

The Conditions of Syrian Detainees in Israeli Prisons

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Introduction

The fall of the Bashar al-Assad regime on 8 December 2024 has led to profound political, security and military changes in Syria, accompanied by developments on the ground in the south of the country. These included the occupation of the buffer zone pursuant to the 1974 ceasefire agreement by Israeli forces, as well as adjacent areas. Amid these developments, and as part of numerous violations committed by the Israeli occupation forces in the newly occupied areas, tens of Syrian citizens were detained in different circumstances and locations, and were transferred to detention facilities and prisons inside Israel.

Starting at the first months of these arrests, Al-Marsad – Arab Human Rights Center in the Golan began monitoring this issue by following Syrian and Israeli media, communicating with human-rights and media activists in Quneitra Governorate, and submitting a request under Israel's Freedom of Information Act of 1998 to determine the number of detainees.

At a later stage, through communication with Palestinian lawyer colleagues who had become aware of Syrian detainees in Israeli prisons while visiting their Palestinian clients, Al-Marsad began receiving approaches from detainees' families, obtaining appropriate powers of attorney from them, providing legal consultations, contacting the Israeli authorities to establish the places of detention, submitting requests to visit detainees, and following up on their legal and humanitarian situation.

As of the preparation of this report, Al-Marsad has followed dozens of cases of arrest and provided legal assistance to more than 12 families, amid repeated difficulties faced by families and lawyers in obtaining information or accessing detainees.

This report is based on the field and legal experience accumulated by Al-Marsad over more than 18 months of monitoring, and on information and documents collected from families, official correspondence, and legal proceedings undertaken by Al-Marsad concerning the situation of detainees. The report does not claim to provide a comprehensive picture of all arrests; rather, it focuses on patterns that Al-Marsad was able to document directly through its work, while maintaining a distinction between documented facts and the legal analysis based on them.

The report seeks to document the principal problems observed in the treatment of Syrian detainees, including the difficulty of establishing places of detention, restrictions on communication with families, obstacles limiting lawyers' access to detainees, and the compatibility of these practices with Israel's obligations under international human rights law and international humanitarian law, according to the legal framework applicable to each case.

The report does not address the reasons for the arrest of individuals or their responsibility for any alleged acts, nor does it seek to assess the security considerations that may be invoked by the Israeli authorities in carrying out arrests. Its scope is limited to examining respect for the legal safeguards and fundamental rights enjoyed by all persons deprived of their liberty, including the right to due process, the right to be aware of the reasons for detention, access to counsel, fair legal proceedings, communication with family, and humane treatment. These rights are not diminished by the nature of the allegations or security circumstances, but are subject only to restrictions permitted by international law and within the limits established by it.

Through this report, Al-Marsad seeks to contribute to documenting the situation of Syrian detainees, highlighting the challenges facing their families and lawyers, and supporting efforts to strengthen respect for fundamental legal safeguards in accordance with the principles underlying international law and ensuring the protection of the rights of all persons deprived of their liberty without discrimination.

Methodology

This report is based on legal and documentary research conducted by Al-Marsad during 2025 and 2026, with the aim of documenting the situation of Syrian citizens arrested by the Israeli occupation authorities after 8 December 2024; monitoring respect for the legal safeguards and fundamental rights guaranteed to them under international law; establishing their places of detention and legal status; and providing legal assistance.

In the first stage, Al-Marsad collected preliminary information from multiple sources, including testimonies and monitoring by Syrian activists, particularly from Quneitra Governorate, as well as reports published by Syrian and Israeli media concerning detention and arrest operations. Given the divergence of information and the absence of regular official data, Al-Marsad did not treat these sources alone as conclusive evidence. Rather, it used them to guide its research and legal efforts and sought to verify facts through official channels and by comparing information with other sources. It should be noted that the Israeli occupation forces maintain a policy of opacity concerning the occupied buffer zone. On several occasions, they have prevented journalists from accessing the area, obstructed their work, detained them for short periods, and even opened fire in their direction.

To obtain official information, in May 2025 Al-Marsad submitted a request under Israel's Freedom of Information Act of 1998, asking the Israeli military to disclose information concerning Syrian detainees and their places of detention. The military failed to respond within the statutory period, prompting Al-Marsad in October 2025 to file a petition before the Tel Aviv Administrative Court seeking an order requiring the military to respond.

Following the filing of the petition, in December 2025 the Israeli military responded that eight Syrian detainees were being held in military detention facilities operated by the army. It further stated that other Syrian detainees were being held in prisons operated by the Israeli Prison Service, without disclosing their number, places of detention, or any additional details.

On the basis of this response, in January 2026 Al-Marsad submitted a Freedom of Information request to the Israel Prison Service seeking data concerning Syrian detainees held in its custody. In March 2026, the Israel Prison Service rejected the request, relying on the security-information exception contained in the Freedom of Information Act, and declined to provide any information concerning the number of detainees, their places of detention, or their conditions.

In parallel with the formal and judicial requests and petitions, Al-Marsad communicated with Palestinian lawyers who had previously represented Palestinian detainees and who reported, through their meetings with their clients, the presence of Syrian citizens in Israeli prisons. This cooperation expanded the documentation effort and also resulted in several Syrian detainees' families being referred to Al-Marsad for legal representation.

On the basis of powers of attorney obtained from the families, Al-Marsad initiated legal procedures to establish the places of detention, communicate with the competent authorities, and request visits. In one case, a power of attorney was obtained from the family of a detainee referred to Al-Marsad by a Palestinian lawyer. It was established that the detainee was being held in Nafha Prison in the Negev. A request for a lawyer's visit was submitted, but the outbreak of the military confrontation between Israel and Iran in March 2026, and the comprehensive closure of the prisons and suspension of visits that followed, prevented the legal visit from taking place. In another case, after receiving a power of attorney from the family of a detainee referred to Al-Marsad through an activist from Quneitra Governorate, Al-Marsad established that the detainee was being held in Ofer Prison, but the request for a visit was rejected.

Through this methodology, during the preparation of this report Al-Marsad received powers of attorney from 12 Syrian families and submitted requests for visits in accordance with the applicable

procedures, establishing the places of detention of all their sons. Al-Marsad received only one approval for a visit concerning a detainee who is detained at Sde Teiman Camp. Despite the prior approval, when Al-Marsad's lawyer arrived to conduct the visit, he was denied entry after being informed that the place of detention was considered a military facility rather than a civilian prison and that entry required a special security clearance. The lawyer was asked to submit a new request after completing the security-clearance procedures. Al-Marsad complied and submitted new requests, but had received no response as of the date of this report.

This report does not seek to document every case of arrest affecting Syrian citizens. It is limited to cases that Al-Marsad was able to follow directly or for which it obtained sufficiently reliable information to permit a legal assessment. Accordingly, the findings reflect the patterns that emerged from the documented cases and should not be interpreted as a comprehensive statistical account of all arrests.

The documentation process faced significant challenges affecting the scope of information that could be collected, including limited access to detention facilities, refusals by the Israeli authorities in several cases to disclose information concerning detainees, restrictions on lawyers' visits, and the inability of detainees to communicate regularly with their families. These restrictions affected Al-Marsad's ability to independently verify certain information concerning detention conditions, and this limitation has been taken into account in preparing and analyzing the report.

Accordingly, the report distinguishes between facts that Al-Marsad was able to document directly and information based on reliable sources that could not be independently verified. In accordance with professional standards applicable to human-rights reporting, it also distinguishes between the presentation of facts and legal analysis. The report relies on information that could be verified through official documents, legal proceedings, correspondence with the Israeli authorities, powers of attorney signed by detainees' families, and information collected during their legal representation. Given the restrictions on access to detention facilities and the authorities' refusal to disclose complete information concerning detainees, the report is limited to facts that Al-Marsad was able to document directly and identifies the limitations that prevented certain information from being independently verified or completed.

Patterns of Arrest and Detention

The information documented by Al-Marsad indicates recurring patterns in the arrest and detention of Syrian citizens since December 2024, both in terms of the circumstances of arrest and the places of detention and the procedures that followed deprivation of liberty. The findings in this chapter are based on cases directly followed by Al-Marsad, official documents obtained by it, legal files handled by it, and information that could be corroborated through more than one source. This chapter does not claim that the patterns described apply to all arrests; it is limited to cases Al-Marsad was able to document during the preparation of the report.

First: Arrests inside Syrian Territory

The cases documented by Al-Marsad indicate that arrests took place inside Syrian territory occupied by the Israeli occupation forces after 8 December 2024. Information collected by Al-Marsad indicates that a number of arrests were carried out during raids by the occupation forces on villages, population centers, and private homes, during which persons were detained and transferred to places of detention operated by Israeli forces.

Al-Marsad documented dozens of short-term detention cases involving Syrian civilians. Israeli occupation forces stopped and detained Syrian civilians while they were working or passing through temporary checkpoints established by the forces, escorted them to military bases established in the buffer zone, interrogated them, and released them after a short period. In most documented cases,

these detentions lasted several hours and up to one day, after which the detainees were released without charges, without access to legal advice, and without being informed of the reasons for their detention, according to information Al-Marsad was able to document. These cases included, as documented by Al-Marsad, children and minors.

These incidents were repeated in a number of villages located in areas that experienced Israeli military activity, indicating a recurring pattern of temporary deprivation of liberty during or immediately following military operations.

