurl.com/kruca4fe>

86 A phone interview with lawyer Nadia Daqa on 13 March 2025.

80 An interview conducted by Addameer with released prisoner A. on 3 February 2025.

81 Ibid.

10. The GSS Law: A Tool for Evading Accountability

The tenth approach to systematic protection is institutional legal immunity, established by the General Security Service (GSS) Law of 2002, passed by the Israeli Knesset. This legislation offers extensive legal protection for GSS employees, stating that a Shin Bet interrogator “will not incur criminal or civil liability for any actions or omissions performed in good faith and reasonably within the parameters of their responsibilities.” As a result of this provision, GSS personnel receive nearly complete immunity, even in instances that could involve significant breaches of detainees’ rights.⁸⁷

11. The Legislative Immunity System

With the rise of right-wing policies in the occupying power, culminating in the establishment of the ruling coalition at the end of 2022—the most extreme coalition in the state’s history—the Israeli political and legal landscape has experienced a wave of legislation that has either been enacted or is currently under consideration. These laws have limited the effectiveness of international oversight and have specifically targeted civil society organizations, both Palestinian and Israeli, that are focused on human rights. Furthermore, they have played a role in creating a legal framework that grants immunity to military personnel and settlers.⁸⁸

On 19 February 2025, the Knesset plenum, backed by the government coalition and the Zionist opposition parties, passed a bill in its final reading. This legislation forbids the issuance of entry visas to the territory of the occupying power of Israel for any individual or representative of an international organization who has voiced support, either in writing or verbally, for imposing a boycott on the occupying power, or who has advocated for the prosecution of Israeli citizens in international judicial bodies, including foreign courts or the International Criminal Court, for actions taken during their service in the Israeli army or any of the security services of the State of Israel.⁸⁹ This law provides legal protection that shields those who may commit violations of international humanitarian law or international human rights law from accountability, particularly regarding

operations conducted by the Israeli armed forces or security services.

To bolster this law and strengthen the legal protections and immunity for Israeli military personnel, the government has taken action through its parliamentary processes to propose a draft law that criminalizes the monitoring and documentation of the actions of Israeli military personnel and other security forces in the West Bank and the Gaza Strip. The proposed legislation outlines severe criminal penalties, including imprisonment for a duration of three to ten years, for anyone who documents these activities or shares information with outside entities, especially international judicial organizations. Moreover, the penalties are significantly increased if it is found that the intent behind sharing this information is to aid in the enforcement of sanctions against the occupying power or its armed forces.⁹⁰

In a significant move against human rights organizations, the Knesset plenum, convened on Wednesday, 19 February 2025, approved a bill in its preliminary reading that imposes an 80% tax on donations from foreign sources to these organizations, provided they do not receive funding from the state treasury.⁹¹ This legislation specifically targets human rights organizations that rely on external funding, creating severe financial barriers that threaten their independence and operational capacity.

Furthermore, the bill forbids Israeli courts, including the Supreme Court, from hearing petitions from organizations that receive substantial funding from foreign political entities—as defined by law—unless these organizations are part of the state budget. This clause establishes a troubling precedent that limits the right to legal action and judicial recourse, institutionalizing discrimination against civil society organizations focused on human rights, especially those that monitor violations and seek accountability.⁹²

In a related development, the Knesset plenum also approved, in its preliminary reading, two additional bills that grant legal immunity to Israelis and limit collaboration with international judicial bodies, particularly the International Criminal Court.

87 PCATI. “Accountability Denied: The Absence of Investigation and Punishment of Torture in Israel.” P. 12, December 2009. <https://tinyurl.com/296rhx3v>

88 Madar. “Increasing Limitations – Israeli Laws Aimed at Palestinians and the Efforts of Human Rights Groups and International Organizations.” P.2, 23 April 2025. <https://tinyurl.com/3t6j2dt5>

89 Madar. “Final Reading: A Law Blocking Entry Visas to Israel for Individuals or Representatives of any Party that Endorses the Boycott of Israel and Denies the Holocaust and October 7 Attacks.” 20 February 2025. <https://tinyurl.com/3bpf6kxh>

90 Madar. “A Proposed Legislation Bans the Recording of Military Personnel’s Activities in the West Bank and the Gaza Strip and Imposes Imprisonment on Anyone who Submits such Documentation to Foreign or International Courts.” 18 March 2025.

<https://tinyurl.com/34a5v2pp>

91 Madar. “Preliminary Reading: A Proposed Law Mandates an 80% Tax on Organizations that are Entirely Financed by Foreign Entities, which Includes Human Rights Organizations.” 19 February 2025. <https://tinyurl.com/48btw5mp>

92 Ibid.

The first bill forbids any official or public entity in the occupying power from complying with restrictions or sanctions placed on an Israeli citizen, organization, or entity by a foreign state or international body. This measure aims to safeguard Israeli legal sovereignty from external pressures and to prevent Israeli individuals or entities from facing accountability for purported breaches of international law.⁹³ As a result, every official Israeli institution will be legally bound to refrain from enforcing or acknowledging these sanctions, which represents a breach of the occupying power's international commitments, especially those concerning judicial collaboration. Furthermore, it hampers the international community's attempts to uphold international humanitarian law and exacerbates the occupying power's legal and political isolation globally. It also conveys a message to Israeli institutions that allegiance to the state's internal decisions supersedes international legal responsibilities.

The second bill bars any Israeli official body, civil organization, association, or individual with Israeli citizenship from providing evidence or any type of legal support to the International Criminal Court or any foreign judicial authority in matters involving Israeli individuals, or a state or entity deemed an ally of Israel, regardless of whether these matters pertain to actions taken, deficiencies, or failures to fulfill obligations.⁹⁴ This effectively hides a significant amount of evidence that could contribute to the pursuit of international justice and continues the cycle of impunity for those responsible for these offenses.

This recent package of Israeli legislation marks the peak of a lengthy history of policies designed to weaken international accountability mechanisms and create a de facto, systematic system of impunity for the occupying forces, shielding them from any accountability in both domestic and international courts. Rather than honoring its legal responsibilities as a United Nations member state and a signatory to key international conventions, the occupying power is actively working to hinder transnational justice, limit the activities of civil society organizations, and enforce unprecedented restrictions on freedom of expression and legal action.

These actions not only jeopardize the human rights framework in the occupied Palestinian territory but also undermine the very foundations of

international law, conveying the alarming message that those who commit serious violations may evade punishment under a domestic legal system intentionally crafted for this purpose.

In 2021, the Israeli occupation authorities systematically targeted human rights organizations by banning six Palestinian civil society groups, including the Addameer Prisoner Support and Human Rights Association, effectively halting their operations in the occupied Palestinian territory. They also prosecuted several staff members, which clearly highlights their strategy to silence human rights advocates and weaken civil society efforts.⁹⁵

Continuing this trend into 2024, the Israeli occupation authorities issued a military order to close the Al Jazeera office in the oPt. This action coincided with a significant escalation against journalists in the Gaza Strip, where they were directly targeted while performing their duties. Such actions represent a flagrant violation of press freedom, aimed at obscuring the truth and hindering the reporting of crimes and violations to both local and international audiences.

The occupying power continues to hinder the efforts of international UN commissions by blocking their access to the oPt for the investigation of human rights abuses and war crimes, or by refusing to engage with them. The Israeli occupation authorities have consistently denied entry permits to fact-finding missions. Furthermore, Israel's Ministry of Health has directed members of the healthcare system not to collaborate with the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel.⁹⁶ In addition to that, the Israeli authorities barred the UN Special Rapporteur on Sexual Violence, Pamela Patten, from visiting Israeli prisons and camps to examine sexual assaults against Palestinian detainees.⁹⁷ The authorities also obstructed the International Committee of the Red Cross from visiting prisoners following the events of October 7, in a bid to hide the truth and impede any international efforts to hold accountable those responsible for the grave violations against Palestinian prisoners.

93 Madar. "A Draft Law Banning any Israeli Entity from Forcing Restrictions on an Israeli Subject to International Sanctions." 12 November 2024. <https://tinyurl.com/fvpfb2ct>

94 Madar. "Preliminary Reading: A Draft Law Banning any Official or Private Israeli Entity from Submitting Evidence against Israel to the International Criminal Court." 19 February 2025. <https://tinyurl.com/2edshz9p>

95 For more information about the ban on the six Palestinian civil society organizations, visit <https://addameer.ps/ar/news/4539>

96 Quds Press. "The Israeli Occupation Bans Israeli Doctors from Communicating with the UN Investigation Committee." 16 January 2014. <https://qudspress.com/109984/>

97 Al-Araby TV. "Israel Blocks UN Investigators from Accessing Its Prisons. What Are the Legal Implications?" 8 January 2025. <https://tinyurl.com/z5yb7r5k>

In a similar vein, the occupying power has released a sanctions list aimed at 50 human rights advocates, which includes the leader of the Hind Rajab Foundation, two of its co-founders, and three lawyers associated with the foundation. This action appears to be an effort to undermine the foundation and impede its operations, which involve pursuing legal action against Israeli officials and military members globally for alleged war crimes against Palestinians.⁹⁸

In a continuation of the systematic incitement campaign that the Israeli occupation authorities have pursued for years against Palestinian human rights organizations, the US Treasury Department has placed Addameer on the so-called “terrorist” list under Executive Order No. 13224. This move is a blatant attempt to stifle the organization’s efforts to advocate for the rights of Palestinian prisoners.⁹⁹

To sum up, the occupying power has undeniably created a comprehensive institutional framework that guarantees immunity and shields interrogators and members of the Israeli security forces from any repercussions or accountability. Identifying interrogators has become nearly impossible, and obtaining thorough written documentation regarding interrogation sessions is equally challenging, not to mention the complete lack of any audio or visual recordings. Furthermore, the individual being interrogated is barred from consulting with a lawyer during the interrogation process, and neither they nor their representatives are granted access to full medical records or a documented account of the interrogation’s progression. This situation severely undermines the ability to contest the legality of these procedures or to hold those responsible accountable.

This situation is worsened by the blanket immunity provided by the General Security Service (GSS) Law of 2002, which shields interrogators from both criminal and civil accountability, granting them total protection under a shroud of secrecy. Thus, GSS interrogators find themselves at the heart of a meticulously constructed legal and administrative shield, akin to the layers of an onion¹⁰⁰, where obstacles accumulate to hinder any genuine accountability. This effectively renders them immune

to any criminal investigations or judicial actions within the crumbling Israeli legal framework.

The absence of accountability is not confined to the criminal realm; it also permeates the civil domain, where the occupying power has stripped Palestinian victims of any viable avenues to prosecute abusers in civil courts or to seek compensation and redress. Through deliberate legislation and judicial practices, the Israeli occupation system has solidified a thoroughgoing system of impunity that ensures members of the occupation forces cannot be held responsible for their actions, whether these are classified as criminal acts or as behaviors warranting civil compensation.

98 See Hind Rajab Foundation’s post on X: <https://x.com/HindRFoundation/status/1941608534183133546>

99 For more information on the US Treasury Department’s decision, see the Foundation’s statement published at: <https://www.addameer.ps/ar/news/5584>

100 PCATI. “Accountability Denied: The Absence of Investigation and Punishment of Torture in Israel.” P. 12, December 2009. <https://tinyurl.com/296rhx3v>

Lack of Accountability and Responsibility at the Civil Level

The State of Israel, as the occupying power, holds complete civil responsibility for compensating all damages caused by its continuous acts of aggression in the occupied Palestinian territory (oPt).¹⁰¹ According to public international law, compensation is a direct legal outcome of international responsibility, which emerges when an international entity commits an internationally wrongful act, misuses its rights, or violates its obligations in dealings with other states or peoples.¹⁰²

The Fourth Hague Convention of 1907 clearly states that a belligerent state that breaches its provisions is legally required to provide compensation when necessary and is accountable for the actions of all its armed forces members.¹⁰³

In this context, the International Court of Justice, in its 2004 Advisory Opinion regarding the Apartheid Wall, confirmed that “Israel” is recognized as an occupying power in the occupied Palestinian territory. This status brings with it specific legal responsibilities towards the civilian population, as outlined by international humanitarian law, which includes the obligation to provide compensation for the damages they have endured.¹⁰⁴

Furthermore, the ICJ reiterated in its 2024 Advisory Opinion on the Legal Consequences of Israel’s Policies and Practices in the Occupied Palestinian Territory, including Occupied Jerusalem, that the occupying power must offer complete reparation for all damages arising from its internationally wrongful actions, whether these affect individuals or legal entities. This reparation encompasses compensation in various forms, including in-kind compensation, financial restitution, and appropriate satisfaction, thereby ensuring compliance with established international standards.¹⁰⁵

In a related statement, Human Rights Watch declared on 26 June 2024 that all victims of severe human rights violations in Palestine and Israel are entitled to receive full reparations.¹⁰⁶

101 SSRCAW. “Israel’s International Responsibility for the Violations it Commits against Palestinian Prisoners.” 8 August 2019. <https://tinyurl.com/prn7y2f3>

102 Baia Fatiha. “Compensation in International Law.” *Journal of Law and Local Development*, Algeria, Vol. 1, No. 2, p. 1, 21 July 2019. <https://asjp.cerist.dz/en/article/124793>

103 See Article 3 of the Convention.

104 See the International Court of Justice (ICJ) Advisory Opinion of 2004 on the Legality of the Separation Barrier.

105 See paragraph 269 of the International Court of Justice (ICJ) Advisory Opinion of 2024 on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem.

