

The Israeli violations of Palestinian prisoners rights

الانتهاكات الاسرائيلية لحقوق السجناء الفلسطينيين



NEDJRAOUI Djilali Oualid ^{1*},

¹ University of Algiers -1- , (Algeria)

walid_dpat@yahoo.fr

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Abstract:

We aim through this study to present the violations carried out by Israel's occupation in prisons against Palestinian civilian detainees and prisoners of war. Through these practices, the occupation aims to extend the occupier's control by using the policy of detention and imprisonment to torture the Palestinian people and to destroy their rights to their land. Considering the category of resistance fighters as ordinary prisoners and not as prisoners of war, this calls for the necessity of intervention to uncover these violations and to contribute to the application and activation of the rules of international law to restore the full rights of the occupied Palestinian people in light of the unprecedented international silence. This study recommends the necessity of defending the rights of detainees and prisoners in accordance with international human rights law, international humanitarian law, and the various legal instruments emanating from them.

key words: Violations, prisoners, prisons, torment , detention

ملخص:

نهدف من خلال هذه الدراسة إلى دراسة الانتهاكات التي يقوم بها الاحتلال الاسرائيلي في السجون بحق المعتقلين المدنيين والأسرى ، حيث يهدف الاحتلال من خلال هذه الممارسات لبسط سيطرت المحتل باستعمال سياسة الاعتقال والزج في السجون دون أي سبب مع اعتبار المقاومين كسجناء عاديين وليسوا كأسرى وهذا ما يستدعي ضرورة القيام بكشف هذه الانتهاكات وفضحها والمساهمة من أجل تطبيق قواعد القانون الدولي لاسترجاع كامل حقوق الشعب الفلسطيني المحتل في ظل الصمت الدولي غير المسبوق ، حيث توصي هذه الدراسة بضرورة الدفاع عن حقوق السجناء من المعتقلين والأسرى طبقا لما تضمنه القانون الدولي لحقوق الانسان والقانون الدولي الانساني ومختلف الصكوك القانونية المنبثقة عنهما.

الكلمات المفتاحية: الانتهاكات، الاسرى، السجون، التعذيب، الاحتجاز

Introduction:

The restrictions practiced by the Israeli occupation authorities in the Palestinian territories towards the Palestinian people in general and prisoners, captives and detainees in particular are a flagrant violation of international human rights law and international humanitarian law, Where the most horrific forms of psychological and physical torture that are humiliating to the human are being practiced against them, deprivation of the most basic rights is an attempt by the occupation to undermine the dignity of the Palestinians and degrade their values in a systematic and racist manner based on the policy of occupation, intimidation, humiliation, devaluation of the human being, and treatment of prisoners as slaves and without rights, where the prison guard has the right to practice various types of torture and cruel, inhuman and degrading treatment under the pretext of ensuring the security of this entity, such practices have exceeded all limits in arrest and detention centers, which are characterized by being extremely crowded and poor in all aspects, as detained Palestinians, young and old, and even women, are thrown into one place that does not include the most basic conditions for life, where they are investigated, charged and thrown into prison while deprived of their rights, especially to defend themselves, not to mention the rest of the rights recognized by the United Nations within the framework of protecting prisoners and detainees, In particular, what was contained in the Standard Minimum Rules for the Treatment of Prisoners of 1955 as well as the Hague Convention of 1899.

Objectives of the study/ Through this study, we aim to support and continue the struggle for the liberation of the Palestinian people from the brutal occupation that has deprived the Palestinians of their rights at all levels, and work to respect the provisions of international human rights law and international humanitarian law and activate international protection for the occupied Palestinian people, who is subjected to all kinds of injustice, especially prisoners. Since the issue is an issue of an occupied people whose rights are violated while they are in a state of self-defense, we will also work to clarify and reveal the suffering of the Palestinian detainees in prisons and call for intervention in order to end it and apply the rules of international humanitarian law to them. We also call on the international community and international bodies, especially the Security Council and other organizations, to assume their responsibilities towards what is happening in the Palestinian territories. We are pressing for the application of international law and cessation of double standards in international issues, especially with regard to the issues of the occupier. We also aim to reveal the facts and deliver messages that we are in constant solidarity with our Palestinian brothers and always work to support them.

