



HUMAN RIGHTS  
ישראל ישראלית

PHYSICIANS FOR HUMAN RIGHTS  
רופאים אטבים  
לרופאים אטבים לחقوق الإنسان

REPORT

# SYSTEMATIC VIOLATION OF HUMAN RIGHTS

THE INCARCERATION CONDITIONS OF  
PALESTINIANS IN ISRAEL SINCE OCTOBER 7

FEBRUARY 2024

## Forward

All Identifying information regarding the individuals whose experiences are described in this report has been obscured for their protection due to fears of further harassment by security and incarceration officials.

This position paper reviews the restrictions imposed on Palestinians in incarceration and detention settings whom Israel defines as "security prisoners," their severe incarceration conditions since the start of the war in Gaza, and the violence and violations of human rights – particularly the right to health – perpetrated against them by the Israel Prison Service (IPS) and other national security bodies. This review aims to analyze these abuses and show that Israel's judicial and legal systems have failed to protect the rights, health, and lives of Palestinians in incarceration settings, allowing detention facilities to become further tools in the arsenal of oppression against Palestinians.

Following the Hamas-led attack on towns in southern Israel, incarceration conditions of Palestinians have significantly declined while their assaults in prison have accelerated. These attacks against civilians have brought the primal fears of Jewish Israelis to the surface, providing the extremist sections of the Israeli government with greater public legitimacy to escalate violence against Palestinians, both inside prisons and beyond them.

Israel's prisons, which held 5,500 Palestinians even before October 7, 2023, have become an apparatus of retribution and revenge. The IPS and the Israeli military currently hold hundreds to thousands of Palestinians in custody and have been granted free rein to act however they see fit. Eager to take part in the war efforts, the IPS and its commissioner, encouraged by the National Security Minister, adopted various measures seemingly intended to violate the rights of Palestinians in incarceration settings – despite lacking any professional purposes or value.

Other than the IPS's declaration of a state of emergency, which has been discussed by the Knesset's National Security Committee, most of its emergency measures have not been made public. These measures

have not been uniformly adopted across all prisons and wings in which Palestinians are held. Based on the assistance requests we received and the information we collected, it appears that each prison is following somewhat different procedures. However, as detailed below, the various prohibited measures utilized across the entire prison system indicate that the prisons are not acting independently but rather in accordance with directives from above.

IPS officials are normally expected to fulfill their duties to protect the rights of individuals in incarceration settings and work to cool the heated climate and curb violence. In reality, the opposite is occurring. Reports received by Physicians for Human Rights-Israel (PHRI) since October 7 raise fears that incarceration conditions have deteriorated to far below the minimum required by law, endangering the lives of those in custody. Within a single month, three detained Palestinians and one incarcerated Palestinian died in IPS custody, and two others died in military custody. This many deaths in custody in such a short period is unprecedented, raising concerns regarding their cause of death and the safety of those still held by the IPS and the Israeli military.

## Background

The deliberate deterioration of the incarceration conditions of Palestinians was apparent even before the start of the war. It manifested across various levels, including legislative initiatives, worsening custody conditions as IPS policy, the ignoring and encouraging of violence, and statements by public officials.

Following the formation of the current Israeli government in December 2022, National Security Minister Itamar Ben Gvir and other right-wing Knesset members pushed to aggravate the incarceration conditions of Palestinians. These efforts were likely openly received by the IPS in the wake of the escape of six Palestinians from the Gilboa prison on September 6, 2021, an event that severely damaged the public perception of the IPS and the National Security Ministry. And yet, even the IPS and the Shin Bet opposed several of the measures proposed

by Ben Gvir, understanding that they could trigger unrest not only in Israeli prisons but also across Gaza, the West Bank, and East Jerusalem.<sup>1</sup> While the incarceration conditions of Palestinians in Israel have always been severe, longstanding public opinion and many Knesset members believe they are held in "hotel" conditions.<sup>2</sup> Most of those incarcerated did not commit criminal offenses and are imprisoned for actions carried out as part of their struggle for Palestinian liberation. Until recently, Palestinians in Israeli prisons were able to maintain organized and orderly routines, and were offered various study programs and activities to encourage a sense of order and engagement and to ease the strains of life in custody. Various statements during the hearings of the 25<sup>th</sup> Knesset's National Security Committee (formerly the Internal Security Committee) revealed that aggravating prison conditions aimed to discourage Palestinians from entering Israeli prisons and deter them from carrying out terror attacks. Beyond the fact that the number of Palestinians in incarceration settings was not reduced - indicating that these goals were never achieved - such aims do not justify human rights violations or the use of punitive measures bordering on and, in some cases, amounting to torture.

Even before October 7, the Knesset had debated various legislative proposals seeking to harm the conditions of Palestinians in prisons. While these proposals did not pass, they helped generate legitimacy and public tolerance for violating the rights of Palestinians in incarceration settings - in contrast to current Israeli law and the principles of human rights. Several proposals stand out in terms of the right to health. For example, a bill proposing to amend the Prisons Ordinance ("Denial of Quality-of-Life-Improving Healthcare for Security Prisoners," 2022, P/37/25) sought to undermine the funding of "quality-of-life-improving" medical care for Palestinians in incarceration settings. The proposal contradicts the medical profession's position on this issue, according to which it is impossible to distinguish between "life-sustaining" and "life-

<sup>1</sup> <https://www.haaretz.co.il/news/politics/2023-03-23/ty-article/.premium/00000187-0d07-daf4-adbf-0d37efb40000>

<sup>2</sup> See, for example, Former Deputy IPS Commissioner Haim Glick's statements in a letter to the inquiry committee on the escapes from Gilboa Prison: "There are no better conditions anywhere in the Western World... It is like a luxury members> club." Kalman Libeskind, "How we allowed terrorists to turn our prisons into five-star hotels," *Ma>ariv*, 10/11/2023.

improving” medical procedures.<sup>3</sup> Another legislative proposal addressed the issue of capital punishment, seeking to impose it on those who have committed nationalistically motivated murder - provided that they are not Jewish. The proposal also sought to revoke the court’s discretion to apply other punitive measures and to allow a majority vote rather than the current requirement of unanimous consent to impose a death sentence.<sup>4</sup> While neither proposal has so far been passed, these and other legislative efforts helped to promote a national climate allowing for Palestinians to be held in inhumane incarceration conditions that endanger their health and lives.

Concurrently, various measures that do not require legislative approval are already being utilized, including banning bread baking, reducing shower times to five minutes per person, prohibiting family visitation for extended periods, and imposing barriers on the entry of private dentists.

## **Incarceration rate**

Since the start of the war, the number of individuals held in IPS incarceration settings rose from 16,353 to 19,559. Before October 7, the IPS held 5,200 Palestinians defined as “security prisoners,” of which 1,319 were held in administrative detention, 37 of whom were women, and 180 of whom were minors.<sup>5</sup> Israel continues to arrest women and minors, and as of December 1, 2023, after 77 Palestinian women were released from prison as part of a prisoner exchange deal between Israel and Hamas, 33 remain held by the IPS. After the release of 169 minors as part of the same exchange, 166 Palestinian minors remain in Israeli custody. As of December 2023, over 8,000 Palestinians are being held in Israeli prisons, while 2,873 remain in administrative detention.

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<sup>3</sup> <https://www.phr.org.il/wp-content/uploads/2023/12/%D7%A0%D7%99%D7%99%D7%A8-%D7%A2%D7%9E%D7%93%D7%94-%E2%80%93%D7%95%D7%A2%D7%93%D7%AA-%D7%94%D7%90%D7%AA%D7%99%D7%A7%D7%94-%D7%A9%D7%9C-%D7%A8%D7%95%D7%A4%D7%90%D7%99%D7%9D-%D7%9C%D7%96%D7%9B%D7%95%D7%99%D7%95%D7%AA-%D7%90%D7%93%D7%9D.pdf>

<sup>4</sup> <https://www.phr.org.il/wp-content/uploads/2023/12/%D7%94%D7%A6%D7%A2%D7%AA-%D7%97%D7%95%D7%A7-%D7%A2%D7%95%D7%A0%D7%A9-%D7%9E%D7%95%D7%95%D7%AA1.pdf>

<sup>5</sup> <https://hamoked.org.il/prisoners-charts.php>

At the start of the war, media outlets reported on the arrests of 200 Hamas combatants inside Israel. It remains unclear whether they were all actually affiliated with Hamas or if some were uninvolved civilians. In addition, 4,000 laborers and medical patients from Gaza with legal entry permits issued by Israel were captured by the military after their permits were revoked on the day of the October 7 attacks. On November 3, Israeli media reported that 3,200 Palestinians were subsequently sent back to Gaza. Daily arrests of Palestinians currently continue in the West Bank and Gaza.

