

T.C.
ISTANBUL AYDIN UNIVERSITY
INSTITUTE OF GRADUATE STUDIES



**PALESTINAN FEMALES BEHIND BARS: THE VIOLATION OF
HEALTH CARE RIGHTS**

MASTER'S THESIS
Alaa Abbas AFANA

Department of Political Science and International Relations
Political Science and International Relations Program

DECEMBER, 2023

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DECEMBER, 2023

ONAY SAYFASI

DECLARATION

I hereby declare with respect that the study “Palestinian Females Behind Bars: The Violation Of Health Care Rights”, which I submitted as a Master thesis, is written without any assistance in violation of scientific ethics and traditions in all the processes from the Project phase to the conclusion of the thesis and that the works I have benefited from those shown in the References. (.15../.11../2023..)

Alaa Abbas Afana

FOREWORD

First and foremost, I would like to thank Allah for providing me with the strength, knowledge, capability, and chance to pursue and successfully complete this research study. This accomplishment would not have been achieved without his blessings. I want to thank each and every one who helped with the work that was discussed in this thesis once again, especially to the forgotten heroines of Palestine the female prions may you see the light of freedom, I want to thank my academic adviser, Assist. Prof. Dr. Alihan Limoncuoğlu, for me with the chance to complete this excellent thesis. This thesis would not have been possible without his exceptional guidance, creative suggestions, patience, motivation, and support.

I would like to express my deep gratitude to my family especially my hero my mother Shahira who supported and encouraged me throughout my work, my father Abbas (may his soul rest in peace), and my dear siblings, Ahmad, Israa, and Noor, my beloved Aunties and Uncle. Thank you for supporting and encouraging me throughout my work, it would be impossible for me to be where I am right now without having their continuous support.

Thank you to my second family and best friends, Malak, who is the lighthouse of my life, always inspiring me. Thank you to Rasha, Asia, Rami, Layan, Dina, Diala, Qais, and all, grateful for having you in my life.

This thesis is dedicated with love to my parents, all Palestinians, female and male prisoners in colonial prisons, and to the martyrs of our cause.

December, 2023

Alaa Abbas Afana

PALESTINIAN FEMALES BEHIND BARS: THE VIOLATION OF HEALTH CARE RIGHTS

ABSTRACT

This thesis examines Palestinian female prisoners' experiences of imprisonment in Israeli occupational prisons. It tracks their health care experiences during and after prison, examining the health violations of their rights imposed upon them by the Israeli prison, which are guaranteed by international law for Palestinian females during their arrest and imprisonment by the Israeli occupation forces, to protect her, preserve her humanity and her health rights. However, these rights are neglected and Palestinian females are targets of all forms of violations and violation of fundamental rights.

This thesis also aims to identify the Palestinian female administrative detainee and prisoner, focusing on the rights established to protect her by international law and the Geneva Conventions; look into health violations from an international legal perspective to identify whether these violations are international crimes and the consequences of these violations; point out the legal mechanisms available to counter these violations and determine the extent of the individual international criminal responsibility of the leaders and heads of the Israeli occupation for committing crimes falling within the jurisdiction of the International Criminal Court.

In her turn, the researcher followed the descriptive and analytical approach by studying the health care rights of Palestinian female detainees and prisoners from the start of the arrest to the release, according to the four Geneva Conventions, CEDAW, and other international conventions. Extensive interviews with the female prisoners and the information that is released from them are the basis for the analytical material.

The study's result showed that Palestinian females were not extradited from detention or prison, the occupation did not take into account their femininity, and a cruel treatment that is no different from that of men, without taking into account the basic human rights set out globally. The study also concluded the Israeli occupation forces are guilty of committing war crimes and crimes against humanity through violation of fundamental and health rights written in international conventions, and the occupation leaders and soldiers have a civil and criminal responsibility for these violations.

The researcher provided a series of recommendations at the end of the study, the most important of which is calling on the Palestinian Authority to go to the International Court of Justice to get a legal characterization of the female detainees and prisoners, a legal judgment for their illegal health care rights violations. The researcher also recommended requesting the international community and organizations to increase their efforts to assist Palestinian female prisoners by compelling the occupation forces to apply international law and conventions.

Keywords: Palestinian female prisoners, international law, international conventions, administrative detentions, female's health care, occupation.

FİLİSTİNLİ KADINLAR PARMAKLIKLAR ARDINDA: SAĞLIK HAKLARININ İHLALİ

ÖZET

Bu tez Filistinli kadın mahkumları İsrail meslek cezaevlerinde hapis cezası deneyimlerini inceliyor. İsrail hapishanesi tarafından kendilerine verilen haklarının sağlık ihlallerini inceleyerek, hapishane sırasında ve sonrasında sağlık deneyimlerini izler, İsrail işgal güçleri tarafından tutuklanması ve hapsedilmesi sırasında Filistinli kadınlar için uluslararası hukuk tarafından güvence altına alınan, onu korumak, insanlığını ve sağlık haklarını korumak. Ancak, bu haklar ihmal edilir ve Filistinli kadınlar her türlü ihlalin ve temel hakların ihlalinin hedefidir.

Bu tez aynı zamanda, uluslararası hukuk ve Cenevre Sözleşmeleri ile kendisini korumak için oluşturulan haklara odaklanarak Filistinli kadın idari tutuklu ve mahkumu tanımlamayı amaçlamaktadır; bu ihlallerin uluslararası suçlar olup olmadığını ve bu ihlallerin sonuçlarını belirlemek için sağlık ihlallerini uluslararası yasal perspektiften incelemek; bu ihlallere karşı koymak için mevcut yasal mekanizmalara dikkat çekmek ve İsrail işgalinin liderlerinin ve başkanlarının Uluslararası Ceza Mahkemesi'nin yargı yetkisi.

Buna karşılık, araştırmacı, tutuklamanın başlangıcından serbest bırakılmasına kadar Filistinli kadın tutukluların ve mahkumların sağlık haklarını inceleyerek açıklayıcı ve analitik yaklaşımı izledi, dört Genova Sözleşmesine, CEDAW'a ve diğer uluslararası sözleşmelere göre. Kadın mahkumlarla kapsamlı görüşmeler ve onlardan serbest bırakılan bilgiler analitik materyalin temelini oluşturmaktadır.

Çalışmanın sonucu Filistinli kadının gözaltı veya hapishanedeki iade edilmediğini, işgalin kadınlıklarını dikkate almadığını ve küresel olarak ortaya konan temel insan haklarını dikkate almadan, erkeklerden farklı olmayan bir kıvrılma tedavisi. Çalışma ayrıca İsrail işgal güçlerinin uluslararası sözleşmelerde yazılı temel ve sağlık haklarını ihlal ederek savaş suçları ve insanlığa karşı suçlar işlemekten

suçlu olduđu sonucuna vardı, işgal liderleri ve askerlerin bu ihlaller için hukuki ve cezai sorumluluđu vardır.

Araştırmacı çalışmanın sonunda bir dizi öneri sunmuştur, en önemlisi Filistin Otoritesini kadın tutukluların ve mahkumların yasal karakterizasyonunu almak için Uluslararası Adalet Divanı'na gitmeye çağırıyor, yasadışı sağlık hakları ihlallerine ilişkin yasal bir karar. Araştırmacı ayrıca, uluslararası toplum ve kuruluşlardan işgal güçlerini uluslararası hukuk ve sözleşmeleri uygulamaya zorlayarak Filistinli kadın mahkumlara yardım etme çabalarını artırmalarını istemeyi önerdi.

Anahtar Kelimeler: Filistinli kadın mahkumlar, uluslararası hukuk, uluslararası sözleşmeler, idari tutuklamalar, kadın sağlığı, meslek.

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LIST OF ABBREVIATIONS

CEDAW	: UN Convention on the Elimination of all Forms of Discrimination against women
HCCH	: Hague Convention
ICC	: International Criminal Court
ICCPR	: International Covenant on Civil and Political Rights
ICJ	: International Court of Justice
ICL	: International Criminal Law
ICRC	: International Committee of the Red Cross
ICESCR	: International Covenant on Economic, Social and Cultural Rights
IHF	: International Humanitarian Law
IOL	: Israeli Occupation Forces
IPS	: Israeli Prison Service
NGOS	: Non-Governmental Organizations
OPT	: Occupied Palestinian territory
SMRs	: United Nations Standard Minimum Rules for the Treatment of Prisoners
UNCAT	: UN Convention Against Torture
UDHR	: Universal Declaration of Human Rights
WHO	: World Health Organization

I. INTRODUCTION

A. Background

A slow death behind iron bars watching them every second, detention constitutes a major front for Israeli colonial control of the Palestinians. However, the image of Palestinian prisoners is mainly masculine; Most Palestinian political prisoners are men. However, female prisoners in Occupied Palestine played an important role in the resistance behind bars, reflecting the position of Palestinian females in the national liberation struggle. They have faced harsh torture, violence, and gender-based repression due to the systematic policies of the Israeli occupation forces. They are often the target of imprisonment for their leadership roles in various forms of protest against the Israeli occupation.

Since 1967, some 17,000 female Palestinians have been arrested in Israeli occupation prisons, including elderly mothers and women, wives, pregnant women, sick females, special needs, underage girls, students at multiple educational levels, academic competencies, community leaders, and elected deputies to the Legislative Council; History preserves that the first captive in the contemporary Palestinian revolution is Sister Fatima Barnawi, daughter of Jerusalem, who was arrested on October 14 1967 and spent ten years before being emancipated in 1977 (Institute for Palestine Studies, 2022).

The first Palestinian intifada, the "Stone Uprising," launched in 1987, saw the largest number of arrests of Palestinian females, with some 3,000 Palestinian arrests among females. During the second Palestinian intifada, the "Al Aqsa intifada," which erupted in 2000, the number of arrested Palestinian females reached approximately 900. From 2009 to the beginning of 2012, arrests of females decreased and escalated with the launch of the Jamahiriya's gift until October 1, 2017, reaching approximately (370) arrests. The peak of the escalation in arrests of Palestinian females by the Israeli occupation authorities since the outbreak of the Jerusalem endowment following the announcement of US President Donald Trump on

December 6, 2017; It continued during 2018, which saw a rise in Palestinian arrests, especially at Al-Aqsa Mosque, to continue in 2019; during that year, the occupation authorities arrested some 110 Palestinian females.

In 2020, the rate of arrests and punishments of Palestinian female prisoners increased. The occupation authorities arrested (128) females, while 2021 saw an escalation in arrests, during which the occupation authorities arrested (184) females. In 2022, there were (172) arrests of females, (29), among them are (13) prisoners who have been sentenced differently, (7) wounded, (15) ill, (6) mothers, (1) administrative detainees, (2) minor children, and (15) who remain in detention for trial in the occupation courts until August 10 (Adameer, 2023). At the time of writing, 32 Palestinian female prisoners remain in Israeli occupation prisons.

Palestinian females are frequently detained in Hasharon (Telmond) and Damon (Mount Carmel) prisons, which are situated outside the territory occupied in 1967. This is in direct contravention of the IV Geneva Convention, which strictly prohibits the transferring of political prisoners by the occupying authorities from the occupied territory. Additionally, Palestinian women are susceptible to being held at three interrogation centers: Petah Tiqwa, Al Jalameh (Kishon), and Moskobiyya in Jerusalem. Until 2004, Neve Terza was the only dedicated prison for women in Israel and a significant detention center for Palestinian female prisoners. It is used for women's solitary confinement or as a detention facility. temporary detention for women awaiting transfer to other prisons. Although Israel has prison regulations regarding the provision of health care and food, their implementation often falls short of what the United Nations has established as SMRs for the treatment of prisoners is considered standard. And the substantive requirements of IHL in the case of Palestinian prisoners.

Although illness is prevalent among prisoners, access to proper medical care is scarce. This lack of care not only endangers prisoners but also exacerbates their health issues due to long delays in treatment. Additionally, specialized doctors and services are not readily available, and over-the-counter painkillers are frequently the only remedy offered. Pregnant women are especially vulnerable, as there have been reports of them being handcuffed during delivery. The food provided to prisoners is often insufficient, and many inmates rely on their families for adequate nutrition. Special needs, such as those for diabetes, are often neglected. This neglect of

prisoners' health frequently results in severe physical and psychological health problems upon their release from prison.

B. Problem Statement

The purpose of this research is to analyze the health violations that occur in Israeli occupation prisons through the lens of international law. The study seeks to explore the consequences of these offenses by focusing on the rights established by international law and the Geneva Conventions. Additionally, it will shed light on significant health infractions experienced by female Palestinian inmates, their access to medical care, whether these violations qualify as international crimes, and the potential liability of the Israeli occupying Power for these actions. Drawing from this information, the study will address the central question: "What are the violations of health care rights afforded to Palestinian female prisoners in Israeli colonial prisons under international humanitarian law?"

C. Research Objectives

The objective of this study is to bring to light the disregard for the healthcare rights of Palestinian female prisoners in Israeli colonial prisons, which is a direct violation of their fundamental human rights as assured by international law. Despite the sight of a medical clinic and center for Palestinian prisoners, these facilities do not provide adequate care and treatment. The study focuses on specific goals, which include understanding how international humanitarian law applies to female prisoners in colonial prisons, examining the healthcare violations experienced by Palestinian women during and after captivity, finding legal ways to address these violations, and holding the leaders of the Israeli occupation accountable for their actions. Additionally, the research urges the Palestinian leadership to raise awareness of this issue at the ICC.

Among the specific objectives of the study:

1. To examine the notion of female detainees and prisoners in colonial prisons in light of IHL.
2. To indicate the legal status of Palestinian female prisoners and the international conventions that apply to them.

3. To thoroughly explore the health care violations suffered by the Palestinian female prisoners during and after their captivity.
4. To Identify the legal means to confront the health care violations against the Palestinian female prisoners and the statement of the responsibility of the leaders of the Israeli occupation for their violations.
5. To urge the Palestinian leadership to refer the cases of Palestinian prisoners in general and Palestinian female prisoners in particular to the ICC.

D. Significance of The Study

The matter of Palestinian female prisoners in Israeli occupation prisons and their health violations is a significant topic, and this study sheds light on this matter from multiple perspectives. This study is important for many reasons. Firstly, it has scientific significance because the knowledge it provides would be quite valuable to Palestinian society as it identifies the most prominent health violations against these prisoners. Furthermore, this study explores what being a prisoner in an occupational prison means. It describes the legal adaptation of Palestinian female prisoners according to international law and conventions that apply to them while clarifying their legal protection under such rules and conventions. In addition, feasible legal methods that could aid in securing justice for these women have been identified.

Secondly, this study is significant as it examines crucial health and legal violations affecting Palestinian female prisoners' daily lives. It also delves into long-term physical or psychological effects that hinder them from performing various roles assigned within society. Given the limited number of studies investigating these health and legal violations faced by incarcerated women, highlighting them makes this study incredibly valuable.

Lastly, the practical significance is attached to this study as it can serve as a reference for jurists, lawyers, and especially female prisoners who may not know their rights guaranteed under international law. By thoroughly understanding these rights through careful analysis of relevant laws like the Geneva Conventions, this study may help change how healthcare is provided to incarcerated females per international standards.

E. Literature Review

Access to healthcare is a basic human right that extends to all individuals, including those who are incarcerated or otherwise deprived of their liberty. This right is enshrined in numerous international treaties, conventions, and national laws, which protect it both in normal circumstances and during times of crisis and epidemics. The pursuit of healthcare is a key goal of these legal instruments, which provide the foundation for the right to health. Many international human rights agreements acknowledge the right to healthcare, and while they define this concept in different ways - as seen in the WHO (1946), UDHR (1948), ICESCR (1966), SMRs (1957), and the Four Geneva Conventions (1949), all emphasize that healthcare is a fundamental aim of these agreements.

