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Policy Brief

ورقة سياسات

# Israel's Genocidal Prison Regime: The Systematic Torture of Palestinian Prisoners and Detainees and Third-State Obligations under International Law

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This policy brief draws on original research and an initial draft by students of the Legal Clinic of the Sustainable Development and Global Justice module, Master of Laws Program, Faculty of Law, University of Antwerp: Aïko Godfroid, Alice Gonzales Gomez, Deenah Tsai, and Yassir Al-Khazraji, and has been edited and supervised by Maha Abdallah, with insightful review by Dana Farraj.

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ARSIWA	International Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts
Apartheid Convention	International Convention on the Suppression and Punishment of the Crime of Apartheid
Convention Against Torture	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
EU	European Union
Genocide Convention	Convention on the Prevention and Punishment of the Crime of Genocide
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICTR	International Tribunal for Rwanda
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IPS	Israel Prison Service
oPt	Occupied Palestinian territory
ARSIWA	Articles on the Responsibility of States for Internationally Wrongful Acts
UN	United Nations
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Rome Statute	Rome Statute of the International Criminal Court
Mandela Rules	UN Standard Minimum Rules for the Treatment of Prisoners
Wall Advisory Opinion	Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory
2024 Advisory Opinion	Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem

## Executive Summary

This policy brief highlights Israel's systematic use of torture, ill-treatment, sexual violence, starvation, denial of medical care, deaths, and enforced disappearance against Palestinian prisoners and detainees in its custody. These practices, which constitute serious breaches of international law, including war crimes and crimes against humanity, and when accompanied by the requisite specific intent, to genocide, occur within a context of structural impunity, a prolonged illegal military occupation, and apartheid regime.

As Israel continues to commit widespread and systematic violations, including through the enactment of discriminatory legislation such as the "Death Penalty for Terrorists Bill" targeting Palestinians, the deliberate obstruction of independent monitoring and humanitarian access, and the criminalisation of human rights organisations seeking to protect prisoners, the silence, lack of action, and complicity of third-party States becomes ever more unconscionable, and further erodes the credibility and universality of international law.

The brief first outlines the widespread use of torture, sexual violence, inhumane living conditions, starvation and denial of medical care, death in detention, enforced disappearance and the withholding of bodies, based on United Nations and civil society documentation. It then presents a legal analysis and concrete recommendations centred on the Kingdom of Belgium's relevant obligations under international law.

Intended as a tool for mobilisation, the brief calls on Belgium to take meaningful and urgent steps to protect Palestinian prisoners and detainees. It also calls on Belgian civil society to urge their government to meet these obligations towards Palestinian prisoners and detainees. The brief further urges Belgium to apply and give effect to its obligations arising from the ICJ's findings on the illegality of the occupation and the "plausible risk" of genocide.

In doing so, Belgium can begin to cease its direct and indirect contribution to Israel's colonisation, illegal occupation, apartheid, and genocide, and uphold its legal and moral duties towards the Palestinian people, including those held in Israeli prisons, detention centres, and torture camps.

## Introduction

One of the central pillars of Israel's subjugation and persecution of the Palestinian people is the extensive system it has established to imprison Palestinians, often without due process or disclosure of their whereabouts. For decades, this regime of imprisonment has systematically undermined the dignity and liberty of Palestinians, operating with near-total impunity. Alongside Israel's broader structures of dispossession, erasure, and destruction, the imprisonment regime has been key to the entrenchment of Israel's colonial persecution and apartheid, and the systematic denial of the Palestinian right to self-determination.

At the same time, the international legal framework intended to safeguard human rights and ensure accountability has revealed profound structural and political limitations in addressing and bringing to an end the ongoing Palestinian Nakba. The continuing Israeli violations, grave breaches, and international crimes, including those perpetrated within Israel's prison system, exposes the international community's failure to uphold its own legal commitments, giving rise to a pervasive impunity that has culminated in practices and policies constituting genocide, broadcast live to the world and met with overt endorsement and celebration, or silence and denial.

9,600 Palestinians are currently held by Israel under a military legal system that criminalizes and persecutes the exercise of fundamental rights, subjecting Palestinian prisoners and detainees to military courts, ill-treatment and torture.<sup>1</sup> The figure includes 3,532 administrative detainees and 342 children.<sup>2</sup> Israel's imprisonment regime, first imposed martial law and established military courts in the occupied Palestinian territory (oPt) in 1967, is central to sustaining the colonisation and serves as a tool of persecution and domination.<sup>3</sup>

Since 1967, Israel has arrested, detained, and imprisoned over 800,000 Palestinians, including 25,000 children, accounting for about 20% of the total population and 40% of all Palestinian men.<sup>4</sup>

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<sup>1</sup>Addameer Prisoner Support and Human Rights Association, Statistics on Palestinians in Israeli Custody, <https://addameer.ps/news/5623>.

<sup>2</sup> Ibid., the figures are as of 30 April 2026.

<sup>3</sup>Addameer Prisoner Support and Human Rights Association, In the Case of the Palestinian People vs. Military Courts (2021), p. 6, <https://addameer.ps/node/4318>.