106 Human Rights Watch. “Israel/Palestine: All Victims Have the Right to Reparation for Abuses.” 1 August 2024. <https://tinyurl.com/e4sxfcv6>

The occupying power’s legal responsibility for the grave violations it inflicts upon the Palestinian people, particularly Palestinian prisoners, is a collective international obligation. In this regard, the International Court of Justice (ICJ) can be engaged, as Article 75 of the Court’s Statute allows for the issuance of judgments against those responsible for reparations related to the harm endured by victims, which includes restitution, compensation, and rehabilitation. Furthermore, the Court is tasked with determining the scope and extent of these damages.¹⁰⁷

Even though international law clearly mandates that the occupying power bears full responsibility for compensating damages arising from its unlawful actions, it has effectively shielded itself from this obligation through its domestic laws. According to Israeli legislation, the state is not liable to pay compensation for damages inflicted by its forces on Palestinians if such damages are deemed to arise from what is classified as ‘war operations’. This classification has been broadly interpreted by Israeli courts to include a wide array of military actions, even those conducted during an ongoing occupation.¹⁰⁸

This exemption is grounded in the legal premise that the severity and extent of damages during wartime are fundamentally different from those in ordinary situations, and that the conditions of war—characterized by inherent pressure, ambiguity, and uncertainty—are not compatible with the traditional civil compensation rules. As a result, Israeli law asserts that the Civil Compensation Law does not apply during “war operations,” which strips Palestinian victims of their right to seek judicial redress and receive fair compensation.¹⁰⁹

To further its policy of impunity, the occupying power has introduced a perilous legislative amendment that further obstructs Palestinians from claiming compensation for damages incurred due to military actions. Amendment No. 8 to the Civil Torts (Liability of the State) Law of 1952 was enacted in 2012. This amendment clearly and explicitly states that residents of any area labeled by the occupying authority as a “hostile entity” are barred from filing compensation claims against the state for any reason.¹¹⁰ In 2007, the occupying authority designated the Gaza Strip as a “hostile entity,” effectively shutting the door on legal recourse for over two million Palestinians residing in the Strip, irrespective of the nature or extent of the damage.¹¹¹

107 SSRCAW. “Israel’s International Responsibility for the Violations it Commits against Palestinian Prisoners.” 8 August 2019. <https://tinyurl.com/prn7y2f3>

108 B’Tselem. “No Accountability.” 11 November 2017. <https://www.btselem.org/arabic/accountability>

109 Ibid.

110 Al-Quds Al-Arabi. “The Israeli Supreme Court Grants Immunity to the Military while Rejecting Compensation to Palestinian Victims.” 7 July 2022. <https://rb.gy/n1yi4o>

111 Ibid.

This amendment represents a blatant breach of the fundamental principles of international law, expressly the principle that domestic laws cannot be invoked to justify violations of international obligations, as outlined in Article 27 of the 1969 Vienna Convention on the Law of Treaties. Furthermore, this amendment is at odds with the established customary rules of international humanitarian law, which require the occupying power to offer reparations to affected civilians and prohibit discriminatory treatment based on national or political affiliations.

Moreover, the lack of criminal accountability serves as a crucial foundation for the ongoing absence of civil accountability. The legal framework stipulates that the criminal conviction of those responsible for offenses is a prerequisite for initiating civil compensation claims on behalf of victims. Yet, the current situation, as previously highlighted, starkly reveals a pervasive atmosphere of impunity. This effectively creates a scenario where immunity from civil accountability is entrenched, hindering victims or their families from pursuing justice through the available legal avenues.

In a rare instance where a Palestinian victim's family received financial compensation, the case originates from a murder that took place within Ktzi'ot Prison in the Naqab Desert. The prison administration announced a search operation, claiming it was intended to "uplift the guards' morale", as per official statements. The special Metzada unit, tasked with controlling prisoners in Israeli prisons, was summoned to execute the raid. In the early morning hours, Metzada, along with several prison guards, stormed the prison sections, provoking a protest from the prisoners. During the crackdown operation, gunfire was aimed at prisoner Mohammad al-Ashqar, striking him directly in the forehead and resulting in his instant death.¹¹²

As reported by the Israeli newspaper Haaretz, the martyr's family initiated a lawsuit in the Tel Aviv District Court. After extensive legal discussions, a settlement was reached to provide financial compensation to the family. However, this agreement did not entail any acknowledgment of legal or criminal responsibility by the state for the killing incident. The newspaper highlighted that the Public Prosecution, despite the shooting being executed by a prison guard, opted to close the case without prosecuting any of those involved. This illustrates a persistent policy of impunity regarding the martyrdom of prisoners behind bars.¹¹³

112 Palestine Now. "The Occupying Power Provides Compensation to the Family of a Fallen Prisoner." 3 May 2012. <https://paltimes.ps/p/14813>

113 "The Occupying Power Provides Compensation to the Family of Martyr al-Ashqar." <http://zamnpres.com/news/4451>

Atiya al-Nabahin: A Case of Injustice and Legal Discrimination¹¹⁴

In a clear demonstration of the policy of exemption from accountability, the Israeli Supreme Court, which includes Justices Neal Hendel, Noam Solberg, and Ofer Grosskopf, dismissed the appeal made by human rights organizations seeking compensation for 15-year-old Palestinian child Atiya al-Nabahin. Atiya suffered a grave injury resulting in permanent quadriplegia after being shot by Israeli occupation forces in November 2014 while on his family's property near al-Bureij refugee camp, roughly 500 meters from the border fence between the Gaza Strip and Israel.

Despite the fact that the child posed no danger and there was no evident military justification, the court refused to grant compensation. It explicitly stated that the protection of the child's fundamental rights was limited due to his living in the Gaza Strip, which Israel has deemed a "hostile entity" since 2007. The court emphasized that the law intends to prevent any form of "economic or moral support to the enemy" and concluded that this rationale legitimizes the severe infringement of the fundamental rights of Palestinian civilians, even in instances where children and unarmed individuals have endured significant injuries.

The court's ruling serves as a clear illustration of:

- The politicization of the Israeli judiciary to support occupation policies;
- The institutionalized legal discrimination faced by the civilian population in the Gaza Strip; and
- The grave violation of international legal protections for children, as outlined in the 1989 Convention on the Rights of the Child (CRC) and international humanitarian law, which ensures special safeguards for children during armed conflicts.

114 Al Mezan. "In a Most Dangerous Precedent, Israeli Supreme Court OKs Sweeping Immunity for the State, Denies all Civil Remedies to Gaza Victims of War Crimes." 7 July 2022. <https://tinyurl.com/wcjbh9y>

Double Standards in Israel's Judicial System: Arbitrary Fines and Illegal Deductions from Palestinian Clearance Funds

Funds

In a blatant double standard, the Knesset has approved a final reading of legislation that allows victims of resistance activities and their families to file lawsuits against the Palestinian Authority for substantial compensation. In cases of murder, the law mandates that the PA be penalized with a minimum fine of 10 million shekels (\$2.8 million) for each victim. For instances of permanent bodily injury, victims are entitled to seek financial compensation of 5 million shekels from the PA.¹¹⁵

Should a compensation ruling be made, these payments will be sourced from a monthly deduction of Palestinian clearance funds, which range from 40 to 50 million shekels, representing about 6% to 8% of the total monthly amount of these funds. This is in accordance with the “Law to Freeze Terrorism-Linked Assets of the Palestinian Authority”, enacted in 2018.¹¹⁶

As of early 2025, the total value of frozen funds has reached around 4.2 billion shekels, with no official explanation regarding the status of these funds. The law mentioned above specifies that the funds are frozen rather than confiscated, as outlined in Article 4(b), which empowers the Ministerial Committee for National Security Affairs to determine whether or not to release the seized funds and return them to the Palestinian Authority, provided it can be demonstrated that they were not used for payments related to what is referred to as “terrorism.”¹¹⁷

Nevertheless, official reports reveal that the occupying power has indeed utilized parts of these frozen assets. In January 2023, Israeli Finance Minister Smotrich announced that he had allocated around 138 million shekels of the withheld funds to Israeli families affected by Palestinian attacks. By May of the same year, he noted that an extra amount of roughly 3.2 million shekels had been disbursed for the same reason.¹¹⁸

In this context, Israeli courts frequently impose hefty fines on Palestinian prisoners as restitution for the families of Israelis who have been killed or injured. For instance,

an Israeli court ruled against prisoner Basem Khandakji from Nablus, imposing a fine of 42 million shekels (approximately \$11.6 million) as compensation for the families of Israelis who suffered casualties.¹¹⁹

The history of the Palestinian prisoners' movement is filled with similar judgments. Over 50 lawsuits have been initiated by Israelis in the courts, seeking financial reparations from the Palestinian Authority and Palestinian prisoners, claiming damages and losses stemming from resistance actions.¹²⁰

A notable instance of this is the case of Omar al-Abed, a 19-year-old prisoner from Kobar, located northwest of Ramallah. He received a sentence of four life terms after being found guilty of executing an attack in the Halamish settlement, also northwest of Ramallah, on 21 July 2017. This attack led to the deaths of three settlers and left a fourth injured. The court also mandated that he pay 1.8 million shekels in compensation to the families of the victims.

Furthermore, a lawsuit has been initiated against Ahmad Saadat, the Secretary-General of the Popular Front for the Liberation of Palestine (PFLP), by the families of Israelis killed during the Al-Aqsa Intifada. This lawsuit is linked to attacks attributed to the Abu Ali Mustafa Brigades in the West Bank, with the claims totaling around 60 million shekels. There are many other cases that are hard to quantify, especially considering the ongoing use of the Israeli judicial system as a mechanism to criminalize the Palestinian struggle and impose severe financial burdens on prisoners, their families, and official Palestinian entities.¹²¹

The Israeli military and police have the authority to seize money and property from Palestinians in the West Bank, as permitted by the provisions for property and goods confiscation outlined in Article 74 of the Defense (Emergency) Regulations of 1945¹²² and Article 60 of the Order Regarding Security Provisions No. 1651.¹²³

This legal framework effectively serves as a facade that legitimizes the appropriation of Palestinian property and funds under the guise of security, thereby facilitating the misuse of these powers for unlawful confiscation, akin to theft or looting.

This created a seamless and accommodating atmosphere for the Israeli occupation forces to misappropriate the funds of Palestinians. A report released by Yesh

115 Madar. “In the Final Reading: A Law Permits Victims of Resistance Acts and their Families to Demand Exorbitant Compensation from the Palestinian Authority.” 14 March 2024. <https://rb.gy/9byemr>

116 Madar. “The 2018 Law on Freezing Terrorism-Related Funds by the Palestinian Authority: Israeli Legislation and Clearance Deductions for the Years 2023-2025.” 11 May 2025. <https://tinyurl.com/afhmjnr3>

117 Ibid.

118 Ibid.

119 Palestine Now. “The Occupying Power Imposes Fines on [Palestinian] Prisoners to Provide Compensation for the Families of its Dead.” 12 May 2019. <https://tinyurl.com/ytrsxewx>

120 Ibid.

121 Ibid.

122 For more information, see the Defense (Emergency) Regulations of 1945 at <https://tinyurl.com/bd9vpezx>

123 For more information, see the Order Regarding Security Provisions No. 1651 in Hebrew at <https://tinyurl.com/mrcuxztj>

Din, titled “Uniformed Theft,” detailed that the organization received numerous complaints regarding the looting of Palestinian residents during home raids or during arrests and searches at Israeli checkpoints. Consequently, between 2013 and 2023, the organization aided 52 individuals in lodging complaints concerning the theft they experienced, both to the Military Prosecution and the Military Police Investigation Department (Mahash). Out of these complaints, 22 were submitted to the Military Prosecution, and three were directed to Mahash.

Unfortunately, no investigations were initiated in any of these instances. Regarding the remaining 27 complaints, they resulted in the initiation of criminal investigations by Mahash; however, 25 of these cases were closed without any indictments being filed. One additional investigation was closed after the complainant opted not to testify before the Military Police Investigation Department investigators, fearing that soldiers might return to her residence. Furthermore, another investigation file from 2023 is still under review within the military law enforcement framework.¹²⁴

In summary, the policy of exemption from civil liability enforced by the Israeli occupation authorities is a crucial element of a comprehensive system that fosters a culture of impunity and denies the Palestinian people their right to justice and reparations. Despite the clear stipulations of international law, which mandate that the occupying power must compensate victims for damages caused by its unlawful actions, the Israeli legal framework consistently depends on internal mechanisms that undermine these obligations. This is achieved either through the arbitrary broadening of the term “war operations” or through the implementation of biased legislation that strips Palestinians of their right to seek redress. The lack of substantial criminal accountability worsens this situation, effectively shutting the door on any genuine reparations for harm and turning the Israeli judicial system into an instrument for sustaining injustice rather than addressing it.