The WHO asserts that every individual is entitled to the right to health, which encircles complete physical, psychological, and social well-being. These rights grant individuals the freedom to manage their health and body, as well as protection against interference such as medical experimentation, torture, or inadequate medical care. Unfortunately, male and female prisoners in colonial Israeli prisons do not have admission to adequate healthcare facilities and services. The privilege to health intersects with other fundamental human rights, such as housing, food, employment, education, life, non-discrimination, privacy, access to information, and the prevention of torture.

Article 25 of the UDHR emphasizes the right of every individual to a proper standard of living that can guarantee their well-being. The provision of necessities like food, clothing, housing, medical care, social services, and insurance during illness or disability is crucial for maintaining overall health and well-being. This article recognizes the right to health as an essential right that is integral to other rights such as the right to food, drinking, housing, medical, and social services. As such, it serves as a primary international reference for positive health laws in various countries and subsequent international conventions. The human right to health is a central tenet of this article (Nabid, 2016, p. 83).

The 1966 ICESCR serves as a legally binding agreement that outlines the fundamental rights of individuals in regards to their economic, social, and cultural well-being, including the right to health. Article (12) of the Covenant is considered

the most comprehensive article on this right, affirming every person's entitlement to attain the highest attainable standards of physical and mental health.

In 1957, the United Nations introduced the SMRs for the Treatment of Prisoners, which are now commonly referred to as the Nelson Mandela Rules. Since then, numerous international agreements have emphasized the significance of providing incarcerated individuals with unrestricted access to healthcare services, including mental and physical care. According to rule (24), all prisoners are entitled to the same level of healthcare as anyone else in society, and their legal status should not affect the quality of care they receive.

According to rule (25), "each prison must have a health service that assesses and improves prisoners' physical and mental health in general and give special attention to prisoners in need of special care or with health problems that impede their rehabilitation. The service should include a number of qualified individuals with experience in psychology, psychiatry, and dentistry".

Rule (27) guarantees " prisoners' immediate prompt access to urgent health care. In the case of specialized care or surgery; patients are transferred to civilian or specialized hospitals". As a result, rule (30) obliges "a doctor or health-care professional the prisoner admission to prison to conduct a medical examination as soon as possible after admission to prison in order to avoid any illness or infection and to take all necessary measures to provide treatment, as well as many of those rules that concern themselves with health prisoners. "

The Geneva Conventions, both Convention (I) and (II), offer crucial protection to wounded, sick, and drowned armed forces on land and at sea. Parties to the treaty are required to treat them with humanity and are prohibited from any aggression against their lives. This includes the use of violence, failure to provide treatment or medical care, torture, life-science experiments, intentionally leaving them untreated, or exposing them to disease and wound contamination. As a result, the treatment system prioritizes urgent medical needs above all else. The conventions also prioritize the safety and respect of medical staff who give unbiased and non-discriminatory help to the ill and injured. To help ensure their safety, the Red Cross badge was approved to identify and protect medical personnel from attacks, the Red Cross badge was approved to identify and protect medical personnel from attacks.

As for the Third Geneva Convention, a person who is wounded or sick and surrenders to the opponent will be protected under the First and Second Geneva Convention. They will also be considered a prisoner of war and have legal rights under the Third Geneva Convention, including the right to healthcare. Article (15) of the Convention mandates that the detaining state must provide free subsistence and medical care for the prisoners of war. They must also ensure that the camps are hygienic and prevent the spread of diseases. Additionally, prisoners must be provided with adequate quantities of water and soap as per Article (29) of the Third Convention.

The Fourth Geneva Convention is a vital collection of regulations designed to safeguard civilian individuals during times of war and occupation. Its primary purpose is to provide essential care and protection to civilians, including the wounded, sick, children, women, and detainees. The Convention also prohibits the interception of medical supplies and food, allows medical personnel to offer assistance, and creates safe areas for vulnerable groups. Additionally, it prohibits acts of violence and atrocities against protected persons, regardless of their race, religion, or political opinion. Articles (17) and (18) of the Convention specifically address these protections, while Article (32) explicitly forbids heinous acts such as murder, torture, mutilation, and medical experimentation (Saadi, 2014, p. 355).

However, the absence of international regulations has greatly contributed to the rise of legal infringements without any legal justification. As a result, international jurisprudence and justice have endeavored to define serious violations of IHL, drawing from references made in certain international documents, since the four Geneva Conventions and the Additional Protocols do not provide explicit definitions for such violations.

According to Mohamed Saleh Al-Adhali, serious violations can be linked to international crime when an individual, functioning on behalf of or with the consent of a state, commits an act or omission that prejudices an international interest protected by international law. If a state or one of its agents violates a legal obligation under IHL, they are committing an internationally wrongful act regardless of the origin of that obligation. Violations of IHL, whether contained in the four Geneva Conventions and the Additional Protocols or under other provisions of IHL, convention, or customary law, are all acts contrary to these conventions and

protocols. These acts can lead to administrative, disciplinary, or even penal sanctions for anyone who commits them. It's important to note that not every violation is a crime, but every crime is a violation. Therefore, it's physical violations that amount to international crimes.

During times of war, Ali Abdelkader Al-Kahouji characterized physical violations as "deliberate actions committed by opposing sides that are in conflict with the Charter of War, specifically the established laws and traditions of war as outlined by international agreements and customs".

According to Oppenheim's definition, "acts of aggression committed by soldiers or other hostile individuals that violate customary rules of warfare and can lead to punishment and capture. Enemy combatants should be held accountable for violating customary rules of combat and acts that breach international humanitarian law also constitute violations of international criminal law, such as murder and theft. Criminal acts committed in the name of the enemy State are also considered violations of the laws of war, even if they are carried out under orders."

According to Lauterpch, these offenses are categorized as violations of the laws of war and are deemed criminal acts in line with the customary and widely accepted principles of humanitarian warfare and general criminal law. This is due to their inhumane and savage nature, as well as the severity of the harm inflicted in disregard for human life or in a manner that goes beyond the necessities of warfare and infringes on property rights.

Based on the definitions, there are types of health care violations, which are:

According to Dr. Ghassan Skaf, there are various types of healthcare violations. The first one relates to medical violations, which occur when a doctor deviates from the established rules and medical practices that are currently recognized in theory and practice. This includes situations where a doctor fails to exercise caution and vigilance while carrying out medical work or breaches the duties imposed on them by the law and occupation. Whenever such violations lead to serious consequences, doctors must remain vigilant and avoid harming their patients.

International law, which encompasses IHL and human rights law, is devoid of the so-called crime of medical violation or intentional medical negligence. At the outset, although international law has made commitments to the occupier to provide

periodic medical care to prisoners and detainees, to provide the necessary treatment and medical care, and to provide specialized health clinics and doctors, failure to do so has not in itself been considered a punishable offense by international law or a serious violation under the Geneva Conventions. The characterization and knowledge of the act of any deliberate act, with conduct and result, is not based on the description of negligence or even intentional negligence, since negligence is the legal description of an error or omission resulting from a lack of caution and caution or miscalculation, resulting in damage. The situation here, of course, is not (Commission of Detainees and Ex-Detainees Affairs, 2018, p. 41)

What happens to Palestinian prisoners and detainees is likely more than adapted to international law, depending on each case and its circumstances, not medical neglect. However, it can be argued that the deprivation of treatment or the provision of the necessary medical care to these prisoners and detainees, especially in cases of serious illness and injury, amounts to torture. The crime of torture, contrary to what is common, does not require that the infliction of severe physical or moral pain or suffering be linked to the purpose of disinformation or confession. For example, according to the Rome Statute of The ICC and the Convention Against Torture., inflicting severe harm or suffering is considered torture if it is aimed at punishment or for any kind of discrimination, including ethnic discrimination, which is the closest to describing what Palestinian prisoners and detainees face in occupation prisons. Consequently, the opportunity to prosecute such acts before the ICC as a torture crime is increased under the provisions of crimes against humanity or war crimes as they meet the requirements of any of them. In contrast, such acts cannot be prosecuted as medical negligence without the Rome Statute providing for such crime and only as a crime article (22) of the Rome Statute (Al Mezan Center, 2009, p. 14).

However, all of the Geneva Conventions included a reference to the concept of physical violations or what the Conventions provided as "grave breaches," where these conventions enumerate crimes or violations that amount to a gross violation of the provisions of these conventions without giving a specific definition of such violations; This may be due to the desire of the drafters of the conventions and the protocol not to elaborate a particular purpose that may be overtaken by international

changes in the international community's structure. Global responsibility for physical violations, regardless of who conducted the conduct ".

The second is mental health violation, ICESCR identify it as "All forms of abuse and emotional violation of a person, such as verbal and psychological, such as assault, threats, promises, insults, insults or intimidation, and the imposition of control over the other. Psychological violence has various forms, including verbal abuse, such as humiliation, vilification, insults, threats, psychophobia, underestimation, and accusations".

The universal definition of Torture can be defined as the deliberate infliction of physical or mental pain, whether planned or spontaneous, by an individual or group acting independently or under orders of authority, to extract information, testimony, or any other desired outcome. (Amnesty International, 1985, p.8).

For the investigator and the prisoner to reach specific goals "taking information from the captive, breaking the captive and breaking his spirits, spreading terror in the rest of the group" (Jacobsen & Vestie, 1990, p. 339), they try to take full control of a prisoner's psychological life, the ways used to achieve this control are based on a constructive and frequent psychological trauma against a prisoner that is used to generate terror, a sense of incapacity. "Helplessness" the victim's self-destruction towards others to build a satisfactory relationship with the imprisoned investigator is sometimes used to threaten to kill or cause cruel harm to the victim or others close to him. The trespasser tries to break the victim's autonomy by controlling his body by insulting basic body tasks such as deprivation of eating, drinking, sleep, shelter, movement, privacy, or personal hygiene Herman (1992).

Morals about torture in prisons divided the types of suffering into three psychological and sexual bodies (El-Sarraj 1989, Punamaki, Salmi, & Summerfield, 1996: Agger, 1989). Agger claimed that the aim of physical torture, such as beatings, electric torture suspension, water use, etc.) was to expose the prisoner to various amounts of physical pain, and psychological torture aimed to break down the prisoner's psychological defense machinery by causing suffering and psychological distress (such as prolonged isolation, tired and persistent investigation, the threat of faking a death sentence. Watch torture of others and other types of insults such as stripping of clothes).

F. Order of The Study

The initial chapter of a study is typically the introduction. This section contains vital background information about the research, allowing readers to comprehend the study's purpose and importance. The first chapter also addresses the research questions, which establish the study's objectives and direction. Additionally, the chapter discusses research methodologies and data collection techniques, providing readers insight into how the researcher obtained their findings. Lastly, the introduction includes a literature review, in which the researcher analyzes previous studies and literature relevant to the research topic. This helps to identify any gaps or overlooked issues in previous research, shedding light on the topic's nuances.

The second chapter of the study will delve into a conceptual and theoretical framework. Specifically, the focus will be on feminist standpoint theory and how it pertains to the study's key concepts, including detainees, prisoners, and IHL. Through this lens, the chapter will explore the historical resistance of Palestinian women against Israeli occupation, as well as how international laws and agreements protect female Palestinian prisoners from mistreatment at the hands of Israeli authorities. Additionally, this chapter will provide an overview of previous research on the subject and examine the legal adaptations of Palestinian female prisons from an international perspective.

The third chapter consists of physical and psychological as forms of health care violations against Palestinian female prisoners in Israeli colonial prisons, whereby the researcher sheds light on medical negligence, isolation, and torture. In this chapter, the liability of Israel on these violation in international law, whereby liability means are explained.

The fourth chapter consists of the findings of the study, whereby detailed presentation of the study's findings, discussion and analysis, in order to answer the study's questions of identifying the paletinian females' violations of health care right. In this chapter consists of the answers to the main question and sub questions of the study.

The concluding chapter of this study presents a comprehensive summary of the research findings for the reader's benefit. Additionally, the researcher offers a

several of recommendations for achieving the right to healthcare, outlining various approaches to consider.

II. THEORETICAL FRAMEWORK

A. Breaking the Chains: A Historical Account of Palestinian Females' Resistance Against Israeli Occupation

Palestinian females' struggle against the occupation by Israel is a tale of resistance, perseverance, and tenacity that dates back to the early days of British colonization. The roots of the feminist movement in Palestine date back to pre-Nakba, and the first signs of the Palestinian feminist movement were when the first women's demonstration took place in Afula in 1893 in protest against the establishment of the first Jewish settlement on its land, which was considered the first start of organized women's work since the beginning of Jewish migration to Palestine (Mosleh, 2012). Subsequently, Palestinian females participated in the Palestinian national resistance since the beginning of the British Mandate, and the role of females at that time was limited to peaceful activities and practices by sending protest petitions to the British parliament against British policy since 1920. In 1929, Palestinian females founded the "Arab Women's Conference in Jerusalem," and the conference issued a revolutionary statement calling on Palestinian females of all walks of life to abandon their reproductive role and stand side by side with men against the policies of the British Mandate. Reliable Palestinian sources pointed out that Palestinian women participated in national, political, and media events as soon as the Balfour Declaration was issued, and this contributed to the establishment of civil gatherings since the beginning of the twenties led by Mrs. Zulekha Al-Shihabi and Emilia Sakakini, and the Arab women's Union was formed in 1921, as well as in 1928, the Arab Ladies Association was established as a political association, whose members were: Zahia Al-Nashashibi, Khadija Al-Husseini, Tarab Abdul Hadi, Naamat al-Alami. These beginnings in forming an organized feminist political structure were a solid gesture in standing up against the British Mandate and completing the feminist march in defense of Palestine to this day (Shehabi, 2016).

As for rural females, their activities focused on strengthening the role of revolutionaries, supplying them with food, exploring enemy positions and

movements, as well as participating in the defense of their villages and families, throwing stones, participating in protest demonstrations, and minor military activities (abhais, 2008, p. 85).

In both of these cases, the woman was the man's partner in her contribution, whether in managing the household affairs financially in order to secure a living for her family or buying a gun and morally in the absence of the man in order to resist, some of them underwent violent resistance next to the man, some of them wore military uniforms. They trained in armed resistance (abhais, 2008, p. 90).

From 1948 – 1967 Palestinian females, like the rest of the Palestinian people, suffered the consequences of the British Mandate and the Israeli occupation and the subsequent injustice, poverty, and deprivation that led to the collapse of the economic and productive base, prompting females to work, stand side by side with men in securing a living, and stand in the subsidy queues in order to receive food. These conditions created an important role for Palestinian females in the post-Nakba period. Despite living with discriminatory laws, torture, imprisonment, and being subjected to violence by occupying forces, they remained resolute in their commitment to freedom from oppression. Their greatest strength came from recognizing how patriarchy interwoven with other forms of oppression like colonialism and imperialism.

Since 1967-1987 The Female Resistance Movement adopted unique forms which made significant contributions toward establishing a distinct cultural identity amidst harsh circumstances resulting from occupation over time. By utilizing various modes such as food, cuisine, arts, and literature practices handed down through generations, females have shown great resilience even when faced with daunting challenges posed by political realities shaping lives today in Palestine, where people continue struggling against injustices imposed upon them daily basis since decades went past until now remains steadfastly committed towards goal achieving freedom happiness dignity peace stability prosperity future generations (abhais, 2008, p. 87).

