

When home becomes a prison: House arrest as a form of psychological torture

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Abstract

The editorial critically examines the use of administrative movement restrictions—particularly house arrest—as extrajudicial counter-terrorism measures, highlighting their widespread application in both democratic and authoritarian regimes. Drawing from legal analysis, case studies and forensic evidence, it argues that such measures—when imposed without due process, judicial oversight, or proportional safeguards—can amount to cruel, inhuman or degrading treatment, and even torture. House arrest, especially when indefinite and coupled with intrusive surveillance, stigmatization, and lack of access to basic needs or legal remedies, often constitutes a coercive environment with profound psychological and social impacts. Using the framework of the Istanbul Protocol and relevant UN standards, the article maps the legal and clinical thresholds at which deprivation of liberty in home settings transitions into a torturing environment. The editorial calls for urgent international scrutiny of these practices, emphasizing the need to reinforce legal safeguards, ensure judicial review, and uphold human dignity in the face of expanding administrative powers.

Keywords: Administrative detention, house arrest, Psychological Torture

The last decade has seen an steady rise in the number of countries that have established extrajudicial administrative means imposed by government agencies (or administrative bodies) to curtail individual liberties, generally based on the application of ad-hoc counter-terrorism measures or appealing to global national security policies. The Office of the High Commissioner for Human Rights (OHCHR) has recently presented a report to the UN General Assembly (*A/HRC/57/29*), expressing its deep concern and advocating the limitation of these measures to exceptional situations and under strict principles of legality and proportionality. (OHCHR, 2024)

This set of measures comprises a broad catalogue of situations. We will analyse here movement restriction measures, alone or in conjunction with other administrative measures as potentially amounting to ill-treatment or torture.

Definitions

The term *house arrest* or *home confinement* usually refers to a legal restriction where a person is confined as an alternative to imprisonment. It may also include electronic monitoring

(ankle bracelet), restricted visits or scheduled reporting and it is usually part of a supervised sentence, parole or early release measure.

However, in many jurisdictions, limitations of movements including house arrest are administrative measures of custody. They are non-trial based measures without a criminal conviction. In UK and similar legal systems, these measures are also labelled *control orders* allowing restrictions on movement, communication, or internet access.

In *Administrative Detention (AD) or Administrative custody*, there is a custodial holding without formal charges or trial, based on security or immigration grounds. Typically authorized by executive or military authorities, it is used in countries like Turkey, Israel, China or Egypt (table 1). The use of AD is controversial under international law as it implies holding a person based on an anticipated future danger or risk. People is not necessarily at home but, most of the times, is held in prisons or detention centres for an indefinite time. Therefore, it has been considered as an arbitrary deprivation of liberty.

Table 1 *Administrative house arrest. Selected examples*

Country	Type of Measure	Legal Basis	Key Characteristics
Turkey	Administrative house arrest	Law No. 7145 (2018) & Emergency Decrees	Restrictive orders up to 15 days, renewable; electronic ankle monitors; used post-coup against journalists, activists.
Egypt	Administrative detention / house arrest	Emergency Law No. 162 (1958); Anti-Terror Law	Indefinite renewals; no formal charges; controlled by Supreme State Security Prosecution (SSSP); widespread surveillance.
Russia	Administrative arrest & counter-terrorism restrictions	Federal Code on Administrative Offenses; Anti-Terror Law (2006)	Short-term detention (15–30 days); asset freezes; anti-terror zones impose communication/movement bans.
Israel	Administrative detention / house arrest (ad hoc)	Military Orders (West Bank); Incarceration of Unlawful Combatants Law (2002)	Detention renewable every 6 months; no maximum duration; closed hearings; based on classified info.
France	Administrative house arrest (MICAS)	Decree 2015-1475; SILT Law (2017)	Formerly without trial during State of emergency; now judicial approval required; movement restricted to municipality.
United Kingdom	Control Orders / TPIMs	TPIM Act (2011)	Curfews, mandatory residence, electronic monitoring; 2-year duration; judicial oversight and review.
China	Residential Surveillance at Designated Location (RSDL)	Criminal Procedure Law, Art. 73	Secret detention up to 6 months; no lawyer or family access; risk of torture; used in national security cases.
Iran	Prolonged executive-ordered house arrest	No clear legal basis; National Security Council decision	Indefinite home confinement; no trial; enforced isolation and surveillance.
Tunisia	Administrative house arrest / mobility restrictions	Organic Laws 2015-26 & 2019-9; Ministry Decrees	Restrictions via S17/S08 security files; no prior notification; no judicial review; travel bans.
Nicaragua	Judicial & de facto house arrest	Criminal Procedure Code, Art. 167	Applied legally as precautionary measure; also imposed arbitrarily by police without court order.
Uganda	Preventive house arrest (informal)	Police Act, Art. 24	Police station guards at residences of opposition leaders; no charges or court order; no access to legal remedies.