In other cases, persons were detained and transferred to detention facilities inside Israel, where their families and lawyers faced significant difficulties in determining their whereabouts, communicating with them, or obtaining information about their legal status. These patterns provide the starting point for understanding the other practices addressed in this report, including restrictions imposed by the occupation on access to detainees, the severance of communication with the outside world, and the difficulties faced by families and lawyers in following up on their situation.

Second: Places of Detention and Transfer of Detainees

The information documented by Al-Marsad indicates that Syrian detainees are transferred, after being arrested inside Syrian territory, into a detention system divided between military facilities and civilian detention institutions inside Israel. Through its legal procedures, Al-Marsad was able to document detainees held at Sde Teiman Camp near Beersheba, Nafha Prison in the Negev approximately 100 km south of Beersheba, and Ofer Prison between Ramallah and Jerusalem. It also received corroborating information indicating that Syrian detainees were held in other facilities, but was unable to independently verify that information.

Al-Marsad's monitoring showed that the Israeli authorities often fail to provide immediate or sufficient information concerning the place of detention, forcing families to search for their relatives for weeks or months or to turn to lawyers and human-rights organizations to submit formal requests to determine their whereabouts. Because of Israeli secrecy, Al-Marsad continues to face difficulties obtaining official information concerning the number of detainees and their places of detention, despite resorting to legal procedures provided for under Israeli law.

These practices restrict lawyers' ability to visit detainees and families' ability to learn the fate of their relatives, and they also hinder the possibility of initiating legal proceedings at an early stage of detention.

Third: Severance of Communication with the Outside World

In almost all cases followed by Al-Marsad, families reported that they had been unable to communicate with their sons from the moment of arrest. Al-Marsad received no information indicating that detainees had been allowed to make telephone calls, exchange messages, or maintain any regular means of communication with their relatives during the first months of detention.

This complete interruption of communication left families in continuing uncertainty concerning their sons' health and legal status, and prevented detainees from informing their relatives of their place of detention, their conditions, or their basic needs.

In several cases, families were unable to learn the whereabouts of their relatives until after Al-Marsad initiated legal proceedings and contacted the Israeli authorities, resulting in prolonged periods without communication.

Fourth: Restrictions on Lawyers' Access

Al-Marsad repeatedly encountered difficulties in carrying out its legal functions in representing Syrian detainees. These difficulties included delays in responding to requests, withholding

information concerning places of detention, inability to arrange meetings with detainees, and procedural requirements that prevented certain visits from being carried out.

During the preparation of this report, Al-Marsad obtained only one approval to visit a Syrian detainee, who is detained at Sde Teiman Camp near Be'er Sheva'. When Al-Marsad's lawyer arrived at the camp, however, he was prevented from entering after being informed that the facility was a military installation requiring a special security clearance for lawyers, despite the approval of the visit. The authorities asked the lawyer to submit a new request after completing the security-clearance procedures. Al-Marsad complied and submitted new requests, but had received no response as of the date of this report, and the visit had not taken place.

These restrictions do not affect lawyers alone; they directly affect detainees' ability to obtain legal advice and follow up on their judicial status, as well as families' ability to ascertain the condition of their relatives.

Fifth: Lack of Transparency Concerning the Legal Status of Detainees

Al-Marsad's monitoring showed that obtaining information concerning the legal basis for the detention of Syrian citizens and the procedures taken against them was extremely difficult. In several cases, families or their lawyers were unable to determine the place of detention until formal legal proceedings had been initiated, while information concerning the nature or duration of detention or related judicial procedures remained limited or unavailable.

Al-Marsad also faced difficulties obtaining official information concerning the total number of Syrian detainees held in Israeli prisons. Although the military authorities acknowledged the existence of detainees in facilities operated by the army and indicated that others were held in facilities operated by the Israel Prison Service, the competent authorities declined to provide comprehensive information concerning their numbers or places of detention, relying in some cases on exceptions contained in the Freedom of Information Law.

These circumstances indicate practical restrictions on access to information concerning Syrian detainees, whether for their families, lawyers, or human-rights institutions monitoring their situation.

Sixth: Conditions of Detention and Humane Treatment

Al-Marsad has not been able to conduct physical visits to the Syrian detainees whose cases it follows, nor has it been granted access to their places of detention or been able to interview them directly. Accordingly, this report does not claim to provide direct documentation of the conditions of detention of Syrian detainees inside Israeli prisons or detention facilities.

Nevertheless, given that a number of Syrian citizens are known to be held in facilities such as Sde Teiman Camp and Nafha Prison, Al-Marsad considers it necessary to review available information concerning conditions of detention in those facilities because of its relevance to the situation of Syrian detainees. It is important to emphasize that the information in this section is based on reliable external sources and not on direct documentation by Al-Marsad.

The information reviewed in this section is based principally on testimonies of Palestinian and Syrian detainees recently released from Israeli detention facilities; reports issued by Israeli and international human-rights organizations; reports and opinions of experts and United Nations mechanisms; and information made available through judicial and media proceedings concerning detention conditions in Israel since 7 October 2023.¹

These sources indicate a significant deterioration in detention conditions in a number of prisons and military detention facilities, including Sde Teiman Camp. Repeated allegations have been reported

¹ For Example: [Report of Amnesty International](#), [Report of Amnesty International](#), [HUMAN RIGHTS WATCH](#)

concerning overcrowding, malnutrition, reduced access to medical care, prolonged restriction of movement, sleep deprivation, poor hygiene, ill-treatment, and restrictions on communication with the outside world, including family visits and meetings with lawyers during certain periods.

Human-rights organizations and UN reports have also documented changes in the policies governing Israeli prisons since October 2023, linking them to the tightening of detention conditions for detainees classified as “security” detainees. These policies coincided with official statements by Israeli officials, including National Security Minister Itamar Ben-Gvir, concerning the tightening of detention conditions and reduction of privileges inside prisons. The Israeli authorities, for their part, maintain that the measures taken are based on security considerations and deny the existence of a policy involving the mistreatment of detainees, stating that individual allegations are examined by the competent authorities.

In light of the restrictions on access to detention facilities, Al-Marsad cannot confirm that all of these findings apply to the Syrian detainees whose cases it follows. However, their presence in facilities addressed by these reports, combined with the lack of regular access for lawyers and the inability of families to communicate with them, makes independent verification of their conditions difficult and reinforces the need to enable independent oversight bodies to visit detention facilities and conduct direct assessments.

Al-Marsad considers that the continuing restrictions on access to detainees prevent independent verification of compliance with international standards governing the treatment of persons deprived of their liberty and underscore the importance of ensuring independent and regular monitoring of all detention facilities, including military facilities in which Syrian citizens are held.

Legal Framework

This study addresses the situation of Syrian citizens arrested by the Israeli authorities in the context of military operations following 8 December 2024, during which they were arrested inside Syrian territory under the effective control of the Israeli occupation forces and some were transferred to prisons inside Israel. These facts raise legal questions concerning the legal framework governing deprivation of liberty, the safeguards that must apply during detention, and the extent to which the State is required to respect the rights of persons under its authority and effective control.

The report is based on the established principle of international law that all persons deprived of their liberty enjoy fundamental rights and legal safeguards that may be restricted only within the limits permitted by international law and consistently with the principles of necessity, proportionality, and non-discrimination. These rights do not depend on the person’s nationality, the place of detention, or the nature of the allegations against them, but derive from the inherent human dignity of every person.

The facts addressed by this report are governed by two complementary legal regimes: international human rights law and international humanitarian law. These regimes do not exclude one another, but apply concurrently whenever their conditions of application are met, taking into account the particular nature of each regime and the specific circumstances of the case. The International Court of Justice affirmed this principle in its 2004 Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,² holding that States’ human-rights treaty obligations continue to apply during armed conflicts and occupation, alongside the rules of international humanitarian law as the *lex specialis* governing such situations. The Court reaffirmed

² International Court of Justice, Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 9 July 2004.

this principle in its 2024 Advisory Opinion concerning the legal consequences arising from Israel's policies and practices in the Occupied Palestinian Territory.³

In light of this, the report relies on international human rights law as the general framework governing the rights of persons in detention, and on international humanitarian law where applicable because of the Israeli military occupation of Syrian territory since 1967, particularly the rules concerning the protection of civilians under the control of an occupying power.

International Instruments Relevant to the Report

- Universal Declaration of Human Rights (1948), which established fundamental principles concerning personal liberty, fair trial, the prohibition of arbitrary arrest, human dignity, and equality.⁴
- International Covenant on Civil and Political Rights (1966), the principal reference for safeguards concerning detention, due process, fair trial, and the treatment of persons deprived of their liberty.⁵
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), which enshrines the absolute prohibition of torture and ill-treatment and requires States to take effective measures to prevent and investigate them.⁶
- Convention on the Rights of the Child (1989), which establishes special safeguards concerning children in detention and provides that deprivation of a child's liberty must be a measure of last resort and for the shortest appropriate period.⁷
- Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), which regulates the treatment of civilians under the authority of an occupying power or a party to a conflict, including safeguards concerning detention, family contact, and humanitarian oversight where applicable.⁸
- United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which constitute a leading international reference for minimum standards concerning detention conditions and the treatment of persons deprived of their liberty.⁹
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which provides detailed safeguards concerning arrest, registration of detainees, notification of rights, and communication with family members.¹⁰
- Basic Principles on the Role of Lawyers (1990), which affirm the right to legal assistance from the earliest stages of detention and require authorities to enable lawyers to perform their professional functions freely and independently.¹¹

The report also draws on interpretations issued by competent international bodies, particularly the UN Human Rights Committee, including General Comment No. 35 on the right to liberty and

³ International Court of Justice, Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, 19 July 2024.

