

## Israel's use of torture; sexual violence against Palestinian detainees

### Background

Since early 2024, there have been reports of widespread torture, including sexual abuse, of Palestinian detainees by military and security figures operating within Israel's vast detention system. Substantiated testimonies underpinning these allegations stretch back decades – although reporting and the rates of detention of Palestinian detainees has drastically expanded during the current genocide.

Monitoring groups such as the International Committee of the Red Cross (ICRC) have been denied visitation and rights monitoring access, meaning that accurate up-to-date figures on detention are difficult to obtain – but the most recent figures suggest that Israel is holding more than 9,400 Palestinian 'security detainees', of whom around one-third are held under 'Administrative Detention.'<sup>1</sup> This figure is almost double the number of 'security detainees' held before 7<sup>th</sup> October 2023.<sup>2</sup> Additionally, at least 60 Palestinians have died as a result of medical negligence or have been killed by Israeli forces in detention facilities since October 7<sup>th</sup>, with many, including Al-Shifa Hospital's Orthopedics Director Dr. Adnan Al-Bursh, having reportedly been tortured to death.<sup>3</sup>

### Israel's powers of detention

Since 2005, Gaza's Palestinian residents have been detained without charge under Israel's 'Unlawful Combatants Law'. Following the start of Israel's war on Gaza, this law was amended to allow detention of up to 180 days before a detainee is allowed access to legal counsel.<sup>4</sup> The detention can then be extended further without charge. Further, the Israeli Prison Service (IPS)'s declaration of a 'state of emergency' allows the IPS to exercise 'virtually unconstrained powers... to impose cruel collective punishment'.<sup>5</sup>

### Longstanding allegations prior to October 2023

Israel's systematic and widespread practices of torture, inhumane and degrading treatment have been documented for decades. Between 2001 and 2022, the Public Committee Against Torture in Israel submitted over 1,400 torture complaints to Israel's Inspector of Interrogee Complaints (IIC), which they reported to have resulted in zero indictments served against perpetrators.<sup>6</sup> In the past decade, accusations of the use of torture, including sexual violence and abuse, were raised by Save the Children,<sup>7</sup> Amnesty International,<sup>8</sup> the European Parliament,<sup>9</sup> Palestinian rights groups including Adalah,<sup>10</sup> Addameer,<sup>11</sup> and Al-Haq.<sup>12</sup>

In June 2023, the UN Special Rapporteur on the human rights situation in the occupied Palestinian territory (oPt) since 1967 reported on Israeli forces' arbitrary deprivation of Palestinians' liberty – including the use of crowded confinement, food and sleep deprivation, medical negligence, and a wide range of practices that amount to torture, including sexual assault – urging investigation by the International Criminal Court (ICC).<sup>13</sup>

<sup>1</sup> Al Jazeera (17<sup>th</sup> April 2024) [Palestinian Prisoner's Day: How many are still in Israeli detention?](#)

<sup>2</sup> Mat Nashed (17<sup>th</sup> April 2024) [The thousands of Palestinians Israel arrests, tortures, holds even in death](#), Al Jazeera

<sup>3</sup> Kavithu Chekuru (24<sup>th</sup> May 2024) [Gaza's Stolen Healers: Hundreds of Palestinian Doctors Disappeared into Israeli Detention](#), The Intercept

<sup>4</sup> Physicians for Human Rights (February 2024) [Systematic Violations of Human Rights: Incarceration Conditions of Palestinians in Israel since October 7](#)

<sup>5</sup> US Department of State (2024) [Israel, West Bank and Gaza](#). Bureau of Democracy, Human Rights and Labour

<sup>6</sup> Public Committee against Torture in Israel (11<sup>th</sup> October 2022) [Israel: Stakeholders' written submissions](#), UN Human Rights Council [p11]

<sup>7</sup> Save the Children (10<sup>th</sup> July 2023) [Stripped, Beaten, and Blindfolded: New Research Reveals Ongoing Violence and Abuse of Palestinian Children Detained by Israeli Military](#)

<sup>8</sup> Amnesty International (February 2022), [Israel's Apartheid Against Palestinians](#)

<sup>9</sup> Directorate General for External Policies (12<sup>th</sup> March 2013) [Violating international legal obligations: Israel's treatment of Palestinian Prisoners](#), European Parliament

<sup>10</sup> Adalah (22<sup>nd</sup> March 2023), [Futile investigation file indicates whitewashing of torture conducted by Israeli police](#), WAFA

<sup>11</sup> Addameer (December 2017), [Imprisonment of Children](#)

<sup>12</sup> Al Haq (28<sup>th</sup> March 2016) [Alternative Report to Israel's Fifth Periodic Review by the Committee against Torture](#)