Despite facing harsh repression and violence from Israeli forces, Palestinian females have proven resilient in their fight for justice. These females have organized grassroots movements and advocated fiercely for their rights and those of their families and communities. "Throughout this period, several different Palestinian

grassroots organizations also emerged to provide alternative institutions and leadership." This demonstrates the resourcefulness of these females in creating new pathways toward achieving freedom from oppression. The efforts of Palestinian females are crucial not only because they strive for gender equality but also because they resist an oppressive occupation that seeks to erase their identity. The complexity of the conflict requires multifaceted resistance strategies that include nonviolent protests, civil disobedience, and community building. Females are at the forefront of these tactics, with groups like Women in Hebron providing services such as education, healthcare, and economic support while resisting settler-colonialism (Dagetani, 2017).

In 1987, during the first intifada, Palestinian women made a significant impact on both popular and official Palestinian collective consciousness. This led to a pivotal moment a few years later when women took over several feminist and charitable NGOs, playing a direct or indirect role in the establishment of civil society in the absence of a Palestinian state (Mosleh, 2012). It marked a notable shift in the social and political landscape, with women playing a more prominent role in Palestinian society than ever. Before this, only women activists were involved in national politics.

As living conditions deteriorated and Israeli violations increased, women became more involved in the struggle, whether by throwing stones or organizing demonstrations. In the face of growing Israeli sanctions, women played a crucial role in achieving self-sufficiency, establishing cooperatives to provide scarce materials. What's notable about the intifada is that it shattered traditional gender roles, erasing the structural differences between men and women. Women's participation was evident in the Popular Committees they formed at the district level, which provided vital public services in health, education, and social welfare, and in various forms of direct and indirect resistance against the occupation. Sadly, this participation also led to the arrests of (433) women between 1967-1990, with some serving sentences ranging from a month to a lifetime. The occupation authorities arrested an average of (1,000) women annually, with some being detained for as brief a period as an hour, while others were held for a day or a month.

This participation has contributed to the development of a new awareness among Palestinian women, especially concerning their societal role aimed at

activating the role of women in building a democratic civil society that meets the principle of equality and equal opportunities between men and women (Najm, 2011). With the outbreak of the Al-Aqsa Intifada in 2000, the occupying forces brutally escalated their attacks against Palestinians. The number of women who were martyred as a result of these attacks reached (163) martyrs, as Palestinian women participated in the usual acts of resistance and added a qualitative addition to their struggles with martyrdom operations inside the Green Line, where (9) women carried out martyrdom operations inside the Green Line.

At the level of community struggle, women have succeeded in raising controversy over many laws and legislations, especially the Personal Status Law. It also succeeded in occupying responsible positions in the formation of the leadership of the uprising, such as the committees for the defense of prisoners and captives, such as the Supreme National Committee, to support the uprising. During this period, the national struggle returned to overshadow the social struggle, especially in light of the constant and daily confrontation with the occupation. Over time, the mass tide has generally receded due to the absence of the occupation inside the cities and the fact that women are part of the Palestinian public, and their role in this field has decreased. In recent years, powerful traditional forces have emerged, calling for women to return home (Dagestani, 2010).

Through the historical review of the roles of Palestinian women, Palestinian women have been. Still, they are, standing in the front rows and playing a prominent role in resisting the occupation. There is the captive woman, the martyr, and the resistance. The historical narrative of women's struggle showed that all historical epochs showed that women were arrested, imprisoned, tortured, martyred, and deported.

B. International Humanitarian Law

(IHL) is a set of regulations that arose from the devastating impact of international and civil wars, marked by egregious offenses. In response, nations worldwide called for measures to mitigate the effects of such conflicts, leading to the establishment of international humanitarian law. This law imposes certain obligations on states to comply with its provisions and avoid violation.

IHL is a collection of regulations designed to minimize the impact of armed conflicts for humanitarian reasons. This set of laws safeguards individuals who are not directly or actively involved in hostilities or who have withdrawn from them. Furthermore, it imposes limitations on the conduct of war and falls under the realm of public international law, encompassing the tactics and approaches employed in warfare. Its framework is primarily comprised of treaties, customary international law, and general legal principles (ICRC, 1999).

Historically, the legal concepts of "Law of War" and "Law of Armed Conflict" were used to describe what is now known as IHL. This term gained popularity in the 1970s, influenced by the human rights movement and further propelled by the Tehran conference in 1968. Max Heber, former president of the ICRC, is credited with coining the term. Over time, it has become widely accepted and formalized in international jurisprudence. In recent years, the name has been simplified to "humanitarian law."

Conventions and treaties on the provisions of IHL began to appear in the middle of the eighteenth century. At this stage, the international community began to codify its rules through international conventions and treaties binding on those who signed them from the states. Although many international conventions and treaties fall within the framework of that law, the researcher will focus the conversation in this section on the four Geneva Conventions only (Matar,2011).

On August 12, 1949, the international community ratified the Four Geneva Conventions, a set of four agreements that were a direct response to the devastating impact of World War II and the violation of international laws. These conventions were signed at a diplomatic conference held in Geneva, marking a significant step towards ensuring the safety and protection of individuals caught in armed conflicts; these Convention are:

The initial Geneva Convention aimed to improve the state of armed forces members who were wounded or sick in the field. The second Geneva Convention was established to address the well-being of armed forces members who were wounded, sick, or drowning. The third Geneva Convention pertains to prisoners of

war, while the fourth Geneva Convention is dedicated to safeguarding civilian individuals during times of war.

The first three conventions are merely a revision and elaboration of issues contained in previous conventions. In contrast, the fourth convention was the first comprehensive text dealing with the protection of civilians. The Geneva Conventions met with tremendous success from the first moment and entered into force on October 21, 1950, after the first two ratifications; they were ratified by (74) countries in the decade of the Fifties, and then the ratifications of the states followed until all the countries of the world ratified them, it should be noted that the state of Palestine joined the four conventions in April 2014 (Ramali, 1997).

Following the approval of four conventions by the international community, the Diplomatic Conference was convened by the government of Switzerland from 1974 to 1977. During this conference, two additional protocols were approved for the Geneva Convention of 1949. The First Additional Protocol, ratified on June 8, 1977, pertained to international armed conflicts, while the Second Additional Protocol addressed non-international armed conflicts. These conventions, collectively known as the Geneva Law, represent the majority of the laws of war and the regulations for individuals. While some international regulations outlined in The HCCH of 1899 and 1907 and the Geneva Protocol of 1925 on the Prevention of the use of Asphyxiating, Poisonous, and Germ Weapons have yet to be repealed, they remain in effect. The conventions are considered a comprehensive collection of texts (Jarada & Al-Dirawi, 2010, p. 19).

C. The Concept of Prisoners in International Conventions

The HCCH of 1907 referred to prisoners of war, but did not provide a clear definition for this classification. Article (3) clarified that both combatants and non-combatants are considered part of the armed forces of the parties involved in the conflict, and have the right to be treated as prisoners of war should they be captured by the opposing side.

According to the Third Geneva Convention's Article (4), individuals who are deemed prisoners of war are those who belong to the armed forces, militias, or volunteer units of one of the parties involved in the conflict. This also includes

members of organized resistance movements, whether they operate within or outside the territory of the party to which they belong, even if the territory is currently under occupation.

The First Additional Protocol regarding international conflicts expanded the definition of prisoners of war beyond what was outlined in the third Geneva Convention. The protocol now includes "guerrillas who do not adhere to a specific dress code, even if they are part of groups that are not recognized by the opposing party."

The Third Geneva Convention of 1949 expanded the definition of a prisoner of war and detailed six cases in Article (IV) of the convention. These include members of armed forces, militias, or other volunteer units, as well as members of resistance parties to the conflict, whether inside or outside their occupied land, provided they meet certain conditions. Regular forces of unrecognized governments or authorities, as well as those who follow the armed forces (such as war correspondents and supply handlers) and individuals from the Merchant Marine and Civil Aviation crews, are also covered under this convention, although they may receive better treatment under other international laws.

The international community recognized the need to address the treatment of armed resistance fighters after the atrocities of the Second World War. However, National Liberation War fighters were not initially covered by the established international rules governing hostile relations between states. Protocol (I) helped remedy this gap by granting them the status of legal fighters and the right to be a prisoner of war, provided that the liberation movement agreed to abide by the Geneva Conventions and Protocol (I)

It is worth mentioning that the detainment complied with international law as specified in the regulations outlined in the second chapter of the document. These regulations were first established in the Hague Conventions of 1899 and 1907 and later incorporated into the provisions of the Geneva Convention in 1929 regarding the treatment of prisoners of war. Subsequently, the third Geneva Convention replaced the guidelines for the treatment of prisoners of war.

D. The Definition of Detainee

The ICRC defined administrative detention as: "depriving a person by order of executive, not judicial power without bringing criminal charges against the detainee or administratively detained. Some human rights organizations define it as: "the detention used by Israel against Palestinian prisoners, as the arrest of a person on the order of military commanders and on the recommendation of intelligence after collecting materials classified as "secret."

According to the Fourth Geneva Convention of 1949, a detainee refers to a civilian individual who is taken into custody by an enemy during international armed conflicts or in occupied territories. This person should not engage in any hostile activities against occupying forces and must be treated with protection as a civilian person.

While the Fourth Geneva Convention did not explicitly define the term "detainee," its fourth section outlines the rights afforded to individuals who are detained. While the convention permits the arrest of civilians during times of armed conflict, it places restrictions on arrests made for reasons related to security, as such arrests are only permissible under extreme circumstances. Under IHL, the rules governing the treatment and detention of civilian detainees are similar to those that apply to prisoners of war, but there are some notable differences. For example, civilian detention is involuntary, targeted exclusively at non-combatants, and is only used when necessary.

E. Feminist Standpoint Theory

Feminist theory seeks to expose the gender biases that have pervaded discussions surrounding women's issues. This framework emphasizes that women's experiences inform their perspectives on a wide range of topics, particularly those related to social concerns (Keohane, 1989). Advocates of this theory call for the creation of knowledge that incorporates women's experiences, as they believe that these experiences offer a more complete understanding of the world. Because women have faced discrimination and persecution, they possess unique insights that can help illuminate different and more accurate perceptions of the world and the rules that govern it. Women are better equipped to identify, reflect on, and address their issues, and their perspectives are seen as representing a specific attitude or set of criteria particular to their sex. Given that the world's knowledge and concepts have

historically been based on male standards and male experience, a feminist perspective is necessary to achieve true change.

This perspective seeks to center individual experiences and their social and political contexts (Barghouti, 2008). Furthermore, proponents of feminist theory argue that knowledge production must incorporate women's perspectives, in addition to those produced by men. This approach emphasizes the importance of understanding women's experiences across all aspects of everyday life and challenges the dominant forces of both social and intellectual structures (Ferree, 2001).

The primary focus of this viewpoint is to embrace the vast array of diverse women and avoid limiting perceptions to a single type that corresponds to a particular social context. This approach promotes a deeper comprehension of women by avoiding the imposition of visions chosen by intellectuals and theorists. The resistance element of this perspective arises from its rejection of a narrow and isolated perspective of women that disregards their perceptions and the contexts that surround them (Cambell & Wasco, 2000).

This perspective helps to accommodate and understand different types of women in light of the different contexts in which they fall. This leads to identifying and focusing on how women organize in terms of quality social context ", understood differently to correspond to the social context in which they fall; the publication *Divergence* helps to clarify the different aspects affecting the understanding of the many differences surrounding women human rights, "such as sexual and racial differences, ethnicity, social classes, material, and physical abilities and citizenship.

By reviewing the theory of feminist standpoint, it is important to learn about the suffering faced by the Palestinian female prisoners and the extent of the health violations to which she is subjected within Israeli occupation prisons, based on this theory, which discusses women's experiences in all areas of daily life, which view women as an individual capable of achieving themselves, equality with men, respect for their abilities and diverse experiences. The theory seeks to improve women's health conditions. it corresponds to my research. by highlighting and highlighting the most significant physical and psychological health challenges and violations experienced during detention and in prison, which do not take into account women's

experiences and use them to produce new knowledge, their investment contributes to the achievement of justice and their protection under their rights, by enabling them to exercise their different roles vigorously and rigorously.

This theory is important in knowing the various violations facing Palestinian prisoners, views the actions of female prisoners not only as resistance, but as self-empowering acts expressing the freedom to control one's own life and identity. "Palestinian captives may feel difficulties or challenges; no one feels it or does not live it. The experience they have may differ from others' experiences. This is essential privacy during the search for the health violations facing the captive. They can better identify the challenges they are experiencing in the Israeli prison, which is a powerful point of view. Thus, the researcher thinks, as a researcher, that this theory is the most appropriate of feminist theories to discuss and analyze the research results because of knowing their perspective on the health violations they face.

Accordingly, a few studies have been conducted on the subject of Palestinian women's health violations, including:

1. The Long-Term Psychological and Physical Consequences of Torture on Palestinian Female Prisoners Liberated in The Gaza Strip (1996)

The study aimed to reveal torture's long-term psychological and physical effects on Palestinian female prisoners liberated in the Gaza Strip and their relationship to some variables. The study included (48) female prisoners freed out of (77) female prisoners freed in the Gaza Strip, who were chosen deliberately. The researcher used several measures: (Psychological and Physical Torture Severity Measure, Juvenile Impact Scale, Psychosomatic Disease Scale, and SCL90 Symptom List Scale). The study found the following:

The results indicated that 41.1% of captives suffer from traumatic stress disorders. The juvenile impact measure was used to measure the current trauma symptoms of prisoners as being affected by current shocks, particularly the 2008-2009 aggression against the Gaza Strip.

The study also found that the highest percentage of psychological symptoms were physical (40.1%), followed by OCD symptoms (33.5%), depressive symptoms

(33.3%), anxiety symptoms (31%), and finally displaying enmity and imaginary brunaya (29.4%).

The researcher recommended the need for full and periodic medical examinations of all women prisoners, the importance of social and psychological care for all female prisoners, and the demand to prohibit torture in Israeli colonial prisons.

2. Psychiatric disturbances for Palestinian prisoners freed from Israeli colonial prisons (Abu Ishaq 2020)

The study aimed to identify the psychological disorders experienced by prisoners freed from Israeli prisons. The sample was conducted on (150) liberated prisoners. The researcher used a series of tests, including a clinical interview, and prepared the Hilton Anxiety Scale. According to the results, 33% of the sample suffers from psychiatric disorders and severe anxiety, 18% from depression, and 13% suffer from psychiatric symptoms, including shivering, dizziness, lack of sleep, nightmares, phobias during sleep, stomach pain, diarrhea, feeling faint, and suicidal thoughts.

3. Fogel 1993

The study aimed to learn the nature of the psychological pressures caused by conditions of detention and imprisonment on women, as well as to examine the relationship between these pressures and their health effects, from the North Carolina State School of Nursing in the United States. The study sample consisted of (55) women aged 17 to 59 during the first week of their detention and, thus, six months after their arrest. The study showed physical, psychological, and health changes due to incarceration, accompanied by distant anxiety from the family, signs of frustration and obesity, and abnormal weight gain. The study recommended reducing prison pressures and improving their health conditions.

4. Tragedy of Palestinian Prisoners' Detention Life in Israeli Prisons 1967-2008 (Abu Atwan 2007)

This study examined Palestinian prisoners' lives within Israeli prisons and how relations between prisoners themselves and the prison administration have shifted. The quantitative research curriculum was used through the researcher's reliance on an in-depth interview tool with researchers, as well as the analysis of

certain literary texts written by prisoners and the treatment of the conditions of life of prisoners inside the detention. The school community comprised Palestinian prisoners who had experienced and lived in captivity from 1967 to 2005 and were within the country's borders. The study results showed that Israeli prisons prepared to abolish the Palestinian resistance as an active human being on the historical stage had been transformed into a reprofiling institution with national resistance by various mechanisms created by prisoners. They also demonstrated the severity of the detainee's living conditions, as the prison, they said, was "only a poor alternative to execution by hanging."

