



FIGHTING GLOBAL POVERTY

# Judge, Jury, and Occupier

Israel's military court system in the occupied West Bank



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# Preface

**Israel's military occupation of Palestinian land is now in its 54th year. Throughout this time Palestinians have never stopped fighting for their inalienable rights; rights denied to them by the systemic and daily violence of occupation. This violence is manifested in settlements, checkpoints, the Apartheid Wall – and in Israel's far-reaching system of military rule in the West Bank, enforced by military courts and prisons: the topic of this report.**

As of January 2021, Israel holds 4,500 Palestinians as political prisoners, 450 of whom are held in administrative detention, and 140 of whom are children. Like hundreds of thousands of Palestinians before them, they have either been sentenced in Israel's military courts run entirely by Israeli military personnel; or in the case of administrative detainees, imprisoned without charge or trial. Their imprisonment 'offences' include possession of political pamphlets, holding political meetings, and participating in peaceful demonstrations. Children are often imprisoned on charges of throwing stones at the heavily armed soldiers invading their villages.

The Covid-19 pandemic has intensified the plight of Palestinian political prisoners. Despite calls from UN experts for their release, and despite the release of hundreds of Israeli prisoners, Israel has used the

pandemic as a pretext to further repress Palestinian political prisoners. Instead of releasing them, they have stopped family visits and restricted access to lawyers.

This report follows years of research and campaigning by War on Want on Israel's system of arrest and detention. This includes our leadership in a campaign targeting British security company G4S for providing services to Israeli prisons – which, in 2016, saw G4S succumb to public pressure and sell its Israeli subsidiary. Building on this victory, this report focuses on Israel's overarching system of arrest, detention, and military courts, of which prisons are just one part.

Palestinian human rights defenders including War on Want's long-term partner Addameer, a West Bank-based NGO, work tirelessly in defence of Palestinian prisoners' rights. Addameer's staff suffer the daily violence of Israeli occupation, and are specifically targeted because of their human rights work. Attacks are becoming even more extreme due to a disturbing increase in cynical disinformation campaigns aimed at Palestinian human rights organisations.

In this environment, it is even more important for overseas allies to defend the defenders. The fight against colonialism, occupation, and apartheid must be part of any commitment to upholding human rights. This is core to War on Want's mission: from

our historic opposition to apartheid in South Africa to our ongoing support for the Palestinian struggle for self-determination.

The publication of this report is a part of War on Want's commitment to exposing the human rights violations faced by the Palestinian people. Solidarity is our duty: it is our collective responsibility to make their story heard, and to foster an unrelenting groundswell of support for the Palestinian struggle for justice, until Palestine is free.



**Asad Rehman**  
Executive Director  
War on Want

## Note on sources:

War on Want conducted independent research for this report, sourcing factual evidence from a wide range of human rights organisations, as well as peer-reviewed academic studies. The report draws heavily on research from international bodies such as the United Nations, as well as international human rights organisations including Human Rights Watch and Amnesty International, both of which have extensive experience with the issues discussed. The report also uses research and publications by Israeli human rights organisations which specialise in these issues, including B'tselem and the Public Committee Against Torture in Israel in particular.

This report draws significantly on research from Addameer Prisoner Support and Human Rights Association, a Palestinian human rights NGO that provides legal aid to political prisoners, advocates for their rights at the national and international level, and works to end torture and other violations of prisoners' rights through monitoring, legal procedures, and solidarity campaigns. All of the case studies featured here are provided by Addameer, with permission from those featured. We are especially grateful to the Addameer staff members who provided us the relevant materials, and helped us to understand the complex workings of Israel's military courts.

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# 1. Introduction

Since 1967, Israel has maintained a military occupation of Palestinian land in East Jerusalem, the West Bank, and the Gaza Strip, and has ruled over the Palestinian people living there. According to the United Nations (UN), it is the “longest belligerent occupation in the modern world.”<sup>1</sup> It is only the most recent chapter in a longer history of colonial dispossession of the Palestinian people that began over a century ago when Britain was expanding its imperial domination in the region.<sup>2</sup>

At present, Israel's occupation varies in how it is administered across Palestinian territory. In East Jerusalem and the West Bank, occupation means that Israeli armed forces are a constant threat: blocking Palestinians' freedom of movement at checkpoints; shooting hazardous

tear gas or live ammunition to suppress unarmed protests in Palestinian villages and refugee camps; conducting arrest raids in Palestinian streets and homes; and protecting and aiding the proliferation of illegal settlements on land stolen from Palestinians.

In the Gaza Strip, occupation now takes the form of a blockade enforced by military presence in the sea, air, and on land; and regular military bombing campaigns, armed drone attacks, and the shooting of unarmed protestors – often with lethal results. Despite differences in the mode of occupation, since 1967 one thing has remained the same: **throughout the occupied Palestinian territory (oPt), Palestinians' lives – and often their deaths – are determined by the occupying force's military rule.**



International law specifies that military rule is an emergency framework that should only apply in a “temporary and exceptional” situation, and that in such a case, the occupying power is obligated to act in the best interests of the occupied people.<sup>3</sup> Despite this injunction, Israel has imposed a complex military judicial framework on Palestinian civilians which has for decades systematically violated their civil and political rights as individuals, and their collective right to self-determination as a people.

Human rights experts have expressed alarm at the duration of the occupation and at the clear indications that it is becoming further entrenched. Given these facts, the UN Special Rapporteur for the situation of human rights in the oPt, Michael Lynk, has argued that not only are many *individual* elements of Israel’s occupation illegal, but fundamentally its entire role as the occupier has “crossed a red line into illegality”.<sup>4</sup>

On top of the armed violence and blockade that makes up Israel’s illegal occupation across the oPt, Israel’s system of military orders and military courts in the West Bank (the topic of this report) has been operational for as long as the occupation as a central pillar for maintaining and perpetuating this illegal military rule.

In the West Bank, Palestinians are ruled by directives, or military orders, from the Israeli military; they are policed according to these orders by Israeli armed forces; and if arrested, as thousands of Palestinians are each year, they are tried and sentenced in military courts staffed by Israeli military personnel. Military courts, rather than civilian courts, are used to try all Palestinian civilians in the occupied West Bank accused of breaching Israel’s arbitrary rule.

While Israeli settlements, checkpoints, and the Apartheid Wall impose physical barriers

on Palestinian land, the military courts impose the legal jurisdiction of colonial rule on Palestinian civilians. By trying Palestinians in military courts, Israel denies them recognition as civilians with a right to civil life. Through this system, the entire Palestinian population living in the West Bank is treated as a potential security threat to Israel, subject to arrest and detention at any time.

Treating the entire population as a security threat dehumanises and condemns all Palestinians from birth. It delegitimises any Palestinian opposition to illegal occupation and serves as a justification for criminalising all types of expression. The complex web of military laws imposed upon the occupied Palestinian population is designed to shrink the space for Palestinians to live physically, to create psychological trauma, and undermine their ability to act collectively as a people.

This report examines the operation of Israel’s military courts, as well as their corollary institutions, the prisons and detention centres across the West Bank, East Jerusalem, and inside Israel where Palestinian detainees awaiting trial and serving sentences are held. The report looks specifically at how this system of courts and prisons upholds and extends Israel’s illegal occupation across the West Bank and impacts the lives of Palestinians across their historic homeland.

The Israeli occupation is not simply a series of checkpoints, barriers or limitations, but a structure that seeks to legally construct and represent a population solely in relation to the occupier. It is crucial to understand the function of the military court system in this context as a central dynamic of an illegal occupation. **Reforming the courts will not end their illegality: the military courts, along with the occupation, must be abolished.**

## 2. Historical background

The legal basis Israel uses for its military rule in the oPt is found in the Defence (Emergency) Regulations enacted by the British Mandate government in Palestine in **1945**.<sup>5</sup> Based on an earlier set of British regulations from **1937**, the Defence Regulations were a sweeping set of tools introduced to repress Palestinian resistance to British colonial rule. The regulations established protocol and granted powers to the British forces to ban the publication of books and newspapers, deploy arbitrary detention, extensive search and seizure, the imposition of curfews, and more. The regulations also established military courts to try those arrested by the British forces.<sup>6</sup>

In **1967**, Israel captured and occupied what remained of historic Palestine (along with the Syrian Golan Heights, which Israel still occupies today). Over a million Palestinians were brought under Israeli military control in East Jerusalem, the West Bank, and the Gaza Strip,<sup>12</sup> collectively known as the occupied Palestinian territory (oPt). The Israeli army issued military orders that kept the Defence Regulation laws operational in the newly occupied territory,<sup>13</sup> and has since used these laws to criminalise and repress Palestinian civil and political life.

1937

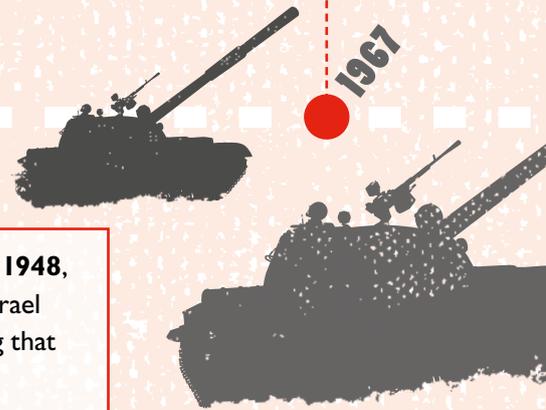
1945

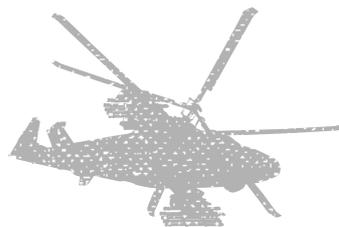
1948

1967

British rule in Palestine officially came to an end in **1948**, making way for the establishment of the State of Israel on historic Palestinian land and the ethnic cleansing that accompanied it.<sup>7</sup> Nearly 800,000 Palestinians were forcibly displaced, and hundreds of Palestinian villages were destroyed or depopulated by militias that would later make up the Israeli military.<sup>8</sup> Palestinians call this the 'Nakba', Arabic for 'catastrophe'.

Following its establishment in 1948, Israel adapted and codified the British Mandate's Defence Regulations into law.<sup>9</sup> While the new state went on to develop a code of civil law for its Jewish citizens, the Defence Regulations were maintained and used to impose military rule internally on the Palestinian citizens who managed to remain in their homeland after the Nakba.<sup>10</sup> This set the course for an apartheid regime of control, under which people are subject to separate codes of law, depending on their identity.<sup>11</sup>





Shortly after the 1967 war ended, Israel established its first settlement in the newly occupied territory. Settlement establishment and expansion has continued since then. Over the decades, Israel has built over 200 illegal settlements in the West Bank, including in East Jerusalem, home to over 620,000 Israeli settlers.<sup>14</sup> Israel has further expropriated Palestinian land to build settler-only roads, limiting Palestinian movement with a series of roadblocks and checkpoints, whilst prohibiting Palestinian access to settlement areas.<sup>15</sup> Israel's settlements are illegal under international law, amounting to a war crime.<sup>16</sup>



2005  
2007

Although Israel no longer maintains settlements in the Gaza Strip, it remains the occupying power and continues to exercise its military and administrative control over the area.<sup>17</sup> In **2005** Israel's 'disengagement' from the Gaza Strip saw the formal withdrawal of Israeli military forces from inside the territory, the withdrawal from legal administration, and the dismantling of settlements built since 1967. However, Israel maintains full control of the Gaza Strip's airspace, territorial waters, telecommunications infrastructure, and all but one of the crossings into the Gaza Strip.<sup>18</sup>

Since **2007**, Israel has subjected the Gaza Strip to a land, air, and sea blockade, locking in those who live there, and subjecting them to periodic and devastating military assaults. Israel's blockade of the Gaza Strip is considered to be "collective punishment" by UN human rights experts and the International Committee of the Red Cross.<sup>19</sup>



## 3. Israel's apartheid system

Israel's occupation is just one part of its apartheid system, under which Palestinians are treated differently and discriminated against, through policy and law, in comparison with Israeli Jewish citizens. While this report focuses on the occupation in the West Bank, where Israeli military courts operate, it is important to situate the occupation within the broader political and historical context of Israeli settler-colonialism and apartheid. These systems continue to impact all Palestinians, whether they are living as second-class citizens of Israel, under occupation in the oPt, or as refugees in exile from their historic homeland.

Palestinians constitute around half of the total population living under Israeli control (inside Israel and in the oPt), yet under Israeli law, and in practice, Jewish Israelis and Palestinians are treated differently in almost every aspect of life. The approximately 6.7 million Palestinians<sup>20</sup> living under direct Israeli control suffer from systematic and institutionalised discrimination affecting every aspect of their lives: housing, education, health, employment, family life, residence, and freedom of movement. There is overwhelming evidence that this system of discrimination instituted by the Israeli government against the Palestinian people meets the UN definition of apartheid.<sup>21</sup>

### Palestinian citizens of Israel

As of 2019, some 1.6 million Palestinians are citizens of Israel, and while formally they enjoy some rights, such as the right to vote, in practice they are treated as second-class

### Apartheid

Apartheid is the Afrikaans word for 'apartness'. It was originally used to describe the system of racial discrimination that existed in South Africa until 1994, but the term applies beyond that historic context. It is defined in international law as: "inhumane acts... committed in the context of an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime."<sup>22</sup>

Israel's policy towards the Palestinian people includes several elements prohibited by the Apartheid Convention and Rome Statute, including:

- Forcible transfer of Palestinians to make way for illegal Israeli settlements
- Prevention of Palestinians from returning to their homes and lands
- Systematic and severe deprivation of the fundamental human rights of Palestinians based on their identity
- Denial of Palestinians' rights to freedom of movement and residence
- Murder, torture, unlawful imprisonment and other severe deprivations of physical liberty
- Persecution of Palestinians because of their opposition to apartheid

citizens in a state which explicitly defines itself as the national home of the Jewish people, rather than of all its citizens.<sup>23</sup> More than 60 Israeli laws institutionalise discrimination against Palestinian citizens of Israel.<sup>24</sup>

An illustrative example can be seen by looking at land and planning rights. Over 1,000 new Jewish communities have been established in Israel since 1950, yet not a single new Palestinian community has been authorised by the state.<sup>25</sup> Palestinian citizens of Israel are routinely denied building permits within their often over-crowded villages and towns, and their homes and structures are disproportionately destroyed by the Israeli authorities compared to neighbouring Jewish communities, which are given support to expand.<sup>26</sup> According to a Human Rights Watch report on the topic, this practice occurs on “starkly unequal terms based on whether inhabitants are Jewish or Palestinian.”<sup>27</sup>

Systematic discrimination against Palestinian citizens of Israel correlates with severe disenfranchisement and high levels of poverty. In 2018, 45% of Palestinian families in Israel lived below the poverty line, compared to 13.4% of Jewish families in Israel.<sup>28</sup>

## Palestinians in the oPt

The majority of Palestinians living under direct Israeli control, approximately 5.1 million in the oPt, are denied their basic human rights under Israeli occupation. In the Gaza Strip, 2 million Palestinians live under military blockade, unable to enter or leave without the rarely granted permission from Israeli military authorities (or Israel’s allied Egyptian authorities from the southern end). While a car ride from the occupied Gaza Strip to Israeli Tel Aviv would take less than an hour, the disparity in living conditions for their inhabitants is stark. The International Monetary Fund ranks Israel in the top 20 countries for nominal GDP per capita in the world in 2020.<sup>29</sup> In contrast, in the occupied Gaza Strip, over 80% of the population relies on humanitarian aid to survive.<sup>30</sup> The already dire conditions in the Gaza Strip have been exacerbated by the U.S. government’s 2018 decision to cut millions of dollars-worth of funding for the UN Relief and Works Agency (UNRWA), which provides critical health, food, and education assistance to the 1.4 million refugees in the Gaza Strip, who make up over 73% of the total population.<sup>31</sup>



## Palestinians in exile are also subject to apartheid policies

Millions of Palestinian refugees living in exile are also subject to Israeli policies. Their dispossession was enshrined in Israeli law through the 'Absentees' Property Law' (1950), when the land and property of Palestinians who had been expelled or forced to flee during the Nakba was officially confiscated by the Israeli state.<sup>32</sup> To this day, Israel refuses to allow Palestinian refugees to return home, despite their internationally recognised right to do so under customary international law, guaranteed by the Universal Declaration of Human Rights and UN General Assembly Resolution 194. All the while, Jewish people from around the world are invited by the Israeli government to settle in Israel (including on confiscated properties and in illegal settlements) and are extended the automatic right to citizenship by Israel's discriminatory 'Law of Return' (1950) that excludes Palestinians.<sup>33</sup>

Armed violence lies at the heart of Israel's apartheid control in the oPt. The conditions of poverty in the Gaza Strip are compounded by the frequent military attacks on the Gaza Strip which have left thousands of Palestinians dead and tens of thousands displaced. Despite this hardship, Palestinians in the Gaza Strip continue to demand their rights, as they did in the 2018-19 Great Return March when tens of thousands of Palestinians marched and gathered close to the Gaza boundary on a weekly basis. Israeli armed forces regularly opened fire on unarmed protests, killing over 200 and injuring over 36,000.<sup>34</sup> An independent investigation mandated by the UN Human Rights Council found that clearly identifiable medical workers and journalists were specifically targeted with live fire, as were children and people with disabilities.<sup>35</sup>

Palestinians living under occupation in the West Bank are also subjected to acute militarised repression. All aspects of their lives are regulated by Israeli military rule, made up of thousands of military orders preventing freedom of speech and assembly, freedom of movement, freedom from arbitrary arrest and a range of other rights guaranteed under international law.<sup>36</sup>

In the West Bank, Israel imposes segregation on ethnic, national, and/or religious grounds by implementing separate legal systems for Jewish Israelis and Palestinians living in the same area. Jewish Israelis living in illegal settlements in the occupied West Bank are governed by Israeli civil law, with the full rights this accords them, while Palestinians living in the occupied West Bank are governed by Israeli military law.

