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# TWO AUTHORITIES, ONE WAY, ZERO DISSENT

Arbitrary Arrest & Torture Under the Palestinian Authority & Hamas



# **Two Authorities, One Way, Zero Dissent**

Arbitrary Arrest and Torture Under the  
Palestinian Authority and Hamas

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# Map



# Glossary

*Bus*: A term referring to a room where Hamas authorities in Gaza blindfold detainees and force them to stand or sit in a small chair for extended periods of time, usually during interrogations to pressure them to confess. Detainees cannot speak, move, take medicine, sleep, or eat without permission from guards.

Civil Police (Palestinian Authority (PA) and Hamas): Established in 1993, the police are charged with “safeguarding public security, public order, and law enforcement” and, since 2007, report to their respective Interior Ministries in Gaza and the West Bank. Both police forces handle conventional police duties and oversee places of detention.<sup>1</sup>

General Intelligence Services (PA): Reporting directly to the Palestinian presidency, the Intelligence Services is specialized in counter-intelligence and has the legal authority to carry out arrests on information it collects from “outside the geographic boundaries of Palestine.”<sup>2</sup>

Joint Security Committee (PA): A joint coordinating task force of all security forces in the West Bank, including the police, Preventive Security, General Intelligence, and Military Intelligence, established in 2006 under the authority of the prime minister to handle internal security issues.<sup>3</sup> They are situated in most governorates within the headquarters of Preventive Security or the General Intelligence Services and do not have the independent authority to carry out arrests. Although formally disbanded in June 2018, it has not relinquished its detention authority.

Internal Security (Hamas): Established in September 2007 by Hamas, this security force deals with domestic security and reports to the Interior Ministry.

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<sup>1</sup> Palestinian Police, “About the Police” (in Arabic), undated, <http://www.palpolice.ps/ar/about> (accessed July 17, 2017).

<sup>2</sup> Palestinian News and Information Agency, “The Law Governing Military Intelligence” (in Arabic), undated, <http://info.wafa.ps/atemplate.aspx?id=2658> (accessed July 17, 2017).

<sup>3</sup> Muqtafi, Birzeit University, “Decision No. 285 of 2006 Regarding the Formation of a Committee of Officers of the Palestinian Security Forces” (in Arabic), undated, <http://muqtafi.birzeit.edu/pg/getleg.asp?id=15268> (accessed July 17, 2018).

Military Intelligence (PA): A part of the National Security Forces, this body policies other security agencies and has the authority to arrest other members of the security forces, though not ordinary citizens.<sup>4</sup>

National Security Forces (PA): This body, the successor to the Palestinian Liberation Army, functions as a military force, and does not have the legal authority to carry out arrests.

Preventive Security Forces (PA): Set up in 1994, the Preventive Security Forces, operating under the Interior Ministry, monitors political activities and threats to authorities domestically and has the legal authority to carry out arrests for crimes under its mandate.

*Shabeh*: Arabic term for confining detainees in painful stress positions using different techniques that leave little, if any, physical markings on the body, but amount to torture when it constitutes deliberate infliction of severe harm.

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<sup>4</sup> Palestinian Military Intelligence, "About" (in Arabic), undated, [http://www.pmi.pna.ps/pmia/pmia/?page\\_id=2](http://www.pmi.pna.ps/pmia/pmia/?page_id=2) (accessed July 17, 2018).





## Summary

In the 25 years since Palestinians gained a degree of self-rule over the West Bank and the Gaza Strip, their authorities have established machineries of repression to crush dissent, including through the use of torture.

Both the Fatah-dominated Palestinian Authority (PA) in the West Bank and the Islamic Resistance Movement ( Hamas) in Gaza have in recent years carried out scores of arbitrary arrests for peaceful criticism of the authorities, particularly on social media, among independent journalists, on university campuses, and at demonstrations. As the Fatah-Hamas feud deepened despite attempts at reconciliation, PA security services have targeted supporters of Hamas and vice versa. Relying primarily on overly broad laws that criminalize activity such as causing “sectarian strife” or insulting “higher authorities,” the PA and Hamas use detention to punish critics and deter them and others from further activism. In detention, security forces routinely taunt, threaten, beat, and force detainees into painful stress positions for hours at a time.

This report is the result of a two-year investigation by Human Rights Watch into patterns of arrest and detention conditions. It draws on 86 cases in the West Bank and Gaza, which show that Palestinian authorities routinely arrest people whose peaceful speech displeases them and torture those in their custody. These findings emerge from interviews with 147 persons, most of them ex-detainees, but also family members, lawyers, NGO representatives, and a doctor; and a review of photographic and video evidence, medical reports, and court documents.

Human Rights Watch also wrote to the main implicated security agencies and government authorities in both the West Bank and Gaza and received substantive responses from each, which are reflected in the report and reprinted in full at the end of this report. They all denied that abuses amount to more than isolated cases that are investigated when brought to the attention of authorities, who hold perpetrators to account. The evidence gathered by Human Rights Watch and presented in this report contradicts these claims.