The Israeli violations of Palestinian prisoners rights

We also show that the Palestinians are not alone in the face of the Zionist occupation and that we stand to support and assist them by all possible means. Perhaps the events taking place in the Gaza Strip, including the bombing, the ground invasion and the application of the policy of collective punishment, actions that amount to the level of war crimes against humanity, is yet another evidence that reveals the racism and barbarism of the occupier, as the destruction inflicted on Gaza is comparable to the level of destruction that occurred in German cities during World War II, according to a statement by the European Union High Representative for Foreign Affairs and Security Policy, Josep Borrell.

Problematic

The problem of the study appears to us by addressing the important issue of the existence of an occupying entity that exercises its powers and abhorrent methods of torturing Palestinian prisoners and detainees, in flagrant violation of the provisions of international law against a defenseless people whose land is occupied and whose rights are violated.

Methodology of the study

In this study, we use the descriptive analytical approach as the topic addresses the issue of violation of the rights of the Palestinian people, especially in the occupation prisons, where this violation continues to this day and will continue as long as the occupation goes on and there is no one to stop it. Perhaps the recent events after October 7, 2023 are yet another evidence of the continuation of violations, forced arrests and ongoing crimes against the Palestinian people, and that is what makes us accurately describe the reality, by explaining the violations and the extent of their breach of the norms of international law.

First Topic

The right of Palestinian prisoners to physical integrity

The Israeli occupation is considered the only one in the world that allows and legitimizes the violation of Palestinian rights, especially in prisons. It is considered very rare for a Palestinian to be arrested, detained or thrown into prison without being subjected to any form of torture, his rights being wasted, and his dignity being degraded. The occupation is being creative and finding many ways of doing so, starting from arrest and captivity, by tying him with strong and severe plastic handcuffs, placing a bandage around his eyes, dragging him, and assaulting him with beatings and insults, until he is sentenced to an apparent freedom-depriving punishment and a concealed dehumanizing one. This is confirmed by statistics and studies from witnesses and those who lived through those moments.

The first requirement: Physical torture in the occupation prisons

The Israeli occupation authorities practice arbitrary arrests against the Palestinian people through their various security services, which in turn practice different forms of physical and psychological torture on detainees and prisoners in a systematic and deliberate manner by professional investigators using means of interrogation and forcing them to confess to crimes they did not commit so that they can carry on torturing and imprisoning them. The Universal Declaration of Human Rights issued on December 10, 1948 prohibits such acts¹. This entity aims, with such measures, to torture and destroy an entire people, not just prisoners. This entity exploits the process of arrest and investigation to embody its policy as the occupier and exhausting an entire people by exploiting prisons².

After this definition, the Convention obligated states to criminalize torture within their national legislation, considering acts of torture as an offence under criminal laws and that it constitutes a serious violation of the Convention and human rights. Strangely this entity signed the Convention in 1991 and agreed to the provisions and mechanisms it included for guaranteeing the rights of victims of torture, especially in prisons. However, it practices the most severe and heinous types of torture on Palestinian prisoners of all ages and types. In doing so, it violates the provisions of the Convention and flouts them. In 1951, it signed and approved the laws and conventions issued by the United Nations related to human rights and the treatment of prisoners. But it quickly denied these international conventions and laws and did not abide by them. Above all, it began issuing military orders against the Palestinians, considering them as laws that must be implemented despite the inhuman character that dominates the content of these orders, with the aim of continuing the occupation and wasting the rights of the Palestinians in general and the prisoners and detainees in particular³. authorities have worked to grant powers to their security services, especially the intelligence service, to use violence and torture under the pretext of forced protection, claiming that every detainee is a danger and a time bomb, and that all the Palestinian people are a danger to its security, and that is why it carries out arbitrary arrests and pins charges on innocent Palestinians to implement a policy of oppression and injustice, including permitting torture for interrogation, accusation, and imprisonment as it pleases. The Israeli Supreme Court allowed investigators to use violent and internationally prohibited means during investigation and interrogation, regardless of the charges and reasons, either for suspicion only or

¹ Article 9 states: "No person shall be arbitrarily arrested, detained or exiled," Universal Declaration of Human Rights of 1948.

² Salah Abdel Ati, *The Reality of Prisoners in Occupation Prisons*, Ramallah Center for Human Rights Studies, Issues 38 and 39 2012, pp. 236-237.