The military court system exists to enforce military law on Palestinians in the West Bank. When Israeli settlers are arrested in the West Bank, they are tried in civilian courts inside Israel. While there is no law or military order that prohibits Israeli citizens from being tried in military courts, and while military courts technically have jurisdiction over all offences committed in the West Bank, in practice, the military court system is only used on the occupied Palestinian population. As this report shows, it is a system designed to control the population. Like its original version, when the British forces introduced it to control anti-colonial rebellion, Israel's military court system exists to quash resistance and prevent the Palestinian people being able to exercise their right to oppose an unjust and illegal system; and to punish and persecute Palestinians because of their identity and their opposition to apartheid.

## 4. Military rule in the West Bank



© Ahmad Al-Bazzi/Activestills

 **Palestinians face Israeli soldiers at a protest against settlement expansion in Deir al Hatab, West Bank**

### Military orders: the occupation's legal code

The Israeli military holds full legislative, executive and judicial authority over the West Bank and its Palestinian residents.<sup>37</sup> Since 1967, Israeli authorities have imposed over 1,800 military orders, which act as the code of law for the West Bank.<sup>38</sup> These military orders are not openly compiled or easily available for Palestinians, who live under their jurisdiction, to consult. The military court system exists to enforce these military orders.

Palestinians arrested by Israeli forces for violating a military order are prosecuted in a military court, in which military orders take precedence over Israeli and international law.<sup>39</sup> This system does not have functional fair trial guarantees, or even the pretence of impartiality--military courts are exclusively run by military personnel and active-duty soldiers: judges, prosecutors, clerks and even translators are all Israeli military officers, and many of the serving judges previously served as military prosecutors.<sup>40</sup>

Military orders cover almost all elements of Palestinians' lives in the West Bank. As Human

Rights Watch detailed in its 2019 report *Born without civil rights*,<sup>41</sup> Israel uses military orders to criminalise a huge array of activities, including political and cultural expression, association, movement, and non-violent protest: anything which Israel considers to be a threat to its control of the occupied territory. **Israel uses military orders to systematically suppress Palestinian civil society.**

## Political repression

The political repression of Palestinian civil society is a central part of Israel's military occupation, enforced through physical, infrastructural and legal violence. Arrests are used by Israel as part of a determined policy to halt protest and activism. Individuals are specifically targeted for their political activities and for resisting illegal occupation. Mass arrests serve as a form of collective repression, intensifying in times of mass protest and uprising, to punish and deter Palestinians from political involvement. When faced with a rising wave of protest, Israeli forces typically intensify their targeting of Palestinians in the occupied territory with night time raids and arrests.<sup>42</sup>

## Military court charges

Since 1967, approximately 800,000 Palestinians have passed through military courts on a wide range of charges.<sup>44</sup> The jurisdiction of military courts includes 'security offences' as well as 'criminal offences' (without a security component).<sup>45</sup>

Military court charges are divided into five categories:<sup>46</sup>

1. **'Hostile Terrorist Activity' (HTA)**
2. **Disturbance of public order**
3. **'Classic' criminal offences**
4. **Illegal presence in Israel**
5. **Traffic violations.**

'Hostile Terrorist Activity' (HTA) and disturbance of public order offences are both used as a pretext for political repression. HTA offences include membership in organisations the Israeli military has decreed are illegal. Under the Defence (Emergency) Regulations 1945, the Israeli military can declare illegal any groups that incite 'disaffection against' the Israeli occupation, or bring Israeli authorities into 'hatred or

## Military Order 101

Military Order 101 was passed by Israel two months into the occupation, in August 1967. It is key to Israel's ongoing political repression and censorship in the West Bank, effectively prohibiting Palestinians from political expression and protest.

Under the order, most forms of political expression are criminalised as 'political incitement', support for 'hostile organisations' is prohibited, and any gathering of more than ten people that could be interpreted as political requires a permit from the Israeli military administration. This applies to both public and private spaces, effectively banning all protests, vigils, assemblies and processions, and all forms of political organising, including political parties and student movements. Prohibited actions include waving the Palestinian flag or other political symbols, displaying political posters, printing and distributing political materials, and chanting slogans.<sup>43</sup>

## ↓ Palestinians walk through the gates of Ofer Military Court and Prison



© Oren Ziv/Activestills

contempt'.<sup>47</sup> Since 1967, Israel has proscribed more than 411 Palestinian organisations, including every major Palestinian political party.<sup>48</sup>

Public order offences include the charge of 'incitement to violence', defined as any attempt 'to influence public opinion in a way which may harm public peace or public order' or publish 'words of praise, sympathy or support for a hostile organisation, its actions, or objectives.'<sup>49</sup> This charge is used to criminalise Palestinians for political speech and cultural expression.

Israel relies on the use of military orders to shut down Palestinian protests, also under the category of public order. Occupying forces often designate an area as a 'closed military zone' in order to suppress peaceful demonstrations and arrest the participants.<sup>50</sup>

Although Israel uses the premise of state security to justify its draconian military court system, the majority of cases brought before

the courts are not related to state security. 'Classic' criminal offences include such acts as theft and illegal trade. Palestinians who enter Israel without a permit, usually in search of work, are charged with illegal presence in Israel.<sup>51</sup> Of all the Palestinians brought before military courts each year, around 40% are charged with traffic violations.<sup>52</sup>

**According to Human Rights Watch,<sup>53</sup> between 1 July 2014 and 30 June 2019:**

**1,704** Palestinians were prosecuted for "membership and activity in an unlawful association"

**358** Palestinians were prosecuted for "incitement"

**4,590** Palestinians were prosecuted for entering a "closed military zone"

## Punishing families: a form of collective punishment

It is commonplace for Israeli authorities to harass and punish the families of detainees, frequently arresting the family members of a target to pressure other members of the family to turn themselves in or to confess.<sup>54</sup> UN Special Rapporteur on the oPt Michael Lynk detailed the practice of punitive home demolitions, the destruction of family homes of Palestinians alleged to have carried out attacks against Israel, even before any trial or conviction is secured.<sup>55</sup> Israeli forces also, on occasion, confiscate money from the families of the accused.<sup>56</sup> These actions may pressure the accused to confess or provide evidence against others, however false, in order to stop the persecution of their families. Punitive home demolitions and confiscation of money from families of the accused are both considered forms of collective punishment, violating the Fourth Geneva Convention, and may constitute war crimes.<sup>57</sup>



An Israeli military watchtower is covered with surveillance cameras at an intersection on Road 60, southern West Bank

## Surveillance

Surveillance has always been integral to Israel's oppression of the Palestinian people. Israel has sought to classify Palestinians through land and population registries and identification cards, and surveil them using more blatant techniques such

### CASE STUDY

#### Punishing families to pressure detainees: Aman's story<sup>58</sup>

In January 2019, Israeli forces arrested the husband of Aman, a university student, in a night raid on their home. While her husband was being interrogated, Israeli intelligence officers phoned Aman to ask if she would voluntarily meet with them for an interview. Aman refused, since there was no official summons. Two days later, Israeli forces broke into Aman's parents' house, where she was staying. They told Aman that she was not being arrested, but they wanted to talk to her.

The officer in charge of her husband's case then isolated her from the family, and questioned her about her relationship with her husband, attempting to get her to incriminate him. When Aman refused to comply with further voluntary questioning, she was arrested, strip searched, and taken to interrogation. Israeli forces also violently searched her family home and confiscated her car. During the interrogation, Aman's interrogator took photos of her to show to her husband during his interrogation, as a means to psychologically distress and pressure him. Aman was released without charge.

## Israeli surveillance technologies around the world

Israel is a leading exporter of surveillance technologies to states worldwide. Israeli homeland security and surveillance companies work in over 100 countries, with their clients including governments, police and security agencies, banks and commercial corporations, airlines, oil, energy and utility companies, and private consumers.<sup>59</sup>

A 2016 report by Privacy International revealed Israel to be home to 27 surveillance companies, the highest number in the world per capita.<sup>60</sup> These companies have close links with the Israeli military, with many headed or staffed by veterans of Israel's Unit 8200, the intelligence wing of the Israeli military responsible for the mass surveillance of Palestinians.<sup>61</sup> Surveillance products are marketed as laboratory tested

on the occupied Palestinian population; as Guy Zuri, from the Israel Export and International Cooperation Institute (IEICI), makes clear, the "military can say it has used the technologies on the ground, it has not just put them in storage. Israel is a laboratory and we have people who have experience".<sup>62</sup>

Israeli companies have provided phone and/or internet monitoring services to secret police or security services in Uzbekistan, Kazakhstan, Trinidad and Tobago, Uganda, Panama and Mexico.<sup>63</sup> Malware technology developed by the Israeli company NSO Group has been purchased and used by repressive regimes, including Saudi Arabia, to actively target human rights defenders.<sup>64</sup>

as informant networks and spies. These practices have been used as a form of control for decades, starting with the Palestinian citizens of Israel in the early days of the state, and continuing in the oPt after 1967.<sup>65</sup>

Today, Israel's surveillance of Palestinians integrates high-tech equipment deployed by the Israel military, including phone and internet monitoring, CCTV, facial recognition technology and biometric data collection.<sup>66</sup> This expansive monitoring is a violation of Palestinians' right to privacy and freedom of expression.<sup>67</sup>

In some cases, Israeli private security companies are contracted by the state to carry out surveillance.<sup>68</sup> Multi-national corporations such as Hewlett Packard Enterprises and Microsoft (which formerly funded Israeli start-up AnyVision) have also been implicated in providing or investing in technology used by Israel in these practices,

and have been pressured by campaigners around the world to divest and end their complicity.<sup>69</sup> The British company G4S, the world's largest private security company, formerly provided equipment and services to Israeli prisons that detain Palestinians, until a global campaign (led partly by War on Want), and a detailed complaint submitted by Lawyers for Palestinian Human Rights,<sup>70</sup> forced the company to sell off its Israeli subsidiary in 2016.

Social media is increasingly becoming a target of repressive policing worldwide, including by Israeli forces in the oPt. Israel explicitly targets Palestinians who express dissent online for arrest.<sup>71</sup> Hundreds of Palestinians have been arrested on allegations of online incitement, with an estimated 300 arrested in 2017 alone.<sup>72</sup> The vast majority of social media posts considered 'incitement' express frustration and anger at Israeli occupation, but do not express violent intent.<sup>73</sup>

Social media monitoring through data-mining, deep learning and computer modelling has become an integral part of occupation.<sup>74</sup> This online surveillance is central to predictive policing by Israeli forces,<sup>75</sup> which uses algorithms to determine suspects of interest based on analysis of social media posts, and to

arrest a Palestinian person before any crime has been committed. This technology is designed to predict where potential intent will be formed, even where it does not currently exist. Between 2015 and 2018, over 200 Palestinians were pre-emptively arrested due to the use of data analysis technology.<sup>76</sup>

## Israeli agencies involved in the military court system

**Israel Defense Forces (IDF):** The IDF is Israel's national army. Proclamation Regarding Regulation of Administration and Law (the West Bank Region) No.2 authorises the **Commander of the IDF in the West Bank Region** to exercise full legislative, executive and judicial authority over the West Bank.<sup>77</sup> They issue military orders, administrative detention orders, and have oversight over the military courts.

**IDF soldiers** enforce military orders and arrest Palestinians suspected of committing an offence.

**Military court prosecutors:** Prosecutors are regular or reserve soldiers responsible for conducting prosecutions against Palestinians suspected of committing an offence. They are appointed by the (IDF) Area Commander.<sup>78</sup>

**Military court judges:** There are currently around 20 regular army judges and 150 reservist judges serving in the military courts.<sup>79</sup> Military court judges serve in the same legal unit in the IDF as military prosecutors, and many military court judges were formerly military prosecutors.<sup>80</sup> Military court judges decide on whether a defendant will remain in detention until the end of trial, the verdict, and the sentencing of a defendant. A military court judge has the jurisdiction to impose a sentence of up to 10 years. A panel of three judges is required for longer sentences. Military court judges also review administrative detention orders.<sup>81</sup>

### **Israeli Security Agency (ISA):**

Israel's internal intelligence agency. The ISA is responsible for interrogation of Palestinian detainees and collecting information to be passed back to either the military prosecutor, to be used as the basis for indictment, or to the IDF Area Commander, to be used in issuing administrative detention orders.

**Israel Prison Service (IPS):** The IPS has oversight of Israeli prisons and has custody of Palestinian prisoners incarcerated in Israeli prisons. IPS guards are also in charge of Palestinian detainees during their transfer to courts, other prisons or detention centres. IPS guards have the same powers as IDF soldiers over Palestinian detainees in custody.<sup>82</sup>

### **High Court of Justice (HCJ):**

The HCJ has the power of judicial review over administrative decisions, including orders issued by the IDF Area Commander. Petitions are filed to the HCJ relating to administrative detention orders and amended military orders. The HCJ also provides legal cover for the use of torture on Palestinian detainees by ISA interrogators. In 1999, the HCJ ruled that torture is prohibited, but upheld that the use of 'moderate physical pressure' in cases of 'necessity' is not a criminal offence.<sup>83</sup>

## 5. Arrest, interrogation, and trials

“ Just as it was clear to me that every living creature eventually dies, it became evident that every Palestinian man would eventually be taken to prison ”

Sha'ban Atallah, father to four sons imprisoned in the 1980s.<sup>84</sup>

### Arrest

A Palestinian resident of the West Bank can be arrested at any time if the Israeli authorities determine that they have violated one of the more than 1,800 military orders that serve as the occupation's legal code. Palestinian detainees are imprisoned immediately following arrest, and only in extremely rare cases are they released on



bail.<sup>85</sup> Typically, detainees are taken to a temporary holding station in the West Bank, then transferred to an interrogation centre to be questioned. If the interrogation process is lengthy, they will be imprisoned whilst not in interrogation. Following interrogation, a detainee may be charged, given an administrative detention order, or released without being charged.