III. THE LEGAL PROTECTION AND ADAPTION OF PALESTINIAN FEMALE PRISONERS

To fully grasp the safeguards provided by IHL, it is essential to delve into the breadth of its application in IHL. This encompasses both international and non-international armed conflicts, with specific rules that apply to individuals who do not participate in the fighting or are unable to do so. The legal system has established a material and personal scope to ensure that the provisions of this law are appropriately implemented.

A. The material scope of the application of international humanitarian law:

This law applies to both international and non-international conflicts that are characterized by hostility and armed behavior. International armed conflict is when two or more states engage in armed behavior or acts of war, whether on land, air, or sea territory belonging to one of the parties involved, or even in common property like outer space or the high seas, which may require legal complications. The article's provisions extend to international armed conflict, non-international armed conflict, and liberation movements. However, the provisions of IHL do not apply to internal unrest, terrorism, or acts of internal sabotage within a state.

1. International armed conflict:

This term means: "those contradictory claims between two or more international persons, the resolution of which requires under the rules of international dispute settlement contained in international law." It is defined in traditional terminology as a conflict between more than two states, with each state keen to achieve victory over the other state to dictate its conditions to it for the possibility of achieving peace between them (Jarada, 2019, p. 119).

According to the Four Geneva Conventions, an armed conflict between two or more parties of international law is considered an international conflict. If the conflict arises between more than two states, and the provisions of IHL apply to it, it

is also considered an international conflict, regardless of whether the parties involved recognize its existence. It is important to differentiate between armed conflict, where military force is used against other states, and non-armed conflict, where non-military means like economic pressure are used to achieve goals. The latter may result in greater harm than what is allowed by international law and the protocols attached to parties involved in armed conflicts. Those considered parties to armed conflicts include regular armies, militias, volunteers, residents of autonomous territories who use weapons spontaneously to confront an approaching enemy, and individuals whose loyalty is subordinated to an unrecognized authority. Also included are members of the navigational crews of civilian ships and aircraft belonging to one of the parties involved, and personnel accompanying the army without being part of its formation, such as civilians who are part of the military aircraft team and partisan correspondents (Jarada, 2019, p. 112).

2. Military occupation and liberation movements

Certain legal experts provide a definition for the condition of being occupied during a state of war as: "a stage of the war, immediately following the invasion, in which the warring forces can enter the enemy's territory, and put the territory under their effective control after their advantage is uncontested, the armed conflict stops and calm completely prevails the territories on which the fighting took place."

The definition of occupation was established in the regulation attached to The HCCH of 1907. According to Article (42), a territory is deemed occupied when it falls under the authority of a hostile army, but the occupation does not extend to the areas where this authority is based and can strengthen its influence. The United Nations Charter recognizes the legality of any occupation through the "law of resort to force." When a situation arises that corresponds to the reality of occupation, the law of occupation applies, regardless of whether the occupation is considered legitimate or not. The Security Council's approval of the invasion does not affect the legality or illegality of the occupation. What matters is the actual presence on the ground, regardless of whether the purpose is referred to as "need," "liberation," "management," or "occupation." The crucial point is that the law governing the state of war occupation must apply, particularly IHL.

During military occupations that occur within the context of international conflicts of an armed nature, it is important to note that the Fourth Geneva Convention has established special rules that the occupying power must adhere to within the occupied territories. Additionally, the First Additional Protocol on international armed conflicts specifies that Wars of National Liberation are included in these types of conflicts. There is also a third category of armed conflicts known as mixed conflicts, which involve irregular armed groups from multiple states and take place in regions between more than one state. These conflicts can be driven by armed ideological groups or external countries, as identified by the Special Criminal Tribunal for the former Yugoslavia's classification of conflicts (Jarada & Al-Dirawi, 2010, p. 43).

B. The application of international humanitarian law in a personal capacity

IHL aims to defend a group of vulnerable groups who do not refrain from participating in the conflict or who participated but later became incapacitated, and the groups protected by its international humanitarian law are:

1. Protection of members of armed forces (wounded, sick, drowned)

To safeguard the well-being of individuals who fall under this category of sickness or injury, the 1949 Geneva Conventions and the First and Second Additional Protocols of 1977 serve as essential legal documents. Additionally, these regulations ensure that all combatants prioritize the respect and protection of those who are sick, wounded, or shipwrecked, regardless of their affiliation. Both parties must provide adequate medical care to these individuals, without any discrimination based on their military or civilian status, or their relationship with the opposing side.

2. Protection of prisoners of war

Individuals who are detained due to conflicts are granted special protection under international law, especially during international armed conflicts. However, in non-international armed conflicts, these individuals are subject to Article (3) of the Geneva Conventions of 1949. According to Additional Protocol (II), these individuals should be treated humanely and safeguarded against murder, torture, and cruel or degrading treatment. It is crucial to note that detained individuals, who took

part in the hostilities, are not exempt from criminal prosecution under the law. The third Geneva Convention outlines the rights of this category of people and how the detaining power should treat them (ICRC).

3. Protection of civilians

The impact of wars on civilians is a constant concern, and it is widely accepted that this group should be exempt from the dangers of armed conflict. In the modern era, there is a growing recognition of this fact, as outlined in Article (IV) of the Fourth Geneva Convention of 1949, which defines the individuals protected by the convention as those who, at some point during a conflict or occupation, find themselves under the control of a party to the conflict or the occupying power, and who are not nationals of that party or power. Article (III), which is common to all four Geneva Conventions, further specifies that civilians are individuals who do not engage directly in hostilities. Article (IV) of the Fourth Geneva Convention of 1949 goes on to define civilians as those who are under the authority of a party to the conflict or occupying state, but who are not nationals of that party or state.

The term "civilian population" encompasses all non-military individuals. If there is uncertainty about a person's status as a military or civilian, they must be treated as a civilian. This is outlined in Article (50) of the First Additional Protocol of 1977, which states that civilians cannot be targeted due to the presence of military personnel among them. The protection of civilians is governed by two main principles: first, belligerent forces must focus their attacks on weakening the enemy's war capacity, and second, military or hostile operations cannot be directed at non-participating civilians. The Geneva Conventions apply to civilians in all circumstances. It is an international norm that is binding on all parties, except for cases where civilians use protection to harm the state's security or engage in espionage.

C. Identifying Prisoners of War

Two groups of people fit the description of prisoners of war, namely:

1. According to the HCCH, members of regular forces have the full right to be recognized as fighters, and the status of fighter is granted to residents of unoccupied territory who openly carry weapons and abide by the laws and

customs of war. Additionally, members of militias and volunteer units can be considered fighters if they meet four key criteria: they must have a clear leader, a recognizable symbol, openly carry weapons, and respect the laws and customs of war.

2. Other groups that fall under the category of prisoners of war include civilians who accompany armed forces, such as civilian workers and war correspondents, as long as they have been provided with permits and identity cards by the armed forces. Members of steamship crews, including commanders, navigators, and assistants in the Merchant Navy, as well as navigators in civilian aircraft belonging to one of the parties involved in the conflict, are also considered prisoners of war.

The definition of a prisoner of war was expanded by the (I) Additional Protocol of 1977, compared to the definition in the third Geneva Convention of 1949. According to the first Protocol, all armed forces members under the responsible command are included in the definition of a prisoner of war and benefit from these provisions. This includes guerrilla members who may not have a special uniform and follow entities not recognized by the opposing party. The Protocol also requires all armed forces members to abide by the rules of international humanitarian law, but this is not a condition for granting the legal status of a prisoner of war if they fall into enemy hands. However, members of the armed forces must differentiate themselves from the non-military population, and at least openly carry weapons during the fighting. Failure to comply with this rule may result in consequences and loss of the legal status of a prisoner of war.

The Additional Protocol (I) comprises two crucial articles, namely (43) and (44). These articles are significant as they define the criteria for identifying a fighter and differentiate them from other groups. According to Article (43), any group carrying weapons must meet two conditions: responsible leadership and a commitment to abiding by the laws and customs of war. Additionally, Article (44) mandates that a fighter must visibly display their distinct mark and weapon to be recognized as such.

Furthermore, the United Nations General Assembly and the ICRC made efforts in 1969 to expand the categories of prisoners of war to include members of national liberation movements who may not have met the four fighter conditions. It

is important to note that if there is any uncertainty about a captured person's eligibility for prisoner of war status, they should be treated as a prisoner of war until their classification is verified by a competent military court according to Article (IV) of the third Geneva Convention of 1949.

The status of a war prisoner applies only in the case of an international armed conflict as for noninteractional armed conflicts, The (III) Geneva Conventions of 1949 and Additional Protocol (II) stipulates that persons prohibited of their Individuals deprived of liberty due to conflict must be treated humanely at all times. They are protected in particular from murder, cruel torture, indignity, and persons detained for their Individuals who participate in hostilities are not exempt from criminal prosecution national law for this act.

D. The Difference Between a Prisoner and a Detainee

The difference between a detainee and a prisoner can be illustrated in the following points:

- a. The Fourth Geneva Convention regulates the provisions related to detainees; among the categories of civilians, there is no special convention for civilian detainees, such as war prisoners.
- b. A prisoner of war may not be tried because he participated in the battle, except when he commits criminal crimes. However, the occupying force may try him in case of violation of Public Security. He will be released upon the expiration of his sentence, the disappearance of the reason for his arrest, or the end of the occupation of the occupied territories.
- c. Prisoners of war must be released and returned to their homelands without any delay; as for the detainee, they shall be released as soon as the end of their sentence or the reason for their arrest disappears, or the state of occupation of the occupied territories ends.

E. International Legal Status of The Territories Under the Control of The Palestinian Authority

The Israeli occupation of the OPTs in the West Bank and Gaza Strip began in 1967. Resolution (242) was issued by the Security Council which referred to the

Israeli occupying state's characterization of the Palestinian territories as occupied territories. This characterization was subsequently reflected in all international resolutions issued by the United Nations and its institutions and relevant resolutions issued by various international bodies. Article (II) of The Fourth Geneva Convention safeguards the safety of civilians. This international agreement also declares that the convention applies in the event of a declared war or any other armed conflict that arises between two or more high contracting parties, even if one of them does not acknowledge the state of war.

As per the second article, the convention is applicable to all the OPTs since 1967, which includes Jerusalem, the Gaza Strip, and the West Bank, even in cases where there is no armed resistance. The legal status of the OPTs remains unchanged despite the formation of the Palestinian National Authority, which only acts as a local authority to manage some Palestinian facilities under the occupation, as per the 1993 Oslo agreement between the Palestine Liberation Organization and the occupation government.

This matter does not depart from Article (56) of the Fourth Geneva Convention, which states that " the occupying power is required to make every effort possible, with the help of national and local authorities, to maintain medical facilities, hospitals, public health, and sanitary conditions in the occupied territories. This includes taking important measures to prevent the spread of infectious diseases and epidemics, and allowing all medical service personnel to perform their duties". This text states that the existence of a national, local authority (the Palestinian National Authority) does not mean relieving the occupation of its responsibilities as an occupier, and in no way does it mean that this authority is an independent authority that fully assumes its responsibilities towards the occupied people because this contradicts the reality of the occupation, which imposes itself by the use of force.

As for the legal status of Gaza Strip following the withdrawal of the Israeli army from Palestinian cities and its position on the borders of the Strip, and the imposition of a comprehensive blockade on it by land, sea, and air, it does not deviate from the description we mentioned, which applies to all Palestinian Territories.

F. Legal Adaptation of Female Palestinian Prisoners in Israeli Occupation Prisons

Many reasons constitute an excuse for the occupation in the arrest of Palestinians, and sometimes the arrest is carried out without grounds and charge, and yet the detention continues for years. Therefore, it is impossible to generalize a single reason for arrest to all cases of detention or what the name applies to it according to international humanitarian law and international conventions.

1. The Israeli judicial system applied to female Palestinian prisoners and detainees

Following the Israeli occupation of the remaining Palestinian territory on June 5, 1967, military commander Haim Herzog issued military order number (3), which designates the Military Court as responsible for implementing the Fourth Geneva Convention of August 12, 1949. This convention, which safeguards the rights of civilians during war and occupation, must be adhered to by the Military Court in all judicial proceedings. In the event of any inconsistency between this order and the Convention, the provisions of the Geneva Convention will take precedence.

The military commander of the Gaza Strip and North Sinai region issued the first 1967 military order on October 11, No (107). On the twenty-third day of the month, the West Bank military commander issued the same military order, No (144), which stipulated that "the provisions of the Fourth Geneva Convention do not enjoy superiority and preference over Israeli law and military command instructions, and the reference to the Fourth Geneva Convention by mistake contained in article (35) of military order No. (3)". Since then, the occupying power in control has declined to acknowledge the Geneva Conventions' relevance to the OPT. Since the Kingdom of Jordan and the Arab Republic of Egypt were administering the West Bank and the Gaza Strip, and had no sovereignty over them. The occupying power rejects the treatment of Palestinian combatants under the Third Geneva Convention, considering that the category of prisoners of war is restricted to armed forces personnel and organized resistance members of a party. Therefore, since Palestinian resisters do not fall under any state, they do not qualify as prisoners of war.

At the beginning of the occupation phase in 1967, the occupation authorities announced that they would apply the Geneva Conventions to the Palestinian territories and that their temporary occupation came as a legitimate defense to protect their security. However, that year, they quickly denied those statements and announced that the Geneva Conventions didn't apply to the Palestinian territories. They then began applying the British emergency law of 1945 and issuing military decisions without any controls or international standards.

This argument ignores the provisions of article (IV) of the Additional Protocol (I) to the 1977 Geneva Conventions, which stipulates in paragraph (IV) that the status of prisoners of war extends to apply to "armed conflicts in which peoples struggle against colonial domination, foreign occupation, and racist regimes, In the exercise of the right of peoples to self-determination is a fundamental principle of the United Nations Charter and the Declaration on the principles of international law that govern friendly relations and cooperation among states. under the charter of the United Nations." In an attempt to delegitimize the Palestinian people's struggle for self-determination, the occupying power does not recognize those who participate in acts of resistance against its occupation of the Occupied Palestinian Territory; as freedom fighters, such recognition will legitimize the cause that moves them, The former Special Rapporteur, Mr. John Dugard, also stated in a paper before the United Nations on the legal status of Palestinian prisoners and detainees on April 1 2012 and instead s rights ", the occupying power treats them as prisoners for security reasons and terrorists without rights. After withdrawing from the Gaza Strip on its own, in 2005, the occupying power began classifying some of its detainees as "illegal combatants."

The Israeli judicial system consists of two types of courts, civilian, in which Israeli citizens are tried, and military, in which Palestinian detainees are tried. The Israeli occupation authorities apply to Palestinian detainees and prisoners the provisions of the British emergency law of 1945, in addition to several military orders that they have introduced to serve their occupation policy, in addition to the Tamir law, which allows administrative detention without any charge to the detainee, and finally the "illegal fighter" law, which has been applied to some detainees over the past years, including those who have completed their sentence in Israeli prisons,

without being released under the pretext of being subject to that new law again (Henkerts, 2005, p.34).