Based on the Working Group on Arbitrary Detention deliberations¹, Ferstman (2024) labels as “detention grey zones” when people are being held in de facto locations or zones that are not normally labelled or perceived as “detention centres”, including house arrest.

Administrative restriction of movements as a preventive detention.

The core element of discussion in house arrest is its *preventive* nature. Preventive means that the authorities (civil or military) restrict basic liberties of a citizen to prevent “possible” illegal activities. As the decision is based on suspicions by the detaining authority, the judicial is circumvented without proper right of the suspect to legal safeguards, including the right to habeas cor-

¹ WGAD, Deliberation 01: ‘House Arrest’, UN Doc E/ CN.4/ 1993/ 24 (12 January 1993) 9.

pus, defence and trial. Furthermore, by definition, the authorities do not have enough basis, evidences or proofs to build a legal case. Otherwise, they would formally detain the person. The decisions are usually taken on the basis of restricted information, hindering legal defence. In practice there is a blurred area where it is impossible to know whether the person has had their liberties restricted by potential acts against the State, or potential acts against the government. The measure is, de facto, in many countries, a source of political control of opponents.

Case studies

Administrative measures of suspects of terrorism in Tunis (S1-S17 files).

In the aftermath of the 2011 Tunisian Revolution and the subsequent collapse of Ben Ali's regime, Tunisian authorities have made numerous pledges to uphold the rule of law and international human rights standards. Nevertheless, persistent security challenges and the state's responses have repeatedly eroded these pledges. Reports of arbitrary detention, torture, mistreatment, and police harassment, along with violations of freedom

of movement, privacy, and employment rights, have been frequently documented (SANAD, 2024).

From 2013 onward, terrorist attacks and returning fighters from conflict zones such as Syria and Iraq prompted increased surveillance by the Ministry of the Interior. In 2015, Tunisia adopted the National Strategy Against Extremism and Terrorism, emphasizing border surveillance, communication monitoring, and specialized security units (Saferworld, 2017). Despite these measures being theoretically justified, their implementation has resulted in significant human rights abuses that some authors have qualified as similar to *colonial pacification practices* (Simoncini, 2023).

Individuals considered potential security threats face systematic registration and control, notably under the "S17" classification, involving stringent police oversight. Officially, S17 is described as border control, yet in practice, it involves extensive domestic restrictions, including travel bans, repeated police summons, home visits, violent administrative searches, employment interference, and social stigmatization. Individuals often face these measures without official notification or legal justification, reinforcing a climate of uncertainty and fear.

