

I Am a [Detainee](#) – What Are My Rights under International Humanitarian Law?

Q: May the Occupying Power arrest me?

A: You may be detained or arrested for committing acts that harm or endanger the Occupying Power, or threaten its security, in addition to acts that are prohibited under the local laws of the occupied territories.

Q: When I am arrested, may the Occupying Power beat me or transfer me in a degrading manner?

A: In all circumstances and at all times, you shall be treated humanely, without any humiliation or degradation, and shall not be subjected to any form of violence or threats.

Q: Are there any other ways in which the occupying forces may restrict my freedom?

A: The occupying forces may restrict your freedom by imposing house arrest or subject you to administrative detention.

Q: Do I enjoy any rights in case I am placed under house arrest?

A: If you cannot support yourself, the Occupying Power shall help you. If you have dependents who cannot support themselves, the Occupying Power must also provide for them.

Q: In what cases may I be subjected to administrative detention?

A: The Occupying Power may subject you to administrative detention for imperative security reasons, provided that the Occupying Power observes your right to appeal against the detention decision without undue delay. In case the court of appeal supports the detention decision, the court should reconsider it periodically, if possible every six months.

Q: When I am in custody, can they treat me inhumanely or torture me?

A: In all circumstances and at all times, you shall be treated humanely. Torture and other forms of cruel or humiliating treatment are always prohibited.

Q: If I am brought before a court of the Occupying Power, what are my rights to a fair trial?

A: You have a right to be informed in writing and in a language which you understand of the details of the charges brought against you, to present evidence necessary to your defence, in particular to call witnesses and also to be assisted by a qualified lawyer and a translator.

Q: Where shall I be tried? And what laws shall be applied?

A: Your court must sit in the occupied territory, while courts of appeal may sit in the occupying country or the occupied territory. The Occupying Power shall only apply laws that existed before the offence was committed and make sure that the penalty is proportionate to the offence. If the Occupying Power imposes new laws, they shall be published and made available in your own language.

Q: May the Occupying Power detain me outside the occupied territory?

A: As a protected person, you shall be detained in the occupied territory, and if convicted, you shall serve your sentence therein.

Q: Do my family members have the right to visit me where I am detained?

A: You have the right to receive regular visits from your family. The Occupying Power may not prohibit such visits as a form of punishment.

Q: Do I have special rights regarding food?

A: You have the right to daily food rations which are sufficient in quantity, quality and variety to keep you in a good state of health. Expectant and breastfeeding mothers and children under 15 years are entitled to additional food, in proportion to their needs. Moreover, if you have your own food, you should be given the means to prepare it.

Q: Do I have the right to health care?

A: You have a right to be detained under adequate hygienic conditions as regards ventilation, lighting, water, sanitary units and sufficient space. There must be an adequate infirmary under the direction of a qualified doctor. If you are suffering from a serious disease or your condition requires special treatment, you must be admitted to a hospital where you can receive adequate treatment that is not inferior to that provided to others. Moreover, you have a right to get free access to any equipment necessary for your health. You have a right to receive a medical examination at least once a month to check the general state of your health and detect contagious diseases.

Q: Do I have the right to recreation, study, sports and games?

A: You have the right to recreation, mental and physical exercises, and sports and games in the open air. Required facilities should be given to you to be able to continue your studies.