Palestinian prisoners under Israeli occupation face harsh living conditions, where they are subjected to the most gruesome forms of torture, isolation, and detention in remote locations that do not meet their requirements. conditions specified in the humanitarian law of the international community, as some have clarified. In the Israeli colonial prisons, there are thousands of Palestinian prisoners, young and old, even children and women, for whom the Israeli prison administration performs various forms of torture (Posmy, 2000).

2. Legal Adaptation of Female Palestinian Prisoners Detainees in The Light of The Rules of International Law

The ICRC believes that it is best for the Palestinians detained and imprisoned in Israeli occupation prisons to consider them detainees and prisoners to whom the Fourth Geneva Convention applies, and the committee is based on its opinion; that the members of the Palestinian resistance who are captured are individuals who do not have the status of a fighter belonging to a regular army, and they do not follow an integrated state, the prisoner of war must belong to one of the parties to the armed conflict, and in the 1967 war, the Palestine Liberation Organization did not participate in it against the Israeli occupation state, but the parties were Egypt and Jordan, but the opinion of the International Committee is taken on several observations, including : traditional concepts of a fighter, as the conditions of the fighter have been relaxed and are no longer limited to the four conditions, and it is noted that the consideration of Palestinian women detained and imprisoned in the occupation prisons as detainees gives legitimacy to the occupation authorities to arrest, investigate and prosecute members of the Palestinian resistance, and this contradicts the right to resistance and self-determination, and this opinion would also keep the status of Palestinian detainees suspended; since their release is linked to the termination of their sentence (Dugard, 2012).

A few prisoners were captured during resistance operations and are subject to the third Geneva Convention on Prisoners of War 1949. Many detainees were arrested based on their belonging to resistance factions but not during resistance operations. These are subject to the Fourth Geneva Convention relative to protecting

civilians during armed conflict or occupation; some were kidnapped, then charged, some were taken hostage, and these are victims of a war crime based on the Rome Statute of the ICC. Some have not been specifically charged, in addition to some detainees held under the name of an illegal fighter. These two categories of detainees are victims of war crimes committed by the Israeli occupation.

Upon examination of the provisions outlined for inmates in Article (IV) of the third Geneva Convention, it is apparent that these conditions do not pertain to Palestinian detainees. As a result, the Fourth Geneva Convention applies to the majority of detainees held in Israeli prisons, rather than the third convention.

Therefore, there is one case that can be said to apply to all Palestinian prisoners and detainees in Israeli prisons, namely, that they are victims of a war crime. This is due to the Israeli occupation authorities' violation of the rules of IHL outlined in the Geneva Conventions. As per Article (8/2) of the Rome Statute, "war crimes" refer to severe breaches of the Geneva Conventions. This includes any act committed against individuals or property protected by the relevant provisions of the Geneva Convention.

G. The Guaranteed Protection by International Humanitarian Law for Female Prisoners and Detainees

After the fighter is captured and falls into captivity, and the occupying power arrests the civilian, she is detained, and her freedom is restricted. IHL has established a set of rights that protect the prisoner and the detainee from the beginning of the arrest to her release. The state obliged the family to deal with them based on it, to protect them against acts of violence, and to ensure them the necessary respect for their persons and honor.

According to international law, the occupying power has to uphold the dignity and honor of detainees and provide appropriate treatment. No action can be taken that infringes upon their rights or dignity. The principle of humane treatment, including both moral and material respect for the arrested person, must be upheld from the moment of capture until their safe return home. This research will explore how IHL protects female prisoners and detainees, examining three key aspects:

1. Protection of female prisoners of war under the Third Geneva Convention

The Third Geneva Convention regulates the treatment of prisoners of war through its (143) Articles, which establish and safeguard their rights. The Convention is divided into two parts. Section (I) outlines the general provisions applicable to war situations covered by the Convention and the categories of individuals falling under the prisoner of war classification. Section (II) enshrines the legal protection of prisoners of war and provides for their rights and guarantees during their detention. In the following sections, the researcher will delve into these key aspects:

a. Protection of female prisoners of war at the beginning of incarceration

Article (12) stipulates that prisoners are directly subject to the captive State and not to the military personnel or units who arrested them. The custodial State must respect their persons morally and physically from arrest until their release and return to their country. Once the prisoner receives arms and surrenders to the enemy, the State shall provide the family with the identity documents of the detainee under article (18), which stipulates that: " that prisoners must always have access to their identity, and the custodial State shall provide them with prisoners who do not hold them." Nor should a prisoner be stripped of his rank, name, nationality, and objects of personal or commemorative value. The captive State shall deport prisoners to camps located far away from the conflict zone as soon as possible to protect them from the threat of military operations and shall take into account the fact that they are humane and are not exposed to danger, as regulated by the provisions of articles (19,20) (Hamdan, 2010).

According to Article 19, prisoners of war must be promptly moved to camps located away from the fighting zone, following the evacuation of their families, to ensure their safety. However, injured prisoners who may be put at risk by such transfers should not be moved unless necessary. The safety of all prisoners of war must be carefully considered during their wait for evacuation from the fighting zone. Article 20 dictates that prisoners must be treated humanely during their evacuation and provided with the same level of care and conditions as those provided by the custodial State during their confinement. This includes access to drinking water, food, clothing, and medical care. (Hamdan, 2000).

b. Protection of female prisoners of war when interrogated

Interrogation means "informing the accused of the charge against him and the grounds for bringing it and hearing his statements within the limits of that charge. Whether it confirms his conviction or leads to his prowess, these grounds shall be drawn from the truth. Some have defined it as the indictment of the accused through his confrontation and have discussed the charge against him by different evidence against him for confirmation or denial. " (Alqadi, 2020, p. 419).

Interrogation in local law is one of the most important preliminary investigation procedures. It aims to ascertain the truth about the accused's charge, links all the facts of the criminal case to achieve the objective, and penalizes the guilty person (Jarada, 2016, p. 131). However, the Israeli occupying forces used it to torture women prisoners and detainees in their prisons.

According to international law, female prisoners are only obligated to provide their full name, military rank, date of birth, and personal identification number when questioned. Failure to comply can result in a loss of benefits afforded to prisoners of their rank or status. The Third Geneva Convention's Article (17) strictly prohibits any form of physical or psychological torture or coercion to extract information from prisoners of war. No threats or insults may be imposed on prisoners who refuse to answer. Additionally, female prisoners must be interrogated in a language they understand, and those who are unable to provide identification due to physical or mental limitations must be referred to the Medical Services Section.

c. Protection of women prisoners of war in captivity

i. Right to humanitarian treatment

According to Article 13, it is imperative to treat prisoners of war with humanity and care under all circumstances. The Convention clearly states that no scientific or medical experiments can be conducted on them, and their lives or health cannot be put in any danger. Additionally, no member of the captivity can be amputated.

The prohibition outlined in Article (11) of Additional Protocol (I) to the Geneva Conventions allows for exceptions in cases of voluntary and unconquerable blood donation for transport or donation of skin tissue for transplantation.

Article (13), measures of vigilance against prisoners and prisoners of war are prohibited since acts of reprisal are prohibited and contrary to IHL established for the rights of prisoners of war and are independent of their State's rights; This is because the purpose of the captivity operation is to prevent the combatant from continuing to fight and not to retaliate against it (Al Mezan Center, 2009, p. 8) and because the captive has not fought against her will and may have another opinion in the war between the two States, but is fighting for the reasons for her commitment as a State citizen. The custodial State must understand this situation (Abdulaziz, 2013, p. 248).

ii. Right to respect for personality and honor

According to Article 14, individuals who have become prisoners should maintain their complete civil capacity before their captivity. The State is responsible for their custody and is not permitted to alter their ability to exercise their rights, as guaranteed by their capacity, whether inside or outside of its borders, unless it is necessary for reasons of security. Female prisoners should be treated with utmost consideration for their gender, and they should be separated from male prisoners. Additionally, their health conditions must be taken into account, with a focus on preserving their dignity.

iii. The right to nutritional care

Article (15) stated, "The detaining state shall provide food, drink and health and medical care to the female prisoners, free of charge and without discrimination. " Also, Article (26) of the Third Geneva Convention stated that "The meals provided to them should be sufficient in quantity and quality. The detaining power shall also observe the diet to which the female prisoners are accustomed, and it shall provide sufficient drinking water. It shall also allow the female prisoners to prepare their food and provide them with appropriate cooking utensils; to prepare the meals they prefer; it shall also prohibit the detaining power from taking any collective punitive measures that affect food".

iv. Right to health and medical care

The custodial State must prioritize the health and hygiene of female prisoners by implementing all necessary measures in their camps to prevent the spread of disease. This is highlighted in Article (29), which outlines the requirement for adequate day and night sanitation facilities that meet permanent hygiene standards

for prisoners of war. Additionally, female prisoners must be provided with separate facilities in any camps containing both male and female prisoners, as emphasized in the preceding article. It is crucial to recognize the unique needs of captive female in these situations.

As per Article 30, it is imperative to provide suitable medical facilities at every prisoner of war treatment camp. Furthermore, the custodial State must present the prisoners to medical authorities, who will then examine them and issue an official certificate stating the nature of their illness or injury. A copy of this certificate should be sent to the central agency for prisoners of war. Additionally, female prisoners are entitled to receive a medical examination every month to ensure their health is being monitored appropriately.

Concerning female prisoners who perform medical functions, article (32) stipulates that "the custodial State may assign them to carry out their medical functions for the benefit of the prisoners of war of the same State."

d. Protection of female prisoners of war at the end of captivity

Since the main objective of the captivity was to weaken the adversary's numerical power, not retaliation, this situation should not last as soon as the war came to fruition. The Third Convention included the topic of the separation of families and indicated the cases that ended as follows:

- i. The State must repatriate prisoners of war with serious illnesses or wounds irrespective of rank and number. Article (110) details the sickness that requires the prisoners' direct repatriation.
- ii. Prisoners may be released in part or in full in exchange for a pledge from them. This procedure shall be taken in cases that may improve the families' health. No prisoner may be compelled to accept his release in return for a promise or undertaking.

Some of the rights guaranteed by the Third Geneva Convention are those outlined in this requirement. Other rights cannot be mentioned. In the researcher's view, prisoners of war should not waive any rights this Convention guarantees. Violating those rights by the custodial State or the prohibition of prisoners of war would result in a flagrant and grave violation.

2. Protection of women detainees under the Fourth Geneva Convention

Existence of The Fourth Geneva Convention of 1949 authorized the arrest of civilians state of military necessity, according to which anyone who wants to harm the occupying Power may be arrested by occupation forces or posing a collective threat to the occupation administration's property detention or house arrest, taking into account the humanitarian aspect ", or the facilities it uses, and in such a case the most extreme measure that the occupying Power can undertake is arrest or house arrest. (Abu Al-Nasr, 2000, p, 226) All civilian detainees in the occupied territories must be treated as prisoners of war. However, the custodial State may detain or transfer some of them to military courts and sentence them, making them detained (Suhail al-Fatlawi & Emad Rabie, 2010, p. 274).

The most important rights of detainees and detainees enshrined in the Fourth Geneva Convention can be summarized as follows:

- a. Article (81) stated that "the occupying Power or any of the parties to the conflict detaining civilians is obliged to provide them free of charge all aspects of health and medical care, under their health needs. The detainee may not be compelled to pay any expenses for such care".
- b. Article (85) states, "Detainees must have health conditions, safety guarantees, and effective protection from the effects and calamities of war. Detainees are prohibited from being present in areas harmful to the detainees' health, such as deserts or extremely cold mountainous areas. Female detainees should have sanitary facilities that conform to sanitary conditions and maintain permanent hygiene. They are provided with all the needs for their personal hygiene, bedding, adequate coverings, and heating".
- c. Article (86) stated that "the custodial State shall provide places of religious observance in places of detention, and provide and facilitate all detainees' access to religious observances."
- d. Articles (89, 90) stated that "the custodial State is obliged to provide food and water in sufficient quantity and quality to all detainees, provide clothing at the time of their arrest, and require that the clothes do not bear degrading marks, be ridiculed or abuse their dignity."
- e. Articles (91, 92) stated that "the occupying Power must provide in each prison an appropriate clinic with competent doctors, and special clinics for

those with infectious or mental illnesses. The detainee should be offered a medical examination at least once a month. In any event, the care provided to the detainees must not be less than that provided to the general population".

- f. Article (97) stated that "the Convention prohibited searches of women except by another woman, out of respect for her privacy."
- g. Article (98) stated that " detainees and female detainees have the right to meet their visitors and relatives at regular intervals. Moreover, in case of urgent situations, female detainees are allowed to visit their families as much as possible."

3. Protection of Female Detainees and Prisoners in Accordance with Other International Conventions

There are a series of other conventions governing the rights of women prisoners and detainees. A series of provisions guaranteeing the rights of women prisoners and detainees are set out in the two Protocols as follows:

- a. Protocol (I) accorded particular importance to women, emphasizing their priority in their cases, prohibiting their death sentences, and urging parties to the conflict to avoid it (Abu Al-Nasr & Saad, 2014, p.505).
- b. Females must be detained in detention separate from men and supervised by females like them.
- c. The female detainee must be informed of the reasons for her detention, released immediately after the end of the conflict or the end of her detention, and no sentence may be handed down against the detainee without a fair trial.
- d. Women involved in hostilities and families are entitled to all fundamental guarantees under articles (4,5,6) of Additional Protocol (II) on protection of victims of Non-International Armed Conflict, affirming the rights enshrined in the (III) and (IV) Geneva Conventions.

Article (IV) of the United Nations Declaration on the Protection of Women and Children in Emergency Situations and Armed Conflicts of 14 December 1974 mandates that States involved in military operations, armed conflicts, or other operations must take all necessary measures to prevent women and children from being subjected to the devastating impacts of war. Additionally, it requires that such states take all necessary steps to ensure that cruel acts, including persecution, torture,

discipline, degrading treatment, and violence, are strictly prohibited. Article (5) further specifies that criminal acts encompass all forms of inhumane treatment of women and children, such as imprisonment, shooting, death, wholesale arrest, collective punishment, destruction of homes, and forced evictions committed by belligerents during military operations or in occupied territories.

In the same context, the SMRs for the Treatment of Prisoners of 13 May 1977 provide guidance for the interpretation and analysis of principles enshrined in other international documents and laws, such as the UDHR and the ICCPR, and apply to all persons arrested, regardless of the reason for their arrest (Zayed, 2010, p. 70).

The Declaration provides a series of guarantees for females in detention, including article (8/b), men and women may not be held in a single detention facility; article (1/23), the need to provide care and treatment to pregnant women before and after childbirth, and the need for childbirth to be out of prison, if circumstances do not permit, should not be mentioned in his birth certificate, and article (23/b), if infants remain with their mothers in prison, a nursery with qualified staff must be provided, where infants are placed during periods during which they are not in the care of their mothers.

IV. BREAKING THE SILENCE: THE VIOLATIONS OF HEALTH CARE RIGHT

Prisoner resistance and solidarity are a central part of the Palestinian liberation movement. The oppressive actions of colonial authorities against women have compelled them to use their bodies as a means of resistance, employing tactics ranging from acts of disobedience to extreme measures such as hunger strikes. Despite being incarcerated in Israeli prisons, Palestinian women remain at the forefront of the resistance movement.

Palestinian female prisoners and detainees, like other Palestinian people, are subjected to ill-treatment and torture during the investigation. Occupation investigators exploit women's gender privacy to pressure and deny them. They are subjected to naked searches to humiliate them, depriving them of their health and personal needs.