Table 2. *Persons under administrative measures in Tunis (SANAD, unpublished data)*

Basic Data	Type of Situations	Physical and Psychological Impacts
AA, born 1984, Tunisia, unemployed, father of four.	Arbitrary detentions Prolonged house arrest (8 years), Police surveillance, Arbitrary interrogations, Economic/social pressure.	Acute symptoms (shock, dissociation, panic attacks, hypervigilance), Complex PTSD, severe anxiety, insomnia, flashbacks. Social isolation, significant professional and social deterioration.
Ch.O. born 1989, Tunisia, mother of an 11-year-old daughter.	Physical violence causing miscarriage, Continuous police surveillance, Arbitrary searches and interrogations, Movement restriction (S17 file), Workplace harassment, Intimidation against family.	Complex PTSD (re-experiencing, avoidance, hypervigilance), Generalized anxiety (panic attacks, chronic stress, insomnia), Severe depression (social isolation, extreme fatigue, suicidal ideation), Significant deterioration of family and social relationships.
EY, born 1999, Tunisia, mother of a 9-month-old child.	Physical abuse, Sleep deprivation, Threats during detention, Continuous surveillance, Coercive administrative measures (S17/S08 files), Threats and intimidation against family and close associates, Obstacles in education and employment.	Complex PTSD (hypervigilance, nightmares, flashbacks), Severe depression (loss of interest, hopelessness, isolation), Extreme anxiety (panic attacks, constant fear), Significant social and familial deterioration.

The profiling process behind S17 and related classifications is opaque. Authorities frequently rely on vaguely defined criteria, such as “serious information” regarding associations with terrorist groups, without clarifying what constitutes sufficient grounds for suspicion. In January 2018, the Tunisian Ministry of Interior reported that 29,450 individuals had been prevented from traveling to conflict areas under S17 measures since 2013 (Amnesty International, 2018). Human rights organizations, including the Network for the Observation of Transitional Justice, estimated in 2017 that approximately 100,000 Tunisian citizens were subject to S17 measures (Makki, 2018).

Many affected individuals have no criminal records or proven associations with terrorism, suggesting discriminatory and arbitrary practices, often based solely on religious appearance or association with suspected individuals.

Severe suffering. Testimonies from affected persons detail severe psychological and material consequences. The constant, unpredictable police presence disrupts daily life and erodes community trust (Makki, 2018; OMCT/SANAD, 2019; OMCT, 2015). Table 2 shows three example of persons “filed” by the Tunisian authorities assessed using the Istanbul Protocol (OMCT, personal communication). It shows how house arrest is one among many other restrictions and human right violations that act in a way that produce enormous personal costs and suffering to the person and family, constituting a torturing environment. The individuals assessed experience intense anxiety, complex PTSD, depression, social isolation, stigma, family breakdown, and loss of employment opportunities.

Legal challenges against these restrictive measures face obstacles, including slow judicial procedures and non-compliance by the Ministry of the Interior with court decisions (Makki, 2018; SANAD, 2024). Despite some judicial successes, many continue experiencing, after years, intrusive surveillance and harassment without recourse or explanation, highlighting failures in judicial oversight and accountability mechanisms (OMCT, 2022 pg 6, 2023 pg 44-49).

Table 3 delineates the main reasons why S-17 measures constitute a Torturing Environment and Table 4 outlines the reason why it could amount to psychological torture.

Tunisian human right organisations underscore the necessity for authorities to balance legitimate security concerns with respect for fundamental human rights, adhering strictly to legality, necessity, and proportionality in implementing restrictive measures. Transparent criteria, prompt judicial review, and respect for court decisions are crucial to prevent abuses and protect individuals from arbitrary state actions (Amnesty International, 2018).

House arrest in Occupied Palestine

Children. House arrest is a measure used by Israeli Military Commander administrative authorities or judges in Israel since 2015². The law was approved under emergency regulations, although it has been used at all times since then. The number of children under house arrest measures has been increasing steadily. According to OCHA figures, in the period 2014-2017, approximately 700 Palestinian children in East Jerusalem had been detained every year, usually on charges of stone-throwing³. More than 600 Palestinian children were kept under house arrest in 2022, according to the Commission for Detainees and Ex-Detainees Affairs⁴. This has been interpreted as a form of discriminative punishment to Palestinian children, provided that no children of Jewish origin has ever been put into house arrest since the implementation of the measure. House arrest of a child transforms homes into prisons. According to the Palestinian Torture Rehabilitation Centre (TRC) in Ramallah, an institution that provides psychological support to parents and children, the effects on the family are devastating. The houses are very small and there is no place where the children can play, nothing to do. Children are not allowed to talk to neighbours or other children, nor receive visits. Most notably, parents are the responsible of the implementation of the measure, creating an atmosphere of constant tension. Parents are described as facing guilt feelings for being forced to produce the suffering of their children and instruct them to obey Israeli military orders (Rasras et al., 2023), “internalizing the gaze” of authorities’ (Shalhoub-Kevorkian, 2021) (see Table 5).