If a detainee is charged with a crime at the time of arrest, or given an administrative detention order, they will be taken to a prison, and will usually remain in prison for the duration of their trial or detention order. The majority of Palestinian prisoners are held in prisons within Israel, meaning that they are subject to illegal transfer, despite its prohibition in the Fourth Geneva Convention, which specifies that the transfer of prisoners from an occupied territory into the occupying

state is a breach of international law and may constitute a war crime.<sup>88</sup> All Palestinians from the oPt imprisoned in Israel will have been transferred illegally, no matter the circumstances of their transfer.

## Interrogation and torture

Following arrest, detainees will typically be interrogated by the Israeli Security Agency (ISA). Throughout the occupation, Israel has systematically used torture against Palestinian detainees in interrogation. Since 1967, at least 72 Palestinian prisoners have died due to torture at the hands of Israeli interrogators, and thousands more have suffered lasting physical and psychological damage.<sup>89</sup>

Torture and other acts of cruel, inhuman or degrading treatment continue to be the standard operating method used to extract confessions from Palestinians under interrogation.<sup>90</sup> Confessions are used as the primary evidence against Palestinians in military courts, and although obtained through coercion, are rarely excluded by judges.<sup>91</sup> The UN Convention against Torture clearly states that any statement made as a result of torture should be inadmissible as evidence.<sup>92</sup>

The use of torture to obtain evidence has been legitimated by judges in military courts, and has been upheld countless times in the Israeli High Court of Justice (HCJ), exposing how deeply intertwined Israel's military court system is with Israel's civil court system.<sup>93</sup> Judges in the military court consistently extend the interrogation periods for detainees knowing that interrogators are committing torture against them, prioritising the requests of the ISA against the rights of detainees. Judges also obstruct the documentation of torture, against their legal obligation to monitor and prevent torture, by not enforcing the delivery of medical reports and pictures of tortured detainees.<sup>94</sup>

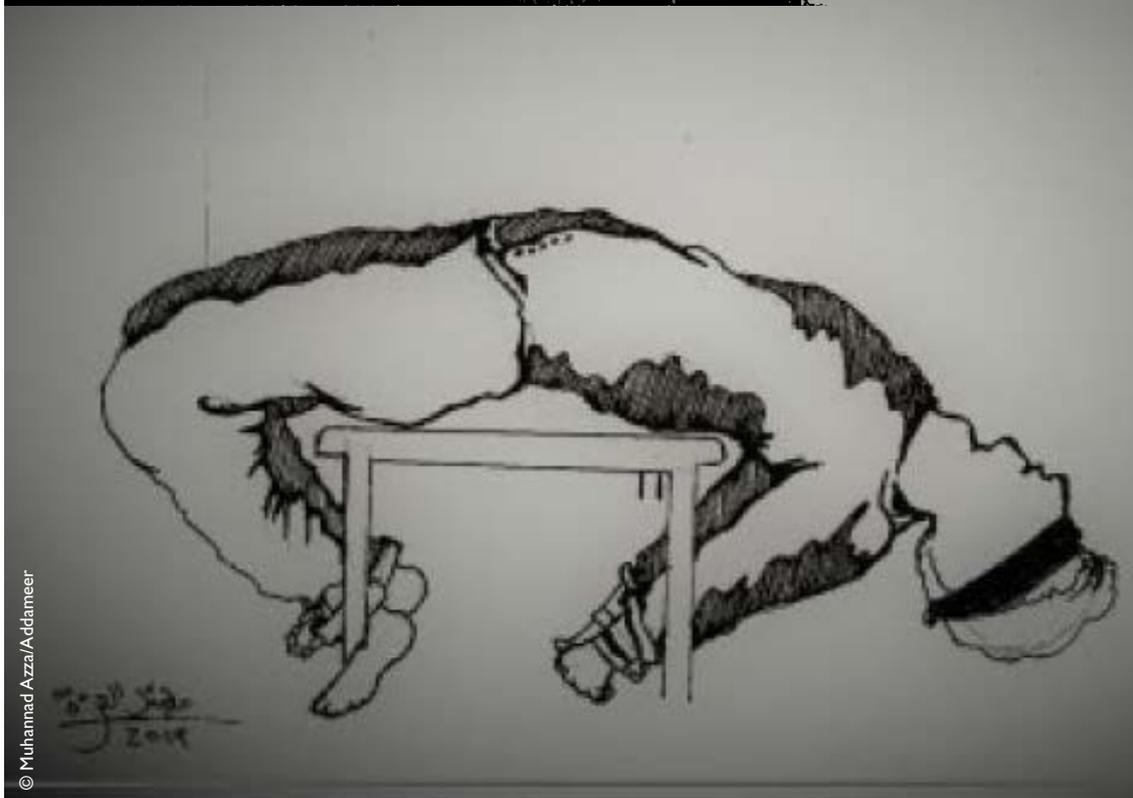
## The UK government knows about illegal transfer

The UK Foreign, Commonwealth & Development Office has repeatedly admitted knowledge of the fact that the transfer of Palestinian prisoners from the oPt into Israel is a breach of the Fourth Geneva Convention, and that this happens in the majority of cases.<sup>86</sup>

As a 'third party state', the UK has a responsibility to act. According to the International Committee of the Red Cross: "Third States have a responsibility... to take appropriate steps – unilaterally or collectively – against parties to a conflict who are violating international humanitarian law, in particular to intervene with states or armed groups over which they might have some influence to stop the violations."<sup>87</sup>



### Illustration of the 'banana' stress position used during interrogation



The HCJ is responsible for hearing petitions relating to the ban on lawyer visits for detainees under interrogation; these petitions are consistently denied. By rejecting the petitions for lawyer visits, the HCJ enables the continuation of isolation and torture against the detainee, by preventing lawyers from documenting the torture of their client and advocating for them.

Despite ratifying the UN Convention against Torture in 1991, Israel has not prohibited torture under its domestic legislation and the HCJ has continuously permitted its use, exposing what Amnesty International has called “the complicity of Israel’s authorities, including its judiciary, in the systematic violation of the human right to be free from torture.”<sup>95</sup>

In 1999, the HCJ ruled that while torture is illegal under Israeli law, it is permissible to

use ‘special means of pressure’ in a ‘ticking bomb’ scenario. ‘Ticking bomb’ cases are those in which interrogators presume that a suspect is withholding information that could prevent an impending threat to civilian lives.<sup>96</sup> In 2018, the HCJ expanded this concept in a ruling which stated that ‘ticking bomb’ cases include those that are not imminent security threats.<sup>97</sup> Under this circular logic, torture of any Palestinian detainee considered a security threat is justified, in order to coerce a confession which proves the detainee is a security threat – legitimising the torture.

There is no accountability for the routine use of torture in Israel, with perpetrators essentially guaranteed immunity. According to the Public Committee Against Torture in Israel, around 1,200 accusations of torture have been filed against Israeli interrogators since 2001, with not a single indictment.<sup>98</sup>

## Torture used against Palestinian prisoners<sup>99</sup>

### Routinely used torture methods

- **Beatings:** detainees are slapped, kicked, punched, or beaten with objects
- **Sleep deprivation:** detainees are prevented from sleeping for extended periods of times and are subjected to long interrogations
- **Psychological abuse:** detainees are subjected to verbal abuse, humiliation, and death threats
- **Sexual abuse:** detainees are subject to threats of sexual assault and rape
- **Threats against family members:** detainees are threatened with the arrest, torture, or death of their family members
- **Lack of access to hygiene:** detainees are denied their right to hygiene products
- **Cold air-conditioned cells:** detainees are kept in excessively cold air-conditioned cells for extended periods of time

### 'Military interrogation techniques' used in 'ticking bomb' scenarios

- **Positional torture:** detainees are tied into stress positions and left for prolonged periods of time during interrogation
- **Extreme physical pressure:** detainees are subjected to extreme pressure from interrogators kneeling or sitting on their neck, back, shoulders, or stomach, often while tied into a stress position
- **Harsh beatings:** detainees are harshly beaten, often while suspended in a stress position
- **Suffocation:** detainees are strangled or subject to other means of suffocation
- **Solitary confinement:** detainees are isolated or placed in solitary confinement for extended periods of time, weeks or even months
- **Psychological torture:** detainees are threatened, shouted at, humiliated, forced to hear or watch videos of other tortured detainees, see family members whilst being interrogated, or watch family members being interrogated themselves

According to the UN Convention Against Torture, "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" and furthermore, "any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings."<sup>100</sup>

The importance of the prohibition on torture in international law is evidenced by the requirement on third party states, such as the UK, to take actions to prevent it happening where the UK may have influence (such as in an allied state like Israel).<sup>101</sup>

## CASE STUDY

### Torture to produce the reason for arrest:

#### Tariq's story<sup>102</sup>



Tariq, a school counsellor, was arrested by Israeli forces in October 2019. He was placed under a six-month administrative

detention order on the basis of secret evidence allegedly showing him to be a member of a proscribed organisation.

After 50 days in administrative detention, he was taken to Al-Mascobiyya interrogation centre, inside Israel, where he was interrogated and tortured for 35 days by the ISA. For the first six days, Tariq was shackled to a chair and subjected to continuous interrogation without sleep. For the remaining weeks, he was subjected to extreme physical and psychological torture, including beatings, stress positions, and verbal abuse. Tariq was prevented from meeting with his lawyer for the first 21 days of his 35-day interrogation. In January 2020, Tariq was indicted on charges relating to membership of a proscribed organisation.

Following his indictment, his administrative detention order was cancelled and he was imprisoned on the basis of his upcoming trial. His administrative detention, interrogation, and subsequent indictment shows the arbitrary basis on which Israel arrests Palestinians on secret evidence, until they are able to collect, through torture, the necessary evidence to indict them.

## No access to justice

If a Palestinian detainee is charged with a crime by the Israeli military, they are brought before the military court. For those who are charged in military courts, the Israeli military claims over a 99% conviction rate; approximately 97% of these convictions are the result of plea bargains, meaning that the prosecution is rarely required to present evidence against the defendant.<sup>103</sup> Section 72 of the Fourth Geneva Convention details the rights of civilians to a fair trial in times of hostilities, including occupation.<sup>104</sup> However, Israel's military court process systematically denies Palestinians their basic due process rights.<sup>105</sup>

## What are due process rights?

The International Covenant for Civil and Political Rights outlines the minimal international standards of due process. Due process rights include: the presumption of innocence, the right to counsel, the right to be notified of and to understand the charges, the right to prepare an effective defence, the right to be tried promptly, the right to interpretation of the proceedings, and the right to a fair and public hearing.<sup>106</sup>

Palestinians are routinely denied the right to hear the evidence against them, the right to an effective defence, the right to interpretation of court proceedings, and the right to be tried promptly.

Without recourse to a fair trial, Palestinians are compelled to take plea bargains – to plead guilty in order to limit their sentences. In most cases, court trials are prohibitively expensive and the chances of being exonerated are extremely low. Since accused Palestinians will end up with a security record whether they plead guilty or not, prisoners

often feel they have no other practical option but to take a plea bargain. This means that convictions in the military courts are almost never based on evidence.<sup>107</sup>

The well-established standard of international law is the presumption of the accused person's innocence, with the burden of finding proof of guilt placed on the prosecution. In contravention of international law, the practice and reality of the military courts is that detainees are presumed guilty, as evidenced by detainees being held in prison throughout trial, the prosecution's routine inflation of charges, and the incredibly low acquittal rate.

There is no provision in Israel's military orders for the right to an effective defence. Both Palestinian and Israeli lawyers who represent Palestinian defendants in military courts face restrictions and difficulties in building a defence. Palestinian lawyers from the West Bank, like all other West Bank residents, cannot enter Israel without permission from the Israeli military. Their permit requests are frequently denied, meaning they are prevented from meeting detainees held in Israeli prisons.<sup>108</sup> Prisons are only open for lawyer visits a few days each week, and do not provide facilities for lawyers to talk confidentially with their clients. Due to the difficulties of visiting prisons, the majority of client interviews take place in the minutes before the start of prisoner's hearing at a military court.<sup>109</sup> Lawyers are often faced with the provision of incomplete prosecution material and court documents written in Hebrew only.<sup>110</sup>

Language is a central problem in Israel's military courts, as the entire proceedings are conducted in Hebrew. Palestinians' native language is Arabic, and many prisoners are not able to understand the Hebrew spoken during their trial. Interpretation is provided by Israeli soldiers who have no legal training,

## CASE STUDY

### No fair trials mean pleading guilty the easiest option Samah's story<sup>111</sup>



Samah, a university student, was arrested by Israeli forces in September 2019, and taken to al-Mascobiyya

interrogation centre, where she was interrogated and tortured for one month. Her detention was extended several times, from the original two days to over six weeks; two appeals by her lawyers against these extension orders were rejected by the court.

On the final day of her detention, she was charged with "affiliation with an association deemed unlawful under Israeli law". The indictment focused on Samah's activism in a student association at her university; however, the student association mentioned was only listed as unlawful in July 2020, months after her indictment.

Following her indictment, Samah's court hearings were continuously postponed from October 2019 until March 2020. Even though Samah refutes claims of wrongdoing, given her interrogation conditions, the rapid growth of the coronavirus pandemic in March 2020, the continuously postponed court hearings, and detention extension orders, she felt that taking a plea bargain was a better option than to go to trial, as it would mean less time in prison. Samah was sentenced to nine months in prison and a fine of NIS 3,000 (£678).



↓ Sixteen-year-old Ahd Tamimi arrives for a hearing at Ofer military court

who receive minimal instructions, and with no time allowed for translation during the course of proceedings. This means that the quality of official translation is variable. The interpreter usually translates while the judge, prosecutor or lawyer is speaking, meaning not everything that is mentioned can be captured, and defendants are often unable to understand what is happening in their own hearing.<sup>112</sup>

In the rare cases when a full trial takes place, the primary evidence used against detainees in military courts is confessions.<sup>113</sup> As confessions are central to prosecutions in military courts, interrogation is integral to the detention process. If they are to be used as evidence, confessions must be given 'freely and willingly', but in practice, this is rarely upheld.<sup>114</sup> Often, a forced confession extracted through torture, internationally recognised as invalid, is the only evidence

used to convict a defendant. Furthermore, Palestinian detainees are routinely made to sign confessions written in Hebrew, a language that many of them do not read or understand.<sup>115</sup> They may be forced to do so before consultation with a lawyer, as even though Israeli military law provides the right to legal counsel, it is permitted to delay a detainee from meeting with a lawyer for 60 days, which would be the main period of interrogation.<sup>116</sup>

Incriminating statements made by others are the second most common type of evidence used against detainees. Palestinians are often indicted and convicted on this basis, even when incriminating statements are unreliable, or extracted under torture from other detainees, as the threshold for what constitutes incriminating evidence is very low.<sup>117</sup>

## Administrative detention

Palestinian detainees are imprisoned through one of two processes: criminal indictment through military courts, or administrative detention. In a criminal prosecution process, committing an offence is the basis for imprisonment. Administrative detention is the arrest and imprisonment of a person, not because they have committed an offence, but on the basis that they will commit an offence in the future.<sup>118</sup>

Michael Lynk, UN Special Rapporteur for the oPt, has called on Israel to end its practice of administrative detention, describing it as “a penal system that is ripe for abuse and maltreatment” and “an anathema in any democratic society that follows the rule of law.”<sup>119</sup> International law only allows for an occupying state to use administrative detention for “imperative reasons of security”, and “only if a fair hearing can be provided”.<sup>120</sup> However, Israel routinely uses administrative detention in place of criminal indictment, in absolute contravention of international law.

Detainees are often arrested and interrogated before the Israeli military decides whether to charge them with a crime, or to hold them in administrative detention. Evidence to be used at trial is rarely a condition of imprisonment in either situation. In many cases, when they do not have sufficient evidence for an indictment, or do not want to reveal their evidence, Israeli authorities will classify evidence as ‘confidential’ for ‘reasons of national security’ and use administrative detention as an easy alternative to criminal procedure.<sup>121</sup>

Administrative detention is supposed to be a preventative measure, with detainees held without criminal charge or trial for an indefinite period of time. Because it is

supposedly used for security reasons, the evidence against administrative detainees is classified. The only person allowed to view secret evidence is the military judge, making it virtually impossible for the lawyers of administrative detainees to mount a defence.<sup>122</sup>

### CASE STUDY

#### Administrative detention as punishment: **Abed Al-Qader's story**<sup>123</sup>



In October 2018, the Israeli military prosecution issued an indictment accusing Abed Al-Qader of affiliation with a proscribed organisation. In July 2019, he was sentenced in a military court on this charge to 14 months imprisonment.