Below, we will showcase several case studies that shed light on the different types of violations faced by Palestinian prisoners. These instances encompass psychological torture, sexual crimes, and even death, with the occupying authorities displaying a blatant lack of serious intent to hold the offenders accountable and deliver justice to the victims.

124 Yesh Din. “Uniformed Theft: Pillage of Palestinians’ Money and Property by Israeli Soldiers and Police Officers in the West Bank.” 27 August 2025. <https://www.yesh-din.org/ar/uniformed-theft-ar/>

Under the Guise of a Ticking Bomb: 2019 Marks the Year of Systematic Violations against Palestinian Prisoners

The year 2019 was marked by appalling instances of torture that horrified the world and revealed the cruelty of the Israeli occupation authorities towards Palestinian prisoners. Severe interrogation techniques were employed to extract information and confessions from both male and female prisoners. The Israeli occupation forces implemented military interrogations on several detainees, including 16 Palestinian individuals monitored by Addameer.

In 2019, Addameer reported various forms of both physical and psychological torture inflicted on Palestinian prisoners from the moment they were arrested through their interrogation and detention. The report highlighted the use of police dogs during arrests, which were allowed to attack detainees and their families, alongside sudden and relentless beatings to different body parts, resulting in broken ribs, and the arrest of family members of detainees as a method of psychological coercion.

During the interrogation process, extreme torture methods were recorded, particularly: prolonged sleep deprivation lasting up to three days; stress positions that forced detainees into various painful stances, such as being pressed against a wall, standing on one leg, sitting in an imaginary chair, squatting (referred to as the “banana” position), being restrained in an interrogation chair, or confined in the “ball of chains” position; hair pulling and plucking from the head and beard; and extended denial of access to legal representation.

The Israeli occupation authorities also employed threats as a form of pressure, including threats of military interrogations against the detainee or their family members, threats of home demolitions, deportation, or revocation of residency for those from Jerusalem, as well as threats of long-term administrative detention or travel restrictions.

The consequences of these violations reach into the duration of detention, as numerous detainees are left without sufficient medical care and are confined in isolation for extended durations, facing continuous postponements in their release, even after their detention periods have lapsed.¹²⁵ One of the prisoners who endured brutal military interrogation is Samer Al-Arbid.

125 For additional details regarding the torture endured by Palestinian prisoners in 2019, please refer to the report on that year’s violations available on Addameer website: <https://tinyurl.com/mpw8stv9>

Samer Al-Arbid – Torture Almost Fatal in Less than 48 hours

The case of prisoner Samer Al-Arbid, who endured the most brutal torture methods at the hands of the Israeli occupation forces, almost costing him his life, came to light in 2019. Al-Arbid was arrested on 25 September 2019, at 8:00 a.m., right outside his workplace. This was not his first encounter with arrest. From the very beginning of his arrest, Al-Arbid faced violent assaults from the special forces who took him into custody, and he was subsequently transported to Ofer Prison. Immediately following his arrest, he was denied access to his lawyer. On the first day, he endured relentless interrogation for hours, along with severe beatings and various forms of stress positions.

Even after informing the military judge on the second day of his detention—during his court appearance for a detention extension—that he was experiencing chest pain and had suffered severe beatings, which made it difficult for him to swallow food and caused constant vomiting, the military judge completely disregarded his condition and extended his detention for an additional eight days for interrogation purposes. Less than 48 hours after his interrogation, specifically on the morning of Friday, September 27, he was transferred to Hadassah Hospital in an unconscious state. Medical examinations revealed that he had fractures in eleven ribs, extensive bruising and signs of severe beatings across his body, acute kidney failure, and his health was in critical condition, necessitating general anesthesia for about 14 days.

Al-Arbid recalled that during his interrogation sessions, various stress position techniques were employed, such as the banana stress position and the wall stress position, which required him to stand on tiptoe with his thighs bent. When he struggled to maintain the tiptoe stance, the interrogators would beat him and compel him to return to the same position. Al-Arbid described one particular interrogation session, stating, “This session began with interrogator Saji striking me on the back of my leg, which caused me to collapse to the ground, especially since my hands were restrained behind my back. The interrogator then positioned himself on my stomach and started to punch me in the chest. Two other interrogators lifted me while the third continued to strike me all over my body.”¹²⁶

Despite his deteriorating health, the Israeli occupation courts persisted in providing legal justification for Al-Arbid’s detention, approving extensions even while he lay unconscious in the hospital. His detention was extended four times during his hospitalization, and the ban on meeting with his lawyer was renewed for 36 days. During this time, his lawyer filed a petition with the Supreme Court, case number (19/6565). A session took place on October 7, where the court determined,

based on the medical report presented, that Al-Arbid was admitted to the hospital following a heart attack and acute kidney failure.

The judges asserted that the initial ban order was lifted, allowing his lawyer and wife to visit him, although he was unconscious at the time of the visit, which allegedly occurred on the first day of his hospital transfer. Following a slight improvement in the detainee’s condition, the Israeli authorities opted to reinstate the ban order, citing security concerns, and dismissed the lawyer’s worries regarding the absence of torture documentation as baseless, claiming a Red Cross doctor had seen the detainee and that Al-Arbid had been assessed by the hospital’s medical team. This stance contradicts the absence of any torture details or marks on the detainee’s body in the medical reports. In their final ruling, the judges emphasized that interrogation conditions were present during the examination at the Mavtan Intelligence Investigation Department, advising that conclusions should be withheld until the investigation is fully completed.

As soon as Al-Arbid’s health began to show signs of improvement, the Israeli security forces resumed their interrogation of him. During his time in the hospital, Al-Arbid faced multiple interrogation sessions, one of which extended for a grueling eight hours. Furthermore, while he was hospitalized, he experienced a distressing incident involving tear gas. A guard discharged a tear gas canister into the very room where he was confined. This situation prompts a critical question: Are the Israeli authorities genuinely attempting to bring about Al-Arbid’s demise? When this issue was presented to the judge, the attending physician asserted that the complications were related to Al-Arbid’s respiratory system and were not linked to the tear gas incident in his room. Consequently, the judge dismissed this concern and refrained from posing any specific inquiries to the police representative.

Following extensive legal efforts by Al-Arbid’s lawyer to prove that his client experienced torture during military interrogation, the military court ruled to dismiss the confession attributed to him, as it was obtained under duress. This ruling appears to be an attempt to evade accountability by not calling Shin Bet interrogators to testify regarding the interrogation techniques employed. Nevertheless, the court accepted confessions from other individuals against Al-Arbid, even in light of documented evidence and medical reports that validate their claims of torture. This situation raises significant legal concerns regarding the validity of these confessions and their admissibility as evidence.

Al-Arbid continues to endure severe and enduring health repercussions due to the torture he faced during his detention. The brutal beatings he suffered, specifically the repeated strikes to his ears, resulted in substantial hearing loss. This has led to

¹²⁶ An affidavit collected by Addameer from prisoner Samer Al-Arbid at Ramleh Prison Clinic on 20 January 2020.

his permanent reliance on hearing aids, and as of the time this report was written, he remains in pretrial detention.

Due to the extreme torture that Al-Arbid endured during his interrogation, the Police Investigation Department (Mahash) took steps to investigate the matter by gathering testimonies and relevant documents. On 4 January 2021, the Israeli Attorney General declared the investigation file against several GSS interrogators closed, citing “insufficient evidence of any criminal wrongdoing against him.” In response, Al-Arbid’s lawyer sought to obtain a photocopy of the investigation file from Mahash to challenge the closure decision. However, the prosecution opted to classify 90% of the information in the file as confidential, aiming to hide any details related to the torture Al-Arbid experienced and prevent disclosure. The core content of the testimonies from Shin Bet and police interrogators was also kept secret, even though the lawyer did not request their names or personal details, allowing the occupying power to assert that revealing this information could endanger them.

Thus, the file was closed without holding the interrogators responsible or initiating any legal proceedings against them. Despite the presence of evidence and testimonies that corroborate the claims of torture and abuse, this situation illustrates how the military apparatus manages such cases, addressing them in an unlawful and inhumane fashion, devoid of transparency and accountability. This method perpetuates a culture of impunity, as incidents of torture and violence against Palestinian prisoners are frequently ignored, resulting in the ongoing perpetration of these violations without any legal repercussions.

Lack of Justice and Violated Bodies: On Rape and Impunity –

Prisoner S. as a Case Study

Since the onset of the genocide in the Gaza Strip, the Israeli occupation forces have perpetrated some of the most atrocious acts against Palestinian prisoners, involving both physical and sexual violence. One of the victims of this violent sexual and physical torture is prisoner S.

Upon his arrest on 3 March 2024, soldiers forced him to strip and donned him in a white coronavirus uniform. He was subsequently taken to Sde Teiman Detention Camp, where he endured various forms of torture. From the moment he arrived at the camp, he faced a savage assault, which included strangulation, severe beatings, and degrading insults. The soldiers also blew up medical gloves and compelled him to lick the middle finger as a sexual gesture or suggestion.

The abuses that S. endured were not confined to brutal beatings and sexual insinuations; they escalated to a horrific sexual assault perpetrated by a group of soldiers within the detention camp. In terms of the assault’s specifics, the soldiers broke into the detention area where they were assigned to search the prisoner. Upon noticing the number on the bracelet he wore, they took him behind the detention cage. Their numbers were estimated to be between 7 and 10 soldiers. After binding his hands and feet and blindfolding him, they stripped him of his clothing and performed a strip search. They assaulted him by kicking and hitting him with their hands, and they used electric batons to shock his chest and head from behind. This brutal beating lasted for approximately half an hour.

Once the beating and electric torture concluded, S. found himself utterly exhausted, collapsing to the ground. He voiced his pain and struggle to breathe to the soldiers, yet they persisted in their electrocution. During the assault, they removed his blindfold. When he turned around, he witnessed one of the soldiers inserting a stick into his anus. The agony was so intense that he nearly lost consciousness. Nevertheless, the soldier withdrew the stick and attempted to force it into his mouth. They compelled him to sexually lick it for about a minute. After the assault ended, they pulled up his pants and placed him back on his mattress. They then issued a threat, warning him against seeking medical assistance, or they would return to “cut off his genitals”. Throughout the assault, they made it clear that these actions were carried out under orders from their superiors.¹²⁷

One of the prisoners witnessed the brutal torture that S. suffered, recounting:

“The first name they called was S. The squad of soldiers spoke fluent Arabic. They said to him, ‘S., come here, you have been specifically named by the intelligence service’s higher-ups.’ The initial act was to take him to a blind spot near the showers, an area not covered by cameras. Initially, the dogs were unleashed on him, barking aggressively. Following that, they assaulted him with punches and then suspended him by handcuffing his hands to the mesh. I was approximately two meters away, blindfolded, yet I could see a bit from beneath the blindfold. At that moment, they were mercilessly beating him. They struck him with fists, hit him with batons and clubs on his back, and kicked him in the stomach, all while hurling vile insults. I distinctly heard them taunt him during the assault in clear Arabic, ‘You are Hamas. You belong to the Hamas police. You participated in the October 7 attacks.’

One of the soldiers compelled him to kiss his boots, clearly instructing him in Arabic, which I could hear distinctly, ‘Lick the boots.’ They also struck him on

127 A lawyer’s visit to prisoner S. in Sde Teiman Detention Camp on 25 August 2024.

the back with a stick. Simultaneously, one of the soldiers urged him to count along, and S. complied, counting with each blow from the stick. The impact of the beating resonated on his body. The count reached nearly 20 strikes. Meanwhile, some soldiers were assaulting his legs, while others targeted his arms. The sound of the electric shocks was unmistakable. There were around 8 to 10 masked and armored soldiers present. They continued to beat him for approximately 15 to 20 minutes before dragging him back and returning him to his position beside us. At that moment, they warned him explicitly, 'If you ever consider informing the doctors, we will return for you.'

During the night hours of the same day, after approximately three hours of sleep, prisoner M. woke me up and requested my assistance in translating for him because S. was in distress. I promptly went to S. and inquired about his condition. I gathered information from him to diagnose his ailments, acting as a doctor to identify his medical issues and relay them to the Israeli officer. S. was expressing concerns about bleeding from the anus, intense pain, swelling, and bloating in his abdomen and chest. While seated, his pants were soaked with blood from below. We escorted him to the bathroom, where I observed that his anal area was bloodied, and his abdomen was swollen and bruised from the beating, along with noticeable swelling in his face. He was struggling to breathe. Each time he sneezed, coughed, or moved, he experienced excruciating pain.