³ Muhammad Mahfouz Jaber, *Palestinian prisoners inside Zionist prisons*, articles about prisoners and prisons: Nidaa al-Watan newspaper, Amman, Jordan, 2017, p. 2.

The Israeli violations of Palestinian prisoners rights

even in ordinary cases that may occur in the Palestinian territories ¹ . Methods of indiscriminate physical beatings are used in various parts of the body, with the use of the most horrific method of torture, which is suffocation with a plastic bag, drowning in water, exposing detainees to cold and heat, depriving them of sleep or even of relieving themselves, and other despicable methods aimed at forcing them to confess to acts they did not commit to justify their imprisonment, and in many cases during the alleged trials, marks of torture and beating appear in various areas of the body, and not even young children were spared.²

Many of them were also martyred after their release as a result of the repercussions of torture and diseases that afflicted them. This is confirmed by many prisoners, according to their testimonies, that following their arrest, the Palestinians are placed in one of the basements for interrogation whose area does not exceed a meter or a meter and a half, and is characterized by humidity and cold in winter and extreme heat in summer, with no ventilation except a small opening to insert the spoiled food.

These centers are represented by Kishon, Petah Tikva, Hasharon, and others. Witnesses add that their hands will be tied and their eyes will be blindfolded. They will lie down on the ground, and after three days of detention, interrogation and torture begin again, starting with insults and being placed in painful positions by investigators³. This is contrary to what is included in international human rights instruments and charters and international humanitarian law.⁴

the Standard Minimum Rules for the Treatment of Prisoners included important texts, aiming to guarantee the rights of prisoners by considering the prisoner a human being, in our view despite the prisoner violating the law or committing an act criminalized by the law or being arrested for any reason or even captured, he remains a human being and retains his rights except for those related to freedom as he is punished with a freedom-depriving punishment, and this must not go beyond that to affect the rest of the rights, such as maintaining his physical and mental integrity, and his right to food, clothing, treatment, and confinement in conditions that permit life, given that he is imprisoned or a prisoner of war until he is tried and the term of his sentence is served, and that this imprisonment shall not cause him to be subjected to

¹ Sherif Kanana, *Zionist-Israeli violence and aggression: its manifestations, causes, and roots*, research papers of the fifth annual conference, Center for Palestinian Heritage and Society Studies, 2010, p. 445

² Ibid., p. 447.

³ Al-Dameer Foundation for the welfare of Prisoners and Human Rights, *Policy of Intentional Medical Negligence Against Palestinian Prisoners and Detainees*, 2015, p. 2

⁴ Set of standard minimum rules for the treatment of prisoners adopted by the First United Nations Conference on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955, and approved by the Economic and Social Council in its Resolutions No. 663 C (24-D) of 06/31/1957 and Resolution No. 2076 (62- D) of 05/13/1977

other punishments such as torture and deprivation of his daily needs, because he is a human being and must be treated accordingly ¹.

Deprivation of freedom does not mean deprivation of all rights, and the authorities charged with putting him in prison and ensuring that he serves his sentence must preserve his safety and respect his rights, as stipulated in the Universal Declaration of Human Rights and the provisions of the conventions related to the rights of prisoners and detainees, as well as those contained in the Geneva Conventions, and this is the principle, this is how it should be ², but in the case of Palestinian prisoners in prisons, we note that the occupation authorities do not respect the human rights of Palestinians in their ordinary lives and let alone while they are under detention and imprisonment, as they permit all acts of torture and violation of all rights ³. International laws prohibit and criminalize all of these acts, such as the Convention against Torture. The International Covenant on Civil and Political Rights stipulates that it is not permissible to subject anyone to torture, according to the text of Article 7 thereof. The sixth principle 1 also includes that no circumstance whatsoever may be invoked as a justification for torture. This is also included in the Geneva Conventions, especially Article 3 common to the four conventions, Article 12 of the First and Second Conventions, and Articles 17 and 18 of the Third Convention on Prisoners of War. ⁴

Although this usurping entity signed the Convention against Torture in 1991, it is not subject to what is stated in the Convention and does not abide by it. This is considered a violation of the Convention, to which it is a party. Amnesty International has acknowledged that Israel is the only country in the world that actually legalizes torture by allowing the use of means and methods to pressure detainees and prisoners ⁵.