In November 2019, directly after Abed Al-Qader finished serving his sentence, a six-month administrative detention order was issued against him. This was immediately appealed by Abed Al-Qader's lawyers, on the basis that the administrative detention order was based on the same facts as his previous indictment, and constituted a continuing punishment on a charge he had already served. However, the order was approved by the military court judge, though for four months instead of six, until he was released in March 2020. This shows administrative detention being used as a tool to retroactively punish Palestinians, rather than prevent a future ‘risk’ to the Israeli occupation.

In the West Bank, Military Order 1651 permits administrative detention, allowing military commanders to authorise the detention of people for up to six months if there are 'reasonable grounds to believe that a certain person must be held in detention for reasons to do with regional security or public security'.<sup>124</sup> What comes under the remit of 'regional security' and 'public security' is not defined or explained. It is subject to the interpretation and whims of military commanders.

In practice, military commanders have discretionary power to arbitrarily detain someone indefinitely. Whilst administrative detention orders can last for a maximum of six months, there is no limit on the number of times they can be renewed, and they are frequently renewed on, or just before, the expiry date. Data from 2017 collected by B'tselem shows that out of 475 Palestinians held in administrative detention, 121 had been

held for over a year, meaning that their detention had been extended at least twice; from the beginning of 2015 to July 2017, 62.4%, or 2,441 out of 3,909 administrative detention orders, were extensions of existing orders. Since 1967, over 52,000 administrative detention orders have been issued.<sup>125</sup>

## Administrative detention – a British export

British forces historically used administrative detention throughout the British Empire to stifle political dissent. Administrative detention was used in Palestine by the British Mandate from 1937 to suppress anti-colonial revolt. In 1945, the British Mandate codified administrative detention into law as part of the Defence (Emergency) Regulations, which were adopted by Israel in 1948.

## 6. Political prisoners

### Incarceration

Palestinian prisoners who are sentenced in military courts and those who are kept under administrative detention are incarcerated in prisons inside Israel. They are considered by Israel to be 'security prisoners'. The Israeli Prison Service (IPS) defines a security prisoner as: "A prisoner who was convicted and sentenced for committing a crime, or who is imprisoned on suspicion of committing a crime, which due to its nature or circumstances was defined as a security offense or whose motive was nationalistic."<sup>126</sup> The terminology 'security prisoners' obscures the political basis on which Palestinian prisoners are arrested and imprisoned; they

are more accurately described as political prisoners, as they are imprisoned because of their identity, beliefs or political activities in relation to the Israeli occupation.

Palestinian political prisoners are held in Israeli prisons, but in separate wings from Israeli prisoners. Palestinian prisoners are routinely denied many of the rights afforded to Israeli prisoners, including release on temporary license, telephone calls, daily walks, and conjugal visits, and they face restrictions on family visits.

A Palestinian prisoner's family members must acquire a permit from the Israeli authorities in order to enter Israel, where most of the

 Palestinian prisoners receive visits at Gilboa prison, Israel



prisons are located. Only spouses, children, parents, siblings, and grandparents of prisoners are allowed to visit, although men aged 16 – 35 are generally barred from entry. Permits are often denied or revoked on tenuous ‘security’ concerns. Due to this policy, thousands of prisoners serve their sentences without visits, including children, who find the denial of family visits especially difficult.<sup>127</sup> Israel also uses the suspension of family visits as a form of collective punishment for prisoners, for example after a hunger strike to protest conditions takes place.<sup>128</sup>

## Covid-19 in prisons

The Covid-19 pandemic exacerbated the systematic neglect and ill-treatment of Palestinian prisoners. Prisons are overcrowded, unsanitary, and poorly ventilated, but the Israeli Prison Service has consistently refused to apply adequate preventative hygiene measures to prevent the spread of the virus, with basic measures such as masks and sanitiser only provided after international pressure.<sup>129</sup>

Whilst Israel released hundreds of Israeli prisoners to combat Covid-19, months into the pandemic, Israel refused to release Palestinian political prisoners despite calls from UN human rights experts, who stated this “discriminatory treatment” constitutes a “violation of international law”.<sup>130</sup> The Israeli Supreme Court further ruled that Palestinian prisoners do not have the right to social distancing during the pandemic.<sup>131</sup> Nonetheless, Palestinian prisoners have been subjected to excessive restrictions, such as the suspension of family, lawyer and medical professional visits, that are not medically justified and further violate their rights.<sup>132</sup>

## Economic exploitation

The military court system and Israeli prison system play a part in the systematic economic exploitation of Palestinians. Arrest, trial, and imprisonment have a huge financial impact on prisoners, their families, and by extension, Palestinian society, already suffering under the economic hardship of occupation.

Virtually every prisoner pays a fine to the military court system. As part of plea bargains, the prosecution typically requests a fine in exchange for less time in prison – a sentence reduction is 1000 NIS / month, or around £220.<sup>133</sup> The average daily wage in the West Bank is around 120 NIS (£27).<sup>134</sup> In 2017, the total number of fines paid into the military court system for the year amounted to 20,590,090 NIS (£4,667,255); every year, the total fines amount to around £5million.<sup>135</sup>

The costs associated with plea bargains or being tried in military courts are mirrored in the prison system. Many aspects of Israeli prisons are privatised, and there is a profitable market for prison services, most notably prison canteens. The quality of food served to prisoners is often unhygienic or inedible, meaning that prisoners need to buy additional food from the prison canteen. On average, the prices charged are more expensive than at local Palestinian market rates, creating a heavy financial burden for the families of prisoners.<sup>136</sup>

Prisoners are sometimes forced to pay for medical items, such as hearing aids and glasses, in contravention of international humanitarian law.<sup>137</sup> Medical neglect in prisons, including insufficient access to doctors, the denial of appropriate medical treatment, and the delay of necessary treatment, is systematic, so routine that it is considered by human rights groups to be a de facto policy.<sup>138</sup> As a result, the health of

many prisoners deteriorates over time, treatable conditions go untended, and after release, many prisoners have to pay for medical treatment which would not otherwise have been necessary.<sup>139</sup>

The economic exploitation of prisoners also serves as a disciplinary mechanism. Fines levied on prisoners as punishment for bad behaviour can be taken out of their prison accounts at the will of the prison.<sup>140</sup> These practices attempt to make prisoners an economic burden to Palestinian society. Economic exploitation is a tool of political repression both within and outside of prison walls, which seeks to alienate prisoners from political activism, and to squeeze the capacity of Palestinian society to support their prisoners.

### Military Order 1827 (2020)

In May 2020, Military Order 1827 came into effect, forbidding Palestinian banks in the occupied territory from processing payments given by the Palestinian Authority to Palestinian prisoners and their families.<sup>141</sup> The payments are a form of welfare because of the economic hardship and exploitation they are subjected to.

This led to some banks suddenly closing the accounts of payment recipients.<sup>142</sup> Many families depend on these payments for their livelihoods, and as cover for the costs associated with the Israeli military court and prison system.

The order renders these payments a prohibited financial act, and considers them as terrorism, making bank workers who process these payments liable to imprisonment.

## Children in detention

Israel is the only regime in the world that automatically tries Palestinian children in military courts. Since the inception of the occupation, tens of thousands of Palestinian children have been violently arrested, interrogated for hours, abused and tortured, held in solitary confinement, and denied adult representation.<sup>143</sup> A 2020 study by Save the Children found that 81% of children they surveyed reported being beaten in detention, while almost half were deprived of food or water.<sup>144</sup>

A 2013 UNICEF study concluded that the ill-treatment of Palestinian children in military detention is “widespread, systematic and institutionalised throughout the process, from the moment of arrest until the child’s prosecution and eventual conviction and sentencing.”<sup>145</sup> This is despite Israel’s ratification of the UN Convention on the Rights of the Child. Palestinian children are treated on a par with adults, tried in military courts, and are subject to the same violations.<sup>146</sup> In the West Bank, Military Order 1651 establishes the minimum age of criminal responsibility at 12 years old, giving the military courts jurisdiction over children 12 years and older.<sup>147</sup> Although children under the age of 12 cannot be prosecuted in the military courts, Israeli forces often detain children younger than 12 for hours of questioning, before releasing them to their families or Palestinian authorities.<sup>148</sup>

Defence for Children International - Palestine estimates that between the years 2000 and 2020, 10,000 Palestinian children in the West Bank have been through the Israeli military court system.<sup>149</sup> Every year, between 500-700 Palestinian children are arrested by Israeli forces and prosecuted in a military court.<sup>150</sup> Many Palestinian children have been held without charge or trial in administrative detention, and children are sometimes arrested specifically to put pressure on family members.<sup>151</sup> Israel also



© Abed Al Hashlanoun/EPY



### Israeli soldiers hold Palestinian children under arrest in Hebron, West Bank

uses the arrest of children in order to financially pressure their families, who must pay large fines to secure their release, or pressure children to become informants.<sup>152</sup>

In 2009, Israel created a military juvenile court system in response to pressure from international children's rights advocates, ostensibly to protect the rights of minors within the military court system, but rights groups have called the juvenile court system a 'fig leaf', which in reality it does nothing to stop the systematic violation of children's rights; children are subjected to the same detention policy as adults, meaning that they are kept in custody from the time of their arrest, without bail.<sup>153</sup> The jurisdiction of the military juvenile court only extends to trial

hearings, not to remand hearings, which are still held in ordinary military courts.<sup>154</sup>

However, as in adult military courts, the military prosecution in juvenile courts rarely has to go to trial, as the vast majority of cases are settled with plea bargains. This means that the primary role of the military juvenile court is to sign off on plea bargains, rather than to protect children's rights.<sup>155</sup>

Children are not spared from harsh detention conditions. Save the Children's study found that children reported being kept in overcrowded, dirty cells with poor ventilation, often woken in the middle of the night, and subject to beatings. Many children described being deprived of food or water,

or being fed inedible food.<sup>156</sup> Palestinian children in Israeli prisons are also subject to solitary confinement, in contravention of international law, and often denied family visits.<sup>157</sup> Very little provision is made for the education of Palestinian child prisoners. The IPS only provides limited education in two prisons, and girls receive no formal

education.<sup>158</sup> Where education is provided, it does not follow the curriculum that Palestinian children would have learnt in school, making re-integration into school after release even more difficult.<sup>159</sup> The arrest of children is manifestly destructive to their mental health, and many suffer trauma for years afterwards.

## CASE STUDY

### In prison with Covid-19: Mahmoud's story<sup>160</sup>

Mahmoud, 15, was arrested in July 2020. His detention had already been extended twice when Mahmoud tested positive for Covid-19 in August 2020. Despite his diagnosis, his age, and the fact he had not yet been interrogated or charged, the military court refused to release him. His detention was extended four more times, until September.



Following his diagnosis, Mahmoud was held alone in a small room without basic necessities, forbidden from going outside, and with no contact from anyone. He was not provided with medical care, sanitising items, or clean clothes. He had only one jumper which he wore for the entire isolation period. Shampoo and soap were only provided after 14 days. Mahmoud was in isolation for 21 days, until he tested negative for Covid-19, after which he was returned to the general prison population.

At his court hearing in September, he was charged on five counts, all related to a picture of Mahmoud holding a plastic toy gun, and released on bail.

## 7. Resisting oppression

Israel's system of military arrest and detention is not simply a problem of the frequency or severity with which individual Palestinians' rights are violated. Rather, the entire system exists to uphold an illegal occupation which depends on dividing and subjugating the Palestinian people. The techniques used to punish protest, to pressure families, to force confessions, and coerce incriminations of others, are well-documented tactics used by colonial powers throughout history to inhibit collective resistance.

Palestinians have resisted this oppression since the beginning, across Palestinian society as a whole, as well as inside Israel's prisons. Political prisoners have organised boycotts of the military courts and fought to improve the conditions of their imprisonment, even while maintaining a principled objection to its entire premise. Prisoners have organised to collectively fight for their basic human rights and dignity to be upheld, and have secured some significant improvements.

© Rich Wilson/War on Want



**Palestinians holding posters of their imprisoned family members at the offices of the International Committee of the Red Cross in Ramallah**

## Boycotting military court trials

One way that Palestinians have rejected this repressive system is through boycotts of the military courts and the Israeli legal system. Some have refused to recognise the legitimacy of the military court system and its jurisdiction by refusing to willingly attend the hearings or allow plea deals to be made on their behalf.<sup>161</sup>

Palestinian administrative detainees have initiated collective boycotts of military courts to demand the abolition of administrative detention, despite the significant risk of reprisal and punishment by the Israeli authorities, including physical abuse, loss of visitation and canteen rights, and solitary confinement. Israeli forces have also forcibly transferred detainees participating in boycotts to their hearings, and have extended the period of detention as punishment for their protests.<sup>162</sup> Lawyers who refuse to appear in court out of solidarity with boycotting detainees have been fined and threatened with referral to the ethics committee of the Israeli Bar Association.<sup>163</sup>

## Boycotting administrative detention hearings

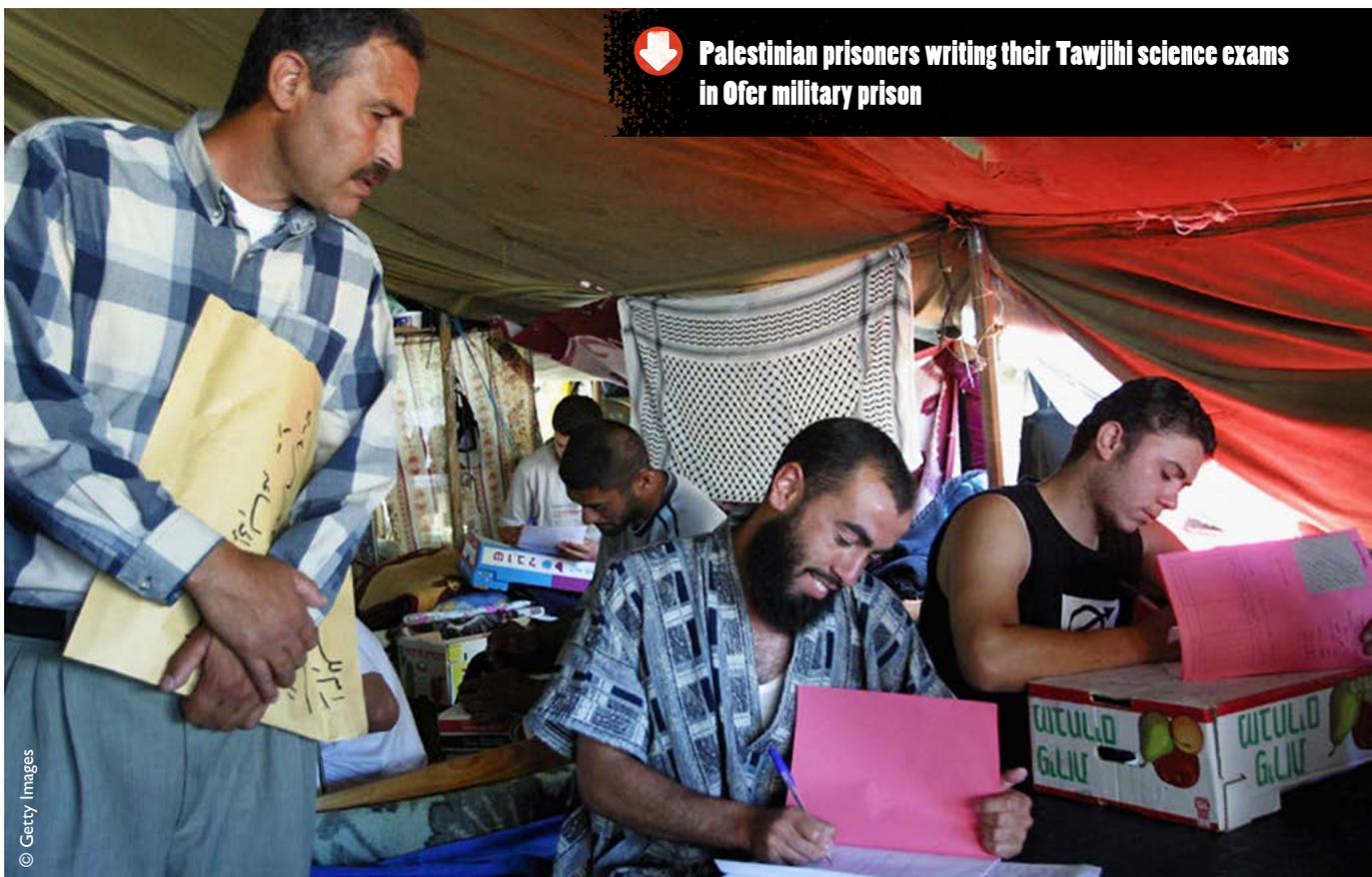
In 2018, 450 Palestinians held in administrative detention instigated a boycott of the military court system to protest against indefinite detention and the legal system that upholds it.<sup>164</sup> The detainees refused to appear at reaffirmation hearings (hearings where detention is affirmed and extended), at the appeals court, where their lawyer would have appealed the reaffirmation decision. Lawyers and human rights organisations also refused to appear in court, appeal, or petition the courts as part of the boycott.<sup>165</sup>

