

The Israeli military commander issues an amendment to administrative detention appeal procedures in a further step violating fair trial guarantees for Palestinians.

The Israeli military commander in the occupied West Bank has issued a new temporary military order, No. (2290), amending Article (288) of Military Order No. (1651) concerning “Security Provisions,” specifically regarding appeal procedures for administrative detention orders before Israeli military courts. The amendment entered into force in April 2026 and will remain in effect until 15 July 2026.

The amendment grants the military court the authority to examine appeals against administrative detention orders solely on the basis of written materials and submissions presented before it, without hearing the parties to the case. It further stipulates that the court need only set a date for the submission of written responses, instead of holding an actual hearing attended by the detainee and their lawyer.

Although the amendment theoretically allows either party to request a hearing for oral arguments, it grants the President of the Military Court of Appeals, or their deputy, the authority to reject such a request, provided that the reasons for rejection are stated in writing in the decision. This effectively creates a legal basis for denying lawyers’ requests to hold oral hearings in the presence of the detainee, turning oral hearings into an exception rather than a fundamental procedural safeguard and a core element of fair trial guarantees. The amendment also provides that the court may decide even on the request for an oral hearing solely on the basis of written submissions, “unless it finds a special reason” to convene a hearing regarding the request itself.

This amendment constitutes a dangerous development in the nature of military judicial procedures related to administrative detention, as it transforms the detainee’s right to appear before the court and defend themselves into an exceptional matter subject to the discretionary authority of the military judiciary.

Addameer considers that the provisions contained in this order clearly reveal an accelerating trend toward stripping appeal procedures of their substantive meaning and reducing them to closed, desk-based reviews conducted through secret files and written correspondence, far removed from any genuine judicial oversight or meaningful legal confrontation.

The seriousness of this amendment is compounded in the context of administrative detention, which is already fundamentally based on the existence of “secret files” that neither the detainee nor their lawyer is permitted to access. Even prior to this amendment, the presence of detainees and their lawyers in administrative detention hearings was already severely restricted, given the military courts’ reliance on “secret files” and the holding of closed sessions during which detainees and their lawyers are removed and denied access to the materials used to justify detention. This already constituted a grave violation of defense rights and fair trial guarantees, including the accused’s right to be informed of the nature and cause of the accusations against them. The amendment further violates the detainee’s right to be physically present before the court, the right

to oral defense and public pleading, the right to effective and independent judicial review, as well as the principles of publicity and transparency of proceedings.

Addameer affirms that these amendments are in blatant violation of the rules of international humanitarian law and international human rights law, including Article (71) of the Fourth Geneva Convention, which states that “No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial. Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing and in a language which they understand, of the particulars of the charges preferred against them, and the trial shall be conducted as rapidly as possible,” as well as Article (14) of the International Covenant on Civil and Political Rights, which guarantees the right of the accused to be tried in their presence and to defend themselves in person or through legal assistance of their own choosing before a competent and independent tribunal.

Addameer further notes that the new military order was issued as a “temporary order” effective until 15 July 2026, indicating an attempt by the occupation authorities to test this measure and assess legal and human rights reactions to it. However, the organization warns against treating the temporary nature of the order as a safeguard, as experience with Israeli military orders demonstrates that many “temporary measures” are later extended and transformed into permanent policies and routine practices within the military judicial system.

This military order comes amid the unprecedented rise in the number of Palestinian administrative detainees and within a broader context of occupation policies aimed at accelerating repressive procedures and reducing legal and judicial safeguards for Palestinians, reflecting the use of the legal and military system as a tool of repression and control against the Palestinian people.