The Palestinians currently held in Israeli custody can be grouped into three categories:

- Uninvolved residents of Gaza who possessed a valid work or medical permit issued by Israel and who were still in Israel on October 7.
- Gazans detained by Israel, both Hamas members and uninvolved civilians, who were arrested after entering Israel on October 7 or captured following the military invasion of Gaza. This includes those detained - and still being detained - in ongoing military actions and subsequently brought into Israel.
- Palestinians in IPS incarceration settings defined as "security prisoners," both before October 7 and subsequently.

While this position paper addresses each of these groups separately, it also outlines how the current political climate in Israel, increasingly radicalized by government and Knesset member incitement, negatively impacts the lives and health of individuals across all of these groups.

## **The incarceration conditions of the different groups**

### **Gaza residents who were in Israel with legal permits**

Thousands of Gaza residents possessing Israeli-issued work and medical care permits were present in Israel and the West Bank until October 7. Following the outbreak of the war, they were notified via the Israeli Civil Administration's mobile app that their permits were

being revoked with immediate effect. This instantly exposed them to various sanctions, including legal sanctions, despite being unable to return to Gaza. Israeli security forces subsequently began arresting these individuals. While some were placed in IPS prisons on charges of illegal presence in Israel, most were sent to military detention facilities - seemingly without legal authority to keep them there. The legal grounds for their arrests were retroactively substantiated by invoking emergency ordinances.

On October 12, PHRI joined a petition initiated by HaMoked and other organizations, urging the Minister of Defense, Attorney General, and Coordinator of Government Activities in the Territories to release all individuals who possessed legal permits when the war broke out and who are now in Israeli custody. The organizations further demanded to receive the names and locations of all Gaza residents held by the military and to allow them visits from legal representatives.

Public defense attorneys representing detained Palestinians reported that the Gazans arrested for illegal presence in Israel and handed over to the IPS had been transferred to military facilities soon after. This had occurred after it became clear that there were no legal grounds for pressing charges against them.

Attempts to receive information from the Military Control Center for Prison Affairs regarding the locations of those in military custody proved unsuccessful. The control center claimed that the individuals for whom the information had been requested could not be identified in the prison system.

A week after the war began, the military released a Palestinian who was born in Gaza but who had been living in the West Bank for many years. The individual had been incarcerated along with other Gazan laborers and was released following a court petition filed by HaMoked. After his release, the man described to Palestinian and Israeli media the inhumane conditions of their detention.<sup>6</sup> It was also reported that the

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<sup>6</sup> <https://www.haaretz.co.il/news/politics/2023-10-23/ty-article/.premium/0000018b-5be6-d473-a5fb-7fef68c0000>

Deputy Attorney General had contacted the Ministry of Defense in the second week of the war to express concern regarding their detention conditions.<sup>7</sup>

On October 22, PHRI joined a High Court petition initiated by HaMoked and additional organizations on behalf of ten Gaza residents (High Court case no. 7637/23 *Kashta et al. v. Israel Defense Forces et al. Petition for Writ of Habeas Corpus*)<sup>8</sup> demanding to receive information on their locations as well as the locations of all Gazans being held in Israel. The petition also urged the appointment of a contact person for all requests relating to missing persons and attorney visits. Other than obtaining the detention locations of the ten petitioners, some of whom were in the Anatot military base and some in the military base near Ofer Prison, no further information was received.

On November 3, many of those belonging to this group were deported to Gaza. According to media reports, 3,200 Gaza residents were released from custody and transferred to the Gaza Strip via Kerem Shalom Crossing.<sup>9</sup> Inquiries with families in Gaza revealed that not all those detained were released and that many remain in Israeli custody.

According to the testimonies of Gazans who possessed legal permits to receive medical care in Israel but who were still arrested and deported after October 7, the military did not offer them any medical care while in custody. Among them is A.A., a 29-year-old suffering from Acromegaly, a rare condition that causes the pituitary gland to produce too much growth hormone and treated with monthly injections of Sandostatin LAR. Before his arrest, A.A.'s next injection was set for October 20. But despite PHRI's appeals to the military regarding his case, he was unable to receive treatment the entire time he remained in custody.

On November 4, Israeli daily Ha'aretz reported on the deaths of two Gaza residents in military custody.<sup>10</sup> The military did not release any

<sup>7</sup> Ibid.

<sup>8</sup> <https://hamoked.org.il/document.php?dID=Documents4972>

<sup>9</sup> <https://www.haaretz.co.il/news/politics/2023-11-03/ty-article/.premium/0000018b-943b-db7e-af9b-fff8f370000>

<sup>10</sup> <https://www.haaretz.co.il/news/politics/2023-11-04/ty-article/.premium/0000018b-99e7-db71-a7df-fdef7d9d0000>



statement regarding these deaths and only addressed the matter following the press inquiries. Israel continues to hold their bodies, and it remains unclear whether an investigation into the circumstances of their deaths has been opened despite protocol requiring an inquiry for every case of death in custody.

The state's response on November 13, as part of High Court case no. 7946/23, noted that the detainment of Gazan residents fell under the provisions of the emergency ordinances and that the residents should be seen as having been issued a deportation and detention order under Ordinance 4(a). The state further noted that their deportation was delayed under the provisions of Ordinance 5(a) from the day the emergency ordinances were invoked until November 30, 2023. In other words, the state decided to continue holding them in Israel. On November 16, we again contacted security and judicial officials to demand the release of the Gazans who had possessed a legal permit before October 7, arguing that they were being held illegally. In response, the Military Advocate General disclosed that Israel is still holding uninvolved civilians from Gaza. Any additional information remains unknown, including how many are held, where, and under what conditions.

## **Gaza residents arrested during the war, beginning October 7**

Following the Hamas-led assault on towns in southern Israel, hundreds of involved combatants were arrested, along with many Gazans unaffiliated with Hamas and who had entered Israel on October 7. Early media estimates placed their number in the hundreds. Those captured by Israel were defined as "unlawful combatants," a classification allowing to hold them in different conditions than those of other prison populations. This includes preventing attorney visits and delaying their appearance before a court.<sup>11</sup> The definition of "unlawful combatants" is fundamentally problematic and inherently enables human rights

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<sup>11</sup> For more on the meaning of the term "unlawful combatants" and the rights violations resulting from its use, see the position papers authored by Human Rights Watch and Btselem.

<https://www.hrw.org/he/news/2017/03/01/300606>

[https://www.btselem.org/sites/default/files/sites/default/files/2000\\_hostages\\_law\\_position\\_paper\\_heb.pdf](https://www.btselem.org/sites/default/files/sites/default/files/2000_hostages_law_position_paper_heb.pdf)

abuses, with various human rights organizations deeming it a violation of international law. The Gazans falling under this group, along with others captured since October 7, are initially sent to the Sde Teiman military base in southern Israel, where they are interrogated. Some are then transferred to IPS facilities. Based on assistance requests PHRI has received from families in Gaza and information collected by other organizations, some of those who were arrested in Gaza include healthcare workers who were taken from various hospitals - despite the protections afforded to medical personnel in armed conflicts. In addition, the requests and multiple media reports suggest that minors and elderly people were among those arrested.<sup>12</sup>

As of the publication of this report, no official information has been released regarding the locations of these individuals, how many they are, or their detention conditions. Appeals and court petitions by human rights organizations demanding information have not been successful. According to media reports, the number of detained persons has increased drastically, and include minors and elderly people.<sup>13</sup>

## **Palestinians in IPS incarceration settings before and after October 7: escalating conditions and restrictions**

### **Isolation from the outside world**

The most prominent measure applied to Palestinians in incarceration settings who are defined as "security prisoners" is the prevention of contact with the outside world. For weeks, this sequestration prevented attorneys and human rights organizations from learning of the measures carried out against Palestinians in IPS custody. This enabled the IPS to operate without transparency or external oversight.

