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Israeli Knesset's decision to deny Gaza detainees legal representation provides legal cover for crime of enforced disappearance



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Israel-Palestinian Territory

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Geneva - The Israeli Knesset's General Assembly approved regulations that prevent Gazan detainees from meeting with their lawyers for an additional four months, thereby creating a legal cover for the crime of enforced disappearance committed against thousands of detainees, Euro-Med Human Rights Monitor said in a statement issued Thursday.

According to the statement, the detainees' prolonged forced disappearance may be a sign of the degree of torture and violence they have endured during their arrest, interrogation, and detention. Euro-Med Monitor emphasised that offering legal cover to conceal detainees indicates the involvement of multiple Israeli authorities in human rights violations. This cover is worthless, however, given that enforced disappearance is considered a crime against humanity by the Rome Statute of the International Criminal Court.

Enforced disappearance is defined as "the arrest, detention, abduction, or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorisation, support, or acquiescence of the State", according to the International Convention for the Protection of All Persons from Enforced Disappearance, "followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law". This is what Israel has actually been implementing, since 7 October

2023, against a large number of Palestinians arrested during its ground operations in the Gaza Strip.

Euro-Med Monitor receives daily reports from individuals in the Strip who have lost contact with their sons or other family members; some are confirmed to be in Israeli army custody, while other families have reported that contact has been cut off in areas where Israeli incursions have taken place. The human rights group has also received reports confirming the arrest of a number of injured and ill people from Gaza City's Al-Maamdani and Al-Shifa hospitals, in addition to 99 medical personnel and eight journalists, whose whereabouts are still unknown.

The Euro-Med Monitor team noted that Israeli authorities have turned down requests from multiple human rights organisations, including Israeli ones, seeking information about Gazan detainees. Detainees from the Gaza Strip are being held in newly-established Israeli army detention facilities scattered throughout the Negev and Jerusalem, where they endure severe abuse, torture, and starvation.

Testimony from newly-released detainees that has been received by Euro-Med Monitor reveals their being subjected to brutal forms of torture from the first moment of arrest, including being forced to remain fully naked except for their undergarments (and in some cases, completely nude); severe beatings for hours at a time outdoors, despite

freezing and rainy weather; physical abuse; verbal and sexual harassment, electric shocks, various forms of a type of torture known as "ghosting"; and being denied food and/or water for extended periods of time.

According to testimonies received by Euro-Med following the release of the most recent group of detainees, which consisted of about 140 people, including eight women, torture involves women, children, and the elderly and is primarily focused on obtaining information about individuals who are unrelated to the detainees.

"When I was arrested in Gaza, [Israeli soldiers] forced me to take off all of my clothes. They did not care that I was a child," a 14-year-old told the Euro-Med team. "My hands and feet were bound with plastic handcuffs. They threw me into a terrifying place and pounded me all over; they gave us meagre amounts of food. My hands swelled, and there were signs of beating on my body and face for days."

According to Euro-Med Monitor, the Israeli army systematically humiliates detainees, holds them for extended periods of time without providing a valid reason, and forces them to chant in favour of Israel while disparaging Palestinian groups and individuals. Some detainees have been blackmailed by members of the Israeli army and Shin Bet, exchanging information with them in order to alleviate their torture, obtain certain "privileges", or secure their release.

Euro-Med Monitor pointed to the concerning lack of an accurate count of detainees from Gaza. The Israeli army recently claimed that there are 2,300 detainees in Gaza; however, estimates based on the testimonies of those released suggest that the actual number of detainees is much higher. One detainee said that Israeli officers had personally informed them that there are approximately 7,000 Gazan detainees

Israel's Sde Teman army camp, located between Beersheba and Gaza, has been turned into a Guantánamo-like prison, stated Euro-Med Monitor. There, detainees are held in extreme conditions akin to open-air chicken cages, without access to food or drink for long periods of time. The rights organisation highlighted testimonies it has received about the deaths of two detainees inside the Sde Teman camp, one of whom had an amputated foot; Israel has not officially announced their deaths.

Euro-Med Human Rights Monitor called on Israel to promptly reveal the names, whereabouts, and fate of all forcibly disappeared detainees, and to immediately stop its policy of torture and ill-treatment of Palestinian detainees. The Geneva-based rights group also called on the International Committee of the Red Cross to bear its responsibilities and verify the detention conditions of Palestinian detainees in Israeli prisons.

Euro-Med Monitor also called on the Special Rapporteur on Torture and Other Cruel, Inhuman or

Degrading Treatment or Punishment and the Working Group on Arbitrary Detention to open an urgent and impartial investigation into the grave situation. This investigation is needed, it said, to probe the Israeli army's liquidation of Palestinian civilians after their arrest in different areas of the Gaza Strip, and to hold those responsible accountable and provide justice to the survivors as well as the families of victims.

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