<sup>4</sup>Directorate-General for External Policies, Violating International Legal Obligations: Israel's Treatment of Palestinian Prisoners, Policy Briefing (Policy Department, European Parliament, 2013), p. 5, [https://www.europarl.europa.eu/RegData/etudes/briefing\\_note/join/2013/491484/EXPO-](https://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2013/491484/EXPO-)

This system enables the systematic persecution of Palestinians, including through military orders, arbitrary and administrative detention, ill-treatment and torture, thereby criminalising the exercise of fundamental rights such as freedom of opinion, expression, assembly, and association.<sup>5</sup>

Since 2023, Israel has intensified mass arrests and detentions, including enforced disappearances, in a context where Palestinians are treated as inherently guilty.<sup>6</sup> Numerous testimonies and reports by local and international human rights organisations document violations of fair trial, widespread inhumane detention conditions, torture and sexual violence. These acts are carried out as part of a widespread and systematic attack against the Palestinian population, in furtherance of a state policy of domination, demographic alteration, and apartheid in a process of destruction and elimination of the wider group.

These unlawful acts engage not only the individual and state responsibility of Israeli officials, military judges and prosecutors, or the Israel Prison Service (IPS) and other relevant apparatuses, but also the legal responsibility of third States, which are bound by international law to prevent and punish such violations, particularly under the Geneva Conventions, the International Convention on the Suppression and Punishment of the Crime of Apartheid (Apartheid Convention), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture), and the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention).

Over decades, Israel's prison regime has also operated as a laboratory for techniques of isolation, siege and dehumanisation that are then reproduced at the collective level, including in the prolonged siege, isolation and destruction of Gaza, the fragmentation and encirclement of Jerusalem, and the repeated assaults on and destruction of refugee camps across Palestine. In this

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[AFET\\_SP\(2013\)491484\\_EN.pdf](#); B'Tselem, Welcome to Hell: The Israeli Prison System as a Network of Torture Camps (2024), p. 10, [https://www.btselem.org/publications/202408\\_welcome\\_to\\_hell](https://www.btselem.org/publications/202408_welcome_to_hell).

<sup>5</sup>OHCHR, Detention in the Context of the Escalation of Hostilities in Gaza: October 2023 – June 2024, 31 July 2024, p. 3, <https://www.ohchr.org/en/documents/reports/thematic-report-detention-context-escalation-hostilities-gaza-october-2023-june>; Addameer, In the Case of the Palestinian People vs. Military Courts (2021), p. 19; B'Tselem, Welcome to Hell, p. 31; Sharon Weil, The Judicial Arm of the Occupation: The Israeli Military Courts in the Occupied Territories, 2007, 89(866), International Review of the Red Cross, p. 401.

<sup>6</sup>Amnesty International, 'You Feel Like You Are Subhuman': Israel's Genocide Against Palestinians in Gaza, 2024, <https://www.amnesty.org/ar/wp-content/uploads/2024/12/MDE1586682024ENGLISH.pdf>, 241; B'Tselem, Welcome to Hell, p. 7; The Cradle, Riots in Defence of Israeli Troops Accused of Gang Rape, 30 July 2024, <https://thecradle.co/articles-id/26171>; Simon Speakman Cordall, "Everything Is Legitimate": Israeli Leaders Defend Soldiers Accused of Rape, Al Jazeera, 9 August 2024, <https://www.aljazeera.com/news/2024/8/9/everything-is-legitimate-israeli-leaders-defend-soldiers-accused-of-rape>.

sense, the prison system functions as a core tool to besiege and attempt to destroy the Palestinian people, with the abuse of individual detainees reverberating across families and communities. Testimonies consistently document inhumane practices against Palestinian detainees and prisoners designed to systematically erode individual dignity and collective continuity.

These practices are not aberrations but form part of a structurally torturous regime that meets the threshold for genocide as defined in the Genocide Convention, as documented by UN mechanisms, human rights organisations and civil society in Palestine and internationally.<sup>7</sup> Israel's systematic torture and ill-treatment within its prison and detention regime, its unprecedented scale, unrelenting gravity, and generational consequences for Palestinians through physical destruction and profound mental harm, provides compelling evidence of genocidal intent towards the Palestinian people under the Genocide Convention.<sup>8</sup> Considering the scale and pattern of Israel's practices, their application to Palestinians as a group, the foreseeability of the destructive consequences, together with the explicit statements of intent by senior Israeli officials,<sup>9</sup> the elements inferring *dolus specialis* are satisfied.

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<sup>7</sup>OHCHR, Torture and Genocide: Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, UN Doc A/HRC/61/71, 19 February 2026, <https://www.ohchr.org/en/documents/country-reports/ahrc6171-torture-and-genocide-report-special-rapporteur-situation-human>.