⁴ Universal Declaration of Human Rights, adopted by United Nations General Assembly Resolution 217 (III), 10 December 1948.

⁵ International Covenant on Civil and Political Rights, adopted by United Nations General Assembly Resolution 2200A (XXI), 16 December 1966

⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.

⁷ Convention on the Rights of the Child, 1989.

⁸ Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949.

⁹ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), adopted by General Assembly Resolution 70/175 (2015).

¹⁰ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by General Assembly Resolution 43/173 (1988).

¹¹ Basic Principles on the Role of Lawyers, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 1990.

security of person¹² and General Comment No. 32 on the right to a fair trial, as well as decisions of the International Court of Justice and reports of Special Rapporteurs and independent experts.¹³ These materials provide interpretive guidance for determining the scope of States' obligations and their practical application.

On this basis, the report identifies the fundamental rights relevant to its subject matter, which constitute the legal standards against which the documented facts will be assessed in determining their compatibility with Israel's obligations under international law.

Relevant Fundamental Rights

1. Prohibition of Arbitrary Detention

The right to liberty and security of person is a fundamental principle of international human rights law, accompanied by the absolute prohibition of arbitrary deprivation of liberty. This principle is enshrined in Article 9 of the Universal Declaration of Human Rights, which provides that no one shall be subjected to arbitrary arrest, detention, or exile.¹⁴

Article 9(1) of the International Covenant on Civil and Political Rights likewise affirms that everyone has the right to liberty and security of person and that no one shall be subjected to arbitrary arrest or detention, nor deprived of liberty except on such grounds and in accordance with such procedure as are established by law.¹⁵

In General Comment No. 35, the Human Rights Committee clarified that "arbitrariness" is not limited to a violation of domestic law. It encompasses detention that is unreasonable, unnecessary, disproportionate, discriminatory, or insufficiently foreseeable, even where the detention is formally based on domestic legislation. The Committee further emphasized that every deprivation of liberty must be subject to effective procedural safeguards preventing abuse of power.¹⁶

During armed conflict and occupation, individuals do not lose the protection afforded by international human rights law. That protection continues to operate alongside international humanitarian law and requires detaining authorities to respect fundamental safeguards concerning personal liberty and to refrain from arbitrary detention.

In this context, international law imposes a number of basic obligations whenever a person is deprived of liberty: detention must be based on a clear and specific legal ground; it must not be arbitrary, unnecessary, or disproportionate to its legitimate purpose; it must not be used as punishment outside judicial proceedings or as a means of collective deterrence or pressure on the civilian population; all decisions depriving a person of liberty must be subject to effective legal and judicial oversight; and where serious doubts arise as to the legality of detention or the continuing grounds for it, the State bears the burden of demonstrating its lawfulness.

These safeguards are particularly important in the cases documented in this report, given that a number of Syrian citizens were arrested inside Syrian territory under the effective control of the Israeli occupation forces and some were transferred to detention facilities inside Israel, amid limited information concerning the legal basis for their detention, the procedures taken against them, and the extent to which their detention is subject to independent judicial review.

2. Right to Know the Reasons for Detention

¹² Human Rights Committee, General Comment No. 35 on Article 9 of the International Covenant on Civil and Political Rights, CCPR/C/GC/35 (2014).

¹³ Human Rights Committee, General Comment No. 32 on Article 14 of the International Covenant on Civil and Political Rights, CCPR/C/GC/32 (2007).

¹⁴ Above, number 4, art. 9.

¹⁵ Above, Number 4, art. 9.1.

¹⁶ Above, Number 12.

Informing a person of the reasons for depriving them of liberty is one of the most important procedural safeguards in international law because it enables the detainee to understand the legal basis for detention and to exercise the right to challenge it and prepare a defence.

Article 9(2) of the International Covenant on Civil and Political Rights provides that anyone who is arrested must be informed, at the time of arrest, of the reasons for the arrest and must be promptly informed of any charges against them.¹⁷ The Body of Principles concerning the protection of all persons under any form of detention or imprisonment likewise affirms the detainee's right to be informed, in a language they understand, of their rights and of the legal reasons for their detention.¹⁸

The Human Rights Committee has explained that this notification must be prompt and effective and contain sufficient information to enable the person to challenge the legality of detention. General references to security considerations or unspecified reasons are insufficient.¹⁹

Law-enforcement authorities must therefore inform a detainee, from the earliest moments of detention or as soon as possible thereafter, of the legal reasons on which the deprivation of liberty is based and of any allegations against them, in a language they understand and in a manner that enables them to exercise their legal rights effectively. A person may not be held for prolonged periods without being informed of the legal basis for detention or without being enabled to understand the nature of the proceedings against them.

This right is particularly important in light of the cases followed by Al-Marsad, in which detainees' families and lawyers faced significant difficulties obtaining information about the reasons or nature of detention and the legal procedures taken against detainees. The absence of such information obstructs the exercise of other legal safeguards, foremost among them the right to challenge detention and obtain legal assistance.

3. Right to Judicial Review and to Challenge the Lawfulness of Detention

Subjecting detention to independent judicial review is one of the most important safeguards against the arbitrary exercise of the power to deprive a person of liberty. Article 9(3) of the International Covenant on Civil and Political Rights requires that anyone arrested or detained on a criminal charge be brought promptly before a judge or other officer authorized by law to exercise judicial power.²⁰ Article 9(4) further guarantees every person deprived of liberty the right to take proceedings before a court, without delay, so that the court may decide on the lawfulness of the detention and order release if the detention is unlawful.²¹

The Human Rights Committee has emphasized that this right is not limited to persons suspected of criminal offences, but extends to all forms of deprivation of liberty, regardless of how they are characterized under domestic law, and that judicial review must be genuine and effective rather than formal or illusory.²² The Committee has further stressed that review of the legality of detention should take place within a short period and that the detainee and counsel must have access to the court and be enabled to present their arguments effectively.²³

The State must therefore ensure that a detainee is brought before an independent judicial authority within a reasonable period, that the detainee has the right to object to the continuation of detention, and that an independent judicial decision is issued concerning its legality. Judicial-review procedures must also be practically accessible and must not be rendered meaningless by unjustified delay,

¹⁷ Above, Number 5, art. 9.2.

¹⁸ Above, Number 10.

¹⁹ Above, Number 12.

²⁰ Above, Number 5, art. 9.3.

²¹ Above, Number 5, art. 9.4.

²² Above, Number 12.

²³ Above, Number 12.

withholding of information, preventing the detainee from communicating with counsel, or denying access to the reasons for detention.

This safeguard is particularly relevant to this report, given that the information collected by Al-Marsad raises serious questions as to whether Syrian detainees have been enabled to appear before an independent judicial authority, challenge the legality of their detention, or obtain periodic review of the continued deprivation of their liberty. These issues are addressed further in the later chapters of the report.

4. Right to Access Counsel and Legal Assistance

The right to legal assistance from the earliest stages of detention is one of the principal safeguards protecting persons deprived of liberty from arbitrariness and ill-treatment and enabling them to exercise their legal rights effectively. This right is closely connected to the rights to liberty, fair trial, and to challenge the legality of detention.

The International Covenant on Civil and Political Rights guarantees this right within the framework of fair-trial safeguards, particularly Article 14(3)(d).²⁴ The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment also affirms the detainee's right to legal counsel without delay and to confidential interviews and communications with counsel.²⁵

The Basic Principles on the Role of Lawyers provide that every person has the right to seek legal assistance from the moment of deprivation of liberty and that competent authorities must ensure the possibility of communication with counsel without delay, interference, or unjustified monitoring, and enable lawyers to perform their professional functions independently and freely.²⁶

The State must ensure that a detainee has prompt access to a lawyer of their choice or one appointed in accordance with law; that counsel can meet the client confidentially; that counsel can access essential information concerning the detention; and that administrative or security restrictions do not effectively empty this right of its substance, except to the narrowest extent permitted by international law and where such restrictions are necessary and proportionate. Authorities must also refrain from punishing or obstructing lawyers because they represent their clients and must ensure that they can perform their professional functions independently and without interference.

These safeguards are particularly important in light of the information encountered by Al-Marsad's lawyers concerning repeated difficulties in accessing Syrian detainees, delays in responding to visit requests, refusal to carry out a legal visit despite preliminary approval, and the practical requirement of obtaining security clearances without enabling the lawyer to meet the client. These facts are central to assessing respect for the right to effective legal assistance.

5. Right to Fair Legal Proceedings

The right to a fair trial is a fundamental principle of the international human-rights protection system and encompasses a range of safeguards ensuring that judicial proceedings comply with standards of independence, impartiality, and fairness. Article 14 of the International Covenant on Civil and Political Rights provides that everyone is entitled to a hearing by a competent, independent and impartial tribunal established by law, to all necessary guarantees for the preparation of a defence, to the presumption of innocence, to challenge evidence, and to appeal judgments in accordance with law.²⁷

²⁴ Above, Number 5, art. 14.3.d.

²⁵ Above, Number 10.

²⁶ Above, Number 11

²⁷ Above, Number 5, art. 14

The Human Rights Committee explained in General Comment No. 32 that fair-trial guarantees are not confined to the trial stage but begin from the earliest stages of detention and include the right to know the charges, to obtain legal assistance, and to have adequate time and facilities to prepare a defence.²⁸

The State must ensure that any person deprived of liberty is subject to clear and fair legal procedures, guarantee judicial independence, the right of defence and equality before the law, prevent unjustified prolongation of proceedings, and ensure that detention does not become a substitute for judicial proceedings.