## Prisoners' movement

Mass imprisonment has had a fundamental impact on Palestinian society. The Palestinian prisoners' movement, which grew within prisons, has been central to the wider Palestinian liberation struggle against Israeli occupation, colonialism, and apartheid. Starting at the onset of the occupation, the prisoners' movement reached its apex in the mid-1980s to early 1990s, during the years of the First Intifada, when more than 175,000 Palestinians were jailed<sup>166</sup> and occupied Palestine had the highest incarceration rate in the world.<sup>167</sup> Palestinian prisoners' self-organisation inside Israeli prisons has both challenged the internal order within prisons, and has been central to prisoners' political education. At its height in the 1980s, self-organised education programmes which emphasised the transformative nature of academic and political education were pivotal to the prisoners' movement.<sup>168</sup> Prisoners found ways to smuggle books, pens, and paper into prison, and fought for and won the right to access a library.<sup>169</sup>

Prisoners organised a network of democratic committees that oversaw the day-to-day workings of the internal order within prisons. Wide-ranging education programmes were made possible through the strict enforcement of daily schedules with allocated times for different subjects of study.<sup>170</sup> Without such a disciplined internal order to rival the prison order, the fight for education and other basic rights within prisons would not have been possible.

The prisoners' movement grew to become hugely significant in the Palestinian struggle writ large, and in the First Intifada in particular. In the 1980s, Israeli mass imprisonment policies led to the detainment of thousands of students and young people from all sectors of Palestinian society, alongside older and



**Palestinian prisoners writing their Tawjihi science exams in Ofer military prison**

experienced activists. Through education programmes, older prisoners passed on their knowledge to younger prisoners, who were able to receive an education in prison that had been denied to them outside of it.<sup>171</sup>

**“ In prison I found Palestine’s political, national, revolutionary university. It was in prison that I realized that knowledge is what paves the road to victory and freedom... The movement systematically organised workshops, seminars, and courses held inside the prison to educate prisoners on every relevant topic one can imagine ”**

**Khaled, Palestinian political prisoner.<sup>172</sup>**

Upon their release, prisoners’ experiences of the strong organisational structure of the prisoners’ movement, and the transformative impact of education, fed into the decentralised organising committees which sustained the communal unarmed resistance of the First Intifada.<sup>173</sup>

Today, Palestinian prisoners maintain the core principles of collective solidarity between prisoners and Palestinian society that grew out of the prisoners’ movement. Self-organised prisoners’ education and solidarity still operates today. Despite the absence of formal education provision by the IPS, former child prisoner Ahed Tamimi finished high school in an Israeli prison, taught by a fellow Palestinian prisoner: “We would learn mathematics, Arabic, English, history, geography, science. We used to take international law classes, as well. We took a lot of these different classes.”<sup>174</sup>



© Rich Wiles/War on Want



**A child holds photo of her imprisoned father at a prisoner solidarity demonstration in Birzeit, West Bank**

## Hunger strikes

Hunger strikes have a long history as a non-violent tactic of resistance around the world, especially amongst political prisoners. Throughout the occupation, Palestinian prisoners have risked their lives to carry out hunger strikes. Hunger strikes have been prisoners' main means of resistance to protest their imprisonment, win better conditions, and draw international attention to their struggle.<sup>175</sup> Since the 1990s, Palestinian political prisoners have also used hunger strikes to protest Israel's practice of administrative detention.<sup>176</sup> Prisoners on hunger strike face repression from the prison authorities, including solitary confinement, the denial of visitation rights, confiscation of their belongings, and fines.

Up until 1980, prison authorities practiced force-feeding to break hunger strikes. Israel ceased the practice after force-feeding resulted in the deaths of two striking Palestinian prisoners in Naf'ha prison in

1980, when nasal feeding tubes were inserted into their lungs instead of their stomach.<sup>177</sup> However, Israel re-introduced force-feeding into legislation 2015, in response to a mass hunger strike by 2,000 Palestinian prisoners in 2012.<sup>178</sup> UN human rights experts condemned the decision, stating that force-feeding constitutes torture.<sup>179</sup> It denies prisoners their fundamental right to peaceful protest through one of the only means that they have.<sup>180</sup>

Palestinian hunger strikes can be collective or individual. Mass hunger strikes are an ongoing feature of prisoners' resistance. Large scale hunger strikes have involved thousands of prisoners, as in 1992, when 7,000 prisoners across most prisons succeeded in shutting down the solitary confinement wing of Ramle prison, a stop to routine strip searches, and increased family visitation times.<sup>181</sup> Most improvements in prison conditions, from the provision of mattresses to books to menstrual products, have been won by hunger striking prisoners.<sup>182</sup>

The struggle inside prisons is an extension of the wider Palestinian liberation movement. Palestinian civil society rallies in solidarity with the prisoners' movement, holding protests, solidarity hunger strikes, and general strikes in tandem with prisoners' actions and hunger strikes.<sup>183</sup> News from inside prisons is passed

on during family visits, and transmitted through solidarity networks for prisoners and their families, enabling the community to mobilise in support of the prisoners' actions and needs. Prisoners' conditions and demands are not simply a matter internal to prisons, but taken up by the Palestinian public.

## Sperm smuggling and social solidarity

**“ This is for Palestine, it's for the prisoner who lost his freedom for the sake of Palestine. It's like bringing life to a dead soul ”**

**Suhad Abu Fayed, who gave birth to a daughter conceived with her imprisoned husband's smuggled sperm.**<sup>184</sup>

Palestinian political prisoners are denied conjugal visits and the right to parenthood, a right afforded to all Israeli prisoners. Since 2012, some long serving prisoners have conceived children by smuggling sperm out of prison to their wives, in defiance of Israeli detention policies.<sup>185</sup> Israel refuses to recognise these children, who are not afforded identification cards or visitation rights to see their fathers.

Despite Israel's attempts to eradicate this practice, over 70 women have given birth to children through IVF using their partners' smuggled sperm.<sup>186</sup> Israel uses imprisonment to break the social bonds of Palestinian society and quash collective struggle. As Lydia Rimawi, the wife of a prisoner, puts it, the birth of their child using her husband's smuggled sperm was a 'challenge to the occupation', bringing 'optimism and hope'.<sup>187</sup>

 **A Palestinian mother holds her daughter, who was conceived with sperm smuggled out of prison**



## 8. Conclusion: UK complicity and responsibility

Israel's military courts system, and the occupation it upholds, is primarily the responsibility of the Israeli state; criminal liability for any war crimes committed as a part of it lies with those individuals within the Israeli system who are involved, be it military court judges, interrogators, or other military personnel. However, Israel's system of occupation and apartheid is also sustained by the diplomatic and material support of third-party states, including the UK.

The UK's role in the oppression of the Palestinian people goes back over a century. The Balfour Declaration in 1917 saw Britain first lay claim to Palestine as a part of its empire expansion, paving the way for the settler-colonialism that Israel practices today. Many of the repressive practices and tools used by the British Mandate to suppress Palestinian resistance, such as administrative detention and military courts, are still used by the Israeli state today.



Palestinians run from Israeli tear gas, Duma village, West Bank



## UK arms exports to Israel

The UK's complicity in crimes against the Palestinian people is not just a historical fact. The UK government consistently approves the sale of weapons, components, and military technology to Israel, and imports Israeli-produced military technology, despite Israel's continued defiance of international law. Since 2016, the UK government has approved over £639 million worth of export licenses to Israel for military and dual-use items.<sup>188</sup> Approved export licenses have covered components for small arms, ammunition, night sight technology, intelligence software, and other items of the type used regularly in Israel's system of arrest and detention.

The UK government has continued to approve export licences even as human rights experts called Israel's use of force against Palestinians unlawful, leading the UN Human Rights Council in 2018 to call for states not to become involved in Israel's unlawful conduct by supplying it with arms,<sup>189</sup> as well as calls for an arms embargo by Amnesty International<sup>190</sup> and other international human rights organisations. In 2018, over 70 UK MPs called on the UK government to halt its arms sales to Israel unless it could be proved that they are consistent with the UK's export controls,<sup>191</sup> which would, if enforced, result in a de facto arms embargo on Israel.

The UK arms trade with Israel provides weapons for the regular maintenance of its military occupation. While the issue comes to the fore during times of televised violence, it must be emphasised that it is not only particular moments of the occupation that are illegal: it is the entire structure itself. Maintaining an arms trade with Israel not only provides material support for unlawful activity, it incentivises Israel's flouting of international law and violence towards Palestinians.

## Judicial exchanges

The UK also harbours ties with the Israeli military court system itself. The UK Supreme Court engages in a programme of judicial exchanges with the Israeli judiciary system, which facilitates conversations and learning between UK judges and their foreign counterparts.<sup>192</sup> This exchange grants legitimacy to an Israeli legal system which both enables and implements occupation and apartheid. The judiciary system within Israel cannot be separated from the military court system in the West Bank, nor from the occupation itself. Israeli civilian law legislates for the Israeli Prison Service, the Israeli Security Agency and for the treatment of Palestinian detainees. Rulings handed down by the Israeli HCJ provide legal cover for the torture of Palestinians by ISA agents during interrogation.

The HCJ has the power of judicial review over the military court system, meaning that it accepts petitions to review the conduct of Israeli military authorities in the West Bank.<sup>193</sup> Whilst Israel claims that the function of this is to uphold the rule of law, in reality it serves to legitimise and normalise Israel's occupation and its military court system. Due to the prevalence of plea bargains in the military courts, the difficulty and costs associated with accessing an Israeli lawyer, and the limited scope of petitions accepted by the HCJ, the vast majority of Palestinians are unable to access judicial review. Moreover, petitions brought to the HCJ are overwhelmingly dismissed or ruled against.<sup>194</sup> In this way, the Israeli civil judicial system provides legal cover for the military courts. The engagement of the UK Supreme Court with the Israeli judicial system normalises Israel's judicial infrastructure, rendering the UK complicit in the repression meted out through this system.

## Human rights defenders

“ **The Israeli military court system in the West Bank is deeply flawed and has been repeatedly used to silence human rights defenders** ”

**UN human rights experts, January 2021.**<sup>195</sup>

Recent years have seen a marked trend of shrinking space for Palestinian civil society organisations and human rights defenders. Israeli authorities target Palestinian human rights defenders using a range of methods such as harassment, incitement campaigns, movement restrictions, and arrest and detention.<sup>196</sup> Those targeted include grassroots activists advocating for Palestinian rights, lawyers who represent Palestinian political prisoners, journalists, and people working for human rights organisations.

As well as being directly targeted by Israeli authorities, Palestinian human rights defenders and their allies face disinformation campaigns from the Israeli government (most notably the Israeli Ministry of Strategic Affairs) and politically motivated groups in Israel and abroad - including the UK. These attacks seek to delegitimise and disrupt their human rights work. Smear campaigns have been especially focused on human rights organisations with advocacy programmes in Europe and the UK, and those collecting evidence of Israel's human rights abuses to submit to the International Criminal Court. This pattern suggests explicit intent to disrupt Palestinians' access to international mechanisms of accountability and justice; UN experts believe that the ultimate aims of such attacks are to entrench Israel's occupation by silencing those who advocate against it.<sup>197</sup>

Israel's military courts play a significant role in these disinformation campaigns. When Palestinian human rights defenders from the West Bank are arrested by Israeli authorities,

 **Palestinian flags placed in solidarity with a prisoners' hunger strike inside Ofer military prison, West Bank**



they are charged and convicted in military courts. Politically-motivated groups often use the simple fact of conviction in the military courts as evidence of wrongdoing. In some cases, entire human rights organisations and all of their employees are accused of being 'terrorists' based on a guilt by association logic referring to previous convictions of employees, former employees, or even family relations. The Israeli government has also campaigned for the EU and the UN to refuse to meet with employees of Palestinian human rights organisations or to refuse them visas on the basis of such allegations.<sup>198</sup> In this way, disinformation and smear campaigns extend the impact of the injustice of Israel's military court system, which becomes the basis for attempts to silence Palestinians and advocates for their rights in Europe and the UK. Whilst the EU and some member states have publicly denounced such smear campaigns,<sup>199</sup> their impacts continue.

It is not only Palestinian human rights defenders whose work is being hampered. Israeli human rights defenders who report on abuses of Palestinian rights have also been threatened, smeared, and defamed by the Israeli government. Israeli authorities regularly refuse to engage with international human rights experts and practitioners:

- In 2016, Israeli authorities refused to meet with a delegation of UK lawyers commissioned to investigate the case of Palestinian children in Israeli military detention, resulting in the cancellation of the visit.<sup>200</sup>
- That same year (2016), then UN Special Rapporteur for the Palestinian Territory Makarim Wibisono resigned from his post, due to repeatedly being denied entry by Israeli authorities to conduct his mandated reviews.<sup>201</sup> Wibisono's successor, Michael Lynk, has had to conduct all of his research from outside the territory for the same reason.<sup>202</sup>
- In 2018, Israel refused to cooperate with the UN Human Rights Council mandated independent commission to investigate violations related to the Great Return March in the Gaza Strip.<sup>203</sup>
- In 2019, the Israel and Palestine director of Human Rights Watch, Omar Shakir, was expelled from Israel following the revocation of his work visa and a deportation order from the Israeli government.<sup>204</sup>
- In 2020, Israel stopped granting visas to employees of the UN Office of the High Commissioner for Human Rights, in apparent retaliation for the UN body's calls for accountability.<sup>205</sup>

These examples demonstrate the danger of granting Israel more impunity, a danger that is felt first and foremost by Palestinians, but has implications for the protection of human rights on a much wider scale.

The UK government's 2019 policy to support human rights defenders<sup>206</sup> is a good first step in articulating how attacks on human rights defenders undermine human rights worldwide, but the policy has had negligible impact for Palestinian human rights defenders who have seen attacks against them increase. Furthermore, the UK continues its 'business as usual' trade relationship with Israel, despite its crackdowns on human rights defenders. The UK's failure to hold Israel to account for its ongoing rights violations undermines its own policies and responsibilities towards human rights, including the rights of the Palestinian people.

## Conclusion and recommendations

The military court system in the West Bank is a central part of Israel's illegal occupation. It is used by the Israeli military to enforce repressive laws imposed on the Palestinian population to suppress dissent, quash resistance, and to deepen Israeli military rule. By mirroring the appearance and function of a civil judicial institution, military courts normalise the occupation by conveying, for the eyes of international observers, the appearance of civilian life and legal safeguards.