<sup>8</sup>The classification of torture and ill-treatment as acts of genocide under Article II(b) and (c) of the Genocide Convention requires proof of *dolus specialis*, the specific intent to destroy a national, ethnical, racial, or religious group, in whole or in part, as such. As the ICJ affirmed in *Bosnia and Herzegovina v. Serbia and Montenegro*, *dolus specialis* must be the only reasonable inference from the totality of the evidence. International jurisprudence from the ICTR and ICTY confirms that the specific intent to destroy can be inferred from a pattern of conduct when assessed against the totality of the circumstances. It need not be proven through direct evidence of stated intent. Drawing on *Akayesu*, *Karadžić*, and *Mladić*, torture's "sustained use across time and space against the same population is probative of policies aimed at the physical and psychological destruction of that group."

<sup>9</sup>The publicly declared policy of National Security Minister Itamar Ben-Gvir, institutionalising degradation through his "prison revolution", calling for the death penalty to resolve overcrowding caused by mass arrests, and ordering conditions of deliberate deprivation, certainly goes beyond security rationale and evidences a policy designed to destroy the conditions of dignified life for Palestinians in custody as members of a group. See for example, Middle East Eye, Ben Gvir taunts Palestinian prisoners and calls for 'death penalty for terrorists', 31 October 2025, <https://www.middleeasteye.net/live-blog/live-blog-update/ben-gvir-taunts-palestinian-prisoners-and-calls-death-penalty-terrorists>; The Times of Israel, Ben Gvir urges prisons chief to stay in office despite intention to indict him, 28 April 2026, [https://www.timesofisrael.com/liveblog\\_entry/ben-gvir-urges-prisons-chief-to-stay-in-office-despite-intention-to-indict-him/](https://www.timesofisrael.com/liveblog_entry/ben-gvir-urges-prisons-chief-to-stay-in-office-despite-intention-to-indict-him/); Middle East Eye, Ben Gvir: Worsening prisoners' conditions one of my highest goals, 2 July 2024, <https://www.middleeasteye.net/live-blog/live-blog-update/ben-gvir-worsening-prisoners-conditions-one-my-highest-goals>

Israel's dehumanizing and violent detention system has operated as "an ideological project of societal destruction" with the express political objective of debilitating the Palestinian people.<sup>10</sup> Accordingly, the present brief submits that the evidence documented surrounding Israel's systematic torture of Palestinian prisoners and detainees, assessed in its totality, meets the threshold of genocide.<sup>11</sup> In parallel, no concrete measures have been taken by the international community to protect the life, dignity, and safety of Palestinian prisoners and detainees as required by law.

This policy brief aims to set out concrete recommendations that Belgium can and should implement on the legal, diplomatic, and economic levels, in accordance with its obligations as a Party to the Geneva Conventions, and as a signatory to the Genocide Convention. Its objective is to assist the Belgian government in fulfilling their duty to prevent, respond to, and ensure accountability for grave breaches of international law committed against the Palestinian population in the oPt in particular.

At its core, this brief also seeks to serve as a tool for mobilisation, aimed at equipping civil society, social movements, and concerned citizens in Belgium with the legal and factual grounding to demand urgent state action in defence of Palestinian prisoners and detainees who form an integral component of the Palestinian people and society.

## Description of Issues

Israel's treatment of Palestinian prisoners in detention centres, prisons, military bases, interrogation facilities and camps across Israel and the oPt involves systematic inhuman and degrading conditions amounting to torture and ill-treatment. These encompass, among others, severe overcrowding (up to 20 detainees in cells designed for five), deliberate starvation through calorie restriction and contaminated food, systematic beatings with batons, tasers, and dogs, sexual violence, denial of medical care resulting in death and chronic diseases, psychological abuse, and

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<sup>10</sup>Torture and Genocide, Report of the Special Rapporteur on the Situation of Human Rights in the oPt, para. 3.

<sup>11</sup>Ibid., para. 13.

arbitrary, administrative, or incommunicado detention.<sup>12</sup> Far from isolated incidents, these form a widespread and institutionalised system of abuse.<sup>13</sup>

With a surge in mass arrests of Palestinians since October 2023, Israeli detention centres have increasingly become sites of vengeance, torture, and collective punishment, with a significant shift in the approach of the IPS and in prison protocols,<sup>14</sup> marked by widespread torture and extrajudicial killings of Palestinians.<sup>15</sup> This is in line with the publicly instated policy of Israeli Minister of National Security Itamar Ben Gvir, who, in September 2023, had already publicly declared his intent to harshen conditions for Palestinian prisoners and detainees, including by depriving detainees of their rights to food, water and sanitation, and reducing the number of family visits.<sup>16</sup>

In a further escalation, on 30 March 2026, the Israeli parliament (Knesset), adopted the “Death Penalty for Terrorists Bill” imposing capital punishment on Palestinians convicted of “terrorism” offenses in clear violation of international law. The law explicitly targets Palestinians from the West Bank and Gaza in the military court system and Palestinians in Jerusalem and Israel under the civil court system, by precisising that the death penalty will be applied to “who intentionally causes the death of a person with the aim of negating the existence of the State of Israel.”<sup>17</sup>

Its adoption further entrenches a racist and discriminatory legal regime that strips Palestinians of equal protection before the law, denies them core fair-trial safeguards, and constitutes an arbitrary and unlawful deprivation of life in violation of guaranteed rights, including under the International Covenant on Civil and Political Rights (ICCPR), the prohibition on racial discrimination under customary international humanitarian law, and the absolute prohibition on torture and inhuman treatment, and the Fourth Geneva Convention’s protections for occupied populations.