<sup>13</sup> UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese (28<sup>th</sup> August 2023) [Arbitrary deprivation of liberty in the occupied Palestinian territory: the Palestinian experience behind and beyond bars](#), UN General Assembly

## Allegations since October 2023 from Palestinian, Israeli and UN organisations

In January 2024, Palestinian rights group Addameer outlined the harsh degradation in the already inhumane detention system, with the introduction of a 'starvation policy', relentless and brutal beatings on detainees, deliberate medical neglect, disappearances and killings, in evidence obtained by lawyers' visits and released detainee testimonies.<sup>14</sup>

Israeli organisations have also detailed the conditions of detention facilities, including deprivation of food, water, medical care; massive overcrowding, and torture including sexual violence.<sup>15</sup> Physicians for Human Rights (PHRI) likewise brought evidence of the use of torture to the Israeli High Court in late 2023, but received no meaningful response. Israeli rights group B'Tselem published testimonies from 55 Palestinians held and detained since October 7<sup>th</sup>, across the Megiddo, Nafha, Gilboa, Sde Teiman, Ofer, Kishon, Negev, Ramla and other facilities, which B'Tselem describe as Israel's 'network of torture camps'.<sup>16</sup> From these testimonies B'Tselem concluded that Israeli torture amounts to a war crime and potential crime against humanity and that Israel's inability and unwillingness to investigate mandates ICC and international community interventions and prosecutions.

In April 2024, the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA) documented numerous incidents of torture, ill-treatment and sexual abuse, including beatings to genitals and forced penetration.<sup>17</sup> UNRWA's complaints to the Israeli authorities, including complaints of humiliating and degrading treatment of UNRWA staff in detention, have not received a response.

Torture of detainees gained widespread attention in July 2024, when information broke of sexual abuse, including gang-rapes, taking place at Israel's Sde Teiman detention facility, evidenced with witness, survivor, and whistle-blower testimony and CCTV footage,<sup>18,19,20</sup> in acts committed by male and female soldiers and medical staff. While conditions at Sde Teiman had been reported on for months, the issue gained attention due to the ensuing political furore, with protestors, politicians, and cabinet ministers decrying the arrest of accused soldiers, highlighting the tacit political consent under which this system otherwise operates.

## Institutional framework for investigation

The call for an ICC investigation was restated in August 2024 by a panel of UN Experts. Importantly, the UN Experts acknowledge that 'most Palestinian detainees are de facto hostages of an unlawful occupation',<sup>21</sup> particularly in light of the July 2024 International Court of Justice (ICJ) ruling on the illegality of Israel's practices of occupation. Given the egregious violations of the ICC's Rome Statute, particularly Articles 7(1) and 8(2) prohibition on torture, and the violations of the Convention against Torture, to which both the UK and Israel are signatory, British politicians must urgently seek rectification of this situation using all tools available – diplomatic, judicial, and economic, including sanctions.<sup>22</sup> The British government must ensure adherence to Article 2 of the Convention Against Torture, which states that: "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability, or any other public emergency, may be invoked as a justification for torture or other cruel, inhuman, or degrading treatment."<sup>23</sup>

<sup>14</sup> Addameer (23<sup>rd</sup> January 2024) [Escalating Oppression: Israel's Systematic Violations Intensify in Palestine](#)

<sup>15</sup> Physicians for Human Rights (February 2024) [Systematic Violations of Human Rights: Incarceration Conditions of Palestinians in Israel since October 7](#)

<sup>16</sup> B'Tselem (5<sup>th</sup> August 2024) [Welcome to Hell: The Israeli Prison System as a Network of Torture Camps](#)

<sup>17</sup> United Nations Relief and Works Agency (16<sup>th</sup> April 2024) [Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War](#)

<sup>18</sup> Loveday Morris & Sufian Taha (29<sup>th</sup> July 2024) [Palestinians recount deadly abuse in Israeli prisons: 'It is Guantánamo'](#), *Washington Post*

<sup>19</sup> CNN (11<sup>th</sup> May 2024) [Strapped down, blindfolded, held in diapers: Israeli whistleblowers detail abuse of Palestinians in shadowy detention center](#)

<sup>20</sup> Jonah Valdez (9<sup>th</sup> August 2024) [Video of Sexual Abuse at Israeli Prison is Just Latest Evidence Sde Teiman is a Torture Site](#), *The Intercept*

<sup>21</sup> UN Human Rights Office of the High Commissioner (5<sup>th</sup> August 2024) [Israel's escalating use of torture against Palestinians in custody a preventable crime against humanity: UN experts](#)

<sup>22</sup> International Criminal Court (1998) [Rome Statute of the ICC](#).

<sup>23</sup> United Nations (1984) [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), *General Assembly res. 39/46*