The cases followed by Al-Marsad raise serious questions as to whether Syrian detainees have been able to benefit from basic procedural safeguards, including knowledge of the nature of the proceedings taken against them, access to counsel, exercise of the right of defence, and the ability to challenge decisions concerning their detention. These matters will be assessed in light of the documented facts in this report.

6. Right to Communicate with Family

International law protects the right of persons deprived of liberty to maintain family relationships and regards enabling detainees to communicate with their families as a fundamental safeguard for preserving human dignity and reducing the risks of isolation, disappearance, and ill-treatment. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment affirms the detainee's right to inform their family or another person of their choice promptly after detention.²⁹ The Nelson Mandela Rules likewise require prisoners to be allowed to communicate regularly with their families through visits, correspondence, or other means of communication.³⁰

Where international humanitarian law applies, the Fourth Geneva Convention emphasizes the preservation of family ties and the possibility of exchanging family news and facilitating family visits, subject to legitimate security considerations. International bodies have repeatedly emphasized that prolonged denial of communication with family affects not only the detainee but also family members who remain in a state of continuing anxiety and uncertainty concerning the detainee's fate.³¹

The State must inform the family of the place of detention as soon as possible, enable the detainee to communicate with relatives regularly, and refrain from imposing restrictions unless they are necessary, prescribed by law, proportionate to a legitimate purpose, temporary, and subject to review.

This right is particularly important in light of Al-Marsad's documentation of prolonged interruption of communication between Syrian detainees and their families, and the inability of many families to learn where their sons were being held except after legal procedures that took months, in addition to the absence of any direct means of communication between detainees and their relatives during that period.

7. Right to Humane Treatment During Detention

Respect for the human dignity of persons deprived of liberty is a firmly established principle of international law, and the State has a positive obligation to ensure that all detainees are treated humanely, irrespective of the nature of the allegations against them, their legal status, or the place of detention. Article 10(1) of the International Covenant on Civil and Political Rights provides that all

²⁸ Above, Number 13.

²⁹ Above, Number 10.

³⁰ Above, Number 9, rule 58, 61.

³¹ Above, Number 8, art. 25, 26, 116.

persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.³²

Independent of the absolute prohibition of torture, this obligation requires the State to provide minimum humane conditions in places of detention, even where conduct does not rise to the level of torture or cruel treatment.

The Convention against Torture absolutely prohibits torture and other cruel, inhuman or degrading treatment or punishment and requires States to adopt effective legislative, administrative, judicial, and other measures to prevent such acts and to investigate all allegations and hold responsible persons accountable.³³

The Nelson Mandela Rules constitute the principal international reference for minimum standards of detention and include requirements concerning decent detention facilities, health care, adequate food, drinking water, personal hygiene, protection from violence, and respect for the human dignity of all detainees.³⁴

Where international humanitarian law applies, the Fourth Geneva Convention affirms the obligation to treat protected persons humanely at all times, prohibits violence, intimidation and humiliating treatment, and requires the detaining authority to provide medical care, food, and basic necessities.³⁵

The State has a continuing duty to ensure that detention conditions comply with international standards, including adequate food, water and health care; protection from torture, ill-treatment and violence between detainees; adequate hygiene, ventilation, lighting and space; non-discriminatory access to medical treatment; prompt and independent investigation of all allegations of torture or ill-treatment; and effective independent oversight of detention facilities.

The Israeli Supreme Court has also affirmed some of these principles, particularly concerning adequate space in detention facilities.³⁶

Because Al-Marsad has not been able to access the detention facilities directly, it does not make independent findings in this report concerning the conditions of detention of Syrian detainees. However, reports and testimonies from independent sources concerning several facilities in which Syrians are held make it necessary to assess these facts against international standards concerning humane treatment, as addressed in a separate chapter of this report.³⁷

8. Duty to Register Detainees and Disclose Their Places of Detention

The registration of persons deprived of liberty and notification of their families or legal representatives of the place of detention are among the most important international safeguards against enforced disappearance and incommunicado detention, and facilitate the exercise of other procedural rights. The Body of Principles requires accurate official records containing the detainee's identity, the authority ordering the detention, the place of detention, and the time of admission and release, and provides that such information should be accessible to persons with a legitimate interest, particularly family members and lawyers.³⁸

Where applicable, the Fourth Geneva Convention also imposes obligations concerning the registration of protected persons, enabling relatives to learn their fate, and exchanging information through appropriate humanitarian channels.³⁹ International bodies have repeatedly emphasized that

³² Above, Number 5, art. 10.1.

³³ Above, Number 6.

³⁴ Above, Number 9.

³⁵ Above, Number 8

³⁶ Supreme Court ruling number: 1892/14 (2024) (בג"ץ 1892/14 האגודה לזכויות האזרח נ' השר לביטחון פנים, 2024).

³⁷ For Example: <https://www.hrw.org/news/2024/07/23/israel-detainees-face-inhumane-treatment>

³⁸ Above, Number 10.

³⁹ Above, Number 8

failure to register detainees or refusal to disclose their places of detention increases the risks of enforced disappearance, torture, and ill-treatment and undermines fundamental fair-trial safeguards.

The State must register every deprivation of liberty immediately, maintain accurate and updated detainee records, enable families and lawyers to learn the place of detention within a reasonable period, update information concerning transfers between detention facilities, and ensure that competent judicial, oversight, and humanitarian bodies can access this information.

These safeguards are particularly important in light of the cases followed by Al-Marsad, in which detainees' families were forced to resort to legal procedures to learn the whereabouts of their relatives, while authorities in several cases refused or delayed providing the requested information.

9. General Obligations of the State Toward Persons Deprived of Liberty

The State bears full legal responsibility for all persons under its effective control, regardless of where they are detained or which authority operates the detention facility. Once a person is deprived of liberty, a set of obligations arises that extends beyond refraining from violating rights and includes taking all necessary measures to ensure their respect and protection.

These obligations include, in particular, ensuring that deprivation of liberty is based on a clear legal ground and subject to judicial review; respecting the human dignity of all detainees without discrimination; protecting detainees from torture, ill-treatment and enforced disappearance; enabling detainees to communicate with lawyers and family members; providing medical care, basic necessities and humane detention conditions; maintaining accurate detainee records; disclosing places of detention in accordance with law; enabling competent judicial, oversight and independent humanitarian bodies to access detention facilities in accordance with relevant international rules; conducting independent and effective investigations into allegations of violations; holding those responsible accountable; and ensuring effective remedies for victims.

These obligations apply to all persons subject to the State's jurisdiction or effective control, whether inside or outside its territory, where its authorities exercise direct power over them. The International Court of Justice, the Human Rights Committee and various United Nations bodies have affirmed that States do not escape their human-rights obligations merely because acts occur outside their territorial borders where they exercise effective control over the persons concerned.⁴⁰

Legal Analysis of the Documented Facts

First: Methodology of the Legal Analysis

After presenting the facts that Al-Marsad was able to document and reviewing the international legal framework governing the rights of persons deprived of liberty, this chapter analyzes the compatibility of the documented practices with Israel's legal obligations under international law.

The analysis is based on a comparison between the facts Al-Marsad was able to document or verify and the legal standards set out above.

In this context, Al-Marsad distinguishes between three levels of information: first, facts documented directly through communication with detainees, their families, or their legal representatives; second, information obtained from reliable sources, including lawyers, activists, and communications with the Israeli authorities; and third, information contained in human-rights and international reports concerning general detention conditions in facilities where some Syrian detainees are held. The

⁴⁰ International Court of Justice, Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 9 July 2004; International Court of Justice, Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, 19 July 2024.

report does not attribute to Al-Marsad, as direct documentation, information falling within the third category.

The analysis also relies on a fundamental principle of international law: the exercise by a State of authority and effective control over a person gives rise to legal obligations toward that person. The International Court of Justice has affirmed the importance of effective control in determining State responsibility for acts affecting populations under its control and has affirmed the continuing application of international human-rights law alongside international humanitarian law in situations of occupation and armed conflict.⁴¹

Accordingly, the presence of Syrian detainees in military facilities or prisons administered by Israeli authorities does not remove the basic protections guaranteed to them by international law, nor does it exempt the authorities from their obligations concerning personal liberty, judicial review, legal assistance, family communication, and humane treatment.

Second: Lawfulness of Arrest and Detention

The facts documented by Al-Marsad indicate a pattern of arrest and detention of Syrian citizens in Syrian territory that has come under Israeli military control, including through raids on homes and villages and subsequent transfer of some detainees to detention facilities inside Israel.

These facts have particular legal significance because deprivation of liberty does not become lawful merely because an order was issued by a military authority or because the authorities invoke general security considerations. Article 9 of the International Covenant on Civil and Political Rights requires deprivation of liberty to be based on law, not arbitrary, and subject to judicial review.⁴²

Israeli authorities must therefore be able, in every case of arrest, to identify the legal basis for detention, the authority that ordered it, its anticipated duration, and the reason justifying the continued deprivation of liberty.

The situation becomes more serious where detention continues without charge, without referral to a judicial authority, and without enabling the detainee to challenge its legality. In such circumstances, the issue is not merely procedural delay but may amount to a substantive deprivation of the safeguard established by international law to prevent arbitrary use of detention powers.