I inquired about the cause of his injuries, and he revealed that batons had been inserted into his rear end. Given this information, I suspected he was suffering from a laceration in the anus and abdominal bloating due to fluid and blood accumulation, or possibly internal bleeding, along with the potential for a vertebral fracture in the chest area. I conveyed all of this to the officer and the female doctor who accompanied him. The officer asked if I had witnessed what S. had endured. I informed him that I had heard the beating and had seen part of it, but I did not witness the entire incident as we were blindfolded and lying on our stomachs. As a witness to the event, I explained the threats made to S. to discourage him from reporting the incident to the medical staff.¹²⁸

A video leaked from internal surveillance at Sde Teiman Detention Camp revealed the sexual assault of the prisoner. In response, the United Nations demanded accountability for the Israeli soldiers implicated in this crime.¹²⁹ Following this, Israeli military police initiated an investigation, resulting in the arrest of nine

soldiers involved in the incident, with their detention extended for a designated period. On 28 July 2024, military investigators arrived at the camp to question the detained soldiers. However, the soldiers chose not to cooperate with the military police. Meanwhile, Israeli protesters stormed the camp, opposing the investigation into the soldiers.

Prominent political leaders in the occupying power voiced their support for the soldiers, including National Security Minister Itamar Ben-Gvir, who stated: "The sight of military police officers coming to arrest our best heroes in Sde Teiman is nothing short of shameful." Members of the Knesset, particularly from the Religious Zionism party, also stormed the camp to back the arrested soldiers. Heritage Minister Amichai Eliyahu was also present during the protest, seen chanting, "Death to terrorists."¹³⁰

Despite the arrest and detention of nine soldiers, the Israeli military spokesman later announced that the soldiers would be moved to house arrest, just about two weeks after the military police investigation commenced.¹³¹ Later, an indictment was brought against five reserve soldiers, including two officers. Investigations uncovered that the soldiers had brutally assaulted the prisoner, stabbing him with a sharp object in a sensitive area. This resulted in severe injuries, including broken ribs, a punctured lung, and an internal tear in the rectum.¹³²

In spite of the leaked video footage that captured the assault, Israeli medical reports were released, asserting that the prisoner had inflicted injuries upon himself, clearly aiming to misrepresent the truth and influence the investigation's direction. During the military court proceedings, a document labeled "medical opinion" surfaced, asserting that there was no proof of the prisoner being raped. Meanwhile, the lawyers representing the soldiers accused of the assault called for a comprehensive review of the case, citing supposed challenges in criminal investigations that hindered the ability to substantiate the charges against their clients. They also attempted to rationalize the actions of the implicated soldiers by emphasizing that "they were reservists with families", arguing that "they should not be perceived as threats to society."¹³³

130 Al Jazeera. "Sde Teiman Prison: An Israeli Guantanamo in the Naqab Desert." 29 July 2024. <https://tinyurl.com/5cnejv7r>

131 Al Jazeera. "The Soldiers Involved in the Assault of a Palestinian Prisoner Released into House Arrest." 13 August 2024. <https://tinyurl.com/3f9t9amb>

132 Quds News Network. "Stab Wounds, Broken Bones, and a Punctured Lung. A Newspaper Reports: Five Israeli Soldiers Brutally Tortured a Palestinian Prisoner." 19 February 2025. <https://rb.gy/wqlyti>

133 The Palestinian Information Center. "Medical Reports Twist the Truth. The Soldiers Involved in the Sexual Assault of a Palestinian Prisoner Have Been Released." 13 August 2024. <https://rb.gy/h3g3km>

128 An interview conducted by Addameer with released prisoner I. on 19 February 2025.

129 Al Jazeera. "The UN Demands Accountability for those Implicated in the Sexual Assault of a Palestinian Prisoner." 8 August 2024. <https://tinyurl.com/yc3dvb5y>

Despite the grave nature of the sexual offenses against prisoner S. and the significant harm he endured, the indictment only accused the defendants of “causing serious injury and assault under aggravated circumstances”, neglecting to charge them with “aggravated rape.” Only a single charge was filed against them, even though the criminal act of “aggravated rape” was applicable. Rape carries a punishment of imprisonment for sixteen years. If this act results in physical or mental harm, or is carried out under the threat of a firearm or cold weapon, the penalty escalates to that of aggravated rape, which is twenty years of imprisonment.¹³⁴ Thus, the decision to charge only for “causing serious injury and assault under aggravated circumstances,” while omitting “aggravated rape”, suggests a troubling complicity within the Public Prosecution, indicating a desire to lessen penalties or even evade full punishment. This situation raises serious concerns about the judicial system’s ability to deliver justice and safeguard the rights of victims.

In a notable development, the Israeli Military Advocate General, **Yifat Tomer-Yerushalmi**, submitted her resignation following suspicions that she had leaked the video footage showing the assault on the aforementioned detainee. Subsequently, Israeli Defense Minister **Israel Katz** dismissed her and stripped her of her military ranks, despite her prior resignation.

The leak of the video sparked widespread controversy within Israeli circles. Israeli Prime Minister **Benjamin Netanyahu** claimed that “the incident of Israeli soldiers raping Palestinian detainees in Sde Teiman caused enormous damage to the image of the State of Israel, the Israeli army, and our soldiers. This may be the most difficult propaganda attack the State of Israel has faced since its establishment; I do not recall an incident so concentrated and powerful. This necessitates an independent investigation that is not affiliated with any authority, and I expect such an investigation to be conducted.”¹³⁵

For his part, **Katz** stated that **Yifat Tomer-Yerushalmi** would not return to her position due to her involvement in leaking the video footage, adding that anyone who contributed to what he described as the “blood libel” against the soldiers in the Sde Teiman case would be brought to trial.¹³⁶ In the same context, demonstrators gathered outside her home, chanting slogans including “We will

134 Article 345 of the Israeli Penal Code of 1977 and its amendments.

135 Anadolu Agency, “Netanyahu Describes the Torture of a Palestinian Prisoner as ‘the Most Dangerous’ to the Image of Israel and Its Army,” November 4, 2025 (<https://tinyurl.com/yc7y6mr2>).

136 Al Jazeera Media Network, “Scandal Over Leaked Images from Israel’s ‘Sde Teiman’ Detention Facility Ousts the Military Advocate,” October 31, 2025 (<https://tinyurl.com/yw2zkzdb>).

not grant forgiveness.”¹³⁷

Subsequently, **Yifat Tomer-Yerushalmi** was arrested on November 3, 2025, on charges that included obstruction of justice, fraud, and abuse of office.¹³⁸ At the same time, many Israelis argued that all their soldiers are heroes and should be granted immunity from criminal prosecution.¹³⁹

The controversy that unfolded within Israeli circles centered primarily on what was termed the “video leak scandal,” rather than on the brutal sexual assault suffered by the detainee. This clearly reflects the occupation state’s policy of protecting perpetrators while pursuing those who expose crimes, rather than those who commit them.

Against the backdrop of these developments, four of the individuals implicated in the case appeared masked during a press conference. Through their lawyer, they called for the charges against them to be dropped, citing what they described as “clear flaws” in the legal procedures associated with the case.¹⁴⁰

In the wake of the intensified actions taken by the Israeli occupation authorities following October 7, the Palestinian territories have experienced an alarming surge in sexual offenses perpetrated by the Israeli occupation forces against Palestinian detainees. Beyond the incident involving S., numerous other cases have been recorded where prisoners faced systematic sexual violence, including rape, threats of rape, forced insertion of objects into the anus, and physical assaults on their genitals.

The gravity of this escalation was highlighted in a report released by the United Nations Independent International Commission of Inquiry on 13 March 2025, which confirmed that Israel has employed sexual and gender-based violence as a tactic of war against Palestinians since October 7. It emphasized that these actions are not mere isolated events, but rather a systematic policy designed to humiliate and oppress the Palestinian people.¹⁴¹

These policies and practices are part of a deliberate retaliatory strategy

137 The Guardian, “Israel’s top military lawyer arrested after she admitted leaking video of soldiers’ abuse”, 3 November 2025, (<https://tinyurl.com/ms2hcxj3>).

138 The Washington Post, “Ex-IDF legal chief held for video leak showing abuse of Gaza detainee”, 3 November 2025 (<https://tinyurl.com/42tb42m7>).

139 The Washington Post, “Some Israelis argue all soldiers are heroes, should not be prosecuted”, 11 November 2025 (<https://tinyurl.com/3bpry75n>).

140 Al-Quds Newspaper, “Lawyers Call for Dropping the Case of the Assault on a Palestinian Prisoner in ‘Sde Teiman’,” November 3, 2025 (<https://alquds.com/ar/posts/204674>).

141 United Nations. “More than a Human Can Bear: Israel’s Systematic Use of Sexual, Reproductive, and other Forms of Gender-Based Violence since October 2023.” 13 March 2025. <https://tinyurl.com/5dypp4bt>

implemented by the Israeli occupation authorities against Palestinian prisoners, with the intent to crush their spirit and undermine their dignity and determination, through actions that clearly contravene the rules and provisions of international humanitarian law. Such violations represent a blatant infringement of the Fourth Geneva Convention of 1949, which mandates the protection of prisoners from torture, ill-treatment, and any form of cruel, inhuman, or degrading treatment. Furthermore, these acts are also deemed criminal under the Convention against Torture and the International Covenant on Civil and Political Rights.

The Murder of Prisoner Abu Asab – Between Justification and Cover-Up

Prisoner Thaer Abu Asab was martyred on 18 November 2023, at the age of 38, after enduring a brutal physical assault and severe beating by members of the Keter unit, which is responsible for prison crackdowns and emergency interventions in Naqab Prison. Just days following his death, his family called for an investigation into the circumstances surrounding his martyrdom. However, the Israeli authorities responded to the family's plea on the same day, asserting that an autopsy had been conducted two days after his martyrdom. This occurred after securing a ruling from the Israeli court that allowed the autopsy to proceed without the family's consent, citing the challenges of communicating with residents of the West Bank during a state of "war."

Prisoner Abu Asab was arrested in 2005 and faced intense interrogation for three months at Al-Jalameh and Al-Mascobiya interrogation centers. An Israeli military court later sentenced him to 25 years in prison. During his years of detention, he endured multiple periods of solitary confinement prior to his martyrdom.¹⁴²

On 18 November 2023, Abu Asab endured a brutal attack when guards invaded Room 10 in Section 27 at 6:00 p.m., where he and nine other prisoners were confined. The guards violently assaulted all the prisoners by beating them mercilessly. Shortly after, around 20 guards, along with the Keter unit, wielding metal rods, burst in and continued the assault, further brutalizing the prisoners. This relentless beating lasted for approximately five minutes before the guards and Keter unit withdrew, leaving the prisoners sprawled on the ground, bloodied and battered.

Once the guards had left, the prisoners noticed that Abu Asab was lying motionless on the floor, bleeding profusely, with no signs of life or a pulse. Despite their desperate calls for help to the guards, there was no response. It was only after a ten-minute wait

142 Palestinian Prisoner's Society. "The Prisoner's Club Presents a Concise Biography of the Martyr Prisoner Thaer Abu Asab, who Passed away Yesterday in Israeli Detention." 19 November 2023. <https://www.ppsmo.ps/home/news/11004?culture=ar-SA>

that a nurse arrived, callously stating, "If he dies, we will take him." About two hours later, at 8:00 p.m., a guard inspected the room, and shortly thereafter, Abu Asab was removed by units and guards. Minutes later, the prisoners received the devastating news that he had passed away.¹⁴³

A day after the martyrdom of Abu Asab, on November 19, all the prisoners present in the room were summoned for interrogation by the intelligence service, where they disclosed the events that transpired. Prisoner Said Omran requested to lodge a complaint with the Mahash unit. During the intelligence service's interrogation, an officer inquired of prisoner M., "Did you witness the guard who assaulted him?" M. responded, "No, they were masked." Israeli soldiers and guards frequently don masks to prevent identification and thereby escape accountability. In this scenario, they instructed everyone in the room to conform to the narrative that prisoner Abu Asab had died due to a conflict among prisoners within the room, attempting to obscure the truth of his murder. Nevertheless, all the prisoners stood firm in their refusal.

The next day, November 20, the Mahash unit arrived at Omran's request. They took photographs of the prisoners, collected DNA samples, and also documented the room. On that same day, Israeli Channel 12 aired a report claiming that Israeli prison guards had fatally beaten a Palestinian prisoner in Naqab Prison. This report emerged amidst rising warnings regarding the Israeli Prison Service's systematic torture of Palestinian prisoners during the extensive aggression on the Gaza Strip.

Citing Israeli sources and within the limits of what could be published, the report indicated that the Investigation Unit (433), responsible for looking into the actions of prison guards,¹⁴⁴ has opened an inquiry involving 19 suspects. Some of these individuals are believed to have assaulted the prisoner, leading to his death, while others are thought to have played a role in the violent incident. They have since been released and given leave until further notice. The report clarified that initial suspicions suggest that prison guards attacked the security prisoner in one of the prison cells approximately a month ago, inflicting severe injuries. It was also noted that the prisoner received medical treatment, but after a series of evaluations, the only outcome was the declaration of his death.¹⁴⁵

143 A phone interview conducted by Addameer with released prisoner M. on 6 December 2023.

144 Unit 433, commonly referred to as Lahav 433, is a distinguished division of the Israeli police force dedicated to probing serious and international offenses. One of its key responsibilities involves examining prison guards whenever there are complaints or suspicions regarding misconduct within detention facilities. This unit encompasses the Yahs 433 Prisoners Investigation Unit.