**Attorney visits:** Since the start of the war, attorney visits have been reduced to a minimum for Palestinians in incarceration settings. A complete ban on attorney visits for all incarcerated individuals was enacted until October 17, including for individuals incarcerated on

<sup>12</sup> <https://www.haaretz.co.il/news/politics/2023-12-18/ty-article/.premium/0000018c-7932-d98c-abef-ffb7fcd70000>

<sup>13</sup> <https://www.haaretz.co.il/news/politics/2024-01-02/ty-article/.premium/0000018c-c6e1-d6c4-ab8d-e7f5fd670000>

criminal charges.<sup>14</sup> While this right was reinstated for the latter group, among Palestinians, only those recently incarcerated have been able to meet with an attorney. Attorneys attempting to schedule visits are often offered appointments weeks from their requested date. In some cases, attorneys arrived in prisons for an approved visit and were forced to wait for hours before being told the visit was canceled due to the state of emergency. The fact that similar cases have been repeatedly reported in the same prisons raises concerns that the IPS is seeking to prevent access to legal counsel. No sentenced individuals saw their attorneys in the Nafha, Ramon, and Gilboa prisons until December 10, and few have been able to since. In response to these circumstances, PHRI assisted with submitting two prisoner petitions (PP 7225-12-23 and 34232-12-23), demanding that the IPS approve their attorney visits in the Nafcha and Gilboa prisons after being delayed for weeks. Consequently, the IPS allowed the visits to take place - while providing no reason for the delay.

**Family visits and calls:** Even before the war, Palestinian men defined as "security prisoners" in IPS incarceration facilities had not been allowed to place phone calls. After the declaration of a state of emergency in the prisons,<sup>15</sup> phone privileges were also revoked for minors, women, and chronically ill patients. In addition, family visits have not occurred since the war's outbreak, and all communications with family members have been severed. Family phone calls and visits had been crucial for monitoring conditions and reporting rights violations, including difficulties accessing healthcare. Their absence could endanger the health and, in some cases, the lives of individuals in incarceration settings.

**Inspection visits:** As far as we know, no state-appointed inspectors have visited any IPS incarceration facilities since the start of the war and until mid-December. The Minister of National Security annually certifies Justice Ministry attorneys (from the State Attorney and Public Defender offices and the Justice Ministry's Advisory and Legislation Department, as part of a list drafted by the Attorney General), along with Israel Bar Association representatives, to serve as official prison

<sup>14</sup> [https://01368b10-57e4-4138-acc3-01373134d221.usrfiles.com/uqd/01368b\\_dd0aadfd453440258d6c26f1572c3881.pdf](https://01368b10-57e4-4138-acc3-01373134d221.usrfiles.com/uqd/01368b_dd0aadfd453440258d6c26f1572c3881.pdf)

<sup>15</sup> <https://www.ynet.co.il/news/article/rkrffnalp>

inspectors. In addition, by virtue of their roles, Supreme Court Justices, the Attorney General, and the chairs of the Knesset National Security and the Constitution, Law, and Justice committees also serve as prison system inspectors. District and magistrate court judges serve as official inspectors for prisons within their jurisdictions. Given the current increased likelihood of rights abuses of Palestinians in incarceration settings, official inspectors should be expected to visit more frequently. Yet, the Supreme Court announced it would be conducting inspection visits at several prisons only after media reports revealed the deaths of six Palestinians in custody<sup>16</sup> and after the Association for Civil Rights in Israel (ACRI) urged it to fulfill its inspection duties on December 10.<sup>17</sup> The court also stated that the Judicial Authority would remind the district and magistrate court presidents of the importance of comprehensive inspection visits to incarceration facilities, even in times of emergency. We do not know whether any inspection visits have taken place since.

**Red Cross visits:** Normally, Red Cross representatives routinely visit all Israeli incarceration settings in which Palestinians are held. Yet, since the war's outbreak, the IPS has prevented such visits from taking place. IPS Commissioner Katy Perry rejected a Red Cross appeal from November 1 to allow them to visit and protect the rights of the incarcerated. Perry stated in her response that she expects the Red Cross to do everything in its power to ensure the safety of the Israelis being held hostage in Gaza.<sup>18</sup> Hinging the IPS's commitment to local and international law on Hamas allowing the Red Cross to visit the Israeli hostages is outrageous, raising grave concerns regarding its capacity to serve as a law-upholding state entity. Adhering to guidelines and allowing international and local inspections of prisons must never be subject to external considerations.

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<sup>16</sup> <https://www.haaretz.co.il/news/politics/2023-12-06/ty-article-magazine/.premium/0000018c-3b9b-d11b-a3bf-ffbb16d80000>

<sup>17</sup> [https://www.acri.org.il/post/\\_4029](https://www.acri.org.il/post/_4029)

<sup>18</sup> <https://www.mako.co.il/news-military/6361323dde5a810/Article-9362f7b9c078b81026.htm>

## **Worsening incarceration conditions**

**Locked into cells:** When the war began, Israeli prisons entered "lockdown mode," forcing the entire prison population to remain in their cells at all times, including those held for criminal offenses. All activities outside the cells, including educational, rehabilitative, and occupational programs, were canceled, while access to healthcare services was kept to a minimum.

Two weeks into the war, the IPS began reinstating routine procedures in criminal prisons. Yet, as of late November, those held in security prisons were still being denied daylight and only allowed to leave their cells for up to an hour a day - and sometimes for mere minutes. The time outside the cell is usually used for showering, as the shower facilities in some wings are sit outside of the cell. Individuals who have been released from incarceration or who were able to meet an attorney have reported that they could not shower for weeks due to these circumstances.<sup>19</sup>

Y.T., who is incarcerated in Ktzi'ot Prison, thanked an attorney who visited him on behalf of PHRI and asked him to return to meet additional Palestinians in the prison. Y.T. told the attorney that they were banned from leaving their cells and that this was the first time he had seen direct sunlight in two months. Similar testimonies were presented to the High Court as part of a petition submitted by several human rights organizations (High Court case no. 7753/23 *The Association for Civil Rights in Israel v. the Minister of National Security*.)<sup>20</sup> Responding to the petition, the state argued that the diminished incarceration conditions and the isolation from the outside world were necessary for maintaining security. The High Court justices accepted this claim despite the severe and unlawful prison conditions and the many warnings by rights organizations regarding the systematic human rights violations under the auspices of the national security emergency.

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<sup>19</sup> Many of the testimonies regarding the showering restrictions were presented during the hearings on the petition submitted by several human rights organizations (High Court case no. 7753-23). [https://www.acri.org.il/post/\\_\\_\\_992](https://www.acri.org.il/post/___992)

<sup>20</sup> Ibid.

**Overcrowding and poor conditions:** After the war began, the Palestinian prison population was concentrated in particular prisons to make space for the many more presumed to arrive soon. Consequently, the number of individuals per cell has more than doubled. On October 18, the Knesset approved legislation allowing the unrestricted crowding of prisons and revoking the right of every individual to a bed, forcing many to sleep on mattresses on the floor. According to testimonies, the IPS has not even provided enough mattresses for everyone. There are insufficient blankets, and most personal possessions have been confiscated. In Ktzi'ot Prison, reports indicate that the plastic sheets covering the windows have been removed and that intense gusts of cold wind penetrate the cells at night. Even before the war, Palestinians in incarceration settings were being held in overcrowded conditions, with approximately 2.5 square meters of space per person in the cells. Following an October 23 High Court petition submitted by ACRI, PHRI, and the Public Committee Against Torture in Israel (High Court case no. 7650/23 *The Association for Civil Rights in Israel v. the Minister of National Security*), the court rejected the claims of severe rights violations and discrimination of Palestinian in incarceration settings. The court noted that "in times of war, detainees and security prisoners can be accommodated on the floor and in overcrowded conditions."<sup>21</sup>

**Cutting off power and water in the prison wings:** With the outbreak of the war, the electricity and water supply were disconnected in "security" wings. In some wings, this occurred for a few hours daily; in others, they remained disconnected for most of the day. Sinks, toilets, and showers became unusable, and it grew difficult to maintain hygiene. Given the mass overcrowding and lack of medical services, these measures carry severe consequences and risk the development of diseases and parasites. In defending the measures to the High Court during the proceedings of case no. 7753-23, the state again argued they were necessary to maintain prison security. Once again, the justices accepted these justifications and rejected the petition.

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<sup>21</sup> [https://www.acri.org.il/post/\\_\\_\\_987](https://www.acri.org.il/post/___987)

As noted in an attorney affidavit submitted to the High Court: "According to reports arriving from some prison wings, showers are turned on for just 45 minutes a day for entire wings - which sometimes house hundreds of individuals. Therefore, not everyone has time to shower, and they are forced to schedule shower shifts and take turns on alternating days. Some security wings do not have hot water, and those incarcerated are forced to take cold showers."<sup>22</sup>

In addition, electricity was cut from the sockets in the "security" wings, and lights were turned off for hours. In some wings, lights remained off for the entire day. With very little natural light entering the cells during the day, people incarcerated in these wings were left in the dark for most of the day. According to testimonies of Palestinians we have been able to visit, some wings still lack electricity.