Based on the information collected by Al-Marsad, the continued detention of Syrian citizens for extended periods without a clear and effective opportunity to obtain legal review raises serious concerns regarding compatibility with Article 9 of the Covenant, particularly the right not to be subjected to arbitrary detention and the right to judicial review of detention.⁴³

This does not mean that every detention on security grounds during armed conflict or occupation is automatically arbitrary. International law recognizes the possibility of specific forms of security detention under certain circumstances. However, that authority is not absolute and remains constrained by legality, necessity, proportionality, review, and safeguards protecting detainees from arbitrariness.

Third: Arrests in Syrian Territory Under Occupation

Al-Marsad documented cases of arrest occurring inside Syrian territory that came under Israeli military control, including cases carried out through raids on homes and villages, as well as cases of

⁴¹ Above, Number 40.

⁴² Above, Number 5, art. 9

⁴³ Above, Number 5

short-term detention in military bases and sites established by the Israeli occupation forces in areas they recently brought under their control.⁴⁴

This raises a preliminary legal question concerning the status of these areas and the obligations of the power exercising effective control over them. From the perspective of international humanitarian law, the imposition of military control over foreign territory does not transfer sovereignty to the controlling power. Rather, where the conditions of occupation are met, a set of obligations arises for the occupying power toward the civilian population.

The International Court of Justice has affirmed that occupation is linked to effective control over territory and that the rights and duties arising from occupation do not depend on the occupying State's acceptance of that characterization.⁴⁵ The Court has also affirmed that the rules governing the conduct of an occupying power, including international humanitarian law and international human-rights law, remain applicable regardless of arguments advanced by the controlling power to justify its presence.⁴⁶

Accordingly, arrest within Syrian territory does not remove detainees from the scope of legal protection; rather, it requires the authority exercising control to respect the legal safeguards owed to the population under its authority.

This is particularly important when arrests are carried out inside homes or villages without clearly informing persons of the reasons for their detention or without procedures enabling them to challenge the legality of detention.

Where children or minors are involved, the legal obligations are more stringent. The Convention on the Rights of the Child establishes special safeguards and requires detention of a child to be used only as a measure of last resort and for the shortest appropriate period. Accordingly, the pattern of arrests inside Syrian territory under Israeli control must be assessed not only from the perspective of the lawfulness of arrest itself, but also by reference to the manner in which it was carried out, the safeguards afforded to the detainee, and the legal basis for transferring the detainee from the place of arrest to facilities inside Israel.

Fourth: Short-Term Detention in Military Bases and Sites

Al-Marsad documented dozens of cases in which Syrian citizens were detained for hours in military bases and sites established by Israeli forces in Syrian territory under their control, including documented cases involving minors and children.⁴⁷

These cases have legal significance despite their short duration, because protection against arbitrary deprivation of liberty is not dependent on detention reaching a particular duration. Any situation in which a person is effectively prevented from leaving a place of their own will constitutes an interference with personal liberty and must be based on a lawful ground. Accordingly, detention lasting several hours cannot be considered outside the scope of law merely because it is short. Each case must be assessed in light of the reason for detention, its legal basis, the manner in which it was carried out, whether the person was informed of the reason for the deprivation of liberty, whether they were subjected to coercion or ill-treatment, and whether they were able to return freely home after detention ended.

These practices become more serious when they occur repeatedly or without a clear individual reason, when they involve children or minors, or when they occur during military raids on homes and villages. Where the person is a child, the best-interests principle and the strict limitations imposed by

⁴⁴ Al-Marsad reports, look on Al-Marsad Website: [Occupation Expansion](#)

⁴⁵ Above, Number 40.

⁴⁶ Above, Number 40.

⁴⁷ Above, Number 44.

Article 37 of the Convention on the Rights of the Child on deprivation of liberty must be taken into account; detention of a child must be exceptional and subject to age-appropriate legal safeguards.⁴⁸

Al-Marsad therefore considers that the pattern of repeated short-term detention at military sites warrants an independent investigation into its legal basis, particularly where the available information does not indicate clear individual reasons justifying the deprivation of liberty.

Fifth: Failure to Inform Families of the Place of Detention

One of the most prominent facts encountered by Al-Marsad during its work on Syrian detainees' cases was the need for detainees' families to turn to Al-Marsad and lawyers to learn where their sons were being held.⁴⁹

This practice raises a legal issue independent of the lawfulness of the arrest itself. Even where the State has a legal basis for detaining a person, this does not give it authority to keep the place of detention indefinitely secret or deprive the family of any information. This is particularly important when the information gap continues for long periods, because not knowing where a person is prevents the family from reassuring itself of the detainee's safety, obstructs the lawyer's ability to access the detainee, and makes it difficult to exercise the right to challenge the legality of detention.

International detention standards require the registration of persons deprived of liberty, maintenance of accurate information concerning their place of detention, and access to relevant information by persons with a legitimate interest, including family members and lawyers.

According to the facts documented by Al-Marsad, the need to submit formal legal requests to learn the place of detention, instead of families being notified automatically and promptly after arrest, raises serious concerns regarding compliance with these safeguards. The facts documented by Al-Marsad also indicate that families approached the International Committee of the Red Cross concerning the whereabouts of detainees without result, amid Israel's prevention of the Red Cross from carrying out its work in prisons and detention centers inside Israel.⁵⁰

The effect is not limited to the family's right to know. Failure to know the detainee's location may also practically obstruct the right to communicate with counsel, challenge detention, obtain medical care, and communicate with family.

Sixth: Deprivation of Communication with Family and the Outside World

Information collected by Al-Marsad indicates that Syrian detainees faced severe restrictions on communication with the outside world, including the inability of many to make telephone calls or send messages to their families.⁵¹

This constitutes a direct interference with the detainee's right to maintain family ties and, where prolonged, may lead to isolation from the outside world. The right to communicate with family does not mean that visits or communications must be immune from regulation. The State may, in defined circumstances, impose restrictions related to security or prison administration. Such restrictions, however, must have a legal basis, be necessary and proportionate, and must not become a blanket or indefinite denial of communication.

The principle is particularly important for Syrian detainees given the geographical distance between their places of detention and their families and the lack of practical alternative means for families to verify their sons' safety.

⁴⁸ Above, Number 7.

⁴⁹ Above, Number 44.

⁵⁰ For Example: [ICRC statement](#)

⁵¹ Above, Number 44

Prolonged and unjustified denial of family communication, combined with non-disclosure of the place of detention or denial of access by counsel, may create a situation of effective isolation from the outside world that simultaneously conflicts with a number of international safeguards.

Seventh: Obstruction of Lawyers' Access to Detainees

The facts concerning Al-Marsad's attempts to access detainees are among the clearest elements of the report in terms of direct documentation. After several families contacted Al-Marsad and powers of attorney were obtained, Al-Marsad submitted requests to determine places of detention and requests to visit detainees. However, according to the information documented by Al-Marsad, it received only one positive response concerning a visit to a detainee held at Sde Teiman in the Negev.

When the lawyer went to carry out the visit, he was prevented from entering the detention site and informed that the detainee was held in a military facility rather than a prison and that entry required prior security approval, which had not been obtained. The lawyer was asked to leave and submit a new request to obtain the security approval. New requests were subsequently submitted, but no response enabling the visit had been received as of the date of the report.

This raises a fundamental question as to whether security restrictions on lawyers' visits have, in practice, become an obstacle to the exercise of the right to effective legal assistance. International law does not prevent a State from regulating lawyers' access to military facilities or prisons through legitimate security procedures. However, administrative or security procedures may not be used in a manner that effectively deprives a detainee of contact with counsel or makes that right dependent on unclear or open-ended procedures.

In this specific case, the legal issue is not simply the refusal to allow the lawyer to enter on the first occasion, but the absence of an effective alternative enabling counsel to meet the client and the lack of a response to the subsequent requests. Accordingly, the documented facts raise concerns regarding a disproportionate restriction on the detainee's right to communicate with counsel, particularly if the detainee has no other means of challenging the legality of detention or learning what proceedings have been taken against them.

Eighth: Administrative Detention and Absence of Judicial Safeguards

Information collected by Al-Marsad indicates that Syrian detainees are being held without trial under Israel's 2002 Incarceration of Unlawful Combatants Law and without clear information concerning criminal charges against them, and in some cases within an administrative-detention framework.⁵²

International law does not absolutely prohibit every form of administrative or security detention, but it imposes strict conditions and safeguards preventing its use as a form of open-ended detention or punishment outside the judicial process. In all cases, detention must be based on a clear legal ground, necessary and proportionate to a specific risk, subject to independent and effective review, and the detainee must be able to challenge its legality.

The mere classification of a person as a "security detainee" or "military detainee" does not eliminate their fundamental rights under international law. Accordingly, depriving detainees of basic rights on the basis that they have been classified as "unlawful combatants" under Israel's Incarceration of Unlawful Combatants Law constitutes a serious conflict with international-law principles. Continued detention for indefinite periods without effective judicial review and without enabling detainees to know the basic reasons for detention or obtain access to counsel may amount to arbitrary detention under international standards.

Ninth: Overall Legal Assessment

⁵² Unlawful Combatants Act, 2002 (Israel).

The facts documented by Al-Marsad, taken together, indicate not merely isolated incidents but a connected set of practices affecting the fundamental rights framework applicable to Syrian detainees.