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<sup>12</sup>Since 7 October 2023, most detained Palestinians have reportedly been forcibly taken to these sites without charge or offence, with testimonies indicating a random selection of individuals by Israeli soldiers. B’Tselem, *Welcome to Hell*, p. 47.

<sup>13</sup>Ibid.

<sup>14</sup>Addameer Prisoner Support and Human Rights Association, *Prison Violence*, 2024, p. 1, <https://addameer.ps/media/5539>.

<sup>15</sup>B’Tselem, *Unleashed: Abuse of Palestinians by Israeli soldiers in the center of Hebron*, 2024, [https://www.btselem.org/publications/202412\\_unleashed](https://www.btselem.org/publications/202412_unleashed), p. 6-7.

<sup>16</sup>Palestinian Centre for Human Rights, *PCHR Condemns Israeli National Security Minister’s Decision to Ban Monthly Family Visits for Palestinian Detainees*, 4 September 2023, <https://pchr-gaza.org/pchr-condemns-israeli-national-security-ministers-decision-to-ban-monthly-family-visits-for-palestinian-detainees/>.

<sup>17</sup>Death Penalty for Terrorists Law, 5786-2026 [https://www.adalah.org/uploads/uploads/Death\\_Penalty\\_Bill\\_unofficial\\_translation.pdf](https://www.adalah.org/uploads/uploads/Death_Penalty_Bill_unofficial_translation.pdf)

## The Legal Framework Governing Palestinian Detainees

The legal framework governing Palestinian detainees in Israel's custody differs depending on their legal status. Palestinians detained from the West Bank are held in the context of a belligerent occupation that is, and has been since 1967, governed by the law of international armed conflict. The Fourth Geneva Convention applies in full to civilians in occupied territory, and persons detained therein are entitled to its protections under Article 4. As for Palestinians from Gaza, Israel's claim that it is not an occupying power in Gaza has been emphatically rejected by the ICJ in its July 2024 Advisory Opinion, which found that Israel retains effective control over Gaza and that the law of occupation continues to apply. Palestinians from Gaza held in Israeli custody therefore remain protected civilians under the Fourth Geneva Convention.

Since October 2023, Israeli authorities have massively expanded use of the 2002 Incarceration of Unlawful Combatants Law, applied exclusively to Palestinians from Gaza, alongside military and emergency orders. The Law creates a *sui generis* category of "unlawful combatants" that is designed to sit outside both frameworks simultaneously. Detainees are denied prisoners of war status under the Third Geneva Convention on the grounds that they do not meet combatant qualification criteria,<sup>18</sup> while simultaneously being stripped of civilian protections under the Fourth Geneva Convention on the grounds that they are taking part in hostilities.

This manufactured legal void has no foundation in international law. Under IHL, any person in the hands of a party to an international armed conflict is either a combatant entitled to POW status under the Third Geneva Convention, or a civilian protected under the Fourth Geneva Convention. There is no residual category of unprotected persons. This principle, articulated by the ICRC in its commentary on Article 4 of the Fourth Geneva Convention and confirmed in the jurisprudence of the ICTY, forecloses the legal architecture the 2002 Law attempts to construct.<sup>19</sup> The Israeli Supreme Court's repeated endorsement of that architecture does not alter Israel's obligations under international law.

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<sup>18</sup>Addameer, Prison Violence, p. 19; Nizar Ayoub, Systematic Revenge: Israel's 'Administrative Detention' Policy Since 7 October, Arab Center for Research & Policy Studies, 28 April 2024, <https://www.dohainstitute.org/en/Lists/ACRPS-PDFDocumentLibrary/systematic-revenge-israel-administrative-detention-policy-since-7-october.pdf>.

<sup>19</sup>Prosecutor v. Delalić et al. (Čelebići Case), IT-96-21-T, Trial Chamber Judgment, 16 November 1998, para. 271. ICRC Commentary on the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War (J.S. Pictet ed., 1958), Article 4, p. 46–50.

## The Complicity of the Israeli Judicial System

The Israeli military court system, which exercises exclusive jurisdiction over Palestinian prisoners and detainees, has become a central actor in the normalization and legalization of these violations. Military judges routinely approve administrative detention orders without meaningful review, admit evidence obtained through torture, and deny bail in cases where no credible evidence exists.<sup>20</sup>

The Israeli judiciary has failed to investigate credible allegations of abuse and has consistently deferred to the executive and military authorities, effectively providing legal cover for practices that amount to grave breaches and international crimes. The Israeli Supreme Court has repeatedly upheld the Unlawful Combatants Law and other “emergency” frameworks and has accepted carceral policies involving severe restrictions on food, water, family visits and monitoring as legitimate “security” measures, thereby entrenching a legal architecture of impunity.