Children are confined not only to a physical space, but also to a temporal one. The unending time produces anxiety and psychological suffering ultimately leading to feelings of helplessness and depression. Furthermore, home, usually a place of inner calm and safety, becomes a threatening space and fear due to family tension and the occurrence of repeated raids and interrogations (Al-Arja, 2022; Chamiel & Walsh, 2018; Shalhoub-Kevorkian, 2021).

Adults. House arrest is also used in a selective way, as an alternative to administrative detention (Langford et al., 2019), against political leaders. An illustrative example is the case of Adnan Ghaith, the Palestinian Authority’s Governor of Jerusalem from 2018 to 2021. Israeli authorities accused him of undermining Israeli sovereignty in the city. He had to pay bails of thousands of dollars, had his communications subjected to sur-

2 https://www.solidarity-ps.org/en/-House-Arrest_-_%D8%A7%D8%B3%D8%B1%D9%89

3 <https://www.ochaopt.org/content/children-detention>

4 <https://www.middleeastmonitor.com/20221227-israel-courts-issued-600-house-arrest-orders-against-palestinian-children-in-2022>

Table 3. S-File administrative measures as a Torturing Environment.

Prolonged and indefinite restrictions without legal clarity: Continuous imposition of house arrest and surveillance for years without formal charges or defined time limits creates a coercive and degrading environment.

Unpredictable and arbitrary police interference: Constant unannounced visits, interrogations, and searches generate fear and instability, key conditions that contribute to psychological breakdown.

Social and economic damage: Loss of employment, reputation, and family relationships due to restrictions fosters a condition of helplessness and suffering.

Lack of judicial oversight and remedies: Denying individuals effective legal recourse or disregarding court decisions places them in complete vulnerability, removing protective mechanisms and increasing exposure to abuse.

Structural isolation and social control: Surveillance, travel bans, and community ostracization isolate individuals from society, mimicking aspects of a solitary confinement in an open setting.

Stigmatization and dehumanization via opaque classification: Using vague security labels like S17 with no explanation dehumanizes and strips individuals of legal identity and dignity. Discrimination based on religious symbols or networks perpetuates racialized or ideological bias, akin to practices from colonial policing.

Chronic psychological trauma documented clinically: Consistent findings of complex PTSD and depression, assessed under international standards like the Istanbul Protocol, confirm that harm is systemic and severe.

Cumulative effects of multi-layered coercive measures: The simultaneous imposition of travel bans, surveillance, job loss, and police harassment creates an overwhelming environment of domination and fear.

State-sanctioned harassment and intimidation of families. Multigenerational impact: Targeting and threatening family members extends the suffering beyond the individual, undermining familial support structures and turning homes into sites of fear. The disruption of parental presence and income affects children's development and well-being, creating a multi-generational cycle of trauma.

Table 4. S-17 file administrative measures as amounting to psychological torture

- Deliberate induction of mental suffering
- Enforced powerlessness and humiliation
- Sleep deprivation and hypervigilance from constant surveillance
- Destruction of hope and future planning
- Destruction of personal and social identity
- Threats against family and social fabric
- Chronic and unresolved fear
- Institutionalized gaslighting and denial
- Intrusion in intimate and domestic space
- Negation of legal subjectivity

veillance, and experienced periodic police raids at his residence, during which he and his family were interrogated and physically assaulted. During his 3-year tenure, he was arrested 28 times⁵, later released without charges. The extended period of house arrest and the additional restrictive measures imposed entailed

severe physical and psychological distress, as well as considerable economic hardship for him and his family. Furthermore, these measures effectively prevented Mr Ghaith from carrying out his civil responsibilities⁶.