In the first days of the war, water and power supplies were also cut off for hours a day in the security wing of the IPS Medical Center. A Palestinian held there told his attorney that the patients were concerned for the lives of those dependent on electrical medical devices. He noted that the water and electricity supplies were reinstated following protests.

In response to the High Court petition submitted by ACRI, PHRI, the Public Committee Against Torture in Israel, HaMoked, and Adalah regarding the incarceration conditions of Palestinians in Israel (High Court case no. 7753/23 *The Association for Civil Rights in Israel v. the Minister of National Security*),<sup>23</sup> the state denied it was cutting off water "from the sinks and toilets of cells. Palestinian prisoners can shower once a day during their daily time outside the cells, which is granted separately for every 1-2 cells. Prisoners in wings with showers inside the cells also have access to hot water for at least one hour daily." The state's assertions, based on which the court rejected the petition, conflict with the many testimonies arriving from prisons.

**Clothing and supplies:** All personal possessions, including blankets and clothing, were confiscated after October 7. The negative consequences

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<sup>22</sup> [https://www.acri.org.il/post/\\_\\_\\_992](https://www.acri.org.il/post/___992)

<sup>23</sup> Ibid.

of this measure were exasperated by the onset of the winter season and the drop in temperature. In addition, books, newspapers, stationery materials, and all electrical appliances kept in the cells, including televisions and radios, were seized by prison staff. Individuals who managed to meet with their attorneys said they were left without enough clothes and were suffering from the cold weather. They further disclosed that they are being held in cells emptied of all objects other than beds and mattresses, of which there are far too few. H.S., who is incarcerated in Ofer prison, arrived at a meeting with his attorney in November wearing summer clothes, saying that he was left without warm clothing after his possessions were confiscated.

**Nutrition:** Before October 7, Palestinians in Israeli prisons would use their canteen allowances to consolidate food purchases and cook their own meals. When the war began, all groceries were confiscated, canteen accounts were frozen, and purchases were no longer possible. They have since been receiving meals provided by the IPS, with many complaining that they remain hungry due to the insufficient quantity and poor quality of the meals. The negative consequences of closing prison canteens range beyond food issues. Two individuals assisted by PHRI cannot purchase batteries for their hearing aids.

A minor being held in Damon Prison who suffers from Langerhans cell histiocytosis (a rare disorder harming the bones) told an attorney that he has remained hungry since October 7. He noted that he and his cellmates, also minors, receive meager quantities of food that do not suffice for all of them. On October 30, PHRI contacted the IPS regarding a cancer patient held in the IPS Medical Center. We demanded that the IPS provide the patient, who is underweight and undergoing advanced chemotherapy, be offered adequate and medically appropriate meals. The IPS has yet to respond to our request.



## Healthcare services for Palestinians defined as "security prisoners," including Gaza residents in military custody

This topic, including the structure of the IPS medical system, has been comprehensively reviewed in a PHRI report titled "Health Remanded to Custody."<sup>24</sup> The concerns highlighted in the 2019 report have been severely exasperated since the start of the war in Gaza.

As part of IPS healthcare procedures, primary care is provided in the medical clinics of each prison. Specialist care is provided by hospital physicians either in prison specialist clinics or at hospitals to which incarcerated individuals are brought. The IPS operates its central medical center in Ramla. Despite its name, the IPS Medical Center is, in fact, a prison where patients with complex medical conditions requiring medical supervision are held. Lastly, many medical procedures, including examinations, specialist assessments, lab and imaging tests, and surgeries, are performed in public hospitals.

The physicians and medics in prison clinics are IPS employees. They are not members of the Israel Medical Association (IMA) or other professional healthcare associations. They do not work under the oversight of medical bodies other than the IPS healthcare system. Given these circumstances, even in non-emergency times, prison medical personnel often face ethical dilemmas in which patient well-being conflicts with the demands of the incarceration system. This can sometimes lead to severe violations of the principles of medical ethics. As the 2019 PHRI report notes, "This conflict is known in professional scholarship as "dual loyalty" and can also arise in community healthcare if the patient's best interests clash with organizational and financial interests. Yet, this conflict is much greater in prisons due to their hierarchic and centralized organization, as well as the inherent conflict between the inmate and the prison authorities."<sup>25</sup>

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<sup>24</sup> [https://www.phr.org.il/wp-content/uploads/2019/11/3736\\_imprisoned\\_Heb\\_digital-1.pdf](https://www.phr.org.il/wp-content/uploads/2019/11/3736_imprisoned_Heb_digital-1.pdf)

<sup>25</sup> [https://www.phr.org.il/wp-content/uploads/2019/11/3736\\_imprisoned\\_Heb\\_digital-1.pdf](https://www.phr.org.il/wp-content/uploads/2019/11/3736_imprisoned_Heb_digital-1.pdf)

The United Nations Convention against Torture<sup>26</sup> and the UN Convention on the Rights of Persons with Disabilities,<sup>27</sup> which published their observations on the conditions in Israel in 2016 and 2023 (respectively), recommended transferring healthcare services from the IPS to the national healthcare system (the Ministry of Health or the HMOs) to ensure the health and wellbeing of all individuals held in incarceration settings.

According to IPS Ordinance *04.44.00 - Medical Care for Prisoners*, which also applies to Palestinians in incarceration settings, "inmates must be examined by a medic within 24 hours of arrival and by a physician within 48 hours of arrival. The examination findings must be documented in the IPS digital medical records. The intake process should include receiving medical information from the inmates, including previous illnesses, regular medications, drug sensitivities, previous medical procedures, operations, hospitalizations, and all other relevant medical information."

Since the IPS declared a state of emergency, Palestinians have reported being denied access to medical care in prison and the cancellation of scheduled treatments in hospitals. Other than a few chronically ill patients, Palestinians have not been able to visit the prison medical clinics and have not been examined by prison physicians.

PHRI has contacted the IPS several times since the war began regarding recently detained Palestinians from the West Bank, who suffer from chronic medical conditions and require regular medications. Attorneys who have visited these individuals and others have indicated that the mandated medical examinations are not being performed within 24 hours of arrival, and no medical intake procedure is conducted. Their medications were given only following PHRI requests and without any physician oversight.

A representative on behalf of the prison population usually facilitates communications between Palestinians and prison administrations, including medical personnel. With the outbreak of the war, the IPS told

<sup>26</sup> <https://www.refworld.org/docid/57a99c6a4.html>

<sup>27</sup> <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhK-b7yhsmEWpNSvYdhzky41dt2u3U42pgRZnxNUMLZkedlyH1dJfHDvgzBRxiPe0Y5JFFw16PRI381EpHbhueHytboNqiSnopXpb98f3thq8gTtUBd>

the media that the "prisoner representative practice" had been abolished. It remains unclear how communication between the Palestinian population and the medical personnel is now being managed.

A.H., a 50-year-old cancer patient held in Ktzi'ot Prison who is awaiting radiation therapy, told his attorney that he has not been able to see a prison physician since October 7. He has been waiting to begin radiation since September, following the spread of his cancer. As of mid-December, he still has not started treatment.

N.A., who has suffered from gastrointestinal problems for many years, waited to see a specialist for several months before the war. His examination was scheduled for October, but he was told his appointment was canceled due to the state of emergency.

S.T., a West Bank physician with insulin-dependent diabetes, was arrested for ten days at the end of November. During his first days in military custody, he was rushed to a hospital after complaining of chest pains for several days. After undergoing a catheterization in the hospital, he was transferred to Megiddo Prison. Though he was recovering from an invasive procedure, he said the prison physician did not once examine him. In addition, he received only one insulin injection per day rather than the three he requires.

In response to PHRI's letter regarding the Palestinian who requires gastrointestinal specialist care, the IPS Chief Medical Officer stated on October 22 that "in light of the security situation and the enlistment of specialist physicians [to military reserve service], specialist care is not currently being provided." Another PHRI letter dated December 13 has not yet been answered.

In an article in the Israeli daily Maariv on an incarcerated Palestinian hospitalized at Rabin Medical Center, the IPS stated that "as directed by the IPS commissioner, the hospitalization of security prisoners in

civilian hospitals has been reduced to a minimum and is currently only possible in exceptional cases approved by the Ministry of Health.”<sup>28</sup>

It remains unclear how the specialist healthcare services provided in prisons and hospitals are being substituted. Although in some emergency cases, patients will likely still be evacuated to hospitals, the conditions of those with chronic illnesses may slowly deteriorate, unnoticed by prison medical personnel. Importantly, IPS physicians are not specialists, and there is no adequate alternative to specialist clinics and hospital care.

