We, the undersigned organizations, call on all UN Member States to take urgent steps to protect people deprived of their liberty across the occupied Palestinian territory and Israel.

This includes demanding that the International Committee of the Red Cross (ICRC) is granted immediate and unfettered access to all detainees and hostages, to the full extent required by international humanitarian law. Full access must also be granted for independent human rights monitors, legal counsel, and family members.

All Palestinian children arbitrarily arrested and detained by the Israeli military must be released immediately and unconditionally, as must the remaining hostages[1] held by Hamas and other Palestinian armed groups. No child should ever come into contact with a military court, or any court that lacks comprehensive fair trial rights and basic safeguards. No child should ever be abducted.

However, in the meantime, these steps would provide a vital protective presence and help ensure that children and adults detained and taken hostage are treated humanely, in accordance with their fundamental rights under international humanitarian law and international human rights law.

Detention of Palestinians by the Israeli military in the West Bank and Gaza

There has been a dramatic increase in the number of Palestinians detained by the Israeli military since October 7th. Prior to October 7th, approximately 5,000 Palestinians were in detention.[2] Around 10,000 people – including at least 650 children - have been detained since October 7th in the West Bank alone[3].

It is well-documented that Palestinian children detained by the Israeli military face systematic abuse and ill-treatment[4], driven in part by the impunity granted to the Government of Israel by the international community. Over the last 10 months, violence has increased, conditions have deteriorated, and access to lawyers and family members has been curtailed[5]. Children have reported degrading treatment such as being strip searched and forced to imitate animals[6].

In Gaza, thousands of Palestinians have been rounded up and arbitrarily detained by Israeli forces since October 7th.[7] This includes an unknown number of children[8] whose whereabouts

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[1] The taking of hostages (persons protected under the provision of the Geneva Conventions including civilians and persons taking no active part in hostilities) is a war crime under the Rome Statute of the International Criminal Court.

[2] UN Human Rights Office in the oPt, *Dramatic rise in detention of Palestinians across the West Bank*

[3] According to the Palestinian Commission for Detainees and Ex-Detainees Affairs.

[4] Inter alia, UNICEF, *Children in Israeli Military Detention: Observations and Recommendations* (2013); Save the Children, *Injustice* (2023) and *Defenceless* (2020); B'Tselem (2018); Defence for Children International-Palestine (2018); Lawyers for Palestinian Human Rights (2018); Military Court Watch (2023)

[5] Based on interviews conducted with recently released children by detention experts including DCI-Palestine, YMCA, and the Palestinian Commission for Detainees.

[6] According to interviews with recently released Palestinian child detainees conducted by the Palestinian Commission for Detainees.

[7] UN Office of the High Commissioner for Human Rights (OHCHR), *Detention in the Context of the Escalation of Hostilities in Gaza*

[8] As of 4th April, UNRWA had documented the release of 1,506 detainees from Gaza. 43 of these (39 boys and 4 girls) were children.

are unknown and have in effect been disappeared. Older persons, persons with disabilities, the injured and sick, and medical workers have also been detained[9].

The widespread and credible reports of their treatment are truly horrific and include practices that could amount to torture. For example:

- The Office of the High Commissioner for Human Rights (OHCHR) has documented extensive reports of torture and ill-treatment of Palestinian detainees, including physical and sexual violence - and including against children.[10]
- According to UN experts, at least 53 Palestinians have died in Israeli military custody.[11]
- 9 Israeli soldiers are under investigation, and one charged, for allegedly raping and attacking a Palestinian detainee, who suffered life-threatening injuries as a result.[12] According to Physicians for Human Rights Israel, *"mounting testimonies indicate these incidents are not isolated. They suggest systematic abuse and violence, and a blind eye to violations."*[13]
- After conducting interviews with 55 Palestinians detained since 7th October, B'Tselem identified a dozen Israeli prison facilities that *"operate as de-facto torture camps."*[14]
- Palestinian children detained in Israeli-run prisons told Save the Children of increasing starvation, physical abuse and infectious disease, with some reporting sexual assaults and violent beatings.[15]
- UNRWA identified widespread reports of cruel, inhuman, and degrading treatment against Palestinian detainees such as severe beatings, being forced into cages, being urinated on, and being forced to carry out humiliating acts.[16]