5 <https://www.middleeastmonitor.com/20211126-israel-places-palestinian-governor-in-jerusalem-under-house-arrest/>

6 <https://www.palestinechronicle.com/israeli-court-sentences-jerusalem-governor-to-open-ended-house-arrest-video/>

Table 5. *Severe suffering in parents and children under house arrest in east Jerusalem (Al-Arja, 2022; Chamie & Walsh, 2018; Shalhoub-Kevorkian, 2021)*

Children	Parents
<ul style="list-style-type: none"> – Chronic traumatic stress – Anger. Frustration. Fear – Humiliation. <i>Feeling like an animal in a cage</i> – Have to present before a “behaviour officer”. Lengthy interrogations. – Guilt about causing problems to siblings and parents – Eight every ten children loose academic year and have academic future compromised 	<ul style="list-style-type: none"> – Symbolic damage: Parents are prison guard of their sons – Feelings of guilt, shame, helplessness – Social stigma – Job loss. Economic breakdown – Raids in the house by soldiers or armed settlers. Regular interrogation of parents.

House arrest as amounting to ill-treatment or torture

Soley and Lin described the case of AC, a woman in house arrest in Iran assessed by experts of the International Forensic Expert Group (IFEG) using the Istanbul Protocol. She had been detained for a number of years in prison, being held in solitary confinement and suffering harsh interrogations. She was released with an ankle monitor to her family’s home to remain under house arrest and forbidden from being more than a few hundred meters away. During her imprisonment, AC developed severe neck stiffness and neck and shoulder pain, which was exacerbated by lying on a hard floor to sleep and being handcuffed for extended periods of time. Due to the severity of her neck pain, she was unable to stand up. House arrest prevented her from accessing any medical treatment. Additionally, she had a medical history of breast cancer. However, she was unable to receive an adequate evaluation to determine whether the excruciating pain was related to metastatic extensions. During her imprisonment, she developed serious symptoms of claustrophobia, and obsessive-compulsive thinking and behaviour which could not be treated while in house arrest. AC lived under constant fear of being returned to prison or having a new legal case launched against her. Her PTSD symptoms and chronic pain and anguish had a negative impact on her family. The IFEG’s forensic experts determined that if the house arrest location cannot provide a secure and non-threatening environment, survivors’ physical and psychological well-being may be at risk of developing into chronic conditions, which could amount to ill-treatment or torture. (Soley & Lin, 2021).

House arrest as violating the anti-torture convention – legal considerations

The Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism (SRCT) regarding the use of control orders in Australia⁷

established in 2006 that: “house arrest (like any form of detention) is only permissible during the course of a criminal investigation; while awaiting trial or during a trial; or as an alternative to a custodial sentence (while on parole, for example). Australia should similarly ensure that control orders do not unduly interfere with the rights to family life, employment and education”.

Recently, in 2020 the SRCT also established that “Some countries have increasingly moved towards using administrative measures as a legal basis on which to rely for the management and prevention of terrorism, and to provide for ex post rather than ex ante judicial review, with significant consequences for the protection of individual rights” (A/HRC/43/46)⁸, indicating that ex post judicial review is not sufficient protection.

The UN Special Rapporteur on Torture (Juan Méndez, 2015) also established that “Excessive use of administrative restrictions such as prolonged house arrest or control orders without charge or trial may result in cruel, inhuman or degrading treatment.”⁹

The Working Group on Arbitrary Detention and the Human Rights Committee have considered that the detention of a person including house arrest will be arbitrary if it includes elements of inappropriateness, injustice, lack of predictability, lack of due process of law or discrimination¹⁰.