145 Al Jazeera. "Israeli Channel: Palestinian Prisoner Beaten to Death by Prison Guards." 21 December 2023. <https://tinyurl.com/mr3vr4ba>

On December 21, the Israeli occupation authorities acknowledged that prisoner Asab was tortured to death in Naqab Prison, a month following his martyrdom. In response to the killing of Abu Asab by prison guards, Israeli Minister of Internal Security Itamar Ben-Gvir declined to pursue charges against the suspects involved, asserting, “I have decided not to take legal action against the Naqab Prison guards. A thorough investigation must be conducted prior to making any decisions about their future.”¹⁴⁶

In light of the extrajudicial killing of prisoner Abu Asab, a criminal investigation was initiated against 19 members of the Israel Prison Service (IPS). As the inquiry unfolded, four individuals were removed from prosecution, narrowing the legal proceedings to 15 officers. They faced charges of “assault resulting in murder”, and the case was subsequently forwarded to the Hadera Magistrate’s Court. Following the court’s ruling, the defendants were placed under house arrest, alongside an administrative decision to terminate their service.¹⁴⁷

Over a year and a half into the trial, the judicial process is still marked by procrastination, delays, and intentional extensions of the trial. This situation represents a form of practical impunity and undermines the victims and their families’ right to seek justice. Such conduct also reinforces a systemic failure to hold Israeli security personnel accountable for their actions against Palestinian prisoners, which clearly contravenes international standards of justice and fairness.

On one occasion, the official spokesperson for the Israeli army addressed the reports regarding the deaths of several Palestinian prisoners, labeling those who died in Israeli detention centers due to beatings and torture as “terrorists.” This statement was made without offering any substantial details about the complexities surrounding the issue. He informed Agence France-Presse (AFP) that “the investigation into the deaths of these so-called terrorists in military detention centers is still in progress”, yet he failed to provide any specifics regarding the number of detainees or the conditions leading to their deaths.¹⁴⁸

Despite the tragic loss of over 79 Palestinian prisoners in Israeli detention since the onset of the genocide, including 46 martyrs from the Gaza Strip, the pursuit of justice remains glaringly absent. A legal inquiry conducted by a team of lawyers into 14 cases of martyrdom involving prisoners from the Gaza Strip revealed that the responses from Israeli authorities were merely limited to the claim that “investigations are still

146 The Palestinian Information Center. “The Israeli Authorities Have Acknowledged Beating Prisoner Thaeer Abu Asab to Death.” 21 December 2023. <https://palinfo.com/news/2023/12/21/868448>

147 A phone interview conducted by Addameer with Abu Asab’s brother on 13 April 2025.

148 Haaretz. “Six Palestinians Have Died in Israeli Prisons During the War, Two Found Bruised.” 9 December 2023. (<https://tinyurl.com/32mxktv4>).

ongoing.” This is particularly concerning given that some of these cases date back more than a year and a half, with no tangible advancements in the legal processes or announcements regarding the outcomes.

In a clear breach of both legal and medical protocols, no autopsies have been conducted on any of the martyrs’ bodies from the Gaza Strip. Regarding the martyrs from the West Bank, although some bodies were autopsied, no official medical reports have been issued or provided to the families or lawyers of the victims. Take, for instance, the case of martyr Abdul Rahman Mar’i, who passed away in Megiddo Prison on 13 November 2023, due to severe beatings inflicted during an assault by special forces on the cell where he was detained. An autopsy was carried out on his body ten days post-mortem, yet the official results remain unpublished.

Nevertheless, a representative from Physicians for Human Rights – Israel was present at the autopsy on behalf of the family. The report acquired by PHRI indicates that Mar’i sustained bruises on his chest, rib fractures, and a broken sternum. The forensic examination also revealed external bruises on his head, neck, back, buttocks, left arm, and thigh.¹⁴⁹ No injuries were found in internal organs such as the brain, lungs, or spleen, and there was no evidence of internal bleeding. However, the attending doctor at the autopsy confirmed that the severe beatings leading to fractures and injuries across his body could potentially have caused an irregular heartbeat or even a heart attack.¹⁵⁰

In addition to Mar’i’s situation, PHRI was also involved in the autopsy of Abdul Rahman al-Bahsh, who tragically passed away in Megiddo Prison on 1 January 2024, due to the actions of the Prison Service administration, which included torture, severe beatings, and the application of excessive force. The autopsy took place on January 14, yet no official report has been released to date. The preliminary autopsy findings, published by PHRI on January 19, revealed a complete collapse of the right lung and significant fluid accumulation in the left lung.

Furthermore, the autopsy results indicated a ruptured spleen, bruises across various body parts, and fractures in several ribs. All these conditions culminated in acute pneumonia. Considering that the prisoner had no prior medical history or illnesses before his arrest, this report highlights the horrific beatings he endured, constituting a medical crime that resulted in severe physical complications and ultimately his death.¹⁵¹

149 Ibid.

150 Autopsy report of martyr Abdul Rahman Mar’i, dated 23 November 2023.

151 For additional details regarding the martyrs of the prisoner movement in 2023, refer to the 2023 Prison Violence Report at: <https://www.addameer.ps/ar/media/5332>

Arafat Jaradat – A Martyr whose Complaint was Buried with him

Prisoner Arafat Jaradat was killed six days after his arrest on 18 February 2013. Right after his arrest, he underwent interrogation at Al-Jalameh Interrogation and Detention Center, and he was subsequently moved to Megiddo Prison, where he succumbed to severe physical and psychological torture inflicted in the interrogation rooms.

In the wake of Jaradat's death, an investigation was launched to examine the circumstances surrounding it. During a hearing at the Petah Tikva Magistrate's Court on 2 April 2014, Dr. Sebnem Korur Fincanci, an internationally recognized expert in Forensic Pathology, shared her findings, which revealed that Arafat "was severely beaten while in detention, resulting in acute respiratory distress syndrome, which caused his death in Israeli custody on 23 February 2013." The conclusions drawn by the international expert were founded on forensic data and analyses supplied by Israeli forensic authorities, along with photographs taken by Palestinian police of Arafat's body prior to his burial.¹⁵²

These documents disclosed evident bruises on the martyr's body, which were caused by being struck with a long, thick object. The expert's analysis clarified that "the primary cause of death was pulmonary edema, leading to acute respiratory distress syndrome, both of which align closely with the timeframe when Arafat was beaten, likely occurring between one and three days prior to his death."

Consequently, this evidence contradicts the Israeli narrative and the autopsy authorities' claims that Jaradat's death was due to natural causes and that the visible bruises were simply the result of cardiopulmonary resuscitation efforts. It is important to highlight that a Palestinian forensic expert also confirmed that Jaradat's death was a result of the torture he endured.¹⁵³ Yet, despite this, none of the interrogators faced any repercussions.

Jaradat's case exemplifies the numerous instances where Palestinians have lost their lives due to the torture inflicted upon them. The occupying power, via its different agencies, has sought to conceal these atrocities. Despite the findings of both a Palestinian forensic expert and an international forensic expert, who determined that the death resulted from the torture endured by the detainee, the Israeli forensic report ignored all the bruises present on Jaradat's body and

152 Al-Haq. "Arafat Jaradat Died in Israeli Detention due to Torture." 2 April 2014. <https://www.alhaq.org/ar/advocacy/2483.html>

153 Ibid.

declared the death to be natural.¹⁵⁴

Prisoner M. – Between the Walls of Stress Positions and Military Interrogation

"I attempted to hug my daughter, but she was experiencing physical pain. She expressed, 'I can't hug you because everything hurts.'¹⁵⁵

In 2019, Israeli occupation forces arrested M. during a nighttime raid on her family's residence. During this operation, the Israeli forces conducted a violent search of the home, overturned its belongings, and seized multiple electronic devices. From the instant of her capture, the prisoner endured overt ill-treatment, as her hands were bound behind her back with plastic cuffs that were cruelly tightened, inflicting intense pain on her wrists.

Subsequently, she was moved to an Israeli military checkpoint and then to Al-Mascobiya Interrogation and Detention Center in Jerusalem, where the Israeli forces persisted in their harsh treatment. In her account, the prisoner recounts, "A female soldier was incessantly pushing me and transferring me between soldiers, who were bombarding me with vulgar insults, some in Arabic and others in Hebrew."¹⁵⁶

The detainee endured 30 days in Al-Mascobiya, during which she was not allowed to consult with a lawyer. Throughout this time, the Israeli occupation forces inflicted the most appalling and inhumane types of physical and psychological torture upon her. She underwent a three-day 'military interrogation,' during which she was forced into the 'banana' stress position, pressed against a wall, made to squat without support, and held in a position with her hands bound behind her back on a table that was higher than the chair she was sitting on. Furthermore, she was deprived of sleep for extended periods and faced threats regarding the arrest of her family, deportation, and the destruction of her family's home.

The brutality and inhumanity of the Israeli occupation escalated to the extent that she was denied drinking water and access to essential hygiene products. During the interrogation, she was not provided with sanitary pads and was only permitted to use the bathroom at the discretion of the interrogators, and only when they deemed it necessary.

154 A limited number of Palestinians who died due to torture have been confirmed to have been martyred as a result of the torture inflicted upon them in different interrogation centers. This situation arises because the Israeli regime, through its various mechanisms, aims to hinder the evidence of Palestinian martyrdom due to torture and refute allegations regarding the martyrdom of Palestinians from such torture. One of the prisoners whose martyrdom due to torture has been established is Abdul Samad Hraizat, who was martyred on 16 April 1995.

155 Cited from the mother of the prisoner M.

156 An affidavit collected by Addameer from prisoner M. in Damon Prison on July 11, 2021.

M. shared the harrowing details of her interrogation, stating, “They brought me into a room illuminated by harsh white lights. There were no windows, and the room was extremely cold. In the center lay blankets on the floor, while tables lined the edges. On one of those tables were metal handcuffs, a water jug, two packs of cigarettes, and a sports bandage for the wrists [...] At the start of the military interrogation, they posed some questions to me. When I denied their accusations, one of the female interrogators placed a black blindfold over my eyes and struck me on the left side of my face. I felt my face go numb, and an electric shock coursed through my entire body.”¹⁵⁷

Throughout the interrogation sessions, M. endured brutal interrogation techniques, including being compelled to sit sideways on a chair with her legs restrained and her head tilted back. Romy, a female interrogator, would lift her head, while Nora, another female interrogator, would threaten to hit her if she did not comply. This cycle was repeated multiple times. She was also made to stand in a stress position against the wall, with her legs pressed against it and her eyes shut. The female interrogators would push down on her shoulders to force her to bend her knees and keep her back against the wall. This caused extreme fatigue, and the stress position was enforced with only brief breaks. When she finally collapsed from exhaustion, she was roughly yanked away, leaving stretch marks on her arms. Moreover, she faced psychological torture through humiliating language, threats, and sexual innuendos, which severely impacted her mental well-being.

Subsequently, the Israeli Public Prosecution brought forth an indictment against M. However, the details of this indictment starkly contrasted with the interrogation she experienced. The military prosecution centered its charges on her activism as a student and union member at her university, accusing her of ‘collaborating with the enemy’ due to her professional interactions with a Lebanese journalist.

This evident inconsistency between the questions posed during the interrogation and the content of the indictment highlights the politically motivated nature of her arrest. It supports the theory that the real aim of her detention was less about questioning her and more about exerting pressure on other detainees to elicit confessions. They intentionally positioned her near other prisoners to coerce them into admitting guilt.

After enduring severe interrogation techniques that breached international laws against torture and cruel, inhumane, or degrading treatment under any circumstances, M. lodged a formal complaint with the Attorney General via her lawyer on 7 May 2020. Even though more than five years have elapsed since the

complaint was submitted, a decision was made on 13 August 2025 to dismiss the complaint, citing a lack of evidence or wrongdoing by the interrogators that would justify suspicion of violations necessitating an investigation. Consequently, it was concluded that there was no basis for initiating either a criminal or administrative inquiry, nor for imposing any disciplinary measures on the interrogators involved.

In their reply to the complaint, the relevant authorities clarified that a Mavtan investigator met with the complainant on 10 June 2020. They asserted that all materials pertinent to the interrogation were thoroughly reviewed, including the interrogations conducted by the interrogators who questioned M., court documents, and other investigative materials. The investigators determined that the conditions surrounding M.’s interrogation warranted a military investigation. Concerning the claims of physical assault and sleep deprivation, they argued that her statements were inconsistent, that a continuous 49-hour interrogation did not occur as claimed, and that the military interrogation aimed to prevent further attacks.

In addition to that, the relevant authorities refuted the allegations of threats of violence, pointing out that certain threats, like those regarding marriage or university education, are deemed standard in cases involving life sentences. The interrogators denied employing any offensive language or making sexual threats. The response also stated that the complainant was not obstructed from using the bathroom during her menstrual cycle, and that her shackling during the interrogation was lawful and necessary for the safety of the interrogators. Ultimately, they maintained that no misconduct or issues were identified in the interrogators’ behavior that would justify initiating a criminal or administrative investigation.