### **Referral to hospital care**

Concurrent with the restrictions imposed by the IPS and the reduction of healthcare access in prisons, some of Israel’s hospitals have been refusing to provide care to Palestinians arriving from incarceration settings since October 7, following Health Ministry directives. On October 11, Israeli news website Ynet reported that Hamas detainees were being treated in public hospitals alongside Israeli victims of the October 7 attacks.<sup>29</sup> Later that day, the Minister of Health urged the Prime Minister to prohibit hospitals from treating “terrorists.” The minister argued that offering them care would harm the capacity of the hospitals to treat victims of the attacks and the war. Later that evening, members of the racist soccer fan club La Familia entered Sheba Medical Center and searched the wards for Gazans, terrorizing both patients and medical staff. Hospital security personnel and police forces failed to prevent their entry and harassment. Three members of the group were eventually arrested.<sup>30</sup> Media reports and testimonies of hospital workers indicate that immediately after the information on the hospitalization of Palestinians was made public, disturbances also broke out among citizens opposing the hospitalizations. Consequently, the hospitalized Palestinians were discharged, possibly denying them critical medical care that could only be provided in a hospital. The hospitals should have received greater police support to prevent riots and allow staff to

<sup>28</sup> <https://www.maariv.co.il/news/law/Article-1053112>

<sup>29</sup> <https://www.ynet.co.il/health/article/byjh7g4wa>

<sup>30</sup> <https://www.ynet.co.il/news/article/byjrk8vvt>

fulfill their medical and ethical obligations of providing care to anyone requiring it, regardless of their background or actions.

On October 12, Israeli news website Mako published an interview with Prof. Arnon Afek, Associate Director General of Sheba Medical Center. In the interview, Afek expressed support for the Health Minister's demand to prohibit hospitals from treating Palestinians arriving from prisons.<sup>31</sup> Since then, several additional hospitals, including Ichilov, Hadassah, and Shamir, announced they would not hospitalize Palestinians arriving from prisons, and still have not.<sup>32</sup> On November 18, Maariv reported that a Hamas operative who participated in the October 7 attacks was being treated at Rabin Medical Center. According to the report, in doing so, the hospital had ignored Health Ministry directives.<sup>33</sup> In response, the hospital blamed the Health Ministry, which was responsible for determining where the arrested Hamas operatives would be treated. As far as we know, the Health Ministry did not respond to the claims.

In this context, the IMA Ethics Board should be commended for publishing a letter to Israeli physicians reminding them of their obligation "to uphold international treaties, principles of medical ethics, and the WMA Geneva Declaration."<sup>34</sup> The letter also noted that physicians must offer patients all necessary treatment, whether in hospitals, IPS incarceration settings, or military facilities. The Ethics Board stressed that physicians should account solely for the medical needs of the patients and not participate in their punishment. Yet, the letter seems to have been ignored as hospitals kept refusing to treat certain patients.

In contrast to the IMA, the Ministry of Health did not attempt to rectify its minister's and hospitals' statements. It remained silent regarding the importance of adhering to laws and ethical guidelines and providing care based on medical needs, regardless of a patient's background

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<sup>31</sup> <https://www.mako.co.il/tv-morning-news/articles/Article-ebc92db51022b81027.htm>

<sup>32</sup> <https://doctoronly.co.il/2023/10/297624/?hilite=%27%D7%A1%D7%99%D7%A8%D7%91%D7%95%27%D7%9C%D7%98%D7%A4%D7%9C%27%D7%91%D7%9E%D7%97%D7%91%D7%9C%27%D7%95%D7%A0%D7%99%D7%9E%D7%A7%D7%95%27>

<sup>33</sup> <https://www.maariv.co.il/news/law/Article-1053112>

<sup>34</sup> Letter dated October 10, 2023, authored by Dr. Yossef Walfisch, Chairperson of the IMA Ethics Board.

or actions. On October 13, the Health Ministry stated that all arrested Gazans would be treated in a military medical facility that would be opened and operated with the ministry's support.<sup>35</sup> The statement also indicated that the facility would be opened near the Sde Teiman military base north of Beer Sheva.

On October 28, Maariv reported on an unusual directive in a hospital in central Israel regarding the admission and emergency medical care of Palestinian detainees.<sup>36</sup> According to the report, the directive caused an uproar among nursing staff at many hospitals, and one ER nurse refused to treat a 15-year-old who was brought in by soldiers. Her actions angered the attending physician, and she later claimed that hormonal issues caused her initial refusal. Meanwhile, another nurse removed the patient's transfusion and demanded that he be removed from the hospital.

In the war's first weeks, PHRI contacted the Ministry of Health and the IMA to inquire where Palestinians in incarceration settings, particularly those detained in Gaza, would receive medical care in cases for which treatment could only be provided in a hospital. The responses we received made it clear that there had been no attempts to address this issue. While the IMA claimed that the IPS established a hospital to treat those detained from Gaza, our inquiries with the IPS revealed that no such hospital had been opened. The Ministry of Health did not respond to our inquiries until we submitted a High Court pre-petition. Subsequently, the ministry stated the following: "We have coordinated an adequate medical response for the prisoners from Gaza to address their medical needs and adhere to international standards for armed conflicts."

Adopting procedures that significantly deviate from professional and ethical medical standards carries severe consequences for patients, and the negative impact reaches far beyond the targeted population group. For example, the Health Minister's calls to avoid treating "terrorists" inevitably affect all Palestinians in incarceration settings. Amid a general climate promoting care refusal, healthcare workers

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<sup>35</sup> <https://www.ynet.co.il/news/article/hjglzc8b6>

<sup>36</sup> <https://www.maariv.co.il/news/health/Article-1048135>

struggle to distinguish between Palestinians arrested in the context of warfare and other Palestinians in prisons. The Health Ministry's refusal to compel hospitals to adhere to laws and medical ethics inevitably encourages the illegal discrimination of patients. While the difficulties of hospital personnel following the October 7 attacks are understandable, various voices from among Israel's medical community have still called to respect the duties of care despite the emotional challenges. Unfortunately, rather than reestablishing professional and ethical standards, the heads of the healthcare system and the hospitals are further fanning the flames.

Despite the official responses we received and the IMA's statement, four Palestinians died in IPS custody between October 22 and November 18. Two of them suffered from chronic health conditions and may have died from medical neglect. Of the two Gaza residents who died in military custody, one also suffered from a chronic illness.

### **Sde Teiman field hospital**

Some of the Gazans detained since October 7 have been held in the Sde Teiman military base. A field hospital that provides medical care to the detained was established near the base and is jointly run by the military and the Ministry of Health. Due to the circumstances, far fewer treatment options are available than in an established civilian hospital. These circumstances and the public hospitals' refusal to treat detained Palestinians raise serious concerns that their health and lives are at risk.

On December 19, the Ministry of Health disseminated a document titled "Directives for the Medical Treatment of Unlawful Combatants in the Sde Teiman facility." The document supposedly aims to regulate the medical care of detained Gazans at the Sde Teiman field hospital. In reality, it lowers the professional and ethical standards of medical care and the physician-patient relationship. The document also seemingly aims to protect the physicians operating in the field hospital from any potential legal action against them.

These directives categorize patients receiving care in the field hospital as “unlawful combatants.” Referencing their legal status in a document regulating the provision of medical care is perplexing, given that ethical guidelines and local and international law require that health-preserving care be provided to every person regardless of their legal circumstances.

**Staffing:** According to the directives, the field hospital is staffed by a senior physician and a team of healthcare workers. Given that the senior physician may be the only physician on site, it is unlikely that the medical needs of the hundreds of Gaza residents held in the nearby military base, including wounded and chronically ill patients, can be met.

**Medical staff anonymity:** The document emphasizes the importance of maintaining complete anonymity of the attending medical staff. They may identify themselves only by profession and expertise and cannot sign documents by name or divulge any identifying details. The strict preservation of anonymity and the fact that the directives do not question the handcuffing and blindfolding of patients – including those with severe medical conditions – indicates a perceived threat to the safety of the physicians, both from Israeli citizens and from international bodies that may seek to try them in the future.

**Documentation in medical records:** The directives do not address the need to follow ethical standards by documenting and reporting the abuse and torture of detained individuals. In further contradiction of the principles of medical ethics and Israel’s Patients’ Rights Act, which applies to every patient regardless of their legal status, confidential medical information may be passed on to detention center officials without patient consent.

The document indicates that the Health Ministry has no objections to medical personnel treating individuals held in torturous conditions while permanently handcuffed and blindfolded. Per the directives, physical restrictions do not diminish a patient’s capacity to provide informed consent. If a patient requires a medical procedure but consent is not provided, the standard approval of three physicians remains desirable but not mandatory.