7 <https://documents.un.org/doc/undoc/gen/g06/155/52/pdf/g0615552.pdf>

8 <https://docs.un.org/es/A/HRC/43/46>

9 A/HRC/28/68

10 Report of the Working Group on Arbitrary Detention (A/HRC/16/4), para. 8(e). See also, for example: Mukong v. Cameroon, Human Rights Committee Communication No. 458/1991, UN Doc CCPR/ C/51/D/458/1991 (1994), para. 9.8; and de Morais v. Angola, Human Rights Committee Communication No. 1128/2002, UN Doc CCPR/C/83/D/1128/2002 (2005), para. 6.1; and Gorji-Dinka v. Cameroon, Human Rights Committee Communication No.

The Human Rights Committee has expressed concern about the inclusion of thousands of people, including human rights defenders, activists and opposition politicians, on “terrorist lists” without any hearings or other due process being held¹¹. Additionally, established that “deprivation of liberty can take many forms. When restrictions imposed on a person’s life are so severe as to isolate or incapacitate them, and especially when prolonged and without effective judicial review, they may amount to inhuman or degrading treatment¹².”

The Committee against Torture in its General Comment 2 established that deprivation of liberty, even outside formal detention, can constitute torture or ill-treatment if applied abusively¹³. In successive documents has had an even a more clear stand in recommending the elimination of all forms of administrative detention, including house arrest¹⁴. It has also expressed concern about the increasing use of “preventive justice”, which circumvents ordinary criminal justice procedures to give extensive powers to the police.¹⁵

In the last decade - and especially since 2020 - international bodies have converged in considering non-judicial house arrest as a highly problematic measure, which often violates basic human rights. The general consensus is that administratively imposed house arrest amounts to a deprivation of liberty and should therefore be subject to the same restrictions and guarantees as any detention (immediate judicial control, limited duration, right to defence and periodic review).

When house arrest amounts to ill-treatment and torture?

There are at least six elements to consider, alone or in combination, when assessing house arrest as psychological torture.

1. **Security- Fear producing actions.** The cases described show that most often than not, restriction of movements is not an isolated administrative measure, but it is associated with other measures that might constitute torturing environments.
 - Surveillance,
 - Continued presence of military or police officers in the surroundings
 - Unannounced visits including assaults or physical coercion,
 - Violation of privacy and intrusive searches confiscating or destroying papers or personal effects.
 - Threats and other coercive elements producing chronic tension and fear
 - Humiliation and degrading attitudes and discrimination.
2. **Detention for an indefinite period of time, without the possibility of review measures or legal remedy,** creating a prison in time with a *de facto* blockade to the life project and to the possibilities of subsistence.
3. **Lack of legal safeguards, present in formal detention.** Persistent lack of information about one’s legal status, combined with an inability to influence or predict outcomes, fosters a profound sense of uncontrollability. This perceived helplessness is a key psychological mechanism underlying chronic stress, trauma, and the erosion of agency.
4. **Breaking social and collective identity**
 - Threats and harassment to family members
 - Rumours and misinformation to break family ties
 - Prohibition of visits or any form of communication, creating a *de facto* house based solitary confinement.
5. **Impeding access to basic needs.**
 - Food and basic livelihoods
 - Psychological support
 - Health care
 - Employment opportunities
 - School and studies
6. **Constant reminders of the exclusion and control condition**
 - Use of electronic bracelets
 - Summons to the police station to sign or report. Repeated interrogations of an intimidatory or degrading nature

Assessment using the Istanbul Protocol

In order to assess the facts and the severity of the suffering associated to them, the forensic expert should consider individual, family and community impacts. They should also consider the conditions of the house (size, habitability, minimum conditions, access to light, water, or food, temperature), and elements of personal vulnerability (age, personal circumstances, chronic illness-