A. Physical Violations of Health Care Right

The Israeli occupying Power exercises many physical violations against female prisoners and detainees, which consist of inhumane practices that affect their bodies their safety, and harm them. The researcher will describe the most significant physical violations against Palestinian female detainees in this request:

1. Torture

The definition of torture is laid out in the first article of the Convention against Torture. It involves the intentional infliction of severe physical or mental pain or suffering on a person, either to obtain information from them or a third party, or to punish them for an act committed or suspected of being committed. The 1975 Tokyo Declaration defines torture as intentional, systematic, or cruel punishment that causes physical or psychological pain, or any other type of cruel action, carried out by one or more individuals acting alone or under orders from an authority, to compel

another person to disclose information, confess, or do anything else (Ghneim, 2018, p. 84).

The laws of International Human Rights and International Humanitarian Law (IHL) unequivocally forbid any kind of torture, including that inflicted upon female prisoners. The Convention against Torture's Article 2 criminalizes and strictly prohibits all forms of torture without exception. The Third Geneva Convention outlaws physical or psychological torture or coercion used to extract information from prisoners of war, while the Fourth Geneva Convention prohibits any form of physical or psychological coercion used against protected individuals to extract information. As per the International Criminal Court's Statute, Articles (2 ,8) categorize torture or inhumane treatment as a war crime, and Article (17) deems the extensive or methodical use of torture as a crime against humanity.

Torture, under the Rome Charter, is a crime against humanity, not conditioned upon by individuals functioning in their official capacity, as required by the Convention against Torture, and does not require certain ends such as gathering information and torture under the Rome Charter is a war crime (Jarada, 2019, p. 276).

The Israeli security services use many systematic means to torture women prisoners (Abidin, 2010, p. 21). Palestinian women detainees inside the investigation rooms, played by the Israeli General Security Service (Shabak) The most prominent role in systematic torture of women prisoners and detainees by professional investigators in the means and categories of torture and noting that Israel systematically and systematically practices torture against women prisoners and detainees, The Israeli Government, the Israeli Legal Counsel, and the Israeli Supreme Court, which made it possible for investigators to use violent and internationally prohibited means during the prisoners' interrogation, citing the security threat to Israel. Despite the occupying Power's ratification of the Convention against Torture, the practice reflects a different reality: the Israeli occupation authorities have used torture as a quasi-ordinary means of extracting confessions based on the 1999 decision of the Supreme Court of Occupation.

The Israeli occupation authorities' forms of torture against Palestinian women detainees are varied, including the means of torture against them: severe beatings

without regard for gender and their special needs, punching and slapping on the face and sensitive places using hand, stick or weapon, as well as ghost for long hours; By placing a stink-smelling bag on the captive's head for long hours, her face is fully covered, her hands are handcuffed back, she is left standing or bent for long, they are prevented from sleeping, and they are prevented from eating and drinking during the investigation; In order to weaken them and obtain confessions from them, they are tortured by electrocution, and electricity is placed on genital and sensitive places such as the nipple and the lower ear (Addamer, 2018, p. 14) And the detainees also use to force the captive to sleep on the ground, tie her feet together with a heavy rope, then lift her to the wall, and long stay the case with the pouring of ice water and beating her, and cold water is used winter and hot summer, with the aim of harming the captive (Sinwar, 2014, p. 14).

Palestinian female detainees were severely beaten, by investigators and female soldiers, by beatings with sticks, hands, and iron rods, leaving serious traces of the captives' bodies and serious distortions (Sinwar, 2014, p. 16).

2. Medical Negligent

The right to health care and adequate treatment of women prisoners and detainees in Israeli occupation prisons are the most basic rights guaranteed to them by international law, and the conditions of sick prisoners and prisoners in occupation prisons find many violations and violations of their right to medical care and adequate treatment by the Prison Service. Prisoners and female prisoners in Israeli occupation prisons experience challenging living conditions; due to deliberate medical negligence by the occupying Power; The majority have problems with their health conditions; resulting from poor detention conditions in Israeli prisons, approximately 38% of Palestinian female prisoners suffer from treatable disorders that go untreated. (Hemaya Center, 2016, p. 2).

International conventions guaranteed full health care for women prisoners in occupation prisons. Article (24) of SMRs (Mandela Rules) stipulated that "the state was responsible for providing free health care to prisoners. They should receive the same level of health care available in society. They should have the right to access the essential health services gratis of charge, without prejudice based on their legal status".

According to Article 76 of the Fourth Geneva Convention, prisoners and detainees must receive a diet and healthcare that promotes their well-being and matches that of the prisons in the occupied country. Additionally, they must be provided with appropriate medical attention based on their health status. Furthermore, relief packages should be given to them monthly. Article 85 of the Convention highlights the importance of the custodial state taking all necessary steps to safeguard individuals. This includes ensuring that they are placed in secure premises that meet health and safety standards from the beginning of their detention.

The Fourth Geneva Convention stipulates that "every prisoner must have an appropriate clinic health care, supervised by a qualified physician, and that serious illness cases be transformed into a hospital with at least the care provided to the general population" article (91). "Female prisoners and detainees have the right to perform medical examinations permanently, at least once a month, radiation screening is performed at least once a year " article (92). The Third Geneva Convention also prohibits preventing prisoners from presenting themselves to doctors and obtaining a medical report showing the nature of illnesses and injuries and the time and type of treatment, preferably.

Prisoners shall be treated by doctors of their nationality or by the prisoners' State of origin. After reviewing the legal provisions guaranteeing detainees' right to health care, the researcher considers that the health conditions of prisoners and female prisoners in Israeli occupation prisons do not reflect the slightest respect by the Israeli Prison Service for human rights and do not reflect the slightest commitment to IHL; It constitutes a flagrant violation of its provisions' assertions that adequate conditions of detention and adequate health care must be provided. Where dozens of Palestinian prisoners and detainees are inside the occupation prisons, doctors are unanimous in the seriousness of their health conditions and the need for urgent surgeries. However, the prison administration refuses to transfer them to hospitals and continues to treat them with the medicines of Acamol pill, which the Israeli prisoner passes for each medicine (Hemaya Center, 2016, p. 2).

The images of the health violations and medical neglect suffered by women detainees in Israeli occupation prisons are as follows:

- a. Repeated health neglect and procrastination in providing treatment and refraining from performing surgical procedures on sick women detainees, except after the patient's colleagues have carried out protest methods to meet their demands.
- b. Not providing appropriate treatment to pathogenic cysts according to the nature of their illness; The doctor in Israeli prisons is the world's only doctor to treat all diseases with an Acamol pill or a glass of water.
- c. There are no specialist doctors inside the prison, such as ophthalmologists, nose, ear, and throat. Furthermore, the lack of doctors on duty at night to treat emergencies.
- d. Failure to provide healthy diets suitable for female prisoner patients with chronic diseases, consistent with chronic diseases they suffer from, such as diabetes, pressure, heart, kidney, etc.
- e. Transporting female prisoners to hospitals with hands and legs in cargo cars, it is ventilated instead of being transported in equipped and comfortable ambulances.
- f. Sick female prisoners suffer from poor conditions in detention: lack of ventilation, extreme humidity, and massive overcrowding, In addition to the severe shortage of general cleaning materials and insecticides.
- g. The Secretary-General ' The lack of medical and health supplies for the Ramla prison hospital, where sick female prisoners are transferred; It is not different from imprisonment in procedures and cruel treatment of sick prisoners.
- h. Captive women suffer from the absence of a specialist or gynecologist; There was only a GP, especially since women were detained while pregnant, and there was a need for health follow-up, especially during pregnancy and at birth. Compel pregnant women to give birth, in handcuffed, without care that they suffer from labor and childbirth pain.

3. Poor living conditions

Female Palestinian female detainees and prisoners live in Israeli occupation prisons in deplorable conditions; Because of the lack of adequate human conditions, they are detained during the period of investigation in narrow cells with no minimum

public health and are exposed to many behaviors that are desperate for their human dignity. Captive women suffer from poor eating and drinking due to the daily frequency of meals provided to them and their loss of the calories required for the body. The Prison Service does not provide care or attention to sick and pregnant women. Women prisoners also suffer from a lack of healthy drinking water, forcing them to buy sanitary water from the canteen, which is expensive. Women prisoners also suffer from poor shelter and bedding in Israeli prisons, as the room space in the Hasharon "women's" prison is inadequate for women; Some rooms have eight captives, and these rooms suffer from poor lighting and ventilation because the only window of the room is closed with a iron piece on the outside, which prevents the sun from entering the room.

B. Psychological Violations of Health Care Right

1. Isolation

The Israeli Prison Service exercises the policy of isolating Palestinian women prisoners and detainees in cells lacking all human resources as a punitive measure against them. According to military orders, the penalty of isolation may not exceed 14 days continuously so that the detainee isolates alone in a cell, denies access to the outside world, and receives family visits.

The isolation of women prisoners is a violation of international law, in particular articles (82-98) of the Third Geneva Convention and articles (117-126) of the Fourth Geneva Convention of 1949. The practice of psychological torture is prohibited under Article (1) of the 1984 Convention against Torture. However, the Israeli occupying force is the only State in the world to exercise isolation by a law legalizing its violations; The fact that Israeli Prison Service Act of 1971 provides for the release of prisoners on security grounds, which was amended in 2006; The standards of detention of detainees have expanded in isolation, and the powers of authorized prisoners are expanded, including the Supreme Court of Justice, which relies on so-called "secret reports" from the Israeli Intelligence Service (Commission of Prisoners' and Ex-Prisoners Affairs, 2020).

Isolation results in much negative damage to captives, leading to depression; the fear and many psychological problems caused by isolation do not go away with

the family coming out of isolation. Moreover, it could accompany her upon her return to collective imprisonment or even her return to normal life after her release; Isolation also has physical effects on prisoners, with isolated prisoners experiencing phenomena in the digestive system, blood vessels, and the heart. In sexual organs and urinary organs, as a result of shaking, dismay from head pain, nightmares, and fatigue, isolation also causes heart rhythm disorder, excess sweating, and shortness of breath (Addameer, 2022).

2. Threat and ridicule

Israeli investigators of Palestinian women prisoners and detainees exercise a threatening method by threatening to bring the woman's father, brother, or mother to see her naked or having immoral relationships, and may threaten to bring her in to pressure her to confess; For fear of her and the honor of the family, the investigators practice a dirty method of threatening Palestinian female prisoners and detainees, threatening to rape and indecent assault, as a way of pressuring her psyche, forcing her to confess. To intimidate her, forcing her to confess, threatening her to remain in prison for her lifetime, leaving her to go into solitary confinement without being seen, and being threatened with severe beatings, exposure to electricity, as well as being terrorized by, placing her in a horrible cell, and placing insects on her (Sinwar, 2014, p. 10).

3. Expletive

Investigators and female soldiers use obscene words during the investigation of women prisoners of war that affect honor and morality; In the light of the girl's religious and cultural background, investigators have learned of the effectiveness of this, and it has become a tactic with all women prisoners, and at all stages.

4. Threat to prevent treatment

Investigators were resorting to threatening the sick captive to prevent treatment if she did not confess, including what they did with Nima al-Hilu, whom investigators threatened to let her bleed to death, that she would not receive the necessary treatment, and that she would not get any more blood units if she did not admit everything.

5. Denial of visits and correspondence

Palestinian female prisoners in occupation prisons are denied the liberty to remain in contact with their families through regular family visits in prisons. The Prison Service cancels family visits or arbitrarily limits their duration. It also denies family visits to many Palestinian women, contrary to the occupying Power's responsibilities and duties under international law. The International Code of Law guarantees women prisoners the right to visit their relatives and children continuously. Rule (37) of the SMRs, prisoners are entitled to communicate with their families and repentant individuals at regular intervals, under necessary supervision, through correspondence and visits. The Third Geneva Convention of 1949, in Articles (71,72), recognizes the prisoner's right to communicate with family members, and receive foreign packages, and confirms Article (116) of the Fourth Geneva Convention of 1949, which guarantees the detainee's right to receive visitors, especially family members, at regular intervals. Additionally, Articles (107,108) of the same Convention ensure that the detainee can send two letters and at least four cards per month, as well as receive packages individually or collectively.

The families suffer greatly if they wish to visit their daughters in Israeli prisons. The fact that Israeli occupation detains Palestinian female prisoners from OPT, in prisons outside the occupied territories of 1967, in clear contravention of the requirements of the Fourth Geneva Convention of 1949 article (76); The captives are obliged to submit a permit and to take permission from the Israeli authorities so that they can visit their daughters, and the Israeli authorities often refuse to grant it, on security grounds; This prevents them from visiting, and if they are allowed to visit, the Prison Service sets many conditions for prisoners and their relatives, allowing visits to relatives of the first class only, preventing family members aged 16 to 35 from visiting permanently, and communicating between the prisoner and his family during the visit by telephone from behind a glass barrier. No communication is permitted at all (Addamer, 2014, p. 1). The occupation authorities use this method to punish women prisoners, manipulate their feelings, and influence their morale to break their resilience, with studies confirming that family visits are prohibited. For women prisoners, it affects their mental and physical health, often leading to anxiety and depression (Ghoneim, 2018, p. 86).

C. Legal Responsibility of the Occupying Power against Palestinian Women Prisoners

The 1907 HCCH of Land Warfare defines international responsibility through Article (III), which stipulates that a belligerent party in breach of the Convention shall be obliged to compensate, if any, and shall be held accountable for the actions carried out by its military personnel. The Rome Statute defines it as "criminal responsibility, individual responsibility, which cannot encroach upon a person or his property." According to the Rome Statute, international responsibility results in the retribution of individuals for international crimes specified in the Charter. The Third Conference of the Commission on the Legalization of International Law in The Hague, 1930, defined it in article (3/23) as: "Every State as an international person is obliged to fulfill its international legal obligations and includes its obligation to provide compensation. For damages and losses resulting from a breach of general or special international law." With this, the researcher can answer the following question " What legal responsibility does the Israeli occupying power have for violating Palestinian female prisoners? And what are the legal mechanisms for protecting women prisoners inside the occupation prisons, and what are the lawful means for pursuing the Israeli occupation for violating the rights of Palestinian women prisoners? ".

1. Civil liability

It is agreed in international law that if a subject of international law acted unlawfully or refrained from making an obligation and caused harm to another of international law, The offending person shall be liable for compensation for damages suffered by him or his nationals, (Medon & Hassani, 2013). This obligation of compensation is the legal effect of international law on violation of international obligation (Amer, 2007).

Compensation takes various forms, aimed at the same objective, namely reparation for damage caused, either to restore the situation before the damage occurred or to compensate financially, as follows:

Compensation in kind (reinstatement), is the original rule of reparation and is one of the best means. It means restoring things to what they were before the injurious act that gave rise to international responsibility (Kalel, 2017). Therefore,

the Israeli occupying Power is responsible for releasing all Palestinian prisoners and detainees.

Financial compensation, restitution in kind may not be sufficient to repair the damage. Material compensation may also be granted, as restoration would not be sufficient because of damage that is difficult to determine material or moral during the period during which the wrongful act continued, and to say otherwise undermines the effectiveness of international law (Human Beings, 1994). The State's obligation to pay a sum of money as compensation when it cannot restore the situation or where there is insufficient damage to repair means compensation in kind so that the financial compensation becomes complementary and is equivalent to the value that the reinstatement cannot perform. (Amer, 2007)

The researcher concludes that the occupying Power bears civil responsibility for acts of detention of Palestinian prisoners and detainees on the basis of IHL, which obliges the occupying Power to cease immediately its unlawful acts to restore the situation by releasing all prisoners and detainees and to pay financial compensation to those affected by the unlawful detention.

2. International criminal responsibility

Apart from the civil responsibility imposed on a state for its illegal actions that result in harm to other entities in the international community, this act also involves criminal accountability, legal action, and penalization of the offender and those who aided in committing the offense.