The Israeli authorities’ responses to the complaint, which were filled with simplistic justifications and a blatant refusal to recognize any violations, demonstrate a serious lack of commitment to conducting thorough investigations and a disregard for international standards regarding allegations of torture and ill-treatment. The testimonies presented were minimized, and formal justifications were provided to rationalize the oppressive actions taken, all without any genuine, independent, or impartial inquiry. The investigations focused solely on the interrogators’ narratives, completely sidelining the prisoner’s perspective. There was an absence of unbiased medical reports or any other objective evidence to either support or challenge the allegations. Such responses reveal a troubling naivety and negligence in addressing torture complaints, serving as a dangerous sign of institutional complacency that fosters impunity and undermines the foundation of accountability.

157 Ibid.

Prisoner S. – A Body Search Amounting to Rape, Ultimately

Leading to the Promotion of One of the Accused

On 6 July 2015, S. woke up to a chaotic raid on her home, filled with screams and threats to destroy her house. Following an illegal and degrading search, which she described as akin to rape, she was arrested. Alone, she was taken to a room where a female soldier and a military doctor awaited her. The doctor ordered her to undress and position herself on a chair. After donning gloves, the doctor explained to S. that she needed to conduct an examination. S. firmly refused this invasive search, but the doctor insisted, stating that S. had no option but to comply. Consequently, the doctor proceeded with an internal examination. S. recounted, “She examined me by inserting her fingers into my vagina. To my shock, she then insisted on examining me anally, which she did. Following this, the female soldier, who had been present throughout, repeated the examination while wearing gloves.”¹⁵⁸

The degrading treatment that prisoner S. endured did not end there. Prior to her arrest and removal from her home, she requested to use the bathroom, but a female soldier accompanied her throughout, infringing on her privacy. During her transport to Asqalan Prison, the soldiers continued their humiliating behavior, openly mocking and belittling her. One soldier even placed his hands on her shoulder inappropriately, further amplifying her feelings of humiliation and vulnerability.

During the interrogation, S. was denied sleep, and the light in her cell was perpetually on. The cell itself was incredibly cramped, measuring just 2x2.5 meters, and the surface of the walls was rough and harmful. The pit toilet was filthy and emitted a highly unpleasant odor. She faced constant threats, with interrogators warning her that if she did not confess, she would remain under interrogation indefinitely. One interrogator resorted to using vulgar language to demean her and her father, yelling at her throughout the process. Given the circumstances she endured, she remained terrified of potential sexual assault, reminiscent of what she experienced during her arrest. She was desperate to conclude the interrogation swiftly due to the ongoing threats. Each time she asked to see her lawyer, the interrogators coldly informed her that she had no right to legal counsel unless she complied.

Due to the degrading treatment that prisoner S. endured, the Mavtan unit, operating under the Israeli Minister of Justice, initiated an investigation into her experiences. Mavtan investigators interviewed S. to gather her account of what she had faced. Subsequently, in 2018, three years after the incident, both the

¹⁵⁸ An affidavit collected by Addameer from prisoner S. in Damon Prison on 7 September 2015.

Police Investigation Department – Mahash and the Military Police Investigation Department – Metsah launched their own inquiries into S.’s ordeal, leading to the investigation of eight individuals connected to the case. All of them admitted to performing the unlawful body search. However, field officers from Shin Bet and the military shifted blame onto each other. On 7 April 2021, the investigation was concluded, and all parties involved were acquitted on the grounds that the special unit could not investigate the case effectively or identify who had authorized the internal body search warrant for the detainee.¹⁵⁹

Among those scrutinized was a Shin Bet officer named Yossi, whose situation was later reported in Haaretz. It was revealed that he faced no repercussions for his actions and was instead promoted to a higher position within the agency rather than being prosecuted. Despite former Shin Bet director Nadav Argaman advising against his advancement, the subsequent director, Ronen Bar, only issued a warning and allowed him to take on a leadership role within the agency.¹⁶⁰ In the occupying power, those who commit crimes are often rewarded with promotions instead of being held accountable.

¹⁵⁹ PCATI. “Torture in Israel in 2021: Situation Report.” 2019. <https://rb.gy/7ewm21>

¹⁶⁰ Bokra. “An Intelligence Officer, Accused of ‘Raping’ a Palestinian Female Prisoner, is Granted a Promotion.” 30 September 2022. <https://shorter.me/R5vyZ>

Prisoner H – How the Occupying Power Employs Delays to

Enable Perpetrators to Escape Accountability

In light of the gross sexual abuses perpetrated by the Israeli occupation authorities against both male and female Palestinian detainees, Addameer has documented the harrowing account of prisoner H., who was arrested in 2012 and held in administrative detention for four months without any charges or trial, which is a blatant violation of the right to a fair trial. During her time in detention, H. endured a degrading strip search conducted by a male nurse soldier.

In her recounting of the atrocity she faced, she states: “He removed my headscarf and unfastened my jilbab. The jilbab’s buttons were clips. As he opened the first clip, he proceeded to the second and third until the jilbab was fully undone. He pulled it down to my wrists at the sleeves, while my hands were restrained in handcuffs. Throughout this ordeal, I was screaming no, and he threatened to let the soldiers in and open the door. Subsequently, he lifted my blouse to my neck, and a female soldier held it as he instructed to prevent it from falling and covering my body. After that, he approached from behind and groped my back. Meanwhile, I was desperately trying to move, crying and screaming, while they ordered me to be silent. Following this, they blindfolded me again and moved me to a room downstairs, where I had initially been. They then placed me in a vehicle, and I was transported in that vehicle until the afternoon, with my eyes shut and my hands bound in front of me with plastic cords. At the moment of the upper body search, I felt suffocated, wishing for death rather than enduring such a violation.”¹⁶¹

Immediately after prisoner H. disclosed the details of the assault she endured to her defense attorney, the lawyer promptly lodged a complaint with the General Attorney of the occupying power. However, it took a staggering two years for her to receive any response. The Haifa District Attorney eventually informed her that the case had been closed due to a lack of sufficient evidence to pursue an indictment, all while failing to update the lawyer on the investigation’s progress regarding the complaint.

Previously, the Israeli occupation authorities had requested prisoner H. to provide her testimony following her deportation. This raised significant concerns and fears about the potential for her re-arrest, particularly since her previous arrest was not an isolated incident. It was evident that the occupation authorities were intentionally dragging out the investigation. Her testimony could have easily been taken during her detention, negating the need to summon her after her release. This tactic was a clear attempt to apply psychological pressure on her, fostering a state of ongoing tension and anxiety, which reflected the true motives of the occupation authorities to maintain arbitrary practices that hinder justice.

¹⁶¹ A lawyer’s visit to prisoner H. on 5 March 2012.

Prisoner H. – Five Years of Waiting without Real Accountability

for the Interrogators Involved

The two prisoners, S. and H., were not the only individuals who experienced sexual assault, and the investigation files pertaining to their cases were closed. On 23 December 2021, a decision was made to dismiss another complaint lodged by prisoner H.

H. was taken into custody on 1 May 2016 and was interrogated at Al-Mascobiya Interrogation and Detention Center for a grueling 42 days. During this time, he endured prolonged hours of questioning, insults, verbal abuse, shouting, harassment, threats, and various other interrogation tactics. On August 25, Addameer submitted a complaint concerning the ill-treatment of the prisoner. As H. recounted during his interrogation, one of the interrogators forcibly spread his legs and placed his foot between them, making contact with the detainee’s genitals. This was all intended to threaten and intimidate him.

The Mavtan unit reviewed the complaint on 3 April 2017, which was over seven months after it had been filed. In the initial inquiry conducted with the interrogators, all of them claimed they could not recall the events that transpired during the interrogation and refuted the allegations made by the detainee in his complaint.

The occupying power expressed satisfaction with the formal investigations regarding H.’s case. On 23 December 2021, Attorney General Aaron Altman issued a decision to close the complaint, asserting that there was no necessity to initiate an investigation or implement any other significant actions against the interrogators named in the complaint. It is important to emphasize the significant delay in the Mavtan unit’s response and decision-making process. The unit took over seven months to review the complaint related to H.’s case, and it took more than five years to reach a conclusion to close the complaint.

This ongoing delay in addressing and responding to complaints poses a significant barrier to the efforts of human rights organizations seeking to hold the occupying power accountable on an international level for the violations it commits against Palestinian prisoners. International courts mandate the exhaustion of local legal remedies before international complaints can be filed. This delay appears to be a tactic designed to extend timeframes and obstruct access to justice, complicating the ability of human rights organizations to present cases to the International Court or other judicial bodies, as opposed to various United Nations entities.

Prisoner B. – Justice Devoured by the Fangs of the Occupation

On 16 March 2021, the Israeli occupation forces arrested B. at his residence in Kafr Haris, Nablus. He was subsequently taken to Petah Tikva Interrogation and Detention Center. When a lawyer managed to visit him on March 25, B. shared the harrowing details of his arrest and the violence he endured, stating: “At 3:30 a.m., I heard voices near my home. I opened the door to investigate. Suddenly, Israeli soldiers released a muzzled dog on me, knocking me to the ground. The soldiers pulled me outside by my clothing, handcuffed me, and inquired about my name. I requested to change my clothes, but one of the soldiers slammed my head against the wall, causing it to bleed. Another struck my right knee with a rifle, making me collapse, and a third soldier kicked me in the chest.”

The Israeli occupation forces searched his home and later moved him to an army camp, where he was kept handcuffed and blindfolded for hours without any food. The occupation courts repeatedly extended his detention until he was finally released on April 11 after posting bail of 2,000 shekels.

On 2 November 2022, B. was arrested again when a contingent of soldiers invaded his residence. Upon opening the door, they unleashed an unmuzzled dog upon him. The dog viciously attacked, seizing him by the testicles and holding on for about five relentless minutes, during which none of the soldiers intervened. Instead, one soldier brutally forced him to the ground and restrained his hands behind his back with plastic cords. After inflicting numerous injuries, including cuts to his testicles and thigh, the dog was finally removed. The soldiers disregarded the injuries inflicted by the dog, failing to provide any medical examination. They merely applied bandages without offering essential medical assistance.

While they were bandaging his wounds, the soldiers cut the plastic cuffs and re-secured him in front of his body. One soldier struck him on the head with the butt of a rifle, exacerbating his injuries, before transporting him, half-naked, to the hospital via ambulance. He underwent surgery without either his or his family’s written or verbal consent. Approximately 16 stitches were placed on his testicles. Following the surgery, he experienced medical negligence, lamenting, “I was forced to change the gauze and disinfect the wound myself.” The Israeli occupation authorities showed no regard for his dire condition, forcing him to endure a long and painful journey to court, which only intensified his suffering.

Due to the ill-treatment B. endured during his detention, a lawyer has lodged a complaint against the soldiers implicated in the incident. This complaint remains unresolved, with the investigation dragging on for almost three years. In spite of this lengthy duration, no definitive outcomes have been achieved, nor have those accountable been brought to justice, underscoring the persistent delay in securing justice. This extended investigation underscores the challenges in attaining true accountability for soldiers implicated in human rights abuses and heightens frustration and skepticism regarding the judicial system’s integrity in addressing Palestinian issues.



Lack of Accountability for all Crimes Committed against the Palestinian People

The impunity of the occupying power is not confined to its military personnel but also encompasses all its settlers. From 2005 until the end of 2024, Yesh Din has tracked 1,701 investigations initiated following assaults by Israeli settlers on Palestinian civilians in the West Bank (excluding Jerusalem). These investigations are conducted by a unit of the Israeli police brigade tasked with law enforcement in the West Bank. Data reveals that law enforcement agencies are still reviewing 35 cases, while 1,593 (93.8%) have been closed without any indictments. Only 109 cases have resulted in indictments, which accounts for roughly 6.6% of the total.¹⁶²

Law enforcement agencies have a duty to keep Yesh Din updated on the progress of an investigation file and must provide written notice if a file is to be closed. Out of the 1,563 investigation files initiated since 2005 that were ultimately closed without an indictment, the Israeli police communicated the reasons for closure to Yesh Din in 1,506 instances.¹⁶³

Among these, 969 cases (64.4%) were closed because the perpetrator was unidentified, 294 cases (19.5%) were closed due to insufficient evidence, 169 cases (11.2%) were closed on the basis that there was no criminal offense or no criminal guilt, and 74 cases (4.9%) were closed for other reasons (52 cases were closed on the basis that the circumstances were not suitable for an investigation/trial, a reason previously referred to as “lack of public interest”). Additionally, three cases were closed because the suspect or defendant was deemed ineligible for punishment, 19 cases were closed due to the expiration of the statute of limitations for the offense, 16 cases were closed after being transferred to another authority, and two cases were closed as a result of a conditional agreement.¹⁶⁴

Out of the 109 investigations where indictments were issued, there are still seven cases with ongoing legal proceedings, while seven additional cases have concluded without any details on their outcomes.

¹⁶² Yesh Din. “Law Enforcement on Israeli Citizens in the West Bank (Settler Violence).” January 2024. <https://tinyurl.com/4k5tpxp3>

¹⁶³ Ibid.