1134/2002, UN Doc CCPR/C/83/D/1134/2002 (2005), para. 5.1

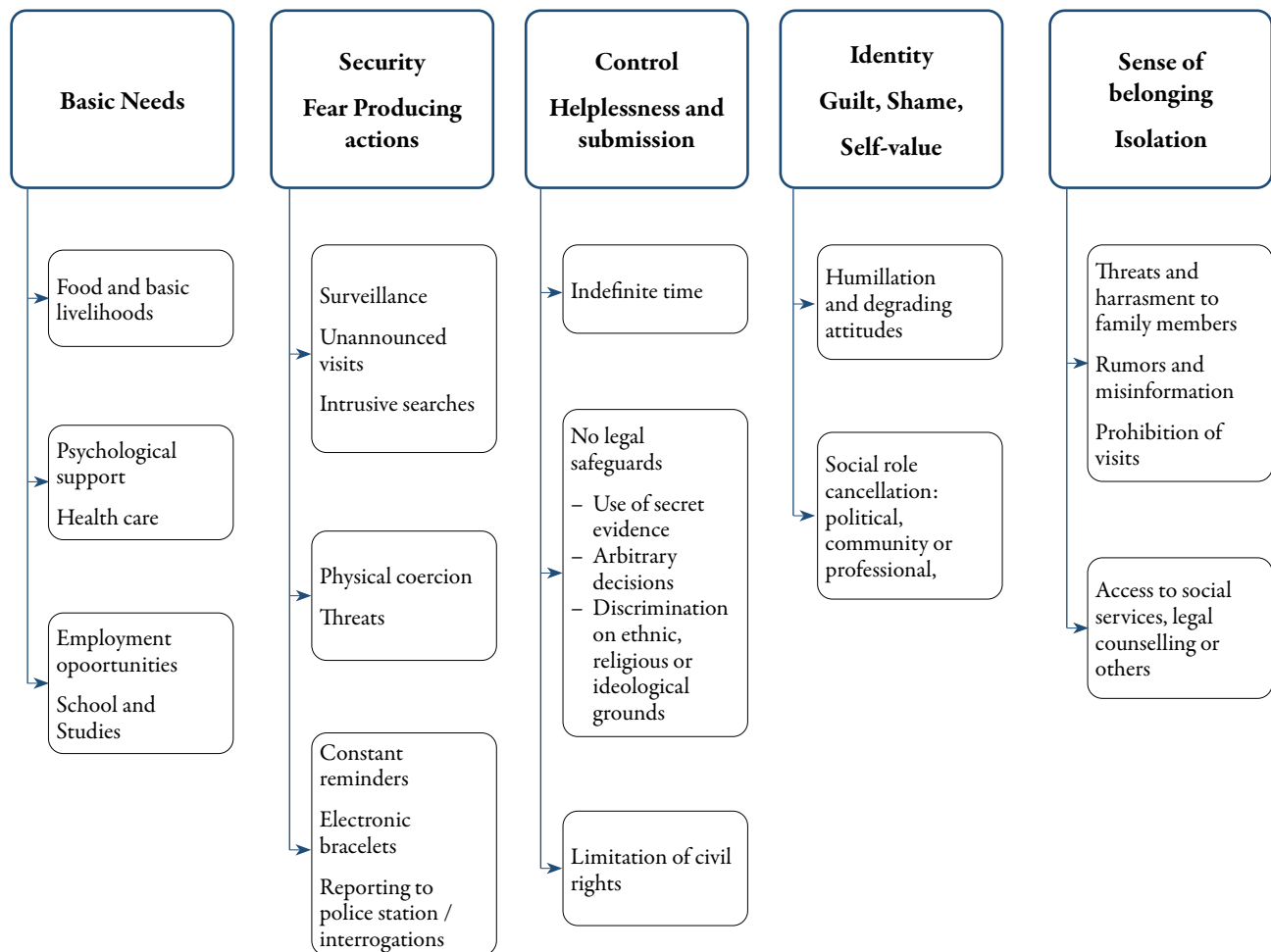
11 CCPR/C/A/CO/5, par. 13 de la Constitución.