The document also states that the field hospital can perform moderately complex surgical procedures based on the discretion of the senior medical official on site, and that general anesthesia should be performed by an anesthesiologist "*whenever possible.*" It is unclear what occurs when no anesthesiologist is present.

The document is disturbing both in what it states overtly and in what it omits. It allows the blatant deviation from ethical guidelines while failing to substantiate the grounds for allowing it. There is no mention of the responsibility to provide professional, high-quality care or to foster a trusting physician-patient relationship - indicating that there is no expectation to adhere to these standards. It is impossible to form a relationship of trust with a patient if they are being examined while handcuffed and blindfolded. In such circumstances, it is unlikely that a physician would identify and report signs of violence observed in a patient. The complete anonymity under which the medical staff operates protects them from professional liability, even when committing ethical violations. These directives go several steps beyond circumstances of dual loyalty (the conflict between national security needs and commitment to a patient), given that regarding the document, staff must fully accommodate the needs of security forces – at the expense of patients. Even the outward pretense of protecting the health of those incarcerated has been deemed unnecessary. Similar circumstances worldwide have proven this will result in severe violations of medical ethics and the loss of human lives. If and when the medical community comes to its senses, it may be too late for many patients.

## **Cruel, inhuman, and degrading treatment amounting to torture**

After attorneys on behalf of PHRI and other organizations managed to visit some prisons, testimonies emerged of severe staff violence against Palestinians since October 7. In dozens of cases, Palestinians in incarceration settings stated that guards entered one or two cells at a time and brutally beat them with batons without any prior provocation. In some prisons, such occurrences took place regularly, indicating

that these are not singular incidents of wayward guards but patterns of systematic violence. The individuals in incarceration also reported physical assaults that included punching, slapping, and kicking upon exiting their cells or while being transferred to a different facility – including against sick and disabled Individuals.

Other testimonies describe degrading treatment and severe abuse, including sexual harassment and violence. Recently detained individuals stated that IPS guards forced them to kiss the Israeli flag and that those who refused were violently assaulted. Attorneys presented some of the complaints of violence to military courts, and judges observed the signs of abuse on the bodies of the detainees. Yet, other than noting the concerns and notifying the IPS, the judges did not order any measures to prevent violence and protect the rights of those in custody. Harrowing evidence of violence and abuse amounting to torture was brought to the attention of the High Court by PHRI and additional organizations during the proceedings of case no. 7753-23. Yet, this failed to elicit any substantial response by the court.

Previous IPS protocol mandated that every injury of an individual in incarceration had to be documented in the prison clinic through a photograph and a verbal description by the clinic staff. However, recent injuries have not been documented at all. Palestinians in prison have complained that even after sustaining severe injuries, their requests for medical assistance have been ignored.

The following testimonies illustrate the severity of the conditions faced by Palestinians in incarceration settings:

### **1. A.A., IPS Medical Center**

- I was shot and arrested by military forces on October 9. After my arrest, I was hospitalized for four days. On my last day in the hospital, I was attacked by Israeli settlers, after which I was transferred to a prison.
- During my four days in the hospital, I was severely assaulted by the soldiers guarding me, and one of them was filming while his

friends attacked me. One of them suffocated me with a pillow and beat my wounded legs. My hands and legs were bound, and they sometimes tightened the grip on my legs or hands and pulled me from the cuffs.

- After civilians attacked me on the last day, police arrived to collect my testimony, but they also attacked and slapped me.
- I was then transferred to the IPS Medical Center, where I was held under harsh conditions in solitary confinement for an extended period. The meals they served were not edible. The commanding officer and others beat me several times in my cell. While receiving medical treatment, a prison guard slapped me and threatened he would "drink my blood." I was injured, and my clothes were bloodstained, but they did not allow me to change or give me bandages to cover the wounds. The cell was covered in blood.
- I injured my left femur, and a metal plate was inserted in my leg. I think further damage was caused by the violence of the interrogators and soldiers, who beat my leg and pulled on it.
- X-rays of me were taken when I arrived at the IPS Medical Center. Two weeks later, the prison physician said I required another surgery but that it could not be performed due to the war.
- I have not received any medication in the last twenty days, and I am worried that I will develop a surgical site infection. I have severe pains at night and whenever I move my leg. The prison physician has not examined me in the last twenty days.
- I depend on crutches to move. I asked for new bandages and iodine for the surgery site, but the staff refused to provide them.

## A.B., Ktzi'ot Prison

- Since the start of the aggression, from day one, they completely disconnected the water and electricity in the tents wing I was held in, connecting them for just one hour a day. Throughout the night, they kept flood lights pointed at the tents and the yard. All possessions and electrical appliances were confiscated.
- After five days, we were all transferred to another wing. Everyone was cuffed by their hands and legs and loaded up on a transport vehicle. While we were leaving, guards stood in two 50-meter lines along the path, attacking us with batons and slapping and punching us all over our bodies. The transporter usually holds 18 people, but they loaded 36 of us inside. It was boiling hot, and there was no air. They left us inside the vehicle for 75 minutes, even though it was a two-minute drive. The guards locked us in there and left. Two people fainted from the air pressure and the heat. Neither of them received medical care, and the guards dragged them across the floor to get them out of the vehicle, grabbing them by the handcuffs and dragging them on their backs.
- 75 of us arrived in the new wing, which was completely empty. They confiscated our possessions, including our clothes and shoes.
- We receive no yard time for 42 days (the IPS is required by law to provide an hour of fresh air daily - PHRI.) The showers in the new wing were in the yard rather than inside the cells, so we were prevented from showering and changing clothes for 30 days. The canteen and laundromat remained closed from the first day.
- Every day during roll call, the IPS's Masada special ops unit systematically entered cells and attacked those held inside.
- My cell was targeted on day 17. Ten of us were held inside. Eighteen prison guards entered and forced us to kneel with our hands behind our heads and our heads between our legs. They had a dog that passed and walked on our backs, and then the guards furiously beat us with batons. The beating went on for five minutes. Everyone

had bruises on their bodies; one person's thumb was broken, and another thought his ribs had been broken. No one was taken to the clinic, and we did not ask to go out of fear of another assault.

- After 30 days, we were again transferred to another wing. The guards again assaulted us. This time, we were brutally beaten in the examination room, hit with batons, punches, and kicks to our legs, backs, and heads.
- There are similar conditions in the new wing, but we have showers inside the room. The power and lights are turned on after six or seven pm. There is running water, but hot water for showers is only available for fifteen minutes daily - and sometimes, not at all.
- During one of the roll calls, while we were kneeling, a guard unit stormed a cell. They singled one person out and punched him in the head. The roll call officer kicked him in the back of his head with his shoe, which made the person dizzy. A medic later came and gave him a painkiller.
- We do not have enough warm clothes or sheets; they removed the plastic sheets from the windows, leaving only the bars to separate us from the outside, and we are freezing without warm clothes and blankets. We did not request coats for fear of being attacked.
- For breakfast, we receive three loaves of bread and 20-30 grams of Labneh for every ten people. Our lunch consists of a plate of rice, a cup of soup, and three potatoes. Dinner includes two hotdogs, an egg, a cucumber, and a carrot per person.
- The guards wrote curses and insults directed at us on the walls of the cells ("son of bitches," "you are Hamas' dogs," and more.)
- We heard that the person who died in prison, Thaer Abu Asab, had been beaten and that he was hit with a baton behind his ear.
- To put it simply, the prison conditions here are similar to Abu Ghraib and Guantanamo Bay.
- I would like to file a complaint, but I fear retribution. I am concerned for our safety and lives.

## A.G., Ktzi'ot Prison<sup>37</sup>

- I and others have been exposed to systematic and daily violence in Ktzi'ot Prison since October 14. The guards would enter the cells and beat everybody inside using batons and whatever else they could get their hands on. A severe incident occurred on October 15, when special ops forces entered the cells, wreaked havoc, and tore everything up while cursing us with sexually explicit insults, including "you whores," "we will fuck all of you," "we will fuck your sisters and wives," and "we will piss on your mattress." That same day, guards took me into the bathroom and urinated on me. They would also conduct violent strip searches while forcing twelve people into a small bathroom cell. The guards would threaten us with their weapons and say they would kill us when they entered the cells. I witnessed several cases of sexual harassment in which the guards conducted strip searches, pinning naked individuals together and inserting an aluminum search device inside their buttocks. In one case, the guards swiped a card through one person's buttocks. This occurred in front of the other incarcerated individuals, as well as the guards - who expressed their delight.