International criminal responsibility is contingent on the establishment of international crime and its constituent elements. This implies that the perpetrator is obligated to bear the legal consequences of the wrongful act. International criminal responsibility is closely linked to the obligations imposed on individuals under international law, namely the effect of a breach of international obligations by a subject of international law (Msaadi, 2002). It is important to note that international crimes are committed by natural persons or groups of persons acting on behalf of a state. Thus, the act attributable to the state is the criminal responsibility of the natural person representing the state (Al-Shazali, 2002). As individuals are now responsible for the international crimes they commit as violators of international law (Abu Alufa, 2011). However, only natural persons who have attained the age of 18 at the time of

the commission of the crime are liable to international criminal justice, as stipulated by Articles (1, 25, and 27) of the 1998 Rome Statute.

The systematic policy of successive Israeli Governments to deprive Palestinian prisoners and detainees of their freedom constitutes a crime against humanity and a war crime. Those responsible for planning, ordering, and carrying out this crime in the occupied Palestinian territory hold international criminal responsibility. This is supported by Article (146) of the Fourth Geneva Convention, Article (88) of Additional Protocol (I) of 1977, and Article (3/25) of the Rome Statute of 1998.

Thus, the Palestinian side has the right, founded by the rules and provisions of international law, IHL, and ICL, to initiate criminal proceedings against all Israelis who have ordered, planned, or contributed to the crime of depriving Palestinian prisoners and detainees of their liberty, whether military, political or politicians and this right applies to all persons present: army and police personnel. On the commission of the crime of privation liberty, it should be noted that the crime of privation liberty is a continuing crime, not to mention a general international crime that is not subject to a statute of limitations, which means that criminal proceedings against the leaders and soldiers of the occupying Power have existed since the beginning of the deprivation of liberty.

D. The role of international courts in prosecuting the occupying Power and its criminals for crimes committed Against prisoners and detainees

On the basis of the responsibility of the occupying Power and its criminals, international judicial mechanisms for prosecution and prosecution, namely the ICJ and the ICC, can be identified.

1. International Court of Justice

The ICJ is regarded as the primary organ for resolving legal disputes between states within the United Nations. The ICJ exercises its jurisdiction by either examining proceedings or providing an opinion on legal matters submitted to it under certain conditions. (Dqak, 1987).

The Court was The ICJ was created under the Charter of the United Nations with the purpose of settling international disputes through peaceful means and under the principles of justice and international law, to prevent breaches of peace (Abdelsalam, 1990). The ICJ replaced the Permanent ICJ in 1946, which was established in 1920 under the auspices of the League of Nations.

The Court has the bilateral role of resolving legal disputes submitted to it by States under international law - a judicial role. Moreover, advisory opinions on legal issues are referred to it by authorized organs and specialized agencies of the United Nations to play an advisory role (Abdussalam, 1990).

The Court can only hear a case if the States concerned (the parties to the quarrel) have somehow agreed to be parties to the proceedings before the Court (the principle of the parties' consent). This is a fundamental principle governing international disputes, as sovereign States are free to choose ways of resolving their disputes (Article 2/36) of the Statute of the ICJ. Israel refuses to agree to the referral of the prisoners' and detainees' cases to the ICJ.

On the other hand, the advisory opinions of the ICJ contribute to the development of international law, considering their views as the best formulation of the content of international law to be considered in practice by international organizations and States (2003, Chetail).

The mistreatment of Palestinian female prisoners and detainees in occupation prisons, coupled with the blatant disregard for international law, represents a grave violation of humanity, justice, and morality. It is not simply a matter between Palestine and the occupying power, but rather a global issue that threatens international peace and security.

It follows that the researcher considers that the ICJ should be called upon to seek its advisory statement on the legality of prisoners' and detainees' detention and its wreck on the human rights system. Advisory opinions are judicial because they disclose the opinion of the law regarding a particular dispute or conflicting views and that the dispute is resolved or weighted between views. In other words, they explore complex issues and indicate the law's opinion thereon; in preparation for its resolution.

2. International Criminal Court

The ICC (ICC) is a well-established and structured organization with global jurisdiction. It has the authority to investigate and prosecute the most severe international crimes that pose a threat to global peace and security, regardless of where they occur. Additionally, the ICC recognizes all individuals as potential victims of these crimes, as highlighted in the first preambular paragraph of the 1998 Rome Statute.

The Court is only authorized to handle cases that fall under its jurisdiction rationed temporis, which are limited to crimes that occurred after the Rome Statute went into effect on July 1, 2002. It's important to note that this court does not replace the national judiciary for prosecuting offenders under its statute, but rather complements their jurisdiction. The Court's authority is only invoked if the national judiciary is unwilling or unable to perform its duties, and it's up to the Court's Prosecutor to prove this inability or unwillingness. This must be considered by the admissibility requirements outlined in Article (1/17) of the Statute.

It should be noted that the jurisdiction of the ICC begins after the initiation of criminal proceedings in the ways specified in the court's system so that it can extend its jurisdiction over the alleged offense (Al-Masadi, 2002). Under the Statute of the ICC, international criminal proceedings before the court are initiated by reference by a State party to the Court's Statute, referral by the Security Council, or initiation by the Prosecutor on its initiative (article 13 of the 1998 Rome Statute).

The State of Palestine has been a member of the Rome Statute since April 1, 2015. This allows it to commence international criminal proceedings against the original and dependent Israeli criminals accountable for war crimes and crimes against Palestinian prisoners and detainees, thereby ending and redressing the occupying Power's flagrant violations of the rights of prisoners and detainees under Article (11) of the Rome Statute of 1998.

VI. RESEARCH METHODOLOGY

A. Over View

This chapter aims to clarify the methodology used to study "Palestinian Females Behind Bars: The Violation of Health Care " in order to learn about the methodology and method on which research was based in reaching its results and discuss the methodology for all steps of data collection and handling, In addition to introducing research entries and ways of accessing them in order to serve this research and describe the procedures followed by the researcher in determining the study sample s study tool, namely interviews, as well as clarification of the type of interviews and how they were prepared and used for research.

B. Research Design

This study aimed to identify the health violations suffered by Palestinian women prisoners. To achieve the study's objective, interviewing questions were built, and after the interview process, they were discharged, classified, and analyzed.

Given the nature and sensitivity of the study problem, the qualitative curriculum has been used since it serves the study, and the study of women's issues can be deepened, extending to a deeper and broader analysis of its content and analyzing the Association for Health Violations at the primary level in terms of IHL, human rights, and international conventions,

A qualitative approach is also a key tool for studying violations through its focus on captive experiences and in the broader context, and the analysis material added by the research from words, images, and behaviors in the context of experience and expertise is key to analysis, not reliance on statistical data. (Soliman, 2009) The in-depth interview was used as a tool for collecting data, and after preparing interview questions and interviewing women, the results were extracted, analyzed, and discussed, working to link them to theoretical literature and comparing them with previous studies, and suggesting appropriate recommendations.

C. The Study Participants

The study targets Palestinian female prisoners in Palestinian society. According to the Prisoners Affairs Authority, there were (32) female prisoners in Israil colonial prisons. The technique of snowball was used to reach women prisoners after meeting them, through which they were able to conduct (15) interviews.

As for the characteristics of the research, the demographic data through which the study sample of (15) Palestinian prisoners is identified provide preliminary data for the analysis of interviews. In our current study, the demographic data consisted of age, scientific qualification, and place of residence, as follows:

1. At the time of arrest, women's captivity ranges in age from 17 years to over.
2. Marital status: the sample consists of female captives (10) married women and (5) single women
3. Residence: 51% of female prisoners live in a city, 28.3% live in an asylum camp and 20.7% live in a village.
4. Degree: 5 researchers hold a bachelor's degree, two master's degrees, and the others have not completed their university education.

D. Data Collection Instruments

Given the sensitivity of the topic and the depth of the issue of Palestinian women prisoners, and having read past studies and theoretical literature on the topic of the study, The researcher has adopted in-depth interviews as a research study tool, collecting and analyzing data on the subject of the study and reaching credible results that we can disseminate. The analysis included the work of approaches and comparisons between the discussions to arrive at issues with convergence and agreement in the directions, issues, and indicators that were the area of difference in the widow's breadwinner's perspective, depending on her circumstances.

Interview questions included three main axes, each of which had several sections, to reach the desired results of this study, after which they were presented to the study supervisor until the final form of the questions was adopted after arbitration.

The interviews and their methods vary, using the in-depth interview to obtain detailed answers to research questions. The most appropriate method was interviewing female captives to allow them more freedom. Moreover, it gives them the confidence to express their views in full privacy, clarify the objective of the interview, and emphasize the confidentiality of information for scientific purposes. The interviews were the most four hours and the least two and a half hours. Between March and June 2023, the nature of the questions was open-ended and interspersed with closed questions, and the researcher posed face-to-face questions in an open dialogue manner. The researcher accessed (15) captives, whether by personal interview or telephone.

E. Data Collection Procedures

The study was conducted in accordance with the following steps:

1. Preparation of the study tool in its final (corresponding).
2. Interviews were conducted on the study sample of female prisoners of the breadwinner in Palestinian society.
3. Interviews were conducted on the study sample of female prisoners; the researcher made the observations. The participants were required not to be named in the research, and fictitious names were given for the purpose of the study.
4. Interviews were systematically unloaded and arranged through tables, compilation and coding of data, tailored to research questions.
5. Results have been extracted, analyzed and discussed, work to link them to theoretical literature and compare them with previous studies, and propose appropriate recommendations.

V. FINDINGS AND DISCUSSION

A. Over View

This chapter of the research aims to answer the basic question of the study, which lies in the health violations resulting from the experience of Palestinian women prisoners of detention in Israeli occupation prisons. Here, I would like to mention an important point: at the request of the female prisoners interviewed not to be named, and to use pseudonyms for all discussions to guarantee the rights of the female captives and moral restriction in the conditions of the interviews, to answer the main question of the study which is:

What are the Israeli colonial prison violations of health care right given to Palestinian female prisoners under international humanitarian law?

B. Failure to provide appropriate treatment

When female prisoners require medical attention, they typically seek out the nurse practitioner at the prison clinic. It's worth noting that the practitioner is usually a man, and he visits the sections to identify female-specific issues. After being examined by a nurse, prisoners may initiate the registration process with the clinic and request to see a doctor. However, doctors are not obligated to accept applications automatically and will base their decision on the nurse's report. Unfortunately, data gathered from previous female inmates suggests that there is a significant lack of information regarding medical healthcare rights for incarcerated women. This may be due to a breakdown in communication between prison staff and female inmates or a lack of proper medical attention. When asked if a 24/7 clinic was available, only seven out of the current female detainees at Damon or Hasharon answered in the affirmative. Other responses included that the clinic's operations were "dependent on the doctor's mood," "the doctor only works one day a week while the nurse is always present," or "the doctor leaves at 4 p.m. and only provides painkillers, not actual treatment."

Female prisoners have expressed their concern regarding the unavailability of a substitute doctor in instances when their primary physician goes abroad for a three-week vacation or during Jewish holidays. The lack of proper medical attention has led to delays in treatment, indicating possible medical negligence. The prisoners also reported that they are only given painkillers and that follow-up care is inadequate.

In the context of this, the captive has reported that H. A., then 30 years old, was detained on May 25, 2013, and served a sentence of three years and five months in the Hasharon prison. In January 2014, a prisoner experienced severe upper abdominal pain and sought medical attention. Despite repeated visits to the clinic, the pain persisted and was accompanied by back and side pain, as well as nausea attacks lasting for several hours at a time. It wasn't until March of that year that the patient was finally referred to Meir Hospital, where scans revealed gallstones requiring surgery. During her hospital stay, the patient was under constant monitoring and restraints. Unfortunately, the department director refused to perform the surgery on a prisoner. As a result, H. was sent back to prison and treated with pain relievers for the remainder of her sentence. The administration failed to schedule a second examination at another hospital to attempt the surgery. The patient continued to experience gallbladder attacks and excruciating pain until she was ultimately operated on at Qalqilya Hospital after her release in October 2014.

C. Primary health care: need for a gender-sensitive approach

After conducting interviews for the project, it was discovered that while no life-threatening health concerns were reported, a majority of female prisoners experience poor physical and mental well-being. These health issues range from gynecological problems, joint and bone pains, stomach irritations, digestive system problems, dental needs, mental and psychological problems, skin diseases, anemia, vitamin deficiency, asthma, allergies, and more. Many of the women attribute their medical conditions to their time spent in prison and detention conditions. For instance, a 25-year-old woman prisoner detained at Hasharon claimed that her dermatological problems were due to "the insufficiency of natural sunlight in prison and the presence of moisture." Another female prisoner, aged 23 and detained at Damon, who suffers from stomach pains, attributed her illness to "poor and

unhealthy nutrition." Additionally, some women pointed to medical neglect as the reason for their sickness. These women require proper medical attention and care.

For example, a 24-year-old prisoner has been complaining of severe pain in her front teeth, which she believes is causing gum disease. According to her testimony, she has been in need of treatment for the past four years but has not received it. She was sentenced to seven and a half years in prison. Another woman complaining of uterine bleeding claims that she was being treated before to her detention, but that her therapy was halted while she was in prison. Her doctor had prescribed surgery for her, but it never happened. Another four interviewees confirmed that their medical condition deteriorated as a result of the mistreatment they endured while being interrogated. One woman who claimed to have asthma and disc pain stated that her health problems began when she was a child.

D. Lack of specialized health care

According to the Addameer handbook (2008) on women and imprisonment, it is recommended to arrange regular visits from civil healthcare professionals, particularly specialists in women's healthcare who can provide ongoing consultation. Unfortunately, Palestinian female prisoners report that such services are not available to them. During interviews, many prisoners expressed the need for specialists as they felt that the healthcare provided by the prison doctor was inadequate. Additionally, both Hasharon and Damon prisons do not provide consultations with specialized doctors unless the prisoner requires immediate treatment and is transferred to the hospital. Based on the interviews and questionnaires, it appears that there is a lack of preventive healthcare for women in prisons.

Between November 2007 and October 2008, female Palestinian prisoners required access to specialist consultations or visits arranged by the prison administration at their request. However, the prison administration neglected its responsibility to provide such services to "security prisoners". To address this issue, the project facilitated and covered the expenses of two visits to a dentist, one orthopedic surgeon, two mental health care specialists, and three gynecologists.

E. Mental health care

According to the 1998 WHO Consensus Statement on Mental Health Promotion in Prisons, positive mental health is just as crucial as the absence of mental illness, as it directly impacts an individual's overall well-being. The statement emphasizes the significance of providing prisoners with opportunities for personal growth and development while ensuring their safety and the safety of others. Although it may seem challenging to foster positive mental health within the prison environment, it is essential to help prisoners explore their potential and avoid causing harm to themselves or others.

To promote a sense of safety and encourage introspection into their past actions, prisoners require access to therapeutic resources and counseling services. This is particularly important for female inmates, who may experience heightened feelings of depression or anxiety due to separation from their children and prolonged isolation. Moreover, prison staff needs to be mindful of the unique mental health needs of female inmates, particularly during menopause-related distress.

According to a 2008 study by Physicians for Human Rights, Israel and Addameer, mental health services in Israeli prisons are limited to medication and do not include supportive therapy sessions. This is true for all prisoners, including common law and security, but is especially problematic for Palestinian prisoners due to the language barrier. Most prison physicians do not speak Arabic and are not familiar with Palestinian culture and social practices, which are crucial for effective psychiatric or psychological treatment. Even psychiatrists are forced to use translators to communicate with patients, which only exacerbates existing mistrust. Additionally, Palestinian prisoners are not eligible for social worker services, which provide valuable support for criminal prisoners, unlike Israeli prisoners.