¹⁶⁴ Ibid.

Consequently, among the 95 cases where Israeli settlers faced prosecution for attacking Palestinians or their property, only nine cases (9.5% of the concluded legal proceedings) led to full convictions for all defendants. In 44 cases (46%), convictions were achieved through plea bargains or partial convictions. These legal settlements between the prosecution and the defendants typically involve lesser charges than those initially presented in the indictment, or the conviction of all or some defendants on only a subset of the original charges.¹⁶⁵

Additionally, eighteen cases (19%) resulted in a determination of guilt without a formal conviction, indicating that the court acknowledged the defendant's commission of the alleged crime(s) but chose not to convict them under the law. Furthermore, sixteen indictments were either dismissed or expunged after being filed by the prosecution, and in eight cases, the defendant or defendants were acquitted.¹⁶⁶

These statistics reveal a consistent, intentional, and systematic failure on the part of law enforcement to tackle ideologically driven crimes against Palestinians in the West Bank, which has led to rising crime rates. This ongoing neglect also suggests a tacit complicity or systematic leniency, creating an environment of impunity that promotes the repetition and intensification of these assaults.

In a tragic event, an armed settler fatally shot Odeh al-Hathalin, a 31-year-old advocate for human rights. On 28 July 2025, armed settlers, along with a bulldozer, invaded a piece of land at the entrance of Khirbet Umm al-Khair, located east of Yatta, south of Hebron. They had previously taken control of the land, asserting it was "state land." One of the settlers, named Yinon Levi,¹⁶⁷ shot al-Hathalin in the chest while he was recording the incident on his mobile device. His death was confirmed roughly three hours later.

In the 48 hours following the killing of al-Hathalin, Israeli occupation forces conducted a raid on the village at dawn on July 29, accompanied by settler Levi, who reenacted the crime. On that same day, these forces permitted the settlers to bring in an excavator to continue the demolition work, all under their protection. Furthermore, the village was declared a "closed military zone," and the Israeli authorities refused to return the martyr's body, insisting that he not be buried in the village or that a mourning service be held. This demand was met with outright rejection from the family.

As part of this ongoing campaign, Israeli occupation forces arrested eight young men from the village at dawn on July 30, following extensive raids on their homes. They

165 *Ibid.*

166 *Ibid.*

167 The US government had earlier sanctioned Yinon Levi due to his involvement in settler attacks.

also targeted the village council headquarters, seizing three computers, one of which belonged to a foreign activist, along with a bag containing legal documents related to land ownership and detailed community plans.¹⁶⁸ In a move that underscores the complicity of the Israeli judiciary in safeguarding settlers, the Jerusalem Magistrate's Court made the decision to release settler Yinon Levi, placing him under house arrest in the settlement outpost where he lives.¹⁶⁹

In an editorial published in Haaretz, al-Hathalin's case was portrayed as a stark representation of the realities of the Israeli occupation and the apartheid system in Israel. The newspaper identified Yinon Levi as the quintessential example of what "Israel" represents today. Its editorial remarked:

"If you're looking for a figure that symbolizes today's Israel, Levi is an ideal candidate. An armed settler, bulldozer at his side, immune to punishment, protected by the military, escorted by the police, always backed by the law, and a judicial system that caters to his needs. Even under international law, which mandates that the occupying power must safeguard the well-being of the occupied populace, Israel consistently flouts and violates these regulations. Levi is actively exercising the rights of occupation and exploitation that the state has conferred upon the Jews, positioning them as the masters of the land."¹⁷⁰

The lack of domestic accountability mechanisms before an independent and effective court highlights the Israeli judicial system's unwillingness to genuinely investigate crimes against the Palestinian people, thereby reinforcing apartheid as a systematic policy. This reality fosters an environment where violations can persist without any genuine legal repercussions, particularly for prisoners who are unable to defend themselves. Such circumstances cultivate a culture of impunity, which not only encourages the repetition of crimes but also broadens the systematic targeting of Palestinians.

Consequently, the International Criminal Court (ICC) and the principle of universal jurisdiction have emerged as key tools for accountability, essential for ensuring justice. These institutions can significantly contribute to holding accountable those responsible for crimes against Palestinians. This report aims to clarify how perpetrators evade accountability for crimes against prisoners, and will, therefore, examine the roles of the ICC and national courts in ensuring that those involved are held responsible.

168 Palestinian Center for Human Rights. "Human Rights Defender Killed in Shooting Attack by Israeli Settler in Hebron, as Israeli Judiciary Is Complicit in His Release." 30 July 2025. <https://tinyurl.com/5wck8pzt>

169 *Ibid.*

170 Haaretz. "Yinon Levi is the Ultimate Embodiment of Israel." 10 August 2025. <https://tinyurl.com/yc7zh8vj>



The International Criminal Court: Definition and Jurisdiction

The International Criminal Court (ICC) was founded under the Rome Statute in 1998, as a permanent and independent international court dedicated to prosecuting individuals charged with the gravest offenses that concern the international community.¹⁷¹ The state of Palestine officially joined the Rome Statute on 2 January 2015 and submitted its accession instrument to the Secretary-General of the United Nations. Consequently, the Rome Statute became effective in Palestine on 1 April 2015.¹⁷²

The ICC operates on the principle of judicial complementarity, which allows it to assert its jurisdiction only when national judicial systems fail to act in accordance with international standards. It is important to highlight that this principle applies even in situations where these systems assert their jurisdiction but are either unwilling and/or unable to take meaningful legal action. Thus, the reluctance of the occupying power to pursue legal action at the national level against individuals accused of genocide, war crimes, and crimes against humanity in Palestine significantly paves the way for the International Criminal Court's intervention.¹⁷³

The Gradual Extermination of the Palestinian Prisoners: Documentation of Violations Amounting to International Crimes

The grave violations endured by Palestinian prisoners in Israeli detention represent a blatant breach of the provisions outlined in the Statute of the International Criminal Court, also known as the Rome Statute. These actions equate to acts of genocide, crimes against humanity, and war crimes, as defined in Articles 6, 7, and 8 of the Statute. These violations are evident through systematic torture methods, which include beatings, electric shocks, solitary confinement, denial of medical care, and sexual violence. All these actions are strictly forbidden under the 1984 Convention against Torture and Other Cruel,

171 Kamal Hammad. The International Criminal Court. Center for Strategic Studies. Issue 108, 2002, p. 188.

172 For further information on Palestine profile at the ICC, please visit <https://www.icc-cpi.int/palestine>

173 For further information, visit <https://2u.pw/L03Et>

Inhuman or Degrading Treatment or Punishment, which mandates that States Parties must prohibit such practices under any circumstances, whether during armed conflict or in times of peace.

Furthermore, these actions violate the 1949 Geneva Conventions, especially the Third Convention concerning the Treatment of Prisoners of War and the Fourth Convention regarding the Protection of Civilian Persons in Times of War. Such acts clearly breach the protections granted to prisoners and are categorized as war crimes as defined in Article 8 of the Rome Statute, particularly in the context of the prolonged military occupation of Palestinian territory.

According to Article 5 of the Statute, the International Criminal Court possesses subject-matter jurisdiction to address these crimes, the legal components of which will be detailed and examined as follows:

1. The Crime of Genocide

Documented evidence reveals that over 316 Palestinian prisoners have lost their lives in Israeli prisons since 1967, with at least 79 of these individuals dying after October 7, 2023, due to inhumane detention conditions that breach minimum international standards. The precise number of fatalities remains uncertain because of the enforced disappearance policy and the intentional isolation of prisoners from the outside world.

In light of the definition of genocide as outlined in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.”

This definition was subsequently embraced by Article 6 of the Rome Statute. Consequently, the Israeli actions against Palestinian prisoners fulfill the criteria of this crime, particularly as the Israeli occupation strategies now focus on prisoners as members of the Palestinian national group, amidst a broader framework of collective punishment and systematic starvation. Acts of torture and other forms of ill-treatment have been employed as genocidal acts, particularly in relation to the situation in the Gaza Strip.

The recurring and typical incidents involving prisoners reveal that the

abuses they endure are not merely the result of exceptional situations or isolated actions by individuals. Instead, they are part of a systematic policy that is both institutional and intentional in nature. These actions reflect a calculated desire to cause significant harm to prisoners, sometimes leading to partial physical or psychological destruction of the individual. All categories of prisoners have been affected by these violations without exception, including minors, the elderly, the sick, and women. This aligns with the moral component (criminal intent) of **the crime of genocide, encompassing both its general and specific aspects.**

Genocide is set apart from other international crimes by the necessity of a specific intent to carry it out, which involves the perpetrator’s aim to annihilate a national, ethnic, racial, or religious group, either wholly or partially. The Palestinian people, including prisoners, constitute a cohesive national and ethnic group, bound by a common language, shared history, and a rich cultural heritage. This collective identity remains intact among Palestinians, regardless of the fragmentation efforts imposed by the Israeli apartheid regime and illegal occupation.

This intent can be deduced from the remarks made by Israeli leaders, particularly Minister of National Security Ben-Gvir, who openly advocated for the execution of prisoners. He stated, “It is unfortunate that I have had to deal in recent days with whether Palestinian prisoners should receive fruit baskets. They should be killed with a shot to the head, and the bill to execute Palestinian prisoners must be passed in the third reading in the Knesset. Until then, we will give them minimal food to survive. I do not care about this.”¹⁷⁴

Considering Article 6 of the Rome Statute, these actions clearly represent elements of **the crime of genocide, particularly as outlined in the first three paragraphs:**

Paragraph (a): Killing members of the group – This is demonstrated by the martyrdom of around 79 prisoners, who perished due to intentional policies such as torture, medical neglect, lack of food and water, and extrajudicial killings within prisons. This figure includes prisoners who were martyred only after October 7, a significant rise that suggests a deliberate intensification in mass killings, transitioning from negligence to genocidal intent.

174 Middle East Monitor. “BenGvir Calls for Executing Palestinian Prisoners.” 1 July 2024. <https://tinyurl.com/52szs-rk8>

Paragraph (b): Causing serious bodily or mental harm to members of the group – This is evident through torture techniques such as extreme beatings, electric shocks, loud music, sleep deprivation, stress positions, prolonged solitary confinement, humiliation, sexual violence, starvation, and the deliberate spread of disease without any treatment or prevention measures, among others. These actions lead to significant, long-lasting psychological and physical damage.

Paragraph (c): Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part – through systematic starvation policies, intentional overcrowding, denial of medical care, and continuous ill-treatment.



These conditions are implemented as part of a calculated strategy to undermine the physical and psychological integrity of the imprisoned group, representing a subjugation to circumstances aimed at their destruction over the medium and long term. Therefore, the existing evidence legally supports the potential prosecution of the leaders of the occupying power and prison officials at the International Criminal Court for perpetrating the crime of genocide against Palestinian prisoners, in accordance with the Court's jurisdiction outlined in Article 5 of the Rome Statute.

2. Crimes against Humanity

In addition to the crime of genocide, the actions and policies implemented by the Israeli occupation authorities constitute crimes against humanity, as defined in Article 7 of the Rome Statute of the International Criminal Court. These crimes encompass severe acts, including torture and arbitrary deprivation of liberty, particularly when executed as part of a widespread or systematic assault on a civilian population.

Concerning the plight of Palestinian prisoners, documented evidence, along with local and international human rights reports, validate that the Israeli occupation authorities have engaged in numerous acts that qualify as crimes against humanity under the Rome Statute. These violations are part of a systematic approach to collective punishment directed at a protected segment of the civilian population, and specifically include, among other things:

- Unwilful killing within prisons, categorized under Article 7(1)(a) of the Rome Statute;
- Extermination, recognized as a crime against humanity and prohibited by Article 7(1)(b);
- Systematic physical and psychological torture, in direct violation of Article 7(1)(f);
- Deliberate denial of medical care and negligence constitute murder and cruel treatment;
- Persecution based on national identity: as defined by Article 7(1)(h);
- Acts of sexual violence and harassment directed at both male and female prisoners: falling under Article 7(1)(g); and
- Denial of physical liberty without adherence to fundamental legal protections, as outlined in Article 7(1)(e).

3. War Crimes

Article 8 of the **Rome Statute** stipulates **that willful killing, torture, inhuman treatment, denial of the rights of a fair trial, and starvation of protected persons are grave breaches of the Geneva Conventions** and amount to **war crimes**.

In light of the classification of Palestinian prisoners as **protected persons under the Third and Fourth Geneva Conventions**, the practices outlined below are deemed war crimes, specifically given that they occur within the framework of an ongoing military occupation, which qualifies as an international armed conflict according to international humanitarian law:

- Willful killing of prisoners: Article 8(2)(a)(i);
- Physical and mental torture and inhuman treatment: Article (8)(2)(a)(ii);
- Wilfully causing great suffering, or serious injury to body or health: Article (8)(2)(a)(iii);
- Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial (such as administrative detention and the Unlawful Combatant Law): Article (8)(2)(a)(vi);
- Pillaging a town or place, even when taken by assault: Article (8)(2)(b)(xvi);
- Intentionally using starvation as a method of warfare: Article (8)(2)(b)(xxv); and
- Detention outside the occupied territory (a violation of international humanitarian law).