## Patterns of Violations

### Physical Torture and Ill-Treatment

Palestinian detainees are systematically subjected to physical abuse at every stage of detention, upon arrest, during transfers, cell searches, interrogations, courts hearings, and release.<sup>21</sup> Beatings with batons, clubs, tasers, and pepper spray, dog attacks,<sup>22</sup> prolonged stress positions and restraint,<sup>23</sup> sleep deprivation, and exposure to extreme cold are all documented.<sup>24</sup> Severe overcrowding, up to 20 detainees in spaces designed for five, is routine. The starvation policy, implemented on ministerial orders and defended before Israel’s Supreme Court, has meant that meals are minimal and often contaminated, while drinking water is sometimes restricted to one

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<sup>20</sup>UN Human Rights, Israel: UN Experts Condemn Decades of Unfair Trials for Palestinians in the Occupied West Bank, 3 July 2024, <https://www.ohchr.org/en/press-releases/2024/07/israel-un-experts-condemn-decades-unfair-trials-palestinians-occupied-west>; Addameer Prisoner Support and Human Rights Association, On Administrative Detention, July 2017, [https://addameer.ps/israeli\\_military\\_judicial\\_system/administrative\\_detention](https://addameer.ps/israeli_military_judicial_system/administrative_detention)

<sup>21</sup>B’Tselem, Welcome To Hell, p. 47.

<sup>22</sup>Ibid., p. 48.

<sup>23</sup>Addameer Prisoner Support and Human Rights Association, Update on the Conditions and Torture Violations Committed Against Gazan Detainees, 7 October 2024, p. 6–7, <https://addameer.ps/media/5406>.

<sup>24</sup>B’Tselem, Welcome to Hell, p. 81.

hour per day,<sup>25</sup> causing rapid weight loss and medical complications.<sup>26</sup> Sanitary conditions are severely degraded, with showering permitted once or twice weekly and no hygiene products provided, contributing to skin disease and infection.<sup>27</sup> Medical care is systematically denied by the Israeli authorities for pre-existing conditions, injuries, and detention-acquired illnesses. Medical personnel have not only failed to uphold their duty of care, but actively participated in abuse, certifying detainees as fit for interrogation despite evidence of torture and withholding treatment.<sup>28</sup>

## Sexual Violence

Sexual violence is systematically used against Palestinian detainees, targeting both men and women at various stages of detention, including arrest, interrogation, and medical exams.<sup>29</sup> Testimonies collected point to a wide range of practices designed to punish, humiliate and exert control over prisoners. Abuses include forced nudity, inappropriate touching, beatings while naked, blows to the genitals, use of sticks and metal objects to inflict pain on genital parts and grabbing of the penis and testicles.<sup>30</sup> Testimonies describe incidents of gang rape, anal rape, dog rape,<sup>31</sup> and group sexual violence and assault by prison guards, as well as threats of such acts. Some detainees reported the insertion of objects, such as metal rods and vegetables, into the anus while being filmed.<sup>32</sup> Sexual violence also includes repeated strip searches aimed at humiliation, as well as

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<sup>25</sup>Addameer, Update on the Conditions and Torture Violations Committed Against Gazan Detainees, p. 10; B'Tselem, Welcome to Hell, p. 81.

<sup>26</sup>OHCHR, Detention in the Context of the Escalation of Hostilities in Gaza: October 2023 – June 2024, 2024, p. 10; Addameer, Update on the Conditions and Torture Violations Committed Against Gazan Detainees, p. 10; Torture and Genocide: Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, para 30.

<sup>27</sup> B'Tselem, Welcome to Hell, p. 73.

<sup>28</sup> Ibid.

<sup>29</sup> OHCHR, Detention in the Context of the Escalation of Hostilities in Gaza, p. 13.

<sup>30</sup> Ibid., p. 13-14; B'Tselem, Welcome To Hell, p. 58.

<sup>31</sup> PCHR, PCHR Documents Testimonies of Systematic Rape and Sexual Torture in Israeli Detention against Released Palestinian Detainees, 10 November 2025, <https://pchrgaza.org/pchr-documents-testimonies-of-systematic-rape-and-sexual-torture-in-israeli-detention-against-released-palestinian-detainees/>

<sup>32</sup> Ibid, p. 58-59.

forcing detainees to undress and remain in degrading positions while being filmed and photographed.<sup>33</sup> Prisoners are often blindfolded and handcuffed during these abuses.<sup>34</sup>

## Psychological Torture

Testimonies document not isolated incidents, but a systematic pattern of psychological abuse designed as a continuation and intensification of physical and sexual violence, aiming to break the detainees' mental resilience, resulting in chronic anxiety, insomnia, hypervigilance, nightmares and symptoms of post-traumatic stress disorder.<sup>35</sup> A 2024 UN report confirms a deliberate desire by Israeli guards to humiliate the detainees and inflict psychological harm through degradation, verbal abuse and sensory manipulation as tools to break prisoners' mental capacity.<sup>36</sup> In addition, Israel systematically withholds the bodies of Palestinians who die in custody, sometimes for years, compounding familial trauma and denying mourning.<sup>37</sup> When returned, bodies frequently show evidence of torture, execution, severe physical trauma, including crushed bodies, and, in some cases, severe physical trauma, and in some cases removal of organs replaced with items like cotton; patterns confirmed by the release of 120 bodies in October 2025.<sup>38</sup>

## Death in Detention

As a result of systematic torture, starvation, intentional medical negligence and inhumane living conditions, a shocking increase in the number of deaths in detention facilities has been reported since October 2023.<sup>39</sup> While the exact number remains unclear, it is estimated that between 84 and 94 Palestinian prisoners have died in custody since October 2023.<sup>40</sup> It should be noted that since

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<sup>33</sup> OHCHR, Detention in the Context of the Escalation of Hostilities in Gaza, p. 13-14.