The evidence shown in this report indicates that the reality is quite the opposite; almost every element of Israel's arrest and detention operations violate the rights of Palestinians, and in many aspects, these are grave violations of international humanitarian and human rights law, which may amount to war crimes. Crucially, the military courts themselves form a part of Israel's military apparatus, used to uphold and perpetuate an

illegal occupation. It is a system that is answerable to and in the interests of the occupying power, not the Palestinian civilians tried in its courts. As such, Israeli military courts and the judgements they hand down are illegitimate. Occupation cannot be made 'more humane' by small reforms or improving its external appearance. The military court system must be abolished, along with the brutal and illegal occupation that it upholds.

As a third-party signatory to the Geneva Conventions, the UK is obligated to intervene with states over which it might have some influence to stop violations of international humanitarian law. Additionally, the UK's own policies against illegal settlements, on arms controls, and in support of human rights defenders should be implemented to prevent further UK complicity and to positively contribute to the realisation of Palestinian rights.



**The UK government should:**

- 1. Implement a two-way arms embargo on Israel.**
- 2. Suspend the UK's judicial exchange programme with Israel.**
- 3. Increase support for Palestinian human rights defenders under attack and prosecuted in Israel's military courts; and for Palestinian human rights organisations monitoring abuse and advocating for the rights of the Palestinian people.**

## 9. References

- 1** M Lynk, 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to the UN General Assembly A/74/507', 21 October 2019, p. 17. <https://www.un.org/unispal/document/report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-palestinian-territories-occupied-since-1967-report-a-hrc-40-73-advance-unedited-version/>
- 2** For more on this history, see: R Khalidi, *The Hundred Years' War on Palestine: A History of Settler-Colonial Conquest and Resistance*, Profile Books, 2020.
- 3** M Lynk, 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to the UN General Assembly A/72/556', 23 October 2017, p. 11-12. [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/72/556](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/72/556)
- 4** Office of the UN High Commissioner for Human Rights (UNOHCHR), 'Israel must face new international legal push to end illegal occupation of Palestine, UN expert says', 26 October 2017. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22315>
- 5** B'tselem, 'Defence (Emergency) Regulations', Btselem.org, accessed 29 September 2020. [https://www.btselem.org/legal\\_documents/emergency\\_regulations](https://www.btselem.org/legal_documents/emergency_regulations)
- 6** Full text of the regulations: No Legal Frontiers, 'The Defence (Emergency) Regulations 1945', [nolegalfrontiers.org](http://nolegalfrontiers.org/military-orders/mil029ed2.html), accessed 26 October 2020. <http://nolegalfrontiers.org/military-orders/mil029ed2.html>
- 7** For more on the usage of this term and the details of this history, see: I Pappé, *The Ethnic Cleansing of Palestine*, Oneworld Publications Ltd., 2006.
- 8** Ibid, p.xiii.
- 9** B'tselem, 'Defence (Emergency) Regulations', Btselem.org, accessed 29 September 2020. [https://www.btselem.org/legal\\_documents/emergency\\_regulations](https://www.btselem.org/legal_documents/emergency_regulations)
- 10** Ibid
- 11** See next section of this report for details on Israel's apartheid system.
- 12** B'tselem, 'Conquer and Divide', Btselem.org, accessed 12 October 2020. <https://conquer-and-divide.btselem.org/map-en.html>
- 13** B'tselem, 'Defence (Emergency) Regulations', Btselem.org, accessed 29 September 2020. [https://www.btselem.org/legal\\_documents/emergency\\_regulations](https://www.btselem.org/legal_documents/emergency_regulations)
- 14** B'tselem, 'Settlements', Btselem.org, accessed 29 September 2020. <https://www.btselem.org/settlements>
- 15** Ibid
- 16** Amnesty International, 'Israeli settlements and international law', [amnesty.org](https://www.amnesty.org), accessed 23 October 2020. <https://www.amnesty.org/en/latest/campaigns/2019/01/chapter-3-israeli-settlements-and-international-law/>
- 17** For legal analysis of the occupation as it applies to the Gaza Strip in light of Israel's disengagement, see: L Hajar, 'Is Gaza Still Occupied and Why Does It Matter?', *Jadaliyya*, 14 July 2014. <https://www.jadaliyya.com/Details/27557>
- 18** Human Rights Watch (HRW), 'Unwilling or Unable: Israeli Restrictions on Access to and from Gaza for Human Rights Workers', 2 April 2017. <https://www.hrw.org/report/2017/04/02/unwilling-or-unable/israeli-restrictions-access-and-gaza-human-rights-workers>
- 19** UNOHCHR, 'Closure of Gaza commercial crossing: UN expert calls on Israel to reverse decision', 13 July 2018, [ohchr.org](https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23375&LangID=E). <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23375&LangID=E>; International Committee of the Red Cross, 'Gaza closure: Not another year!', 14 June 2010. <https://www.icrc.org/en/doc/resources/documents/update/palestine-update-140610.htm>
- 20** Population statistics for Israel and the oPt are not straightforward because the Palestinian and Israeli census bureaus both include Jerusalem in their counts, and the Israeli statistics use the same category ('Arab') for both Palestinians in Israel and Syrians living in the occupied Golan Heights. The best way to find a clear number is to use a number of sources together. Most recent census data for the oPt records 5.1 million Palestinians in the oPt ('State of Palestine'): Palestinian Central Bureau of Statistics (PCBS), 'On the Occasion of the International Population Day 11/07/2020', 11 July 2020. <http://pcbs.gov.ps/site/512/default.aspx?lang=en&ItemID=3774> PCBS records the number of Palestinians in Israel ('the 1948 Territory') at 1.6 million. PCBS, 'Dr. Awad Presents a Brief on Palestinians at the End of 2019', 31 December 2019. <http://pcbs.gov.ps/site/512/default.aspx?lang=en&ItemID=3642> Most recent data for Israel records the Arab population inside Israel at 1.9 million, and Jewish Israelis at 6.7: Israel's Central Bureau of Statistics, 'Population of Israel on the Eve of 2020', 31 December 2019. [https://www.cbs.gov.il/he/mediarelease/DocLib/2019/413/11\\_19\\_413e.pdf](https://www.cbs.gov.il/he/mediarelease/DocLib/2019/413/11_19_413e.pdf) The 1.9 million includes Syrians living in the Israeli occupied Golan Heights, who face the same discrimination as Palestinians, as well as Palestinians in E. Jerusalem, around 300,00, who are also counted in the Palestinian census numbers.

- 21** For more on this topic see: 'Israeli Apartheid factsheet', *Waronwant.org*, accessed 26 October 2020. <http://www.waronwant.org/israeli-apartheid-factsheet>
- 22** The term apartheid is used in international law to describe a category of rule defined in the 1973 UN International Convention on the Suppression and Punishment of the Crime of Apartheid. [https://treaties.un.org/doc/Treaties/1976/07/19760718%2003-04%20AM/Ch\\_IV\\_7p.pdf](https://treaties.un.org/doc/Treaties/1976/07/19760718%2003-04%20AM/Ch_IV_7p.pdf). The definition was refined in 2002 in Article 7 of the Rome Statute of the International Criminal Court, p. 4. [https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf)
- 23** There exists no 'Israeli' nationality shared by all citizens, Jewish and non-Jewish alike. Rather, citizens are divided into 'national' categories of 'Jewish', which affords them a set of rights and privileges above the other categories, or 'Arab' with comparatively restricted rights and privileges. In 2018, this separation was reiterated when Israel passed the Nation State Law, essentially codifying decades of discrimination and enshrining two classes of citizens in law. See: Adalah, 'Israel's Jewish Nation State Law', *adalah.org*, accessed 26 October 2020. <https://www.adalah.org/en/content/view/9569>. The Nation State Law explicitly declares that Israel is the national home of the Jewish people (a group that extends even beyond its own citizens), and that the Jewish people have a "unique" right to self-determination there. However, it must be noted that this law and perspective is contested and rejected by many representative Jewish organisations in Israel and around the world, across a fairly wide political spectrum. See for example the Jewish Voice for Peace statement rejecting the Nation State Law: <https://jewishvoiceforpeace.org/jvp-israels-jewish-nation-state-confirms-apartheid/> and the Board of Deputies of British Jews: <https://www.thejc.com/news/israel/board-of-deputies-criticises-israel-s-new-regressive-nation-state-law-1.467458>
- 24** Adalah: The Legal Center for Arab Minority Rights in Israel, 'The discriminatory laws database', *Adalah.org*, accessed 29 September 2020. <https://www.adalah.org/en/law/index>
- 25** Adalah, 'Land and Planning Rights', *Adalah.org*, accessed 25 July 2020. <https://www.adalah.org/en/content/index/2007>
- 26** HRW, 'Israel: Discriminatory Land Policies Hem in Palestinians', May 2020. <https://www.hrw.org/news/2020/05/12/israel-discriminatory-land-policies-hem-palestinians>
- 27** Ibid
- 28** Israel National Insurance Institute, 'Poverty and social gaps in 2018, annual report' (in Hebrew), December 2019, p. 22. [https://www.btl.gov.il/Publications/oni\\_report/Documents/oni2018.pdf](https://www.btl.gov.il/Publications/oni_report/Documents/oni2018.pdf)
- 29** According to the International Monetary Fund's World Economic Outlook Database, October 2020 Edition: <https://www.imf.org/en/Publications/WEO/weo-database/2020/October>. The data can be more easily viewed at Wikipedia, 'List of countries by GDP (nominal) per capita', *Wikipedia.org*, accessed 26 October 2020. [https://en.wikipedia.org/wiki/List\\_of\\_countries\\_by\\_GDP\\_%28nominal%29\\_per\\_capita](https://en.wikipedia.org/wiki/List_of_countries_by_GDP_%28nominal%29_per_capita)
- 30** Oxfam, 'Occupied Palestinian Territory and Israel', *Oxfam.org*, accessed 26 October 2020. <https://www.oxfam.org/en/what-we-do/countries/occupied-palestinian-territory-and-israel>
- 31** UNRWA, 'Update on UNRWA operations in Gaza', April 2019, p. 2. [https://www.unrwa.org/sites/default/files/content/resources/update\\_on\\_unrwa\\_operations\\_in\\_gaza\\_-\\_april\\_2019\\_eng.pdf](https://www.unrwa.org/sites/default/files/content/resources/update_on_unrwa_operations_in_gaza_-_april_2019_eng.pdf)
- 32** Adalah, 'Absentees' Property Law', *adalah.org*, accessed 26 October 2020. <https://www.adalah.org/en/law/view/538>
- 33** Adalah, 'Law of Return', *adalah.org*, accessed 26 October 2020. <https://www.adalah.org/en/law/view/537>
- 34** UN Office for the Coordination of Humanitarian Affairs oPt (UNOCHA oPt), 'Two years on: people injured and traumatized during the "Great March of Return" are still struggling', 6 April 2020. <https://www.ochaopt.org/content/two-years-people-injured-and-traumatized-during-great-march-return-are-still-struggling>
- 35** UNOHCHR, 'Report of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory A/HRC/40/74', 25 February 2019, p. 18. [https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColOPT/A\\_HRC\\_40\\_74.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColOPT/A_HRC_40_74.pdf)
- 36** HRW, *Born Without Civil Rights: Israel's Use of Draconian Military Orders to Repress Palestinians in the West Bank*, 17 December 2019. <https://www.hrw.org/report/2019/12/17/born-without-civil-rights/israels-use-draconian-military-orders-repress>
- 37** While the Palestinian Authority (PA) exercises nominal control over small sections of the West Bank, it is ultimately answerable to the Israeli state and Israel can override its jurisdiction when it comes to issues of 'security', which the Israeli military authority has the full power to define.
- 38** Addameer, *The Israeli Military Judicial System as a Tool of Oppression and Control: A Review of Military Order No. 1827*, 28 May 2020. <https://www.addameer.org/publications/israeli-military-judicial-system-tool-oppression-and-control-review-military-order-no-1827>
- 39** Addameer, 'Military Courts', *addameer.org*, July 2017. [http://www.addameer.org/israeli\\_military\\_judicial\\_system/military\\_courts](http://www.addameer.org/israeli_military_judicial_system/military_courts)
- 40** Ibid
- 41** HRW, *Born Without Civil Rights: Israel's Use of Draconian Military Orders to Repress Palestinians in the West Bank*, 17 December 2019. <https://www.hrw.org/report/2019/12/17/born-without-civil-rights/israels-use-draconian-military-orders-repress>
- 42** Amnesty, 'Israel and Occupied Palestinian Territories 2019', *amnesty.org*, accessed 29 September 2020. <https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/>
- 43** Addameer, 'Israeli military orders relevant to the arrest, detention and prosecution of Palestinians', July 2017. [http://www.addameer.org/israeli\\_military\\_judicial\\_system/military\\_orders](http://www.addameer.org/israeli_military_judicial_system/military_orders)

- 44** This figure was reported in 2017, suggesting that it would be higher now. Addameer, 'Military courts in the Occupied Palestinian Territory', 23 October 2018. <https://www.addameer.org/publications/military-courts-occupied-palestinian-territory>
- 45** N Ziv, 'Navigating the Judicial Terrain Under Israeli Occupation: Palestinian and Israeli Lawyers in the Military Courts', *Fordham International Law Journal* (42), 2018, p.729. <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2738&context=ilj>
- 46** Addameer, *Presumed Guilty: Failures of the Israeli Military Court System*, November 2009, p. 9. <https://www.addameer.org/files/Reports/addameer-report-presumed-guiltynove2009.pdf>
- 47** No Legal Frontiers, 'The Defence (Emergency) Regulations 1945', *nolegalfrontiers.org*, accessed 26 October 2020. <http://nolegalfrontiers.org/military-orders/mil029ed2.html>
- 48** HRW, *Born Without Civil Rights*, 2019. <https://www.hrw.org/report/2019/12/17/born-without-civil-rights/israels-use-draconian-military-orders-repress>
- 49** Ibid
- 50** Ibid
- 51** Addameer, *Presumed Guilty*, 2009. <https://www.addameer.org/files/Reports/addameer-report-presumed-guiltynove2009.pdf>
- 52** B'tselem, 'Military Courts', *btsalem.org*, accessed 29 September 2020. [https://www.btsalem.org/military\\_courts](https://www.btsalem.org/military_courts)
- 53** HRW, *Born Without Civil Rights*, 2019. <https://www.hrw.org/report/2019/12/17/born-without-civil-rights/israels-use-draconian-military-orders-repress>
- 54** Addameer, 'Israeli Occupation Forces are using Collective Punishment Against Na'alweh Family', 17 October 2018. <http://www.addameer.org/news/israeli-occupation-forces-are-using-collective-punishment-against-naalweh-family>
- 55** M Lynk, 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', 15 July 2020, p. 10. [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session44/Documents/A\\_HRC\\_44\\_60.pdf](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session44/Documents/A_HRC_44_60.pdf)
- 56** Al Haq, 'Unremitting Collective Punishment against Palestinians', 23 October 2017. <https://www.alhaq.org/advocacy/6313.html>
- 57** Article 33 of the Fourth Geneva Convention affirms that, "no protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited." Ibid.
- 58** Case study provided by Addameer.
- 59** N Gordon, 'Israel's emergence as a homeland security capital', in *Surveillance and Control in Israel/Palestine*, ed. E Zureik, D Lyon, and Y Abu-Laban, Routledge, 2011, p.153.
- 60** Privacy International, *The Global Surveillance Industry*, 2016, p23. [https://privacyinternational.org/sites/default/files/2017-12/global\\_surveillance\\_0.pdf](https://privacyinternational.org/sites/default/files/2017-12/global_surveillance_0.pdf)
- 61** R Silverstein, 'Israeli Tech's Dirty Ops', *Jacobin*, 6 June 2019. <https://jacobinmag.com/2019/06/whatsapp-hacking-ngo-group-israel>
- 62** Quoted in N Gordon, 'Israel's emergence as a homeland security capital', p162.
- 63** Privacy International, 'The Global Surveillance Industry', July 2016. [https://privacyinternational.org/sites/default/files/2017-12/global\\_surveillance\\_0.pdf](https://privacyinternational.org/sites/default/files/2017-12/global_surveillance_0.pdf)
- 64** R Silverstein, 'Israeli Tech's Dirty Ops', *Jacobin*, 6 June 2019. <https://jacobinmag.com/2019/06/whatsapp-hacking-ngo-group-israel>
- 65** For more on this, see: E Zureik, *Israel's Colonial Project in Palestine: Brutal Pursuit*, Routledge, 2016.
- 66** J Halper, *War against the people: Israel, the Palestinians and global pacification*, Pluto Press, 2015.
- 67** For more on surveillance and human rights, see D Kaye, 'Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to the UN General Assembly A/HRC/41/', 29 May 2019. <https://www.undocs.org/A/HRC/41/35>
- 68** See for example: Who Profits?, "Big Brother" in Jerusalem's Old City: Israel's Militarized Visual Surveillance System in Occupied East Jerusalem, November 2018. <https://whoprofits.org/wp-content/uploads/2018/11/surveil-final.pdf>
- 69** On HPE: BDS National Committee, 'HPE belongs in the UN Database for serving Israel's Apartheid', 16 October 2020. <https://bdsmovement.net/news/hpe-belongs-un-database-for-serving-israels-apartheid> and on AnyVision: Jewish Voice for Peace, 'Microsoft drops AnyVision – #DropAnyVision campaign celebrates', 28 March 2020. <https://jewishvoiceforpeace.org/dropanyvision-win/>
- 70** Lawyers for Palestinian Human Rights, 'Q&A on LPHR's human rights complaint against G4S', 9 June 2015. <https://lphr.org.uk/blog/qa-on-lphrs-human-rights-complaint-against-g4s/>
- 71** HRW, *Born Without Civil Rights*, 2019. <https://www.hrw.org/report/2019/12/17/born-without-civil-rights/israels-use-draconian-military-orders-repress>
- 72** Addameer, 'Palestinian Prisoners Organizations: Israeli Occupation Forces Detained around 7000 Palestinian in 2017', 15 January 2018. <http://www.addameer.org/news/palestinian-prisoners-organizations-israeli-occupation-forces-detained-around-7000-palestinian>
- 73** Addameer, 'Daring to Post: Arrests of Palestinians for Alleged Incitement', 15 January 2018. <http://www.addameer.org/publications/daring-post-arrests-palestinians-alleged-incitement>
- 74** J Halper, *War against the people: Israel, the Palestinians and global pacification*, Pluto Press, 2015, p.105.