12 A/HRC/13/39/Add.5 (2010). Also UN Human Rights Committee (ICCPR General Comment No. 35, 2014): “House arrest can amount to deprivation of liberty under Article 9 ICCPR if it is imposed without judicial control and for extended periods.”

13 Committee Against Torture. (2008). General comment No. 2: Implementation of article 2 by States parties (CAT/C/GC/2). Parag 15. UUNN. <https://www.refworld.org/legal/general/cat/2008/en/53514>

14 See, for example, its Concluding Observations on: Jordan, UN Doc A/65/44, para. 60(13); Moldova, UN Doc CAT/C/CR/30/7 (2003), para. 6(d); Egypt, UN Doc CAT/C/CR/29/4 (2002), para. 6(f); and China, UN Doc A/55/44, para. 101

15 CAT/C/DEU/CO/6, párr. 41

Figure 1 organises all the elements of coercion according to its potential psychological impact.

es requiring monitoring or treatment, history of psychological disorders and others). Being confined in a small, overcrowded dwelling within a marginalized settlement—such as those seen in Tunisia or Egypt—can generate far greater distress than seclusion in a comfortable, spacious residence, like those occupied by high-ranking Chilean officials convicted of torture¹⁶

Conclusions and recommendations

House arrest measures, particularly when lacking judicial oversight, clarity, and proportionality, can constitute a torturing en-

vironment with severe psychological, social, and economic consequences.

Human rights organizations may consider re-examining house arrest as a context that can, in certain circumstances, amount to cruel, inhuman, or degrading treatment—rather than assuming it is inherently a milder alternative to detention. Attention to broader, systemic patterns such as family-level repercussions, community stigmatization, and sustained social exclusion can enrich advocacy efforts. The systematic use of the Istanbul Protocol to assess and document the psychological impact of prolonged administrative restrictions could strengthen both legal and public interventions. In contexts where litigation is viable, strategic cases may help expose deeper structural issues. Collaboration with psychosocial professionals is also im-

¹⁶ Franklin, J. (2013, September 27). *Chile closes luxury prison for Pinochet-era human rights offenders*. The Guardian. <https://www.theguardian.com/world/2013/sep/27/chile-closes-luxury-prison-pinochet-cordillera>

portant to ensure that mental health perspectives inform documentation, accompaniment, and potential reparative measures.

States may benefit from reviewing and, where necessary, reforming administrative control measures such as house arrest, particularly in light of concerns around legality, necessity, and proportionality. Ensuring individuals have timely access to independent judicial review is essential to uphold basic procedural safeguards. Attention should also be given to preventing discriminatory practices, including profiling based on religious appearance, social associations, or geographic origin, within counter-terrorism frameworks. Acknowledging the potential long-term harm caused by these measures—including psychological and social consequences—could open the path toward appropriate reparative measures, such as compensation and access to psychosocial support.

United Nations mechanisms—including the Committee Against Torture, the Special Rapporteur on Torture, and the Working Group on Arbitrary Detention—may consider incorporating forms of house arrest into their monitoring frameworks when credible evidence suggests patterns of coercion or harm. In certain contexts, it may be appropriate to explore whether such measures could meet the threshold for cruel, inhuman, or degrading treatment, or even psychological torture.

Periodic reviews under instruments such as the UPR, CAT, or ICCPR provide key opportunities to encourage states to report transparently on the use of administrative control measures and on their compliance with judicial decisions. Where relevant, UN agencies could also play a role in facilitating protective mechanisms for individuals at risk—particularly human rights defenders, journalists, and civilians subjected to prolonged or extrajudicial forms of house arrest.

These practices do not exist in abstraction—they shape the daily lives and mental wellbeing of real individuals. When measures intended for security begin to blur with coercion, and legal processes are perceived as instruments of fear, the boundary between legitimate control and cruel treatment becomes dangerously unclear. It is both possible and necessary for institutions—national and international—to reaffirm that boundary with transparency, proportionality, and accountability. Safeguarding human dignity must remain at the heart of any preventive measure.

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