An incident that occurred on October 30 in Megiddo Prison presents an illuminating example of the unrestrained violence against Palestinians in IPS incarceration settings. According to media reports, minors in one of the prison's wings attempted to remove an Israeli flag that the IPS had hung. In response, the IPS recruited a group from the prison's Jewish population to help raid the minors' cells. According to the reports, the IPS imposed unprecedented sanctions on the minors, including confiscating their toothbrushes and toothpaste, placing them in an isolated unit, and leaving them with only a mattress and the clothes they were wearing. A Jewish prayer service was later held in the "security wing," and the flag was replaced. The incarcerated Jewish group that participated in the raid later received a thank you card from the prison administration.<sup>38</sup>

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<sup>37</sup> Testimony collected by the the Public Committee Against Torture in Israel.

<sup>38</sup> <https://kan.org.il/content/kan-news/local/596473/>

According to media reports, the detained Gaza residents who are defined as Hamas combatants are being incarcerated in illegal conditions that amount to torture according to international treaties. They are being held in separate wings and even prisons from other Palestinians, sometimes in isolation, while permanently handcuffed and blindfolded.<sup>39</sup> During the Minister of National Security's visit to a prison holding detained Gazans, IPS officials told the media that the Israeli national anthem is being played on a loop in the wings.

## **Deaths of Palestinians in prisons**

Media reports have so far revealed the deaths of four Palestinians in IPS custody within a single month, two of whom were recently arrested from the West Bank and two others who had been incarcerated for longer. Two died in Megiddo Prison, where various testimonies indicate widespread staff violence; a third died in Ofer Prison; and a fourth died in Ktzi'ot Prison, where reports also suggest severe abuse and violence against Palestinians. In addition, two Gaza residents who were legally located in Israel before October 7 died in military custody in the first weeks of the war. These deaths were only brought to public attention following an inquiry by Haaretz.<sup>40</sup> Their names and circumstances of death were never officially released nor divulged to their families or any party on their behalf. The families were informed of their deaths by individuals who had been released from the same military detention facilities in which they were held.

These are the names of the individuals who died in custody and the currently available information on the circumstances of their deaths:

- Omar Daraghmeh, 58, from the city of Tubas. Omar was arrested on October 9 and held in Megiddo Prison until his death on October 23. A day before his death, during a video hearing on his case, he informed his attorney that he was doing fine. Omar had a heart condition, and according to an IPS report, he had complained of pain in his legs the day of his death, dying shortly after.

<sup>39</sup> <https://posta.co.il/article/333432121/>

<sup>40</sup> <https://www.haaretz.co.il/news/politics/2023-11-13/ty-article/.premium/0000018b-c909-d63d-ab9f-e92988b10000>

- Arafat Hamdan, 25, from the village of Beit Sira west of Ramallah. Arafat was arrested on October 22 and held in Ofer Prison until his death on October 24. Arafat suffered from type-1 diabetes and required regular insulin injections.
- Abdul Rahman Mirie, 33, from the West Bank. Abdul Rahman was arrested in February 2023 and died on November 13, 2023, in Megiddo Prison.
- Thaer Abu Asab, 38, was arrested in 2005 and died in Ktzi'ot Prison. A notice of Thaer's death was published on November 19, 2023.

At the request of the families of the deceased, a physician on behalf of PHRI was present in the autopsies of three of the four bodies, including the two cases that occurred in Meggido Prison and the case in Ofer Prison. The autopsies alone did not suffice to determine the cause of death, and further examinations were required at the National Center of Forensic Medicine.

A preliminary autopsy report for Abdul Rahman Mirie, compiled by PHRI's physician, was sent to his family, who subsequently published it. The report indicates that Abdul Rahman's body showed signs of violence. His left ribs and sternum were broken, and signs of physical violence were observed on his back, buttocks, arm, left hip, neck, and the right side of his head. He did not have any preexisting medical conditions, and it is possible he died as a result of the violence he endured. These findings substantiate the testimony of Abdul Rahman's cellmate, who was released days after the death. The cellmate noted that a week before his death, Abdul Rahman was brutally attacked by guards and removed from the cell directly after. From that moment on, he was not seen by his cellmates again.

No signs of violence were observed in the two additional autopsies in which the PHRI representative was present. Still, the fact that the two deceased individuals suffered from preexisting medical conditions raises concerns that their deaths were the consequence of medical neglect. The autopsy of Thaer Abu Asab was conducted without



informing his family or legal representative, but an investigation into the circumstances of his death was opened due to its severe findings. Those suspected of causing his death are being accused of causing injury, severe abuse, and obstructing an investigation. 19 IPS guards have already been investigated in connection to the incident.<sup>41</sup>

A testimony received by PHRI indicates at least one additional death may have occurred in the military detention facility on the Gaza border. PHRI asked the National Center of Forensic Medicine and the Ministry of Health to clarify how many bodies of Palestinians who died in custody arrived at the Forensic Medicine center since October 7 and whether they arrived from military or IPS facilities. No response to the inquiry has so far been received.

## Legal review

The above review is based on dozens of testimonies of individuals in incarceration and detention settings who were released from custody in the last two months. They have been collected by PHRI's Prisoners and Detainees Department and other human rights organizations, while additional testimonies have been gathered during attorney's visits of individuals still held in incarceration settings. The review demonstrates that the official and unofficial measures adopted by Israeli security bodies against incarcerated Palestinians constitute severe violations of local and international law. These measures are leading the physicians responsible for the health of the prison population to commit ethical violations.

It is imperative to emphasize that the principles of law and morality, even during armed conflicts, are rooted in international humanitarian law, and their obligations are also binding under Israeli law.<sup>42</sup>

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<sup>41</sup> <https://www.haaretz.co.il/news/law/2023-12-20/ty-article/.premium/0000018c-88fa-d60e-afdf-ecfe938b0000>

<sup>42</sup> HCJ 201/09 Physicians for Human Rights-Israel v. Prime Minister (19.01.09), para. 15.

## Arrests and rights violations while in custody

Every arrested person's right to an attorney's visit is anchored in paragraph 34 of the Criminal Procedure (Enforcement Powers - Detention) Law, 5756-1996. This right is also afforded to individuals in incarceration settings under paragraph 45 of the Prisons Ordinance. Various court rulings have recognized this right as a fundamental right, and it has even been granted constitutional status deriving from "the right to personal freedom."<sup>43</sup> The previously described circumstances severely violate the rights of individuals in detention and incarceration settings to appear before a court and to a fair trial - constitutional rights deriving from the right to dignity as enshrined in Israel's Basic Law: Human Dignity and Liberty. This also guarantees the right to legal counsel, including attorney visits and representation in court.<sup>44</sup>

According to Article 11b(c)(1) of the Prisons Ordinance, individuals in incarceration settings must be held in adequate conditions that do not harm their health or dignity. The High Court has reiterated on several occasions that protecting the rights of individuals in incarceration settings and preventing the arbitrary denial of rights, particularly in times of armed conflict, are necessary conditions for maintaining the dignity of society and its perception as civilized. This includes protecting those who have committed crimes against the society.<sup>45</sup> As the court has noted, it is in the interest of society as a whole "to design and implement universal moral and ethical norms. This is the true measure of society's morality and humanity."<sup>46</sup> The High Court's ruling in case no.1892/14 *The Association for Civil Rights in Israel v. the Minister of National Security*, June 13, 2017) determined that adequate and minimal imprisonment conditions, including sufficient space inside prison cells, apply to every individual in incarceration, regardless of who they are. This was deemed necessary to maintain a person's right to a dignified human existence.

<sup>43</sup> HJC 3412/19 Sufian v. IDF Regional Commander, 47(2), 843, 847 (1993); HJC 1437/02 The Association for Civil Rights v. The Minister of Internal Security, 55 (2) 746 (2004).

<sup>44</sup> HCJ 1843/93 Pinchasi v. The Israel Knesset, 49(1) 661 (1995); PAC 4644/15 Ra'ee v. Israel Prison Service (15.6.2016).

<sup>45</sup> HJC 2245/06 Dvorin v. Israel Prison Service (13.6.2006), para. 12.

<sup>46</sup> HJC 4634/04 Physicians for Human Rights-Israel v. the Minister of Internal Security, (12.2.2007) para. 12.

The court has repeatedly ruled that, like other fundamental human rights, the right to health may not be revoked upon entry into prison. As stated by Justice Mazuz in case no. 158/21 (*PHRI v. the Minister of Internal Security*, January 31, 2021), regarding access to COVID-19 vaccinations in prisons: "Like all other people, individuals in incarceration are entitled to healthcare and cannot be discriminated against in accessing healthcare... Furthermore, given that they are held in state custody, unlike free citizens, the state is especially obligated to provide all required healthcare."