- 75** HRW, *Born Without Civil Rights*, 2019. <https://www.hrw.org/report/2019/12/17/born-without-civil-rights/israels-use-draconian-military-orders-repress>
- 76** J Federman, 'Israel: Social media monitoring nabs would-be attackers', *APNews.com*, 12 June 2018. <https://apnews.com/c573e9c93d8544209a52baed19be7984/Israel:-Social-media-monitoring-nabs-would-be-attackers>
- 77** Proclamation No. 2 Regarding Regulation of Administration and Law, 1967, available at <http://nolegalfrontiers.org/military-orders/mil039ed2.html?lang=en>
- 78** Article 75, Order Regarding Security Provisions [Consolidated Versions] (Judea and Samaria) (No. 1651), 5570-2009, available at <http://nolegalfrontiers.org/military-orders/mil019ed2.html?lang=en>
- 79** Military Court Watch, 'Military Legal System', [militarycourtwatch.org](http://militarycourtwatch.org), accessed 9 December 2020. <http://www.militarycourtwatch.org/page.php?id=6a06ck7Rnqa26628AAapuBpuFE>
- 80** Addameer, 'Administrative Detention', [addameer.org](http://www.addameer.org), July 2017. [https://www.addameer.org/israeli\\_military\\_judicial\\_system/administrative\\_detention](https://www.addameer.org/israeli_military_judicial_system/administrative_detention)
- 81** Military Court Watch, 'Military Legal System', [militarycourtwatch.org](http://militarycourtwatch.org), accessed 9 December 2020. <http://www.militarycourtwatch.org/page.php?id=6a06ck7Rnqa26628AAapuBpuFE>
- 82** Article 7 section (B) and (D), Order Regarding Security Provisions [Consolidated Versions] (Judea and Samaria) (No. 1651), 5570-2009, available at <http://nolegalfrontiers.org/military-orders/mil019ed2.html?lang=en>
- 83** HCJ 5100/94, Public Committee Against Torture in Israel et al. v. Government of Israel et al., Judgment. Available in English at: [http://www.hamoked.org/files/2012/264\\_eng.pdf](http://www.hamoked.org/files/2012/264_eng.pdf)
- 84** Quoted in M Rosenfeld, *Confronting the Occupation: Work, Education and Political Activism of Palestinian Families in a Refugee Camp*, 2004, Stanford University Press, p.232.
- 85** Addameer, *Defending Palestinian Prisoners: A Report on the Status of Defence Lawyers in Israeli Military Courts*, April 2008. <http://www.addameer.org/files/Reports/defending-palestinian-prisoners.pdf>
- 86** UK Foreign and Commonwealth Office, *Human Rights and Democracy: the 2019 Foreign and Commonwealth Office report*, 16 July 2020, available at: <https://www.gov.uk/government/publications/human-rights-and-democracy-report-2019/human-rights-and-democracy-the-2019-foreign-and-commonwealth-office-report>
- 87** Addameer, 'Deportation as policy', 2016.
- 88** Addameer, 'Deportation as policy: Palestinian prisoners and detainees in Israeli detention', 18 April 2016. <http://www.addameer.org/publications/deportation-policy-palestinian-prisoners-detainees-israeli-detention>
- 89** Addameer, 'Since 1967, 73 Palestinian detainees have died from torture while under Israeli interrogation', 26 June 2013. <http://www.addameer.org/news/1967-73-palestinian-detainees-have-died-torture-while-under-israeli-interrogation>
- 90** Addameer, *The Systematic use of Torture and Ill-Treatment at Israeli Interrogation Centres: Cases of Torture Committed at al-Mascobiyya Interrogation Center*, 23 January 2020. <http://www.addameer.org/publications/systematic-use-torture-and-ill-treatment-israeli-interrogation-centers-cases-torture>
- 91** Defence for Children International Palestine, 'Factsheet: Palestinian child detainees', 05 January 2019. [https://nwtac.dci-palestine.org/hr2407\\_factsheet\\_military\\_detention](https://nwtac.dci-palestine.org/hr2407_factsheet_military_detention)
- 92** Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984, available at: <https://www.ohchr.org/Documents/ProfessionalInterest/cat.pdf>
- 93** See for example: UNOHCHR, 'UN expert alarmed at Israeli Supreme Court's "license to torture" ruling', 20 February 2018. <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22675&LangID=E>
- 94** Addameer, 'Addameer Collects Hard Evidence on Torture and Ill-Treatment Committed against Palestinian Detainees at Israeli Interrogation Centers', 23 December 2019. <http://www.addameer.org/news/addameer-collects-hard-evidence-torture-and-ill-treatment-committed-against-palestinian>
- 95** Amnesty International, 'Israel/ OPT: Legally-sanctioned torture of Palestinian detainee left him in critical condition', 30 September 2019. <https://www.amnesty.org/en/latest/news/2019/09/israel-opt-legally-sanctioned-torture-of-palestinian-detainee-left-him-in-critical-condition/>
- 96** HCJ 5100/94, Public Committee Against Torture in Israel et al. v. Government of Israel et al., Judgment. Available in English at: [http://www.hamoked.org/files/2012/264\\_eng.pdf](http://www.hamoked.org/files/2012/264_eng.pdf)
- 97** HCJ 9018/17, Firas Tbeish et al. v. The Attorney General. Available in English at: [http://stoptorture.org.il/wp-content/uploads/2017/02/F.-Tbeish-Ruling-Nov.-2018.ENG\\_.pdf](http://stoptorture.org.il/wp-content/uploads/2017/02/F.-Tbeish-Ruling-Nov.-2018.ENG_.pdf)
- 98** Public Committee Against Torture in Israel, 'Torture in Israel 2019', [stoptorture.org](http://stoptorture.org), accessed 29 September 2020. <http://stoptorture.org.il/2927/?lang=en>
- 99** Addameer, 'Torture and Ill Treatment', [addameer.org](http://www.addameer.org), accessed 29 September 2020. [http://www.addameer.org/key\\_issues/torture-and-ill-treatment](http://www.addameer.org/key_issues/torture-and-ill-treatment); Addameer, 'Addameer Collects Hard Evidence on Torture', <http://www.addameer.org/news/addameer-collects-hard-evidence-torture-and-ill-treatment-committed-against-palestinian>; Addameer, *The Systematic use of Torture*, <https://www.addameer.org/publications/systematic-use-torture-and-ill-treatment-israeli-interrogation-centers-cases-torture>

- 100** UN OHCHR, 'Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment', *ohchr.org*, accessed on 8 November 2020. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>
- 101** In accordance with this requirement, the UK has repeatedly legislated to have the power to exercise universal jurisdiction over the criminal act of torture: grave breaches of the Geneva Conventions contrary to the Geneva Conventions Act 1957; torture contrary to s.134 Criminal Justice Act 1988 ("CJA1988"); offences contrary to the War Crimes Act 1991; and offences contrary to the International Criminal Court Act 2001.
- 102** Case study provided by Addameer
- 103** Addameer, *Military Courts in the Occupied Palestinian Territory*, 23 October 2018. <http://www.addameer.org/publications/military-courts-occupied-palestinian-territory>
- 104** Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949. Available at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/380-600079?OpenDocument>
- 105** Further to this point, in 2016, the UN Human Rights Council Working Group on Arbitrary Detention stated: "The Working Group has consistently held the view that, whatever the charges, civilians shall never be tried by military courts because they cannot be considered to be independent and impartial tribunals for civilian accused persons." Human Rights Council Working Group on Arbitrary Detention, 'Opinion No. 15/2016 concerning Khalida Jarrar (Israel)', 22 June 2016. <https://phr.org.uk/wp-content/uploads/2021/02/Clean-Jarrar-UN-decision.pdf>
- 106** International Covenant on Civil and Political Rights, 1966, Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>
- 107** B'tselem, *Presumed Guilty: Remand in Custody by Military Courts in the West Bank*, June 2015. [https://www.btselem.org/download/201506\\_presumed\\_guilty\\_eng.pdf](https://www.btselem.org/download/201506_presumed_guilty_eng.pdf)
- 108** Addameer, *Defending Palestinian Prisoners: A report on the status of defense lawyers in Israeli military courts*, April 2008. <http://www.addameer.org/files/Reports/defending-palestinian-prisoners.pdf>
- 109** Ibid
- 110** Ibid
- 111** Case study provided by Addameer
- 112** L Hajjar, *Courting Conflict: The Israeli Military Court System in the West Bank and Gaza*, 2005, University of California Press, p.92
- 113** Ibid. p.66
- 114** B'tselem, *Presumed Guilty*, p.27. [https://www.btselem.org/download/201506\\_presumed\\_guilty\\_eng.pdf](https://www.btselem.org/download/201506_presumed_guilty_eng.pdf)
- 115** Addameer, 'Torture and Ill Treatment', *addameer.org*, accessed 29 September 2020. [http://www.addameer.org/key\\_issues/torture-and-ill-treatment](http://www.addameer.org/key_issues/torture-and-ill-treatment)
- 116** Addameer, 'Addameer Collects Hard Evidence', 23 December 2019. <http://www.addameer.org/news/addameer-collects-hard-evidence-torture-and-ill-treatment-committed-against-palestinian>
- 117** B'tselem, *Presumed Guilty*, p.29. [https://www.btselem.org/download/201506\\_presumed\\_guilty\\_eng.pdf](https://www.btselem.org/download/201506_presumed_guilty_eng.pdf)
- 118** B'tselem, 'Administrative Detention', *btselem.org*, 11 November 2017. [https://www.btselem.org/administrative\\_detention](https://www.btselem.org/administrative_detention)
- 119** UNOHCHR, 'UN expert calls for Israel to end practice of administrative detention and immediately release Maher Al-Akhras', *ohchr.org*, 23 October 2020. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26415&LangID=E>
- 120** Ibid
- 121** Z Hussein, 'Human rights situation in the Occupied Palestinian Territory, including East Jerusalem: Report of the High Commissioner of Human Rights A/HRC/37/42', 21 February 2018. <https://www.un.org/unispal/document/ohchr-report-on-human-rights-situation-in-occupied-palestinian-territory-including-east-jerusalem-advance-edited-version/>
- 122** Addameer, 'Administrative Detention', *addameer.org*, July 2017. [https://www.addameer.org/israeli\\_military\\_judicial\\_system/administrative\\_detention](https://www.addameer.org/israeli_military_judicial_system/administrative_detention)
- 123** Case study provided by Addameer
- 124** Military Order 1651, 2009, available at: <http://nolegalfrontiers.org/military-orders/mil019ed2.html?lang=en>
- 125** B'tselem, 'Administrative Detention', *Btselem.org*, 11 November 2017. [https://www.btselem.org/administrative\\_detention](https://www.btselem.org/administrative_detention)
- 126** IPS Commission Ordinance No. 04.05.00, Paragraph 1(A) in A Baker, "The Definition of Palestinian Prisoners in Israeli Prisons as "Security Prisoners" – Security Semantics for Camouflaging Political Practice", *Adalah's Review*, 2009. <https://www.adalah.org/uploads/oldfiles/Public/files/English/Publications/Review/5/Adalahs-Review-5-65-Baker-Definition-Security-Prisoners.pdf>
- 127** Addameer, 'Family Visits', July 2017. [https://www.addameer.org/key\\_issues/family\\_visit](https://www.addameer.org/key_issues/family_visit)
- 128** Ibid
- 129** Addameer, 'Israeli Prison Services' Measures in Regards to Covid-19', 16 March 2020. <http://www.addameer.org/news/israeli-prison-services%E2%80%99-measures-regards-covid-19>
- 130** OHCHR, 'COVID-19: Israel must release Palestinian prisoners in vulnerable situation, say UN experts', 24 April 2020. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25822&LangID=E>
- 131** S Khalel, 'Coronavirus: Israeli court rules Palestinian prisoners have no right to social distancing', *Middle East Eye*, 24 July 2020. <https://www.middleeasteye.net/news/coronavirus-israel-supreme-court-palestinians-prisoners-no-rights-social-distancing>