Hostages held captive by Palestinian armed groups

An estimated 115 Israeli and foreign nationals remain captive in Gaza, including hostages who have been declared dead[17], having been seized by Palestinian armed groups during the October 7th attacks. Two child hostages remained in Gaza as of 25 June 2024.[18]

According to OHCHR, accounts from released hostages "describe violence and extremely harsh conditions of captivity" including beatings, sexual abuse, lack of food and water, and medical treatment without anaesthesia.[19] The UN Independent Commission of Inquiry reported it has "verified information on mistreatment and abuse of hostages held in Gaza."[20]

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[9] Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War | UNRWA; *Israel: Palestinian healthcare workers tortured*, Human Rights Watch (2024)

[10] OHCHR, *Detention in the Context of the Escalation of Hostilities in Gaza*

[11] *Israel's escalating use of torture against Palestinians in custody a preventable crime against humanity: UN experts*

[12] IDF charges reservist with aggravated abuse of Palestinian prisoners | Israel | The Guardian

[13] https://x.com/PHRIsrael/status/1817930879311728713

[14] B'Tselem, *Welcome to Hell* (August 2024)

[15] Conditions for Palestinian children in Israeli detention deteriorate (savethechildren.org.uk)

[16] Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War | UNRWA

[17] https://www.unocha.org/publications/report/occupied-palestinian-territory/humanitarian-situation-update-203-gaza-strip-enar

[18] OHCHR, *Detention in the Context of the Escalation of Hostilities in Gaza*

[19] OHCHR, *Detention in the Context of the Escalation of Hostilities in Gaza*

[20] Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, *Detailed findings on attacks carried out on and after 7 October 2023 in Israel*

Access for the ICRC, human rights monitors, lawyers, and family

Access for the ICRC to persons deprived of liberty is enshrined in the Third and Fourth Geneva Conventions.[21] The Government of Israel, as a party to the conflict and Occupying Power, and Palestinian armed groups as parties to the conflict, must grant the ICRC access to all detainees and hostages to the full extent required by international humanitarian law.

The ICRC is a neutral actor uniquely placed to provide support and assistance to persons deprived of liberty in conflict settings. ICRC visits *"aim at ensuring that the treatment detainees receive is in line with internationally recognized laws and standards and the principles of humanity"*. This includes preventing torture and other forms of ill-treatment; preventing and resolving disappearances; improving conditions of detention; and restoring and maintaining family contact.

The Israeli Government has suspended all humanitarian visits by the ICRC to Palestinian detainees since October 7th. Access for human rights monitors, lawyers, and family members has also been curtailed in the Israeli prison facilities for detainees from the West Bank and is almost non-existent for detainees from Gaza. The ICRC has also been denied access to visit Israeli and foreign national hostages in Gaza despite repeated requests to the Palestinian armed groups holding them.

This means that despite evidence of egregious human rights violations, including practices that could amount to torture, detainees and hostages lack any kind of protective presence to keep them safe and ensure their rights are upheld. We emphasise that all Palestinian children arbitrarily detained and the remaining hostages in Gaza must be released immediately and unconditionally, and the abusive Israeli military detention system must end. Until this happens, Member States must do everything in their power to protect people deprived of their liberty.

Signed:

1. Save the Children
2. Human Rights Watch
3. War Child
4. Christian Aid
5. Humanity & Inclusion/Handicap International (HI)
6. War on Want
7. Lawyers for Palestinian Human Rights
8. World Organisation against Torture
9. Council for Arab-British Understanding
10. International Federation for Human Rights
11. Welfare Association
12. HelpAge International
13. SOS Children's Villages UK
14. Plan International
15. Amos Trust
16. Oxfam
17. Age International

[21] Customary IHL - Rule 124. ICRC Access to Persons Deprived of Their Liberty

18. Physicians for Human Rights–Israel
19. Embrace the Middle East
20. KinderUSA
21. MedGlobal
22. Médecins du Monde International Network
23. Action for Humanity
24. The Rights Forum
25. Churches for Middle East Peace
26. La Coordinadora de Organizaciones para el Desarrollo- Spain
27. Pax for Peace
28. CARE International
29. Kifaia
30. Bond
31. Terre des Hommes Italia