<sup>34</sup> Ibid.

<sup>35</sup> See B'Tselem, Unleashed: Abuse of Palestinians by Israeli soldiers in the center of Hebron, p. 19.

<sup>36</sup> OHCHR, Detention in the Context of the Escalation of Hostilities in Gaza, p. 11.

<sup>37</sup> Ibid. The UN Committee against Torture determined in its 2016 review of Israel that this practice constitutes collective punishment and cruel and inhuman treatment.

<sup>38</sup> Mohammed Al-Hajjar and Mera Aladam, Palestinian Bodies Released by Israel Show Signs of Torture, Middle East Eye, 15 October 2025, <https://www.middleeasteye.net/news/palestinian-bodies-released-israel-show-signs-torture>

<sup>39</sup> See Addameer Prisoner Support and Human Rights Association, Prison Violence, p. 24.

<sup>40</sup> See Torture and Genocide: Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, para 43.

1967, at least 315 Palestinians have died in Israel’s custody.<sup>41</sup> Prisoners with chronic conditions such as cancer or diabetes are denied appropriate treatment, aggravating the deterioration of their illnesses and often resulting in deaths.<sup>42</sup> In addition, the Israeli army has explicitly acknowledged that some detainees have died, some with pre-detention diseases and some with wounds which happened due to fighting.<sup>43</sup> Autopsies conducted on 20 bodies, published in March 2024, reveal visible signs of physical violence and torture, including fractured ribs.<sup>44</sup>

## Enforced Disappearance and Incommunicado Detention

Israel’s practice of enforced disappearance intensified considerably since October 2023, with thousands of Palestinian, primarily from Gaza, vanishing following arrest or detention.<sup>45</sup> The UN Special Rapporteur on the situation of human rights in the oPt has reported in February 2026 that more than 4,000 Palestinians have been subjected to enforced disappearance in this period, noting that it is “likely that many are no longer alive”.<sup>46</sup> Through legislatives and administrative changes, the Israeli authorities have institutionalized incommunicado detention and enabled a pattern of enforced disappearance, creating conditions conducive to further abuses, including torture and ill-treatment.<sup>47</sup> A significant number of detainees remain missing with no clear information concerning their number, gender, or identity.<sup>48</sup> Lawyers report being told repeatedly that detainees are “not registered in the system”, increasing the possibility of deaths in custody and disposal of bodies.<sup>49</sup>

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<sup>41</sup>Institute for Palestine Studies, Martyrs of the prisoners’ movement after October 7<sup>th</sup>, <https://documentprisoners.palestine-studies.org/ar/martyrs>

<sup>42</sup>Addameer, Update on the Conditions and Torture Violations Committed Against Gazan Detainees, p.12.

<sup>43</sup>Associated Press, 'Palestinian Deaths in Israeli Custody Have Surged, Physicians Rights Group Finds', NBC News, 17 November 2025, <https://www.nbcnews.com/world/middle-east/israel-prisons-palestinian-prisoner-deaths-surge-physicians-report-rcna244426>.

<sup>44</sup>Ibid.

<sup>45</sup> B’Tselem, Welcome To Hell, p. 11.

<sup>46</sup> Torture and Genocide: Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, para 24.

<sup>47</sup>Addameer, Update on the Conditions and Torture Violations Committed Against Gazan Detainees, p. 2.

<sup>48</sup>Ibid, p. 4.

<sup>49</sup>Ibid, p. 5.

## Third-Party State Responsibility

As a State Party to the Geneva Conventions and their Additional Protocols, Belgium is under a clear international legal obligation to respect and ensure respect for International Humanitarian Law (IHL) in all circumstances, pursuant to Common Article 1.<sup>50</sup> This imposes not only negative duties of compliance by Belgian authorities, but positive obligations to act against serious breaches by third States, including torture, collective punishment, unlawful deportation, and arbitrary detention, as also reaffirmed by the ICJ in 2024.<sup>51</sup> Belgium must therefore actively prevent and help bring such breaches to an end, refrain from aid or assistance that sustains them, and refuse to recognise as lawful any situation arising from peremptory norm violations, such as Israel's illegal occupation of the oPt.<sup>52</sup>

The ICJ's 2004 *Wall Advisory Opinion* affirmed all States' *erga omnes* duty not to recognise as legal the illegal situation resulting from the construction of the wall, nor to render aid or assistance in maintaining it, while ensuring any impediment to Palestinian self-determination is brought to an end.<sup>53</sup> The ICJ's July 2024 *Advisory Opinion* declared Israel's occupation unlawful due to its denial of Palestinian self-determination and violation of the prohibition on acquiring territory by force, obliging all States not to recognise as legal the situation arising from Israel's unlawful presence in the oPt, nor render aid or assistance in maintaining it, and to cooperate with the UN to realise Palestinian self-determination.<sup>54</sup> Israel's prison regime, encompassing mass arrests, torture, prolonged arbitrary and administrative detention, and enforced disappearances, forms an integral part, systematically suppressing self-determination while entrenching occupation and apartheid.