The Second requirement: Types of physical torture in occupation prisons

This usurping entity is characterised by its brutality in dealing with free Palestinians, let alone the prisoners themselves, as it does not refrain from

¹ Ghanem Muhammad Ghanem, Human Rights in Prisons, Dar Al-Fikr oua Al-kanoun, first edition, Mansoura, Egypt 2011, p. 13.

² Muhammad Hafez Al-Najjar, The Rights of Prisoners in International Conventions and Egyptian Law, Dar Al-Nahda Al-Arabiya, 2012, p. 199.

³ Arab Organization for Human Rights, The Reality of Palestinian Prisoners in Occupation Prisons, Britain, 2014, p. 13.

⁴ Al-Dameer Foundation: Report on violations of the rights of male and female prisoners in occupation prisons, Ramallah, 2015, p. 39. See also: Article 3 common to the four Geneva conventions, Article 12 of the First and Second Geneva Conventions, and Articles 17 and 18 of the Third Geneva Convention relating to Prisoners of War, Geneva Conventions of 1977.

⁵ Ghneim, Ali Abdul Rahman Ibrahim, Israeli violations of Palestinian prisoners' rights in international humanitarian law, Journal of Human Rights Generation, Scientific Research Generation Center, No. 26 , 2018, p.5.

The Israeli violations of Palestinian prisoners rights

committing various deplorable acts that degrade human dignity and treating every Palestinian or Arab with racism and hostility under the pretext of Israel's security, as all its different methods are in violation of international rules concerned with protecting prisoners' rights.

Firstly: The use of violence and force

The use of violence and cruelty by the Israeli occupation is a habit that cannot be abandoned, as it is a systematic policy pursued by the various authorities of this entity that claims democracy, as its political and judicial system legalizes torture and the use of violence and cruelty in a precedent that is unparalleled on the global level. This type of torture begins immediately from the moment of arrest, which may occur at checkpoints or from homes, where the occupation army, especially in the West Bank areas, surrounds the house of the wanted person from all sides, and then the house is stormed and the doors are broken in an arbitrary manner that terrifies everyone in the house, including children, elderly people and women. The accused is arrested in a brutal manner, thrown to the ground and tightly bound with plastic handcuffs and blindfolds. Then the journey of beatings, cursing and inhumane treatment begins by dragging him out violently and putting him in a military vehicle. He is often beaten and assaulted while he remains in this state until he reaches the investigation and detention center, arrests often take place at checkpoints, as well as kidnapping from the streets, cafes, and even from universities and schools. Statistics have confirmed that 99% of the detainees were subjected to one of the various forms of torture.

Secondly: Medical Negligence

According to the World Health Organization, the concept of maintaining health as a human right includes complete physical, mental and social well-being and not merely the absence of disease and weakness. Therefore, it is not limited to diagnosing, treating and preventing diseases, but rather includes all living conditions and the surrounding social and cultural ones. Therefore, it is a right that encompasses many rights, and thus it is obligatory for the penal administration to provide the appropriate atmosphere for the success of the punitive process. The health condition of any person affects his life and future. Patients need special care, regardless of their status and classification as prisoners or not. The prisoner must be treated whether he is sick before being admitted to prison or while inside ¹. Prison staff must be careful to take all measures to prevent the convict from contracting illness or a contagious disease, which requires certain conditions in both the structural structure of the institution and the availability of special capabilities. One of the most basic rights guaranteed by law is the right to medical care and treatment, which we do not find in

¹ Ahmed Awad Bilal, *The Science of Punishment, Modern Theories and Applications*, first edition, New Culture House, Cairo, 1983/1984, p. 319.

the occupation prisons, where many breaches and violations of this basic right occur, and Palestinian prisoners suffer from this from the first moments of their arrest, during investigation, and even throughout the period of their detention and serving their sentence. This negligence begins with the failure to provide detainees with medical examination and treatment of wounds and bruises resulting from the arrest process. Many prisoners also suffer from stalling in pursuing treatment inside prisons, especially patients whose health condition requires surgery. According to the testimony of many prisoners after their release, doctors in prisons treat all patients with a pill of Acamol or a glass of water ¹.