The principal elements include arrest inside Syrian territory under Israeli control, including through raids on homes and villages; short-term detention at military sites and bases without clear reasons, including cases involving children and minors; continued detention of some persons without trial or clear information concerning the legal proceedings taken against them; difficulties faced by families in learning where their sons are detained; severe restrictions on communication between detainees and families; difficulties faced by lawyers in accessing detainees and representing them effectively; the inability of Al-Marsad, despite submitting legal requests, to conduct detainee visits except in one case, in which the lawyer was ultimately unable to carry out the visit; and reliable external information concerning detention conditions in certain facilities where Syrian detainees are held, without Al-Marsad being able to verify directly that all such conditions apply to Syrian detainees.

Taken together, these facts do not concern a single right or procedural safeguard, but may constitute a continuous chain of restrictions beginning with arrest, followed by failure to promptly disclose the place of detention, restriction of communication with family and counsel, and continued deprivation of liberty without effective judicial review. If this chain continues without effective legal safeguards, it increases the risks of arbitrary detention, ill-treatment, isolation from the outside world, and erosion of the rights of defence and judicial challenge.

Accordingly, Al-Marsad considers that the documented facts require the Israeli occupation authorities to conduct an immediate and independent review of the status of all Syrian detainees, disclose the legal basis for each person's detention, ensure access to counsel and family, guarantee effective judicial review of detention, and investigate any allegations of ill-treatment or violations of fundamental rights. The obligation is not limited to addressing individual cases but includes reviewing the policies and procedures that allow these practices to continue and ensuring that they are not repeated in the future.

Tenth: Use of the 2002 Incarceration of Unlawful Combatants Law and Its Conflict with International Guarantees

Information collected by Al-Marsad indicates that the majority of Syrian detainees whose cases it follows are held under the Incarceration of Unlawful Combatants Law, 2002 (חוק כליאתם של לוחמים)⁵³, a special Israeli legal regime that permits the authorities to detain persons whom the State classifies as “unlawful combatants” without filing a criminal indictment.

The Israeli law defines an “unlawful combatant”, in substance, to include a person who has directly or indirectly participated in hostile acts against Israel, or who belongs to a force carrying out hostile acts against Israel, and who, according to the State's interpretation, does not qualify for prisoner-of-war status under Article 4 of the Third Geneva Convention.

The Israeli Supreme Court, in its judgment in CrimA 6659/06 Plonim v. State of Israel, issued on 11 June 2008, recognized that the detention mechanism established by the law is, in substance, a form of administrative detention. The law includes mechanisms for periodic judicial review.⁵⁴ However, Al-Marsad's documentation indicates that none of these mechanisms has been applied to the Syrian detainees it follows. In any event, the existence of a judicial-review mechanism in domestic law does not by itself resolve the question of compatibility with international obligations. The decisive standard is whether the procedures are actually implemented in a manner that respects all safeguards guaranteed by international law to every person deprived of liberty.

⁵³ Above, Number 52.

⁵⁴ Supreme Court Ruling Number 6659/06 (פלוגי נ' מדינת ישראל, (11.06.2008), ע"פ 6659/06

The designation of persons as “unlawful combatants” raises a fundamental issue under international humanitarian law. The treaties of international humanitarian law do not create an independent legal category called “unlawful combatants” that exists outside legal protection. The International Committee of the Red Cross explains that the term is not a treaty term and that persons who do not qualify for prisoner-of-war status do not thereby become persons deprived of legal protection.

In an international armed conflict, international humanitarian law is principally structured around the distinction between members of armed forces who enjoy combatant and prisoner-of-war status when captured and civilians who enjoy civilian protection. Where a person does not automatically qualify as a prisoner of war, this does not mean that they lose their civilian status or all legal safeguards.

The Israeli Supreme Court itself has indicated that persons described by the State as “unlawful combatants” are, from the perspective of international law, civilians rather than prisoners of war in the technical sense, and that their detention remains subject to the protection provided by international humanitarian law.

Accordingly, failure to meet the conditions for prisoner-of-war status does not create a legal vacuum permitting detention without safeguards. The individual’s legal status must be determined on a case-by-case basis, the applicable legal regime must be applied, and minimum non-derogable safeguards must be respected.

One concern is that the 2002 law permits administrative detention to continue for as long as the condition justifying detention is deemed to persist, rather than requiring the person to be subjected to a criminal charge and trial within a defined period. International law does not prohibit all forms of administrative detention in all circumstances, particularly in armed conflict and occupation. However, administrative detention remains exceptional; it must be based on specific security grounds, be necessary and proportionate, and be subject to independent and effective review.

In the context of occupation, Article 78 of the Fourth Geneva Convention permits security measures including assigned residence or internment, but links them to imperative reasons of security and establishes procedural safeguards, including the right of the person concerned to challenge the decision. Accordingly, merely placing a person within a domestic legal category is not sufficient to establish compliance with international law.⁵⁵

Despite the possibility of judicial review, the documentation indicates that, in practice, this possibility has never been applied to the Syrian detainees. Article 9 of the International Covenant on Civil and Political Rights does not require judicial review merely to exist on paper; it requires effective review and a genuine ability to challenge the legality of deprivation of liberty.⁵⁶ Where a substantial part of the factual basis for detention is hidden from the detainee and counsel, the ability to contest the allegations is materially restricted. This problem becomes more serious as detention continues, because the passage of time increases the importance of knowing the actual reasons for continued deprivation of liberty and being able to challenge them.

The law also raises an issue concerning the relationship between the continuation of hostilities and the continuing presumption that release of a person would endanger State security. The Israeli Supreme Court has addressed this issue by interpreting the law in a manner limiting the effect of certain presumptions and has held that, notwithstanding statutory presumptions, the State must clearly and convincingly establish an individual threat justifying detention. It has also stressed that evidence must be current and relevant and that the passage of time increases the weight of the right to liberty and therefore increases the State’s burden to justify continued detention.

⁵⁵ Above, Number 6, art. 78.

⁵⁶ Above, Number 5, art. 9.

That judicial interpretation, however, remains dependent on its actual application in each case. Accordingly, detention of Syrian detainees under the law cannot be considered lawful merely because an initial detention order was issued or merely because they are Syrian. Continued detention must remain subject to individual and ongoing assessment. The existence of an armed conflict or continuing hostilities cannot automatically justify the detention of a broad category of persons without an individualized assessment of the risk posed by each person.

This principle is particularly important for Syrian citizens because a person's Syrian nationality, presence in an area experiencing military operations, or generalized suspicion of association with a particular party cannot, by itself, justify arrest and imprisonment.

Conflict of the Law with the Prohibition of Arbitrary Detention

Under Article 9 of the International Covenant on Civil and Political Rights, it is not sufficient for detention to be based on domestic law in order for it to be lawful.⁵⁷ According to the Human Rights Committee, arbitrariness includes elements of unreasonableness, lack of necessity, and disproportionality even where detention is formally compatible with domestic law.⁵⁸

Accordingly, application of the Incarceration of Unlawful Combatants Law to Syrian detainees may conflict with the prohibition of arbitrary detention where the authorities do not provide a clear individual basis for detention; fail to establish the detainee's actual or substantial participation in hostile acts; fail to establish a continuing personal risk; rely on outdated or insufficient information; fail to provide effective judicial review; or where detention becomes unnecessary or disproportionate to the alleged risk.

Detention under the law also raises an additional problem where the detainee or counsel does not receive sufficient information about the facts on which the State relies to classify the person as an unlawful combatant. The right to know the reasons for detention, guaranteed by Article 9(2) of the Covenant, is not merely formal; its purpose is to enable the person to understand why they have been deprived of liberty and to challenge that deprivation.⁵⁹ Where a detainee is given no information concerning the reasons for arrest and is not enabled to know the facts relied upon, their ability to exercise the right to challenge detention is limited. Security considerations or the confidentiality of intelligence sources cannot constitute an absolute justification for eliminating this right.

Conflict with the Right to Effective Judicial Review

The law provides for judicial review, and the Israeli Supreme Court has regarded such review as one of the principal constitutional elements of the legal system. However, the international standard does not depend on the formal existence of a court; it requires review to be effective and genuine.

In this context, United Nations bodies have expressed concern about the broad application of the Incarceration of Unlawful Combatants Law, particularly where detention results in persons being held incommunicado or families being unable to learn their fate and whereabouts. In recent observations, the UN Committee against Torture called on Israel to ensure that the law is applied consistently with international standards, to provide all legal safeguards to persons deprived of liberty, and to ensure that administrative detention is based on an individualized and specific assessment.⁶⁰

The legal problem becomes more acute when detention is accompanied by restrictions on meetings between detainees and counsel. Even if the State considers certain temporary restrictions on communication with counsel lawful and necessary in exceptional security circumstances, such

⁵⁷ Above, Number 5

⁵⁸ Above, Number 12

⁵⁹ Above, Number 5, art. 9.

⁶⁰ Concluding Observations of the Committee against Torture on Israel, CAT/C/ISR/CO/6.

restrictions must be defined, necessary and proportionate and must not empty the right to legal assistance of its substance.

In the cases followed by Al-Marsad, practical difficulties in obtaining lawyers' visits, security requirements that prevented the only visit for which Al-Marsad received a positive response from taking place, and the absence of responses to subsequent requests raise a fundamental question as to whether administrative and security restrictions have effectively resulted in deprivation of effective legal assistance.

Relationship Between the 2002 Law, International Humanitarian Law, and International Law

Israel cannot rely on its domestic law to establish a detention regime that exceeds the limits imposed by international humanitarian law. International humanitarian law recognizes the possibility of detaining certain persons for security reasons in situations of armed conflict and occupation, but it does not recognize an unlimited or absolute power of detention. The protection afforded by the Geneva Conventions does not disappear merely because the State describes a person as an "unlawful combatant".