A significant number of female Palestinian prisoners have been subjected to violence and trauma due to the oppressive actions of the Israeli occupation before their arrest. During the study, ten women who had been incarcerated had to endure the loss of a close relative, spouse, fiancé, or brother as a direct consequence of the activities of the Israeli Occupying Forces in the Territories. Additionally, more than 20% of the female prisoners had at least one relative detained in prison. The

psychological impact of these traumatic events is likely to be severe and may further exacerbate in the prison environment if adequate mental health care is not provided.

F. Transfers to hospital for medical treatment

During their imprisonment, most women who needed hospitalization were referred to Meir Hospital in Kfar Saba. The experience was described by all as extremely exhausting, humiliating, and difficult. A woman with myopia whose eyesight was rapidly deteriorating waited over a month and a half to be seen by an ophthalmologist at the Meir hospital. To avoid such "inhumanity," H. would rather not receive medical treatment than be subjected to such treatment. On 15 September 2008, before leaving prison for the hospital, she underwent a strip search and was handcuffed and shackled, as well as a chain linking her hands and legs. To get into the hospital vehicle, she had to ask guards for assistance. Upon getting out of the vehicle, she fell on the ground without the eight guards helping her for a few minutes once she was in prison. H. lay on the ground humiliated and in pain until a female guard decided to assist her. "I felt a kind of humiliation that no words can describe," she added.

G. Unsafe and unhealthy environment

As previously noted, an individual's mental well-being is intrinsically linked to their sense of security while incarcerated. While the relationship between medical professionals such as nurses and doctors may be built on mutual respect, the treatment of women by prison staff is often the opposite. Palestinian female prisoners frequently report feeling unsafe in Israeli jails as they are frequently subjected to various forms of individual and collective punishment.

Palestinian female prisoners face additional challenges to their security, including a lack of control over their food. In many cases, meals are prepared by male Israeli criminal prisoners, as is the case in Hasharon prison. Former prisoners have reported extreme anxiety over the safety and cleanliness of their food, with incidents of cockroaches found in cooking pots. These incidents highlight poor hygiene standards in the kitchen and add to the stress experienced by women already facing discrimination as "terrorists" and "security prisoners" by Israeli authorities.

Additionally, reports of discrimination and bullying by medical staff in Israeli hospitals following their transfer have been documented.

According to the World Medical Association Declaration on the Patient's Rights (1981), medical staff have a primary obligation and loyalty to their patients. As stated in the declaration, every patient is entitled to appropriate medical care without discrimination and has the right to confidentiality and dignity. Therefore, in medical care and teaching, the patient's dignity, privacy, culture, and values should always be respected. However, female prisoners who were interviewed recall being treated as prisoners rather than patients upon arrival at the hospital. Physicians and nurses would frequently interrogate them about their legal cases while making constant ironic and offensive remarks. The same treatment would apply to female prisoners visiting child-care clinics with their children. Women are more susceptible to being mentally affected by such treatment than men, and as such, prison authorities must make every effort to protect their rights and dignity.

VII. CONCLUSION AND RECOMMENDATIONS

This study has provided a throughgoing analysis of the international treaties and conventions that provide special protection for female prisoners and detainees by stipulating a set of rights for them. The State obliges the colonial prison to provide for them. However, the Israeli occupying forces committed numerous violations against the rights of female prisoners and detainees in their prisons, in clear and grave violation of all international instruments, particularly the four Geneva Conventions of 1949. Israel's violations of Palestinian female detainees and prisoners' health varied from the beginning to the end of families, and the occupying authorities were reluctant to introduce new criminal methods against them, which represented international crimes for which the occupying authorities were fully responsible. These Palestinian female's health rights violations in Israeli prisons constitute war crimes against humanity. These crimes are cornerstones of such violations. The Palestinian Authority has the power to hold the leaders of the Israeli occupying Power accountable for their international crimes against female detainees before the national courts and the ICC using the principle of jurisdiction.

International law has established specific rights for female detained or imprisoned, as outlined in the Third and Fourth Geneva Conventions of 1949. These Conventions apply to all Contracting States, including the Israeli occupying power. However, there is some debate regarding the legal classification of female prisoners in Israeli occupation prisons. While the researcher believes that most detainees and prisoners in Israeli prisons are covered by the Fourth Geneva Convention, the Third Convention applies specifically to female prisoners of war, as opposed to civilian detainees who are not considered prisoners of war.

The Israeli occupation authorities exercise grave physical and psychological violations against female prison detainees. They are not obliged to apply any of the rights provided for in international conventions and instruments and use all methods of torture to pressure them and break their will. Under IHL, the occupying Power is

obligated to respect the dignity and honor of female prisoners and detainees and treat them properly. It may not take any action that affects their rights and dignity.

Palestinian females in Israeli occupation prisons suffer from deplorable conditions of detention, face an aggravated and systematic policy of punishment, are subjected to many forms of physical and psychological torture, are deprived of their fundamental rights under international conventions and instruments, suffer from poor health conditions and are subjected to naked searches as a punitive measure exercised by the occupation authorities. Administrative detention, as practiced by the Israeli occupying Power, constitutes a violation of international law, as it is tainted by the use of administrative detention only in narrow cases and under multiple conditions.

The Israeli occupying Power violates its international and contractual obligations in dealing with Palestinian females in detention, which requires civil liability; as a result, failure to respect and enforce the obligations imposed by these instruments and obligations bears international duty for compensating the victims of international crimes by prisoners, detainees, and members of their families for all the damage suffered due to these violations. The violations also constitute international crimes falling under the jurisdiction of the ICC. Israel's aggression against prisoners and detainees amounts to war crimes and crimes against humanity, and as a subject of international law, it should be held accountable for these serious offenses.

The study also shows that the Israeli occupying power violates the protected health rights of Palestinian female inmates under IHL and agreements. The proper procedure would have been to work to shed more light on women captives and provide studies on the reality of health violations. As we have seen, the Palestinian female is a woman, wife, daughter, mother, sister, and a prisoner, they were not and still not free from sacrifice and redemption, are a stark picture of Israel's colonial apartheid regime, being subjected to beatings, unilateral isolation and denial of their legitimate rights in Israeli occupation prisons.

The harsh conditions and violations against Palestinian female prisoners violate the most basic principles of human rights and international law. Reports and figures confirm the presence of dozens of Palestinian female prisoners in Israeli occupation prisons, including minors, mothers, wounded women, and patients

suffering from medical neglect. (Stone Intifada 1987), 3,000 Palestinian females were arrested, and during the Al-Aqsa Intifada 2000, 900 females were arrested. During the clashes over the gate from July to October 2017, 370 females were arrested. In 2019, 110 Palestinian females were arrested. In 2020, 128 females were arrested. At the time of writing, 32 Palestinian prisoners remain in Israeli occupation prisons.

The significance of this research is to bring attention to the transgressions committed by the occupying forces in Israeli prisons and showcase the legal safeguards provided by international law to these detainees. Additionally, it aims to underscore how the occupation violations against Palestinian women who are detained can be linked to the Rome Statute of the ICC to establish the criminal accountability of the occupying Power for these violations.

Numerous global agreements and measures safeguard the health rights of women incarcerated or affected by conflict. Article (12) of the International Covenant on Economic, Social, and Cultural Rights (1966) unequivocally proclaims that every individual is entitled to "the utmost feasible standard of physical and mental health." It is commonly acknowledged that the deprivation of liberty does not nullify the need for prompt and adequate medical attention. Rather, it assumes a societal issue and a duty of the government.

Through a thorough analysis of the detention circumstances for Palestinian female prisoners and their access to healthcare in Israeli prisons, this study has revealed the need for Israel to establish tailored policies that address gender-specific concerns. By prioritizing the health and well-being of these prisoners, particularly pregnant women, nursing mothers, and young girls under the age of 18, Israel can better ensure their successful reintegration into society. To achieve this, the prison conditions must be improved to include balanced diets and appropriate treatment that promotes both their physical and mental health.

The collective pain that began more than 70 years ago and continues to develop every day with the expansion of Israeli settlements on Palestinian land is characterized by uncertainty and lack of control over resources, freedom of movement, and security. Violence against women, as mentioned in the historical context, has historically fostered mass displacement of Palestinians by making living

unpleasant and culturally repugnant. Today, the Israeli occupation, as a sign of settler colonialism, maintains the biopolitical supervision of Palestinian female lives and bodies. Land expropriation, house demolitions, resource shortages, restricted movement, military bombardment, mass incarceration, and increased patriarchy are all part of it.

According to the findings of the study, international conventions and instruments, such as the Third Geneva Convention of 1949 concerning Prisoners of War, guarantee the right to health care for Palestinian prisoners in Israeli prisons, even in extraordinary circumstances like the current coronavirus pandemic. However, Israel has failed to honor and comply with these treaties and conventions, perpetrating serious violations of the rights of Palestinian female prisoners that constitute war crimes and crimes against humanity. Consequently, this study aims to propose several recommendations.

To start, Palestinian female prisoners should have the right to health, in order to achieve that we need to promote greater visibility, enrich Palestinian and international libraries on the struggles of Palestinian females, and provide studies on the situation of female prisoners in detention and after emancipation, in particular health violations against female prisoners. The interest of the national leadership in all Palestinian forces in female prisoners, the appreciation of their suffering, and the attention to transmitting the experience of the female prisoner's life inside and outside the prison and the work to disseminate it. Provide medical, psychological, and social support for post-emancipation captives by specialized institutions.

The second recommendation is improving healthcare by ensuring that women are not overcrowded in rooms and that their accommodations meet basic hygiene and health requirements. Essential factors such as adequate natural light, proper ventilation, heating, and fresh air must be taken into consideration. Pregnant women, nursing mothers, women suffering from treatable diseases, and children held in prison with their mothers until the age of two must receive special nutrition. Moreover, the shackling of pregnant women during labor and immediately after delivery must be ended to allow them to give birth with dignity. Obstetric care that meets World Health Organization standards for routine pregnancy care must be provided. Additionally, breastfeeding mothers accompanied by their children should not be shackled during transfers to courts and hospitals. Female prisoners must have

easy and unimpeded access to specialized medical care, including Arabic-speaking gynecologists, mental health specialists, dentists, and orthopedic surgeons qualified to provide medical care in prison.

The third recommendation is the Government of Israeli occupation, need adhere to the UN SMRs for the Treatment of Prisoners and other human rights regulations that govern the lives of incarcerated women. This includes allowing Gazan prisoners to receive visits from their families by granting necessary permits for entry into Israel, without revoking them at West Bank checkpoints. The government should also put an end to the physical and mental abuse of female Palestinian prisoners during interrogations and implement a gender-sensitive policy for their treatment.

The fourth recommendation is, the Fourth Geneva Convention on the Protection of Civilians be thoroughly reviewed and enhanced to ensure complete protection for Palestinian civilians. It is also recommended that any articles granting the occupying Power the authority to arrest and prosecute those who resist it be revised. To ensure proper implementation of the four Geneva Conventions, the ICRC should be designated as the responsible international body for monitoring.

The fifth recommendation is, the Palestinian Authority to prioritize the matter of Palestinian female prisoners during negotiation and lobbying meetings with Israeli officials. It is also crucial to develop a comprehensive long-term strategy to ensure the safety and well-being of female prisoners while they are incarcerated. To aid in the rehabilitation and reintegration of these prisoners into society, specialized programs should be designed to provide education, employment opportunities, and psychosocial support, with a strong emphasis on gender inclusion. Additionally, timely and regular transfer of canteen money and provision of textbooks and educational materials should be made available to female prisoners. To invite the Palestinian Authority to address the ICC for a legal opinion on the status and legal description of women detainees in Israeli occupation prisons in order to resolve the legal dispute over their characterization, need to continuously monitor and document all Israeli violations of Palestinian detainees' rights in all possible ways, operationalizing Palestinian embassies abroad and working to highlight the suffering of Palestinian detainees in Israeli prisons, and coordinates with the various parties supporting the Palestinian cause an integrated plan for using the principle of

international jurisdiction in various world countries. The aim is to prosecute the occupying Power's leaders responsible for violations of Palestinian detainees.

Last but not least, the last recommendation is, both Palestinian and foreign NGOs operating in the OPT join forces and collaborate on advocacy initiatives concerning female prisoners and gender-related detention and imprisonment concerns. Additionally, it would be beneficial for these organizations to coordinate their services for both current and former male and female prisoners to minimize redundancy and enhance overall efficiency. NGOs should provide support to former prisoners, including immediate psychological assistance for female prisoners upon their release. Providing psychological support to the prisoner's family before her release is crucial to help them prepare for her return. It is crucial for (NGOs) to spread awareness about the conditions of female prisoners and the issue of gender-based violence. The ICRC must effectively engage in ensuring that the occupying power respects international instruments and the Geneva Conventions, with the support of relevant parties. The international community must ensure the protection of Palestinian women in Israeli prisons from violence and any form of mistreatment. Lastly, it is crucial to expose the practices and violations against Palestinian women detainees and to organize international events to raise awareness about these violations.

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Additional Protocol I to the Geneva Conventions of 1977.

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Statute of the International Court of Justice.

APPENDICES

Appendices-1: Ethics Committee Decision

Appendices-2: First: background information

Appendices-1: Ethics Committee Decision

Evrak Tarih ve Sayısı: 02.02.2023-76389



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Sayın ALAA A. A. AFANA

Tez çalışmanızda kullanmak üzere yapmayı talep ettiğiniz anketiniz İstanbul Aydın Üniversitesi Etik Komisyonu'nun 26.01.2023 tarihli ve 2023/01 sayılı kararıyla uygun bulunmuştur. Bilgilerinize rica ederim.

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Appendices-2: First: background information

Age			
Prison Sentence			
Marital Status	Married	Single	Widow
Place of Residence	City	Village	Refugee Camp

Second: Interview Questions

- A. What are the difficulties faced by the underage Palestinian female prisoners during the period of detention and investigation?
- B. What are the difficulties faced by the Palestinian female prisoners during the period of detention and investigation?
- C. What are the treatment methods that were offered to you?
- D. Are health services provided at all times?
- E. Are medical services provided for all cases?
- F. Were medical services provided when they were needed?
- G. Have you had a periodic medical examination?
- H. Have health rights been observed in accordance with international law? If yes, how, and if not, how?
- I. Has your mental health been violated? How do?
- J. Have you been able to socialize with the family?
- K. How did you manage to socialize with the family?
- L. Were you placed in a separate cell or in a group cell? How did this affect your mental and physical health?
- M. Were the Standard Minimum Rules applied in your treatment as a prisoner?

- N. What medical services have been provided and do you describe them as violating your right?
- O. How was it dealt with in the event that you were injured in prison?
- P. How did you deal with the moment of arrest?
- Q. Were you subjected to threats or violence during arrest or during imprisonment? In the event of exposure to one or both of them, how would you describe it
- R. Have you been insulted and violated privacy? If the answer is yes, how?
- S. Have your religious rights been violated or violated? How was it violated?
- T. Are facilities provided inside or outside the prison to meet medical needs?
- U. How were your health care needs provided in prison?
- V. Are facilities provided to meet physiological needs such as childbearing? How was it provided?
- W. What is the impact of the arrest and imprisonment in terms of psychological, social, physical and behavioral?

RESUME

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- Turkish: Intermediate

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- Certificate in children and human rights.
- Certificate in work ethics.

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- Computer skills (Microsoft Office) and others
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