Psychological violations of Palestinian prisoners

The inhumane Zionist practices based on military orders against Palestinian prisoners have exceeded all limits, as the international media has contributed to misleading and deceiving the world by spreading lies that the occupying state is an oasis of democracy and a state of law, on the contrary this entity continues to practice the most horrific types of torture and violations of Palestinians' rights, focusing on the psychological aspect of breaking the resolve and will of prisoners by humiliating them, depriving them of their rights and manipulating them.

The first requirement: strip search and solitary confinement

Many freed prisoners, as well as some leaks from inside the prisons have revealed the existence of serious psychological violations practiced by the occupation authorities from the moment of arrest of the Palestinians until they are thrown into prisons, where the detainees are humiliated by strip searching them, and in the presence of the rest of the detainees, this malicious behavior is aimed at demoralizing and destroying the psyche and morale of the Palestinians and violating their sanctity ²

As for solitary confinement, it is considered among the most difficult humanitarian cases and psychological violations that a Palestinian prisoner experiences. Isolation takes place in small cells that do not meet the minimum living conditions, where the prisoner is placed between four walls whose area does not exceed one and a half meters and lacks ventilation except through a small hole in the door. It is characterized by humidity and does not receive sunlight, and it is considered a tragedy in every sense of the word, and one of the most difficult inhuman conditions that a prisoner experiences, especially criminal prisoners, where they are exposed to all forms of abuse, insults, beatings, and torture. The occupation authorities deliberately place 2 people with contradictory characteristics together in the same cell, such as that of a religious prisoner and a non-religious one, or a

¹ Ministry of Prisoners and Ex-Prisoners Affairs, The policy of medical negligence in the occupation prisons claims the lives of prisoners in light of the silence of the international community, Ramallah, 2012, p. 3.

² Arab Organization for Human Rights in Britain, op. cit., p. 13.

The Israeli violations of Palestinian prisoners rights

fanatical prisoner with a normal one in order to create conflict and disagreement between them, and if one of them protests, they will be transferred to cells with more isolation and torture ¹, as Israeli law allows the detention of prisoners and detainees for months, or even years. There are dozens of them who have been placed in isolation, some whom for continuous years and a third of them are classified as security prisoners, and despite international criticism against the use of the isolation policy and despite the recommendations of various international committees to use it only in exceptional cases, the occupation authorities have continued this policy for many years ².

Isolation constitutes a violation of international law, especially Article 5 of the Universal Declaration of Human Rights, which states: “No one shall be subjected to torture.” It also violates the Standard Minimum Rules for the Treatment of Prisoners in accordance with Rule 09 which stipulates that it is not permissible to place more than one prisoner in a single cell. Rule 10 adds that all room requirements such as lighting, ventilation and so on, must be provided for the prisoners to use, it is worth noting that in the occupation prisons this is not adhered to and the minimum conditions necessary for the safety of prisoners are not observed ³.

The second requirement: denial of visits

Visiting the prisoner by his family and lawyer is among the basic rights that should be allowed and its procedures facilitated. International conventions also stress the necessity of respecting this right as it helps alleviate the prisoner’s suffering and facilitate the process of his reintegration and return to society ⁴. Among these conventions is a set of rules, The Standard Minimum Rules for the Treatment of Prisoners, which stipulates under Rule 38 that a prisoner shall be allowed, under the necessary supervision, to communicate with his family and his reputable friends and to receive visits ⁵, however the occupying state is violating international law by depriving Palestinians of their right to family visits, as there are thousands of detainees and prisoners who are prevented from receiving family visits for security reasons determined by the occupation prisons service, and there are those who have not seen their families for nearly four years, the occupation authorities use this

¹ Marwan Barghouti, Abdel Nasser Issa, and Ahed Abu Gholma, *Resisting Arrest*, first edition, Al-Ayyam Printing Company, Ramallah, 2010, p. 121.

² See: Paragraph 18 of the observations of the United Nations Committee against Torture in Israel, June 2009, which states: “The state must amend the existing law to ensure that solitary confinement is only an exceptional and time-bound method.”

³ See the texts of Rules 09, 10 and 11 of the Standard Minimum Rules for the Treatment of Prisoners, op. cit.