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<sup>50</sup>Report Submitted to the Security Council by the Secretary-General in Accordance with Resolution 605 (1987), UN Doc S/19443 (21 January 1988); Knut Dörmann and Jose Serralvo, Common Article 1 to the Geneva Conventions and the Obligation to Prevent International Humanitarian Law Violations, 2014, 96, *International Review of the Red Cross*.

<sup>51</sup>Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (*Nicaragua v. Germany*), Request for the Indication of Provisional Measures, Order, ICJ Reports 2024, 30 April 2024, para. 23.

<sup>52</sup>See, for example, UNSC Res 605 (22 December 1987) UN Doc S/RES/605; UNSC Res 681 (20 December 1990) UN Doc S/RES/681; UNGA Res 45/69 (6 December 1990) UN Doc A/RES/45/69; UNGA Res 62/107 (17 December 2007) UN Doc A/RES/62/107; UNGA Res 63/96 (5 December 2008) UN Doc A/RES/63/96; UNGA Res 68/81 (16 December 2013) UN Doc A/RES/68/81; UNGA Res 68/82 (16 December 2013) UN Doc A/RES/68/82.

<sup>53</sup>Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Reports 2004, p. 136, para. 159.

<sup>54</sup> See Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, ICJ Reports 2024, 19 July 2024, para. 275.

Belgium's obligations are further activated under the Genocide Convention. The ICJ's Order of 26 January 2024 in *South Africa v. Israel* found a plausible risk of genocide in Gaza, engaging Article 1's *erga omnes* obligations to prevent and punish genocide. As the Court clarified in *Bosnia v. Serbia*—and reaffirmed in *Nicaragua v. Germany*—this obligation requires States that are aware, or ought to be aware, of a serious risk of genocide to employ all means reasonably available to prevent it, including through diplomatic, legal, and economic measures.

Under the Convention against Torture (CAT), Belgium must equally ensure that it makes no direct and indirect contribution to torture or ill-treatment, including by withholding financial, logistical, technological, or diplomatic support from implicated institutions and individuals.

These duties are codified in Article 16 ARSIWA and confirmed as customary international law by the ICJ in *Bosnia v. Serbia*. They extend beyond non-complicity to require positive action, including by enforcing universal jurisdiction over atrocity crimes, and ensuring through domestic measures that neither public nor private Belgian entities contribute to the violations outlined in this brief. Failure to act risks Belgium's responsibility for omissions violating peremptory norms.

## Policy Recommendations

Considering the outlined legal obligations, Belgium bears clear, legally binding positive and negative duties in relation to the treatment of Palestinian prisoners and detainees in Israel's custody, requiring immediate and effective implementation. The continuing escalation of Israeli violations against the Palestinian prisoner population, including torture, sexual violence, enforced disappearance, starvation, and deaths in detention, alongside the latest adoption of the death penalty law, compounds the urgency of Belgium's response. Inaction at this juncture constitutes not merely a failure to uphold international law, but risks amounting to acquiescence in and facilitation of ongoing atrocity crimes. Accordingly, Belgium should:

### 1. Uphold its legal obligations to ensure protection of Palestinians in Israel's custody

Belgium must actively work to ensure the protection of Palestinian prisoners and detainees by deploying all available proportionate means, consistent with Common Article 1 to the Geneva Conventions and Article 1 of the Genocide Convention, to compel Israel to comply with international humanitarian and human rights law. This includes demanding Israel to:

- Immediately and unconditionally release all Palestinians held arbitrarily, including administrative detainees and children.

- Dismantle its military court system, which operates as a parallel, discriminatory legal framework.
  - End the systematic violations against Palestinian prisoners, including torture, starvation, deliberate denial of medical care, sexual violence, enforced disappearance, and the deprivation of basic rights and dignity.
  - Declare the “Death Penalty for Terrorists Law, 2026” null and void.
  - Grant the ICRC immediate, regular and unhindered access to all Palestinian detainees in all places of detention.
2. Belgium should urge the ICRC, in line with its mandate of humanitarian protection, to:
- Prioritize public reporting on torture, ill-treatment, including sexual violence, starvation, denial of medical care, and deaths of Palestinians in Israeli custody.
  - Systematically request information on the fate and whereabouts of all Palestinians subjected to enforced disappearance and incommunicado detention, and to demand the return of bodies.
  - Strengthen cooperation with UN mechanisms, human rights organizations, and relevant courts, to ensure that information collected through visits and interviews contributes to accountability processes.
3. Initiate and support accountability mechanisms

Belgium must use all available legal avenues to ensure accountability for serious breaches and international crimes committed against Palestinian prisoners and detainees:

- Open preliminary investigations in Belgian courts under the principle of universal jurisdiction into Israeli military officials, policymakers, judges, prosecutors, and guards responsible for torture, including rape and other forms of sexual violence, enforced disappearance, unlawful transfer, arbitrary and administrative detention, starvation, denial of medical care, and other forms of inhumane or degrading treatment of Palestinian prisoners and detainees.
- Continue to support and cooperate with international accountability mechanisms, including the ICC and the ICJ, including in relation to the grave breaches and crimes perpetrated against the Palestinian prisoner population.
- Advocate for, and support, independent international investigations into all Palestinian deaths in Israeli custody, the widespread rape and sexual violence, organ theft and the mutilation of bodies, enforced disappearances, torture and ill-treatment, as well as the systematic discriminatory detention of Palestinians, including children, with a view to future criminal proceedings.

- Provide financial and political support to local organizations documenting violations against Palestinian prisoners, and that work to preserve evidence and actively advocate for accountability. This includes establishing a dedicated funding stream for lawyers and organisations, including those that have been unjustly criminalized and sanctioned by Israel and the United States for their legitimate human rights work.
4. Suspend all bilateral cooperation with Israeli entities implicated in the prison regime and the broader apparatus of apartheid, genocide, and illegal occupation.
    - Suspend security, technological, and academic partnerships with Israeli ministries, military bodies, and private companies involved in the management and operation of Israeli prisons, detention centres, military courts, as well as the design and development of surveillance and control technologies used to facilitate the perpetuation of associated violations.
      - This includes, among others, investigating and halting the export of military dogs and ensuring that no Belgian-bred or trained dogs are used in the torture of Palestinians detainees.
    - Review all public procurement contracts, export licences, and Belgian-funded programs to ensure no direct or indirect support flows to institutions complicit in Israel’s prison regime and related violations.
    - Impose targeted restrictive measures, including asset freezes and travel bans, on Israeli officials, military judges, prosecutors, and prison administrators responsible for policies and practices amounting to grave breaches and international crimes against Palestinian prisoners and detainees.
    - Advance toward a comprehensive and sustained suspension of relations with Israel’s occupation regime across all sectors, including military, economic, academic, and cultural, as a lawful and effective measure to oppose and resist colonialism, apartheid, genocide, and other serious breaches of international law.
    - Refrain from recognising as lawful any situation created by Israel’s serious breaches, avoid rendering aid or assistance in maintaining that situation, and take proactive steps, including embargoes and divestment, to bring it to an end.
    - Intensify efforts within the EU Council and with EU Member States to suspend the EU-Israel Association Agreement.
  5. Recognising that the implementation of these obligations requires and depends on sustained mobilization carried out by civil society, the policy brief calls on Belgian human rights organisations, trade unions, student movements, academic associations and grassroots coalitions to intensify their efforts to press the Belgian government and parliaments to adopt the measures outlined above to ensure the effective protection for Palestinian prisoners and detainees against arbitrary deprivation of life, liberty, and dignity.

## Conclusion

The liberation of Palestinian prisoners and detainees is inseparable from the Palestinian people's right to self-determination, a right that has attained the status of a peremptory norm of international law (*jus cogens*), and whose realisation generates binding obligations upon all States, including the obligation to refrain from acts that perpetuate its denial and to actively support conditions conducive to its exercise.

The systematic and widespread human rights violations against Palestinian prisoners and detainees in Israeli custody are not isolated acts but integral to a broader regime of persecution, domination, and structural impunity. These practices have been allowed to dramatically intensify since October 2023, forming part of a genocidal war against the Palestinian people.

Backed by UN findings and civil society reports, the evidence reveals a discriminatory legal system that criminalizes Palestinians, denies fair trial guarantees, and kills them while in Israeli custody, often due to deliberate starvation, torture, and the denial of medical care. The Israeli judicial system has provided legal cover for these violations, while the recent adoption of the death penalty signals an intent to further escalate state violence against Palestinians, namely those within Israel's immediate custody.

In light of these grave and ongoing violations amounting to international crimes, third-party states, including Belgium, have clear legal obligations to prevent complicity and act decisively. The ICJ's 2024 finding of a plausible risk of genocide, alongside its 2024 Advisory Opinion affirming the illegality of Israel's occupation, reinforces Belgium's duty to prevent, punish, and refrain from aiding or assisting in the maintenance of this illegal situation. Inaction in the face of these atrocities not only breaches international law but renders states complicit in the very crimes they are bound to prevent.

At a moment when Palestinian prisoners and detainees face escalating brutality, starvation, sexual violence, and death in conditions that amount to ongoing atrocities, and in the absence of meaningful action by the international community, Belgium must uphold its legal and moral responsibilities. Otherwise, it remains complicit through silence and inaction.

Civil society in Belgium, guided by their counterparts in Palestine, has long demanded accountability. It is now incumbent upon the Belgian government to respond. The measures outlined in this brief are not optional. They are urgent, necessary steps to protect Palestinian detainees and prisoners, end complicity in Israel's illegal occupation, apartheid, and genocide, and to uphold the integrity of international law and human dignity.

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