In the context of occupation, Article 78 of the Fourth Geneva Convention provides a specific framework for security detention, linking it to imperative reasons of security and imposing procedural safeguards and review of the decision.⁶¹

Accordingly, use of the 2002 law to detain Syrian citizens inside recently occupied Syrian territory, or after their transfer from that territory to facilities inside Israel, must be examined in light of these rules. The Israeli domestic law cannot by itself determine the lawfulness of detention.

Legal Assessment

In light of the foregoing, Al-Marsad considers that the Incarceration of Unlawful Combatants Law, 2002 conflicts with rights guaranteed under international law and human-rights principles, and that detention of Syrian detainees under this law raises serious legal concerns that deprive them of many of the rights guaranteed by international instruments.

Al-Marsad further considers that the creation or use of a domestic legal category under the name "unlawful combatants" is incompatible with the principles of international law applicable in situations of armed conflict. This classification cannot lawfully create a category of persons who fall outside the protection afforded by international humanitarian law and international human-rights law.

This observation is particularly important for the Syrian detainees addressed by this report because the arrests occurred inside Syrian territory under Israeli military control, where detention must be assessed in light of the rules governing occupation and the protection of civilians, rather than solely through the lens of Israeli domestic law.

Position of the UN Committee against Torture on the "Unlawful Combatants" Regime

The concerns raised by application of the Incarceration of Unlawful Combatants Law, 2002 acquire additional importance in light of the recent position adopted by the UN Committee against Torture in its concluding observations on Israel's sixth periodic report, adopted on 25 November 2025 and published on 22 December 2025.⁶² The Committee addressed directly the detention regime applied to persons whom the Israeli authorities classify as "unlawful combatants" and expressed concern regarding a number of safeguards associated with that regime, particularly in the context of amendments introduced since the outbreak of the war on 7 October 2023.

⁶¹ Above, Number 6, art. 78.

⁶² Above, Number 60.

In this context, the Committee emphasized that all persons concerned must enjoy all human-rights safeguards, in law and in practice, and confirmed that a declaration of war or the existence of a security threat cannot constitute a justification for derogating from the absolute prohibition of torture or cruel, inhuman or degrading treatment. During its dialogue with Israel, the Committee also raised specific questions concerning the length of detention to which persons classified as unlawful combatants may be subjected without a detention order or judicial review or access to counsel, as well as the number of persons detained under this regime and the legal and procedural basis for their classification.

For purposes of this report, these observations confirm that the existence of a domestic legal framework for detention does not exempt Israel from its obligations under the Convention against Torture and other rules of international human-rights law. The standard emphasized by the Committee is that legal safeguards must be available and effective in practice for all persons deprived of liberty, including persons detained in security contexts. Accordingly, assessment of the lawfulness of detention of Syrian detainees under the 2002 law must not be limited to whether detention is based on Israeli law; it must also examine whether application of the law in each case respects the absolute prohibition of torture and ill-treatment, judicial safeguards, and the detainee's right to effective legal protection.

Al-Marsad therefore considers the Committee against Torture's concluding observations a recent and direct international reference that should be taken into account when assessing the compatibility of applying the Incarceration of Unlawful Combatants Law to Syrian detainees with Israel's obligations under international law, particularly because the Committee confirmed that human-rights safeguards do not disappear merely because a person is classified as a security detainee or detained under exceptional domestic legislation.

Conclusions

First: Summary of Findings

The facts documented by Al-Marsad – Arab Human Rights Center in the Golan, together with information collected from families, lawyers, and other sources, reveal a pattern of arrest and detention affecting Syrian citizens that raises serious concerns regarding Israel's compliance with its obligations under international human-rights law and international humanitarian law.

These concerns are not limited to individual cases or to a single procedural safeguard, but concern a connected set of practices extending from the arrest process to the manner and place of detention, failure to disclose the detainee's location, restrictions on communication with family and counsel, and continued detention without effective judicial safeguards.

Al-Marsad reaches the following principal findings based on the information it was able to document:

A Pattern of Arrest in Syrian Territory Under Israeli Control

Al-Marsad documented dozens of arrests and detentions occurring inside Syrian territory occupied by Israel after the fall of the Assad regime, including raids on homes and villages. The information collected by Al-Marsad does not indicate, in all cases, the existence of prior judicial procedures or clear notification to detainees of the reasons for depriving them of liberty. This raises serious concerns regarding legality and the prohibition of arbitrary detention, particularly where there is no clear individual basis for arrest or effective means of challenging its lawfulness.

Short-Term Detention Is Not Outside Legal Protection

Al-Marsad documented dozens of cases in which Syrians were detained for hours inside military bases and sites established by Israeli occupation forces in recently occupied Syrian territory, including documented cases involving children and minors. Al-Marsad emphasizes that the short duration of detention does not remove it from legal protection. Deprivation of liberty, even for hours, must be based on a lawful ground and carried out without arbitrariness, with respect for the special safeguards applicable to children and minors. The Convention on the Rights of the Child imposes stricter standards, including treating detention of children as a measure of last resort and for the shortest appropriate period.

Use of the Incarceration of Unlawful Combatants Law Raises Serious Legal Concerns

Information collected by Al-Marsad indicates that the majority of Syrian detainees whose cases it follows are detained under the Incarceration of Unlawful Combatants Law, 2002. Al-Marsad considers this law incompatible with international humanitarian law and human-rights principles and considers that reliance on the law raises fundamental questions concerning the compatibility of its practical application with safeguards guaranteed by international law.

Lack of Information Concerning the Place of Detention Is a Multidimensional Violation

Al-Marsad's experience following Syrian detainees' cases showed that families were forced to resort to lawyers and human-rights organizations to learn where their sons were detained. This is not merely an administrative problem. Failure to know the detainee's location may simultaneously obstruct the right to know the reasons for detention, access counsel, challenge the legality of detention, communicate with family, obtain medical care, and be protected from incommunicado detention.

Restrictions on Family Communication Deepen Detainee Isolation

Information collected by Al-Marsad indicates a general prohibition on communication between Syrian detainees and their families, including preventing them from making calls or sending messages. When denial of family communication is combined with failure to disclose the place of detention and restrictions on lawyers' access, the practical result may be near-total isolation from the outside world.

Obstruction of Lawyers' Access Undermines the Right to Defence and Legal Protection

The difficulties encountered by Al-Marsad in accessing detainees are a direct indicator of the gap between rights recognized in law and their practical exercise. Even in the only case in which Al-Marsad received a positive response concerning a detainee visit, the lawyer was unable to carry out the visit and was prevented from entering Sde Teiman on the ground that prior security approval was absent. Subsequent requests were submitted without receiving a response permitting the visit. Recognition in theory of a lawyer's right to visit is insufficient; the right must be practically exercisable and available in a timely manner, particularly where the detainee has no other means of protecting their rights.

Administrative Detention Cannot Become a Permanent Substitute for Trial

International law does not absolutely prohibit all forms of administrative detention in exceptional circumstances. However, security detention remains an exception rather than the rule, must be based on a genuine and individualized security necessity, must be subject to independent judicial review, must be challengeable, and must end when the grounds justifying it cease to exist. Accordingly, prolonged detention without trial and without an effective opportunity to challenge detention raises serious concerns regarding arbitrariness.

Classification of Detainees Does Not Remove Their Legal Protection

Al-Marsad emphasizes that describing a detainee as an “unlawful combatant”, “security detainee”, or “military detainee” cannot result in the removal of fundamental rights. Protection against torture and ill-treatment, the right to humane treatment, the right to challenge the legality of detention, the right to legal assistance, and other basic safeguards do not depend on the label assigned by the State.

A Gap Exists Between Domestic Law and Practical Implementation

Al-Marsad’s monitoring indicates that the problem lies not only in Israeli legal provisions but also in how they are implemented in practice. Legislation or judicial decisions may contain safeguards for judicial review or access to counsel, but those safeguards have limited value if the detainee or lawyer cannot obtain information, visits cannot be carried out, the place of detention remains unknown, or detention continues for prolonged periods without effective review.

Indicators of a Structural Problem Rather Than Isolated Cases

The number of cases handled by Al-Marsad and the recurrence of problems concerning places of detention, visit requests, access to lawyers, family communication, and detention without trial indicate that the problem extends beyond individual cases. Repetition of these elements across more than one case suggests the possibility of a systematic practice or policy in the treatment of Syrian detainees.

Second: Israel’s Responsibility to Protect Detainees’ Rights

Israel, as the authority exercising effective control over the detained persons and over the territory in which some arrests occurred, bears responsibility for ensuring respect for the rights of these persons. That responsibility cannot be transferred to another party on the ground that the detainees are Syrian or that the arrests occurred in the context of armed conflict.

Nor can reliance on security considerations exempt the authorities from their fundamental obligations under international law, including the absolute prohibition of torture or cruel or degrading treatment, safeguards concerning personal liberty, judicial review, and humane treatment of detainees.

In this context, the observations issued by the UN Committee against Torture are particularly important, as they emphasized the need to ensure that persons detained in security contexts enjoy all relevant legal and human-rights safeguards and that security circumstances are not used to justify violations of fundamental rights.