⁴ Naji Muhammad Hilal, *The Rehabilitation Program in the Correctional and Punitive Facility*, Arab Journal for Security Studies and Training, No. 47, August 2008, Naif University for Security Sciences, p. 218.

⁵ See: Text of Rules 38 and 92 of the Standard Minimum Rules, op. cit.

method to punish them and manipulate their feelings and torture them psychologically, by trying to frustrate them and break their determination and the will to persevere and challenge them. Moreover, even if they allow visits to some of them, they face strict and complex security measures, and the visit is conducted through a glass barrier that prevents them from touching or hearing clearly ¹. In this context, a set of principles emphasized all facilitations to do this, which falls within the framework of psychological pressure and torture, especially Muslim detainees who are required to perform ablution, they are not allowed to have access to water or be able to pray in a clean place and face the Qiblah. Persons who are subjected to any form of detention or imprisonment are also not allowed to exercise the prisoner's right to receive visits under reasonable conditions and restrictions ². In the besieged Gaza Strip, the Ministerial Committee for National Security Affairs emanating from the occupation government issued on 09/07/2007 a decision to impose numerous restrictions on the residents of the Strip, including restrictions on the movement of residents to and from the Strip. This made the families of prisoners not allowed to enter the areas that are under the control of the occupation, thus their inability to visit their family members who are arrested and detained in the occupation prisons. In this regard, the "Adalah" Center, in cooperation with the "Al-Mizan" Center for Human Rights and the Association for Palestinian Prisoners, submitted a petition to the occupation's High Court of Justice against this policy and demanded the issuance of an order allowing residents of the Gaza Strip to enter the occupied territories to visit their imprisoned first-degree relatives. In December 2009, the Supreme Court decided that residents of the Gaza Strip have no right to enter the occupied Palestinian territories to visit prisoners. It justified this refusal by saying that family visits from Gaza do not constitute a basic humanitarian need, and that foreigners have no right to enter Israel, and that the government's decision resulted from a legitimate political and security policy that the court does not deem appropriate to interfere in ³⁵.

Conclusion :

Through this research, we have tried to shed light on the physical and psychological violations carried out by the occupation authorities towards Palestinian prisoners and detainees in the occupation prisons, which violated many rights. We only focused on some of them, while international agreements as well as various legal instruments have emphasized the need to respect the rights of prisoners, the

¹ Ibtisam Anati, Israeli prison administration violations against Palestinians and Arabs from the perspective of international humanitarian law and international agreements, Hurriyat Magazine, No 5, Sudan, 2009, p. 4.

² Al-Dameer Foundation for Prisoner Care and Human Rights, Families of Prisoners and Detainees, and Prisoner Visits, Ramallah, 2014, p. 4.

³ Decision issued by the Israeli Supreme Court No. 04/7585, Kanaana versus Prison Service Administration, unpublished, issued on 03/25/2010.

The Israeli violations of Palestinian prisoners rights

occupying state does not adhere to or respect any of these rights under international silence and complicity. This calls for the necessity of defending the rights of Palestinians in general and the rights of prisoners and detainees. We propose the following recommendations:

- The necessity of activating international humanitarian law and international human rights law to protect Palestinian prisoners from ongoing attacks and violations inside the occupation prisons.
- It is necessary to establish an international committee whose mission is to monitor Israeli prisons and monitor the extent of compliance with international human rights standards and international humanitarian law in prisons, and that it must be under the guardianship and supervision of the UN Security Council.
- Working to implement the Convention against Torture in order to provide protection and guarantee the rights of Palestinian prisoners.
- Allowing inspection visits to various representatives of international human rights organizations and non-governmental bodies active in this regard to carry out the task of monitoring and uncovering these violations.
- The need to treat Palestinian prisoners as prisoners of war and not as ordinary prisoners.
- Intensifying work within the framework of the League of Arab States and the Organization of the Islamic Conference to put pressure on the international community to reconsider the policy of double standards to urge the Israeli occupier to adhere to the rules of international law, which would help alleviate the suffering of Palestinian prisoners.
- Working to internationalize the issue of Israeli violations in prisons to demand the release of all prisoners, inmates and detainees. The Al-Aqsa Flood operation on October 7, 2023 is only a reaction to release prisoners in exchange operations, and such operations will not stop until all prisoners are released.

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NEDJRAOUI Djilali Oualid

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