Given the facts and legal grounds outlined above, it is evident that the actions of the Israeli occupation authorities against Palestinian prisoners undeniably amount to serious international crimes as defined by the Rome Statute, including genocide, crimes against humanity, and war crimes. These crimes are substantiated by documented evidence, such as willful killings under torture, deliberate starvation, solitary confinement, denial of medical treatment, and sexual violence, all systematically inflicted upon a targeted group due to their Palestinian national identity.

Therefore, the ongoing lack of accountability, coupled with the absence of a genuine intent to pursue justice within the Israeli judicial framework, necessitates that the international community, particularly the Prosecutor of the International Criminal Court, take immediate action under Article 15 of the Rome Statute to initiate a formal investigation into these violations and ensure that those responsible are held accountable. Moreover, the States Parties to the Geneva Conventions have both legal and moral obligations to exercise their universal jurisdiction to prosecute those who commit these crimes. As stipulated in Article 146 of the Fourth Geneva Convention,

Contracting States are required to prosecute individuals accused of committing or ordering grave breaches of the Convention and to bring them to trial in their national courts, irrespective of their nationality, as long as their judicial systems allow for the prosecution of such violations.

International justice, though it may be delayed, is the sole means to provide redress for victims and to break the cycle of impunity that has long shielded the ongoing crimes against the Palestinian people, particularly those prisoners who are at the forefront of colonial oppression.

Justice in the Crosshairs: The Arrest Warrants for Netanyahu and Galant Amidst the Tension Between International Law Authority and Efforts to Undermine the ICC

The Pre-Trial Chamber I of the International Criminal Court has issued arrest warrants for both Benjamin Netanyahu, the Israeli Prime Minister, and Yoav Galant, the former Defense Minister, due to allegations of war crimes and crimes against humanity in the Gaza Strip. Consequently, on 6 February 2025, US President Donald Trump issued **an Executive Order authorizing sanctions on the ICC** and its Chief Prosecutor, Karim Khan. This Executive Order is intended to stop the ICC from undertaking its independent mandate. It also poses a significant threat to the ICC and its staff. **UN experts strongly condemned this move**, calling it “an attack on global rule of law” that undermines international justice.¹⁷⁵

In a notable contrast, the Republic of Hungary, which is a member of the International Criminal Court, welcomed Israeli Prime Minister Benjamin Netanyahu, making it the sole nation to do so after the court issued an arrest warrant against him. Concurrently, the Hungarian Ministry of Foreign Affairs revealed that it had submitted a bill to the Hungarian Parliament calling for the country’s withdrawal from the Rome Statute as a protest against the ICC’s decision to issue an arrest warrant for the Israeli prime minister, labeling the decision as “anti-Semitic” and “politically motivated.”¹⁷⁶ Subsequently, the Hungarian Parliament approved this bill.¹⁷⁷

In light of these events, the ICC announced that it had commenced legal action against Hungary for its non-compliance with the court’s request to arrest Benjamin Netanyahu, which constitutes a clear breach of its obligations under the Rome

175 Amnesty International. “What Do the Trump Administration’s Sanctions on the ICC Mean for Justice and Human Rights?” 27 March 2025. <https://tinyurl.com/56dj8thk>

176 About Hungary. “FM: Bill on Hungary’s Withdrawal from ICC Submitted to Parliament.” 4 April 2025. <https://shorturl.at/fzf8M>

177 Al Jazeera. “Hungarian Parliament Passes Law to Withdraw from ICC.” 20 May 2025. <https://shorturl.at/OMDAe>

Statute.¹⁷⁸ The Pre-Trial Chamber I of the ICC has requested that Hungary provide written submissions regarding its failure to execute the arrest warrant for Benjamin Netanyahu. The Chamber affirmed that these circumstances necessitate the initiation of proceedings under Article 87(7) of the Rome Statute, which mandates that the matter be referred to the Assembly of States Parties if a State Party fails to comply.¹⁷⁹

Israeli Prime Minister Benjamin Netanyahu has urged member states of the Rome Statute to withdraw from the ICC, following Hungary's decision.¹⁸⁰ In this context, as previously noted, the occupying power is moving to enact a law that would prevent any official Israeli body, civil entity, associations, or individuals with Israeli citizenship from providing evidence or any form of judicial assistance to the ICC or any foreign judicial body in cases involving Israeli figures or a state or entity recognized as an ally of Israel. These actions represent an effort to weaken the authority of the ICC and serve as an explicit call to dismantle the international judicial system founded on accountability and justice. This is an attempt to solidify a policy of impunity by undermining international accountability mechanisms and stripping the Rome Statute of its significance. Such actions pose a serious threat to the legal foundations on which the ICC was established, which are intended to prevent the recurrence of the gravest crimes, including crimes against humanity, war crimes, and genocide.

In spite of the strong evidence and numerous testimonies that highlight serious violations potentially constituting war crimes, crimes against humanity, and even genocide, the ICC has failed to take meaningful and decisive action to hold the perpetrators accountable. Instead, it has confined itself to initial actions marked by inertia and delay, which have not resulted in effective investigations or prosecutions that make a real difference and a tangible impact. This procrastination only exacerbates the number of victims suffering from ongoing crimes each day. Furthermore, it undermines the trust of victims and the international community in the ICC's ability to deliver justice, reinforcing the perception of double standards in the enforcement of international law. There is a noticeable trend of swift issuance of arrest warrants for officials from African nations or those in the Global South, while there is a marked reluctance and leniency towards holding Israeli officials accountable. This situation perpetuates a culture of impunity and effectively signals a green light for the continuation of violations, including illegal settlements, extrajudicial killings, mass

178 SHMS News Agency. "The ICC Initiates Proceedings against Hungary for Failing to Arrest Netanyahu." 16 April 2025. <https://tinyurl.com/2tut999m>

179 International Criminal Court. "Invitation to Hungary to Provide Submissions for the Purposes of Proceedings under Article 87(7) of the Rome Statute." 16 April 2025. <https://tinyurl.com/5n8hvvwf>

180 Anadolu Agency. "Netanyahu Urges ICC Member States to Withdraw from the Organization during his Visit to Hungary." 3 April 2025. <https://tinyurl.com/mr2stjkd>

civilian sieges, home demolitions, and the denial of fundamental rights to prisoners.

In light of its leniency towards holding Israeli officials accountable and its minimal contribution to justice, the United States took a significant step on 6 February 2025 by issuing an Executive Order aimed at ensuring complete immunity for Israeli officials and eliminating any potential risks that could lead to justice and put an end to the ongoing policy of impunity. The Executive Order imposes sanctions on the International Criminal Court (ICC) and its Prosecutor, Karim Khan. These sanctions entail freezing any assets belonging to the sanctioned individual within the United States and barring him and his family members from entering the country. Furthermore, the order contains a provision that allows for the expansion of the sanctions list to include additional individuals in the future.¹⁸¹

Following this directive, the United States announced sanctions against four judges of the ICC on 5 June 2025.¹⁸² Subsequently, on 9 July 2025, sanctions were imposed on Francesca Albanese, the Special Rapporteur on the human rights situation in the occupied Palestinian territories.¹⁸³ Then, on 20 August 2025, two more judges and two deputy prosecutors were added to the list,¹⁸⁴ raising the total number of individuals facing sanctions under the Executive Order to ten.

The sanctions were later extended to encompass human rights organizations such as Al-Haq, Al Mezan Center for Human Rights, and the Palestinian Center for Human Rights (PCHR). The rationale behind this action was the claim that "these entities have directly engaged in efforts by the International Criminal Court (ICC) to investigate, arrest, detain, or prosecute Israeli nationals, without Israel's consent."¹⁸⁵

The culture of impunity has crossed the boundaries of the occupying power, evolving into a global alliance of silence and inaction. Discussing the attainment of justice is futile in the face of this complicity, as true justice for the victims can only be realized if the international community comes together to take decisive and impactful measures to enforce accountability and put an end to impunity.

181 The White House. "Imposing Sanctions on the International Criminal Court." 6 February 2025. <https://tinyurl.com/4x9m9tj7>

182 U.S. Department of State. "Imposing Sanctions in Response to the ICC's Illegitimate Actions Targeting the United States and Israel." 5 June 2025. <https://tinyurl.com/4j5a7pvt>

183 U.S. Department of State. "Sanctioning Lawfare that Targets U.S. and Israeli Persons." 9 July 2025. <https://tinyurl.com/2efeptzf>

184 U.S. Department of State. "Imposing Further Sanctions in Response to the ICC's Ongoing Threat to Americans and Israelis." 20 August 2025. <https://tinyurl.com/3hd527c3>

185 U.S. Department of State. "Sanctioning Foreign NGOs Directly Engaged in ICC's Illegitimate Targeting of Israel." 4 September 2025. <https://tinyurl.com/3dkyc7vr>



Conclusion

The evidence and documented testimonies outlined in this report clearly indicate that the Israeli occupation regime operates under a policy of systematic impunity. This is especially evident in the grave and ongoing violations against Palestinian prisoners, which encompass torture, medical negligence, cruel and degrading treatment, extrajudicial killings, and at times, even sexual abuse.

The in-depth legal and human rights analysis provided above reveals that the impunity enjoyed by Israeli occupation forces for serious violations against Palestinian prisoners is not merely a consequence of exceptional circumstances or sporadic gaps in the judicial system. Instead, it is a direct outcome of a systematic state policy designed to undermine the rule of law and deny victims access to effective remedies.

It is evident that the occupying power has actively sought to establish a legal environment that enables its military to evade accountability. This is accomplished through the lack of domestic laws that categorically prohibit torture, and even the explicit legalization of torture in certain situations, such as the so-called “ticking time bomb” scenario. Such provisions offer legal justification for widespread violations.

Moreover, the complicity of the judiciary, particularly the Supreme Court, in legitimizing these policies by sanctioning illegal practices has fostered an environment where perpetrators of violations can evade accountability. This reflects a profound disregard for the rights of Palestinians to life, physical integrity, and human dignity.

In spite of the clear legal responsibilities outlined by international humanitarian law and international human rights law, the Israeli occupation authorities effectively evade the international justice system by utilizing a domestic judicial framework that lacks independence, enacting legislation that grants legal immunity to military personnel, and fostering institutional complicity that permeates from courtrooms to the highest echelons of political and military decision-making.

The report further detailed that investigative entities—such as the Complaints Investigation Units—which the occupying power asserts are in place to uphold the rule of law, actually serve as formal tools

designed to enhance the regime's reputation in the eyes of the international community, while fundamentally covering up violations and protecting offenders. This situation has resulted in an almost complete absence of accountability, both criminally and civilly, where those accountable for violations face no repercussions, and victims are denied just compensation.

This reality clearly illustrates a blatant breach of the obligations imposed on the occupying power, especially those outlined in the Convention against Torture, the Geneva Conventions, and the International Covenant on Civil and Political Rights. It highlights the failure of the Israeli legal system, which has intentionally avoided prosecuting and punishing individuals accountable for crimes against Palestinian prisoners. Even though it possesses the ability to ensure accountability, it shows no genuine intention to act.

In light of this, we recommend the following:

1. End the Israeli occupation immediately, in accordance with the Advisory Opinion from the International Court of Justice regarding the Legal Consequences of Israeli Policies and Practices in the Occupied Palestinian Territory;
2. Urge the United Nations and its Member States to apply substantial pressure on the occupying power of Israel, to guarantee its full compliance with international law. This includes the possibility of passing resolutions through the General Assembly or the Security Council that could impose diplomatic or economic sanctions, as well as the potential suspension or expulsion of Israel's membership from the United Nations if it continues to refuse cooperation and persistently violates international humanitarian law;
3. Initiate an international criminal investigation led by the Prosecutor of the International Criminal Court into the offenses committed by the occupying power against Palestinian prisoners. These offenses encompass war crimes, crimes against humanity, and acts that could be classified as genocide, with the aim of issuing arrest warrants for those responsible;
4. The States Parties to the Geneva Conventions, along with the international community, must take on their legal obligations to ensure that Palestinian prisoners receive compensation for the material, physical, and moral damages they have endured;
5. The international community must mobilize international investigation and accountability mechanisms, particularly by backing the efforts of the International Criminal Court in addressing cases of torture and violations against Palestinian prisoners, while also enforcing its arrest warrants;

6. Implement universal jurisdiction by prosecuting Israeli nationals implicated in crimes against Palestinian prisoners, in accordance with the legal obligations outlined in the 1949 Geneva Conventions, the 1984 Convention against Torture, and the Statute of the International Criminal Court, ensuring that offenders face justice in the national courts of the States Parties to these conventions; and
7. The international community must exert pressure on the occupying power to guarantee its complete cooperation with the UN commissions of inquiry, allowing them to perform their duties without obstruction, ensuring access to detention facilities and pertinent documents, and facilitating their ability to meet freely with prisoners and witnesses, thereby enabling a thorough investigation of all aspects of the violations and the submission of their recommendations for accountability and redress.