The right of individuals in incarceration settings to medical care and prohibiting their discrimination from accessing this right are anchored in international humanitarian law. The International Covenant on Economic, Social, and Cultural Rights (1966), ratified by Israel in 1991, enshrines the right of every person to enjoy the highest attainable standard of physical and mental health. Signatory states are obligated to ensure that the right to health can be accessed without discrimination, including those in incarceration settings.

In addition, the cruel treatment of Palestinians in incarceration settings and the severe violence inflicted upon them, which has seemingly resulted in several deaths, contradict the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984). The convention defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind." The convention also states that no exceptional circumstances may be invoked to justify acts of torture, even in a state of war.

## **Enforced disappearance of detained Gaza residents, including individuals who possessed stay permits before October 7 and those arrested during the conflict**

As described earlier, available information regarding Gaza residents who have been detained remains minimal. Since the war's outbreak, Israel's security bodies have ignored all inquiries on these individuals, including where they are being held and the conditions of their incarceration. In addition, some of them are being held in Israel by virtue of the Internment of Unlawful Combatants Law (2002). Under this law, they may be held for two months before being brought before a judge and six months before meeting an attorney. Repeated petitions to the court to divulge the locations of some of these individuals proved unsuccessful, with different grounds cited in every case. Consequently, no substantive response or relevant contact point has so far been provided regarding the Gaza residents being held by the military.

The arrest and disappearance of people without providing their families or anyone on their behalf with any information regarding their circumstances is tantamount to enforced disappearance. According to the Rome Convention, which entered into force on July 1, 2002, the widespread or systematic practice of enforced disappearance against civilians constitutes a crime against humanity and, as such, is not subject to statutory limitations.

## **Legislation and judicial oversight**

In addition to the violations perpetrated by Israel's security bodies, the absence of oversight of these measures and abuses has been glaringly evident. As previously described, at no point did the Supreme Court believe it was its duty to intervene or express its position on the actions carried out against Palestinians in prison. On two separate occasions, the High Court rejected the claims of human rights organizations and ignored the many testimonies brought before it, describing the severe conditions, cruel treatment, and torture. These judicial decisions served the IPS as justification and defense from public criticism. Responding to a January 2, 2024, Haaretz article on the violence and torture in prisons,

the IPS stated: "We note that the High Court, with a composition of three justices, rejected a petition concerning IPS incarceration conditions and other allegations..."

In addition, on December 18, 2023, the Knesset approved amendments to the Unlawful Combatants Law, extending to 180 days the period in which attorney visits may be prevented and 75 days before they must be brought before a judge.

***The promotion of such legislation amid the numerous reports of violence and deaths of Palestinians in custody and the Supreme Court's disregard of the countless testimonies brought to their attention contradict the International Covenant on Civil and Political Rights (1966). States party to the convention are obligated to promote legislation and a judicial system that protects human rights, including bodily integrity, freedom, and due process.***

## Violations of medical ethics

IPS conduct and the climate promoted by the National Security Minister have forced Israel's medical community to confront challenges extending beyond usual "dual loyalty" conflicts inherent to medical practice within the IPS – a security body with little concern for medical ethics questions. As such, medical professionals are being forced to choose between maintaining professional and ethical medical principles and adhering to politicized directives.

Medical community responses to these challenges have been conflicting. On the one hand, the IMA has vehemently opposed recent legislative efforts to draw distinctions between various prison populations and their right to healthcare, which would severely violate the principles of medical ethics. As the IMA emphasized, these principles prohibit physicians from discriminating against patients in the provision of care. PHRI has argued that these principles also apply to individuals in incarceration settings, requiring the state to recognize its responsibility to provide adequate healthcare services in prisons. Furthermore, in carrying out these

responsibilities, it must ensure equal access for all individuals in custody, regardless of the reason for their incarceration. The state's reduction of healthcare services for Palestinians in incarceration settings under the justification that it is only obligated to offer them "non-quality-of-life-improving" care is unlawful if it aims to prevent access from specific individuals or groups. This would amount to a violation of the right to health as defined by the World Health Organization (WHO) - inalienable to every human being, regardless of their actions.

Yet after October 7, health officials have not only responded with greater obedience, they have actively promoted the violation of medical ethics by refusing to hospitalize Palestinians detained by the military. Patient admission to hospitals and other medical facilities must be based solely on medical considerations and care availability. Recognizing this obligation does not diminish the emotional challenges faced by healthcare personnel. Yet, the leadership of the medical community – especially the Ministry of Health – should find space to respect these feelings while also maintaining the commitment to medical professionalism. Unfortunately, health officials have positioned themselves as judges and arbitrators rather than focusing on the medical mission at hand. Given the obvious sensitivities, they should work to identify solutions to separate civilian and detained patients, such as establishing a designated hospital ward. Instead, they are executing political policies aimed at denying patients the right to professional and adapted medical care. Such conduct contradicts the fundamental values of the medical and health professions and the principles of medical ethics.

Disturbingly, not a single Israeli physician has spoken out about the incarceration conditions in prisons, particularly for Palestinians, despite the many reports of torture taking place in the presence of medical professionals and with the backing of the medical system. Medical ethics are not an optional add-on for times of routine or principles that can be disregarded when faced with armed conflict or other crises. The laws of medical ethics and many international human rights treaties were drafted in the wake of World War II, during

which unspeakable atrocities were carried out. They were designed to protect health systems and medical professionals and allow them to carry out their duty to preserve and save lives. Israeli society will need to recover from its horrific trauma, and medical practice should be a moral anchor in this process. Abandoning medical ethics would mean the abandonment of any hope for recovery.

## Summary and conclusions

Under the guise of the war in Gaza, the Ministry of National Security, its minister, and the Defense Ministry, with the active and passive support of additional Knesset members and ministers, have promoted unprecedented abuse of the rights of Palestinians in military and IPS custody. The state has repeatedly insisted that these are necessary measures adopted as part of the emergency ordinances to maintain national security. Yet, in reality, these measures violate local and international law as well as international treaties.

The violence perpetrated by prison guards, the absence of virtually any form of medical care, and the diminishment of incarceration conditions below the required minimum to ensure the health of the incarcerated - which have seemingly already cost at least six lives - must not be normalized as routine procedures, not even in times of war. The prevention of attorney visits and Red Cross inspections raise concerns that Israel and the IPS are attempting to hide the current reality in prisons.

The conduct described in this report serves no valuable purpose and seems entirely motivated by an urge for arbitrary punishment and revenge. The incarceration policies of the IPS and the Israeli military lack transparency and are being carried out according to internal directives handed down to guards and soldiers - without any oversight or restrictions.

The state bodies charged with protecting individuals in incarceration settings, including Palestinians, and ensuring that they are held in adequate and humane conditions with access to suitable healthcare

have been failing to fulfill their roles. Several petitions to the High Court have proven futile in pressuring it to intervene in the current situation in prisons. PHRI letters to the Ministry of Health and the IMA have been answered with claims that the medical care provided to individuals in incarceration settings adheres to emergency procedures and professional standards. Yet the many testimonies PHRI and other civil society organizations have collected expose an entirely different reality. State gatekeepers have failed to protect incarcerated populations, which has allowed a severe departure from professional and ethical standards as well as local and international incarceration laws. This failure has negatively impacted many human lives. Moreover, these breaches of professional standards are systemically destructive to the local healthcare community, which has altered itself to serve political interests rather than protect patients. Such collapse in the professionalism of institutions and state bodies is characteristic only of failed states and dangerous regimes. While the government may believe that the harm inflicted on Palestinians in incarceration settings will be limited to this specific population, it inevitably carries consequences for all those in custody. The moral, ethical, and professional decline of medical personnel (in prisons and hospitals), prison guards, and soldiers will shape their approach to additional populations, even when off duty.

### **In light of the above, we recommend**

1. The release of all Palestinians who have been arbitrarily arrested in Gaza, the West Bank, East Jerusalem, and Israel since October 7.
2. Ensuring that incarceration conditions adhere to international norms and standards; ending the use of all measures that may amount to the torture or abuse of Palestinians in incarceration; and guaranteeing that all allegations of such violations are promptly investigated impartially, comprehensively, and independently - and that the perpetrators are brought to justice.
3. Swift, impartial, thorough, and transparent investigation by an independent body of all Palestinian deaths in Israeli custody, given the unnatural circumstances of the recent cases of deaths.



4. Urgent action by judicial and medical oversight and supervision bodies to expose the current reality in prisons and work to end it, including through prison visits and independent inspections.

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