- 132** Addameer, 'Israeli Prison Services' Measures in Regards to Covid-19', *addameer.org*, 16 March 2020. <http://www.addameer.org/news/israeli-prison-services%E2%80%99-measures-regards-covid-19>
- 133** Addameer, *The Economic Exploitation of Palestinian Political Prisoners*, 2016, p.42. [https://www.addameer.org/sites/default/files/publications/final\\_report\\_red\\_2\\_0.pdf](https://www.addameer.org/sites/default/files/publications/final_report_red_2_0.pdf)
- 134** Palestinian Central Bureau of Statistics, 'Labour Force Survey July-September 2020', 8 November 2020, p.25. [http://www.pcbs.gov.ps/portals/\\_pcbs/PressRelease/Press\\_En\\_8-11-2020-lf-en.pdf](http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_8-11-2020-lf-en.pdf)
- 135** According to (unpublished) data collected by Addameer in 2017.
- 136** Addameer, *Economic Exploitation*, p.21, p.33. [https://www.addameer.org/sites/default/files/publications/final\\_report\\_red\\_2\\_0.pdf](https://www.addameer.org/sites/default/files/publications/final_report_red_2_0.pdf)
- 137** Third Geneva Convention, Articles 15, 30. Available at [https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.32\\_GC-III-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.32_GC-III-EN.pdf)
- 138** Addameer, 'PHROC Condemns the Death of Palestinian Sick Prisoner Sami Abu Diyak', 26 November 2019. <http://www.addameer.org/news/phroc-condemns-death-palestinian-sick-prisoner-sami-abu-diyak>; Physicians for Human Rights Israel, *Health Remanded to Custody: The Future of the Prison Health Care System in Israel*, January 2020. [https://www.phr.org.il/wp-content/uploads/2020/04/3736\\_imprisoned\\_Eng\\_digital.pdf](https://www.phr.org.il/wp-content/uploads/2020/04/3736_imprisoned_Eng_digital.pdf)
- 139** Physicians for Human Rights Israel, *Health Remanded to Custody: The Future of the Prison Health Care System in Israel*, January 2020. [https://www.phr.org.il/wp-content/uploads/2020/04/3736\\_imprisoned\\_Eng\\_digital.pdf](https://www.phr.org.il/wp-content/uploads/2020/04/3736_imprisoned_Eng_digital.pdf)
- 140** Addameer, *Economic Exploitation*, p.35. [https://www.addameer.org/sites/default/files/publications/final\\_report\\_red\\_2\\_0.pdf](https://www.addameer.org/sites/default/files/publications/final_report_red_2_0.pdf)
- 141** Military Order 1827, 2020, available at <http://www.militarycourtwatch.org/files/server/1827.pdf> (Hebrew)
- 142** A Rasgon and M Najib, 'Israel Cracks Down on Banks Over Payments to Palestinian Inmates', *The New York Times*, 9 May 2020. <https://www.nytimes.com/2020/05/09/world/middleeast/israel-palestinian-inmates-banks>
- 143** 'Israel has arrested 50,000 Palestinian children since 1967', *Middle East Monitor*, 29 April 2019. <https://www.middleeastmonitor.com/20190429-israel-has-arrested-50000-palestinian-children-since-1967/>
- 144** Save the Children, *Defenceless: The Impact of Israeli Military Detention on Palestinian Children*, November 2020. [https://resourcecentre.savethechildren.net/node/18366/pdf/defenceless\\_the\\_impact\\_of\\_israeli\\_military\\_detention\\_on\\_palestinian\\_children\\_0.pdf](https://resourcecentre.savethechildren.net/node/18366/pdf/defenceless_the_impact_of_israeli_military_detention_on_palestinian_children_0.pdf) p.16
- 145** Unicef, *Children in Israeli Military Detention: Observations and Recommendations*, 6 March 2013. [https://www.unicef.org/oPt/UNICEF\\_oPt\\_Children\\_in\\_Israeli\\_Military\\_Detention\\_Observations\\_and\\_Recommendations\\_-\\_6\\_March\\_2013.pdf](https://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf)
- 146** Defence for Children International Palestine, *No Way To Treat a Child: Palestinian Children in the Israeli Military Detention System*, April 2016. Available at [https://www.dci-palestine.org/palestinian\\_children\\_in\\_the\\_israeli\\_military\\_detention\\_system](https://www.dci-palestine.org/palestinian_children_in_the_israeli_military_detention_system)
- 147** Military Order 1651, 2009, available at <http://nolegalfrontiers.org/military-orders/mil019ed2.html?lang=en>
- 148** DCI Palestine, *No Way To Treat a Child: Palestinian Children in the Israeli Military Detention System*, April 2016. Available at [https://www.dci-palestine.org/palestinian\\_children\\_in\\_the\\_israeli\\_military\\_detention\\_system](https://www.dci-palestine.org/palestinian_children_in_the_israeli_military_detention_system)
- 149** DCI Palestine, 'Military Detention', *dci-palestine.org*, accessed 5 October 2020. [https://www.dci-palestine.org/issues\\_military\\_detention](https://www.dci-palestine.org/issues_military_detention)
- 150** DCI Palestine, 'Children in Israeli Detention', *dci-palestine.org*, accessed 5 October 2020. [https://www.dci-palestine.org/children\\_in\\_israeli\\_detention](https://www.dci-palestine.org/children_in_israeli_detention)
- 151** B'tselem, 'Israeli security forces arrest Palestinians to pressure their relatives to turn themselves in', 12 November 2018. [https://www.btselem.org/routine\\_founded\\_on\\_violence/20181111\\_palestinians\\_arrested\\_to\\_pressure\\_relatives](https://www.btselem.org/routine_founded_on_violence/20181111_palestinians_arrested_to_pressure_relatives)
- 152** Addameer, 'Children', *Addameer.org*, December 2017. [https://www.addameer.org/the\\_prisoners/children](https://www.addameer.org/the_prisoners/children)
- 153** B'tselem, *Minors in Jeopardy: Violations of the Rights of Palestinian Minors by Israeli Military Courts*, March 2018. [https://www.btselem.org/sites/default/files/publications/201803\\_minors\\_in\\_jeopardy\\_eng.pdf](https://www.btselem.org/sites/default/files/publications/201803_minors_in_jeopardy_eng.pdf)
- 154** B'tselem, *Minors in Jeopardy: Violations of the Rights of Palestinian Minors by Israeli Military Courts*, March 2018. [https://www.btselem.org/sites/default/files/publications/201803\\_minors\\_in\\_jeopardy\\_eng.pdf](https://www.btselem.org/sites/default/files/publications/201803_minors_in_jeopardy_eng.pdf)
- 155** Ibid
- 156** Save the Children, *Defenceless: The Impact of Israeli Military Detention on Palestinian Children*, November 2020. [https://resourcecentre.savethechildren.net/node/18366/pdf/defenceless\\_the\\_impact\\_of\\_israeli\\_military\\_detention\\_on\\_palestinian\\_children\\_0.pdf](https://resourcecentre.savethechildren.net/node/18366/pdf/defenceless_the_impact_of_israeli_military_detention_on_palestinian_children_0.pdf)
- 157** UN Convention on the Rights of the Child, Article 19. [https://www.unicef.org.uk/wp-content/uploads/2010/05/UNCRC\\_united\\_nations\\_convention\\_on\\_the\\_rights\\_of\\_the\\_child.pdf](https://www.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf)
- 158** Addameer, 'Children', *Addameer.org*, December 2017. [https://www.addameer.org/the\\_prisoners/children](https://www.addameer.org/the_prisoners/children)
- 159** Ibid
- 160** Case study provided by Addameer
- 161** L Hajjar, *Courting Conflict*, 2005, p.234
- 162** Addameer, 'Military Court Attempts to Stop Administrative Detention Boycott', 15 March 2018. <http://www.addameer.org/news/military-court-attempts-stop-administrative-detention-boycott>
- 163** Ibid

- 164** F Najjar, 'Prisoners held without charge boycott Israeli courts', *Al Jazeera*, 15 February 2018. <https://www.aljazeera.com/news/2018/02/prisoners-held-charge-boycott-israeli-courts-180214160954608.html>
- 165** Addameer, 'Military Court Attempts to Stop Administrative Detention Boycott'. <http://www.addameer.org/news/military-court-attempts-stop-administrative-detention-boycott>
- 166** S Hammad, 'Stories from the first Intifada: 'They broke my bones'', *Al Jazeera*, 10 December 2017. <https://www.aljazeera.com/news/2017/12/10/stories-from-the-first-intifada-they-broke-my-bones/>
- 167** L Hajjar, *Courting Conflict*, 2005, p.2
- 168** M Rosenfeld, 'The Centrality of the Prisoners' Movement to the Palestinian Struggle against the Israeli Occupation: A Historical Perspective', in *Threat: Palestinian Political Prisoners in Israel*, ed. A Baker and A Matar, Pluto Press, 2011, p.11.
- 169** K Al-Azraq, 'The Prison as University: The Palestinian Prisoners' Movement and National Education', in *al-Majdal: Nakba Education on the Path of Return* (42), 2009. <http://www.badil.org/en/publication/periodicals/al-majdal/item/1267-the-prison-as-university-the-palestinian-prisoners%E2%80%99-movement-and-national-education.html>
- 170** M Rosenfeld, 'The Centrality of the Prisoners' Movement to the Palestinian Struggle against the Israeli Occupation: A Historical Perspective', in *Threat: Palestinian Political Prisoners in Israel*, ed. A Baker and A Matar, Pluto Press, 2011, p.11.
- 171** Ibid pp.10-11
- 172** K Al-Azraq, 'The Prison as University: The Palestinian Prisoners' Movement and National Education', in *al-Majdal: Nakba Education on the Path of Return* (42), 2009. <http://www.badil.org/en/publication/periodicals/al-majdal/item/1267-the-prison-as-university-the-palestinian-prisoners%E2%80%99-movement-and-national-education.html>
- 173** M Rosenfeld, 'The Centrality of the Prisoners' Movement', p.13.
- 174** Democracy Now!, 'Meet Ahed Tamimi, 17-Year-Old West Bank Activist Jailed for 8 Months for Slapping Israeli Soldier', Democracy Now, 06 August 2018. [https://www.democracynow.org/2018/8/6/meet\\_ahed\\_tamimi\\_17\\_year\\_old](https://www.democracynow.org/2018/8/6/meet_ahed_tamimi_17_year_old)
- 175** Z Tahan, 'A timeline of Palestinian mass hunger strikes in Israel', *Al Jazeera*, 28 May 2017. <https://www.aljazeera.com/news/2017/5/28/a-timeline-of-palestinian-mass-hunger-strikes-in-israel>
- 176** Addameer, 'Factsheet: Force-feeding under International Law and Medical Standards', 16 November 2016. <http://www.addameer.org/publications/factsheet-force-feeding-under-international-law-and-medical-standards>
- 177** Ibid
- 178** D Hadid, 'Israel Allows Hunger-Striking Prisoners to Be Force-Fed', *New York Times*, 30 July 2015. <https://www.nytimes.com/2015/07/31/world/middleeast/prisoners-on-hunger-strikes-in-israel-may-be-force-fed-under-new-law.html>
- 179** UNOHCHR, 'UN experts urge Israel to halt legalization of force-feeding of hunger-striking in detention', 28 July 2015. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16269&>
- 180** Addameer, 'Factsheet: Force-feeding under International Law and Medical Standards', 16 November 2016. <http://www.addameer.org/publications/factsheet-force-feeding-under-international-law-and-medical-standards>
- 181** Z Tahan, 'A timeline of Palestinian mass hunger strikes in Israel', *Al Jazeera*, 28 May 2017. <https://www.aljazeera.com/news/2017/5/28/a-timeline-of-palestinian-mass-hunger-strikes-in-israel>
- 182** Ibid
- 183** O Shakir, 'Hunger Strikes Highlight Isolation of Palestinian Prisoners: Detainees Seek Better Conditions, Access to Families', 2 May 2017. <https://www.hrw.org/news/2017/05/02/hunger-strikes-highlight-isolation-palestinian-prisoners>
- 184** Quoted in R Stead, 'This is for Palestine', says mum who gave birth through smuggled sperm', *Middle East Monitor*, 5 June 2019. <https://www.middleeastmonitor.com/20190605-this-is-for-palestine-says-mum-who-gave-birth-through-smuggled-sperm/>
- 185** S Vertommen, "Babies from Behind Bars: Stratified Assisted Reproduction in Palestine/Israel," in *Assisted Reproduction Across Borders: Feminist Perspectives on Normalizations, Disruptions and Transmissions*, ed. M Lie and N Lykke, Routledge, 2017, p.213.
- 186** T Habjouqa / NOOR, B Ehrenreich and F AbdulKarim, 'The Palestinian Sperm Smugglers', *Topic: Mothers* (23), May 2019. <https://www.topic.com/the-palestinian-sperm-smugglers>
- 187** Quoted in L Alsaafin, 'Sperm smuggling by Palestinian prisoners swimmingly successful', *Middle East Eye*, 13 February 2015. <https://www.middleeasteye.net/news/sperm-smuggling-palestinian-prisoners-swimmingly-successful>
- 188** Data from Campaign Against Arms Trade, accessed on 9 November 2020: [https://caat.org.uk/data/exports-uk/dashboard?region=Israel&date\\_from=2016&use=all](https://caat.org.uk/data/exports-uk/dashboard?region=Israel&date_from=2016&use=all)
- 189** UNOHCHR, 'Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem A/ HRC/37/41', 10 April 2018, p. 3. <https://www.un.org/unispal/wp-content/uploads/2018/07/A-HRC-37-41-1.pdf>
- 190** Amnesty International, 'One year on from protests, Gaza civilians' devastating injuries highlight urgent need for arms embargo on Israel', 28 March 2019. <https://www.amnesty.org/en/latest/news/2019/03/one-year-on-from-protests-gaza-civilians-devastating-injuries-highlight-urgent-need-for-arms-embargo-on-israel/>

- 191** UK arms exports to Israel, Early Day Motion 1305: tabled on 22 May 2018. <https://edm.parliament.uk/early-day-motion/51776>
- 192** *The Supreme Court Annual Report and Accounts 2018-19*, available at: <https://www.supremecourt.uk/docs/annual-report-2018-19.pdf>
- 193** Israel Defense Forces, 'The Military Courts in Judea and Samaria', *idf.il*, accessed 05 October 2020. Available at <https://tinyurl.com/y83m95oh>
- 194** Military Court Watch, 'Civilian Court System', *militarycourtwatch.org*, accessed 05 October 2020. <https://www.militarycourtwatch.org/page.php?id=tUvgWlc3zUa32334A20PgXrt2lf>
- 195** UNOHCHR, 'Israel's conviction of human rights defender shows disdain for international obligations, say UN experts', 26 January 2021. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26688>
- 196** Amnesty International, 'Israel and Occupied Palestinian Territories 2019', *amnesty.org*, accessed 08 February 2021. <https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/>
- 197** M Lynk, 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to the UN General Assembly A/HRC/34/70', 13 April 2017, p.8. <https://www.undocs.org/A/HRC/34/70>
- 198** See for example the case of Israeli authorities lobbying against an invitation of a DCI-Palestine representative to speak in the UN Security Council: B Parker, 'I was meant to talk about Palestinian kids at the UN. Israel forced me out', 24 February 2020, +972 Magazine. <https://www.972mag.com/palestinian-children-security-council/>
- 199** S Winer and R Ahren, 'EU: Israel spreads 'disinformation' by alleging we fund terror-tied BDS efforts', *The Times of Israel*, 17 July 2018. <https://www.timesofisrael.com/eu-accuses-israel-of-disinformation-campaign-on-boycott-funding/> and B White, 'Israel's disinformation campaign suffers a setback in the Netherlands', *Middle East Eye*, 6 November 2020. <https://www.middleeasteye.net/opinion/israels-disinformation-campaign-suffers-setback-netherland>
- 200** Foreign and Commonwealth Office, 'Israel: Palestinians written question – answered on 24th February 2016'. Available at <https://tinyurl.com/ybpbw8t2d>
- 201** S Nebehay, 'Makarim Wibisono quits as UN rights monitor, saying Israel blocked access to Palestinian territories', *The Independent*, 4 January 2016. <https://www.independent.co.uk/news/world/middle-east/makarim-wibisono-quits-as-un-rights-monitor-saying-israel-blocked-access-to-palestinian-territories-a6796556.html>
- 202** Palestinian Human Rights Organizations Council (PHROC), 'PHROC Condemns Israel's Denial of Entry to UN Special Rapporteur, Mr. Michael Lynk', 2 July 2019. <https://www.alhaq.org/advocacy/14590.html>
- 203** UNOHCHR, 'Report of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory A/HRC/40/74', 25 February 2019, p. 2. [https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColOPT/A\\_HRC\\_40\\_74.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColOPT/A_HRC_40_74.pdf)
- 204** HRW, 'Israel Expels Human Rights Watch Director Today', 25 November 2019. <https://www.hrw.org/news/2019/11/25/israel-expels-human-rights-watch-director-today>
- 205** J Dyke, 'EXCLUSIVE: Israel stops granting visas to UN human rights workers', *Middle East Eye*, 15 October 2020. <https://www.middleeasteye.net/news/israel-un-human-rights-stops-visas>
- 206** HM Government, 'UK Support for Human Rights Defenders', July 2019. <https://www.gov.uk/government/publications/uk-support-for-human-rights-defenders>

**Published: February 2021**

Written and researched by  
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Cover picture © Majdi Mohammed/  
AP/Shutterstock

Design by [www.wave.coop](http://www.wave.coop)

Printed on recycled paper

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