Third: General Conclusion

Based on the information and facts Al-Marsad was able to collect and document, the report concludes that the situation of Syrian detainees in Israeli prisons and detention facilities raises serious human-rights and legal concerns that relate not only to detention conditions but to the entire system beginning with arrest and ending with continued detention.

The central problem is that detainees find themselves in an extremely vulnerable legal and practical position: deprived of liberty, separated from their families, in some cases without clear knowledge of their place of detention, facing difficulties accessing lawyers, without trial, and under exceptional detention regimes.

The combination of these elements creates increasing risks of arbitrary detention and incommunicado detention and undermines the right to defence and effective judicial review.

Al-Marsad considers that addressing these violations requires moving beyond individual-case remedies toward a comprehensive review of the legal framework and practical practices governing the detention of Syrians. Accordingly, Al-Marsad calls for immediate disclosure of the whereabouts

of all Syrian detainees held by the Israeli authorities; clear notification to every detainee of the reasons and legal basis for detention; immediate and effective access to lawyers of their choice and removal of unnecessary obstacles to legal visits; independent and effective judicial review of the legality of all detention; regular communication between detainees and their families, including telephone communications and visits in accordance with international standards; humane treatment of all detainees and prevention of torture and all other cruel, inhuman or degrading treatment; independent and effective investigations into all allegations of ill-treatment or arbitrary detention; review of the application of the Incarceration of Unlawful Combatants Law to Syrian detainees and assurance that it is not used for collective or open-ended detention or without individualized assessment; compliance with special protections for children and minors; access for competent international and human-rights bodies, foremost among them the International Committee of the Red Cross, to detainees and independent verification of their conditions; and transparency concerning the number of Syrian detainees, their places of detention, and the legal basis for their detention.

Recommendations

Based on the facts documented by Al-Marsad and the legal analysis contained in this report, Al-Marsad recommends the following measures to ensure the rights of Syrian detainees and put an end to practices that constitute violations of human rights and international humanitarian law.

First: Recommendations to Israel

Immediate Disclosure of the Places of Detention of All Syrian Detainees

Israel should immediately disclose the names of all Syrian citizens detained by its authorities, their places of detention, and the legal basis for each detention, and inform detainees and their families of this information. An official and updated register of Syrian detainees should also be established, including place of detention, date of arrest, legal basis for detention, and any related judicial decisions.

Ensure Effective Judicial Review

Every Syrian detainee should be enabled to challenge the lawfulness of detention effectively and promptly before an independent and impartial judicial authority. Formal judicial review is insufficient; detainees must have a genuine opportunity to challenge the reasons for detention and the court must be able to examine its factual and legal basis effectively.

End Detention Under the Incarceration of Unlawful Combatants Law

The Israeli authorities should cease detention under the Incarceration of Unlawful Combatants Law, 2002 and immediately release every person against whom there are no genuine, individual and current security grounds justifying continued detention. Classification as an “unlawful combatant” must not result in deprivation of protection under international humanitarian law and international human-rights law.

Guarantee the Right to Know the Reasons for Detention

Every detainee should be informed as soon as possible of the essential reasons leading to arrest and detention and of the legal basis on which the decision rests.

Ensure Effective Access to Lawyers

Unnecessary obstacles preventing detainees from meeting counsel should be removed. Procedures for requesting visits should be clear, transparent and time-bound, and security approvals should not become a means of effectively preventing visits. Where a visit is refused on security grounds, a

written and reasoned decision should be provided together with an effective mechanism to challenge it.

Allow Communication with Families

Syrian detainees should be guaranteed regular communication with their families, including telephone calls and visits in accordance with international standards. Geographical distance or security circumstances should not result in complete isolation of detainees from their families.

Ensure Humane Treatment

All Syrian detainees should be treated humanely and with dignity and provided with adequate food, water, health care, hygiene and living conditions. All forms of torture, ill-treatment, violence, humiliation and collective punishment should be prohibited.

Protect Children and Minors

Detention should cease to be used as a routine measure against children and minors.

Investigate Short-Term Detention at Military Bases

An independent investigation should be opened into the dozens of cases documented by Al-Marsad in which Syrians, including children and minors, were detained for hours inside military bases and sites in Syrian territory under Israeli control. The legal basis of each case should be established and any official found responsible for arbitrary detention or ill-treatment should be held accountable.

Allow Independent Oversight

The International Committee of the Red Cross, competent international bodies and independent human-rights organizations should be allowed access to detainees and relevant detention facilities.

Second: Recommendations to the International Committee of the Red Cross

Request Access to All Syrian Detainees

Intensify contacts with the Israeli authorities to demand access to all Syrian detainees held in Israeli prisons and military facilities.

Obtain Accurate Information

Request a comprehensive list of Syrian detainees and their places of detention, updated regularly.

Communicate with Families

Assist Syrian families in learning the fate and whereabouts of their sons and facilitate communication between families and detainees.

Monitor Detention Conditions

Conduct independent and regular visits to places of detention and verify conditions of detention, treatment, health care, food, hygiene and protection against ill-treatment.

Third: Recommendations to the Syrian Transitional Government

Engage with the International Committee of the Red Cross

Request intervention by the International Committee of the Red Cross to access Syrian detainees and verify their conditions.

Support Families

Establish a mechanism for registering complaints and information from detainees' families and assist them in obtaining information concerning their sons.

Raise the Issue Before International Bodies

Bring the issue of Syrian detainees before the United Nations and competent international bodies, including the Human Rights Council and special mechanisms concerned with arbitrary detention, torture and civilian protection.

Demand Release of Arbitrarily Detained Persons

Make the release of persons detained without a clear legal basis or effective judicial safeguards a priority in international communications and negotiations.

Fourth: Recommendations to the United Nations and International Bodies

Include Syrian Detainees in International Monitoring Mechanisms

UN institutions concerned with human rights and international humanitarian law should include the issue of Syrian detainees in their reporting and continuing monitoring of the situation in Syrian territory under Israeli control.

Request Official Information from Israel

Competent UN bodies should request from Israel information concerning the number of Syrian detainees, their names, places of detention, legal basis for each case, duration of detention, access to lawyers, family communication, and the presence of children or minors among detainees.

Working Group on Arbitrary Detention

Al-Marsad recommends referring documented cases to the UN Working Group on Arbitrary Detention and inviting it to assess the compatibility of the documented detentions with international standards.

Special Rapporteur on Torture

Information concerning torture or cruel, inhuman or degrading treatment should be referred to the Special Rapporteur on Torture, with measures to protect victims and witnesses.

UN Committee against Torture

The issue of Syrian detainees should continue to be raised before the Committee against Torture, particularly in light of its recent observations concerning detention under the Incarceration of Unlawful Combatants Law.

Human Rights Council

The Council and its relevant mechanisms should monitor the situation of Syrian detainees, request access to detention facilities, and include the issue in reports concerning violations in recently occupied Syrian territory.

Ensure Independent Access to Places of Detention

International bodies should call on Israel to permit independent and regular visits to detention facilities, including military facilities where Syrian citizens are held.

Protect Children

UN bodies concerned with children's rights should monitor cases involving detention of Syrian children and minors and call on Israel to ensure full compliance with the Convention on the Rights of the Child.

Final

This report concludes that the situation of Syrian detainees held by the Israeli authorities raises serious and multifaceted concerns in light of international human-rights law and international humanitarian law.

The cases documented by Al-Marsad show that the problem is not limited to deprivation of liberty itself, but extends to detention conditions, non-disclosure of places of detention, restrictions on communication with families, difficulties faced by lawyers in accessing detainees, the absence of effective judicial safeguards, and the use of exceptional detention regimes.

The monitoring also shows that some arrests took place in recently occupied Syrian territory, including raids on villages and homes and the short-term detention of persons, including minors, inside military sites and bases. These practices, together with the continued detention of persons without ordinary trial, raise fundamental questions concerning respect for the prohibition of arbitrary detention and basic safeguards relating to personal liberty.

Al-Marsad emphasizes that security considerations, whatever their nature, do not create a zone outside the law. Every person deprived of liberty continues to enjoy fundamental rights, foremost among them the right to humane treatment, to know the reasons for detention, to access counsel, to challenge the legality of detention before an independent judicial authority, to communicate with family, and to be protected against torture and other cruel or degrading treatment.

These safeguards are particularly important in light of the use of the Incarceration of Unlawful Combatants Law, 2002 to detain the majority of Syrian detainees whose cases Al-Marsad follows, and the concerns raised by application of this regime concerning open-ended or prolonged detention, judicial review, reliance on secret information, and compatibility with Israel's international obligations. The recent observations of the UN Committee against Torture further underscore the importance of ensuring that persons detained in security contexts enjoy all safeguards guaranteed by international law.

The facts documented by Al-Marsad should not be viewed as a collection of isolated individual cases, but as an indicator warranting further investigation and independent international oversight, particularly in light of the continuing difficulties faced by families and lawyers in communicating with detainees.

Accordingly, Al-Marsad calls for an end to any arbitrary detention, full disclosure of the whereabouts of Syrian detainees, effective access to lawyers, courts and families, and access by competent international bodies, foremost among them the International Committee of the Red Cross, to all places of detention.

Ultimately, protecting detainees' rights is not a political or negotiating matter and must not be contingent upon security or military circumstances. It is a fundamental legal obligation and an indispensable condition for respect for human dignity and the rule of law. Al-Marsad emphasizes that ensuring these rights for all Syrian detainees is the first step toward ending the legal and humanitarian uncertainty surrounding their fate and ensuring that deprivation of liberty does not become deprivation of legal protection itself.