The arrests for nonviolent speech acts constitute serious violations of international human rights law, in contravention of legal obligations imposed through Palestine’s accession to

major international human rights treaties over the last five years. The torture as practiced by both the PA and Hamas may amount to a crime against humanity, given its systematic practice over many years.

The primary security agencies implicated in the abuses documented in this report include Hamas' Internal Security and the PA's Preventive Security, Intelligence Services, and Joint Security Committee. PA security forces operate with significant support from the United States and Europe and in coordination with the Israeli army. Hamas receives financial aid from Iran, Qatar, and Turkey.

Both authorities have mechanisms in place to receive complaints from citizens and concerned organizations and investigate potential wrongdoing by security forces, but, according to information provided by the security agencies to Human Rights Watch, these rarely lead to a finding of wrongdoing, much less disciplinary measures or prosecutions for serious abuses.

## **Arbitrary Arrests**

The PA and Hamas have both clamped down on the major outlets for dissent available to Palestinians in the West Bank and Gaza. Both authorities categorically deny carrying out arbitrary arrests, insisting they act in accordance with the law. However, Human Rights Watch's documentation shows that they regularly detain critics without a reasonable basis to suspect they committed a cognizable offense and rely on dubious or broadly worded charges to justify detaining them and to pressure them to stop their activities. While the specifics differ between the West Bank and Gaza, the result in both places is shrinking space for free speech, association, and assembly.

### *Political Opposition*

The Fatah-controlled PA has methodically arrested activists and supporters of Hamas or Hamas-aligned groups solely because of their political affiliation or expression, with Hamas carrying out similar abuses against partisans of Fatah or officials who served in the PA-led government, including in the security services, before the 2007 Hamas takeover.

In the West Bank, for example, PA forces detained 38-year-old Osama al-Nabrisi at least 15 times since he finished serving a 12-year prison sentence in Israel in October 2014,

including just two days after his release, apparently because of his involvement with the Hamas political bloc while in Israeli prison. They held him pursuant to orders by local officials under a form of administrative detention increasingly used in recent years and not subject to the legal procedures set out under the Palestinian Criminal Procedures law.

In Gaza, Hamas authorities arrested Abdel Basset Amoom, an ex-PA Preventive Security employee, in January 2017 for his involvement in a protest about electricity cuts. An interrogator told Amoom, “You Fatah members want to make anarchy and chaos, you want to destabilize security,” but provided no specific accusations of unlawful activity beyond demonstrating without a permit.

### *Social Media*

Palestinian authorities have carried out dozens of arrests for critical posts on social media platforms, which Palestinians increasingly rely on to share their views, connect with one another, and organize activities.

In the West Bank, for example, PA security forces dispatched 10 officers to the house of activist Issa Amro in Hebron in September 2017, one hour after he criticized on Facebook the detention of a journalist and called on the PA to respect free expression. They detained Amro for a week, accusing him of wanting to lead a coup, and charging him on the basis of his post with, among other things, creating “sectarian strife,” insulting “higher authorities,” and endangering “the public order of the state.” In May 2016, Hamza Zbeidat, who works for a development NGO, said officers held him for two days and questioned him about a post calling for Palestinians to “struggle against the PA like we struggle against the occupation” and asked why he criticizes the PA and not Hamas.

In Gaza, Hamas police detained a 28-year-old social worker in April 2017, after he posted on Facebook an excerpt from a book by Palestinian author Ghassan Kanafani. The police interrogated him about what other books he had read, charged him with “offending religious feelings,” among other things, and released him only after he signed a commitment not to “misuse social media.” Officers also held journalist Amer Balousha for fifteen days in July 2017 after a Facebook post that asked, “do your children [referring to Hamas leaders] sleep on the floor like ours do,” calling him a “source of sedition,” and

allegedly telling him “it’s forbidden to write against Hamas, we will shoot you,” and charging him with “misuse of technology.”

### *Journalists*

The Fatah-controlled PA and Hamas have also targeted journalists, both those affiliated with the rival camp and unaffiliated ones who produce reports critical of their policies.

In 2017, PA forces arrested one journalist, Jihad Barakat, who snapped photos of Prime Minister Rami Hamdallah at an Israeli checkpoint, and a second, Sami As-Sai, who shared a list of Palestinians in Israeli prisons with a Hamas member in Gaza. In Gaza, Hamas police detained in September 2016 one journalist, Muhammad Othman, for publishing a leaked document showing how a former prime minister of the Gaza authority was continuing to make government decisions and charged another, Hajar Harb, in August 2016 with “slander” and “lack of precision” in relation to an investigative piece she wrote alleging corruption in the Hamas-run Health Ministry in Gaza.

Hamas forces in June 2017 detained Palestinian Broadcasting Corporation reporter Fouad Jarada and questioned him about a string of critical news reports and a Facebook post critical of Qatar, then an ally of Hamas. They later arrested his cousin Ashraf at around the same time and held them both for over two months and charged them in military court with “harming revolutionary unity.” Not long afterward, in August 2017, PA forces arrested five journalists in the West Bank considered sympathetic to Hamas. Prosecutors told one of them, Bethlehem-based Mamdouh Hamamra, that his fate was linked to that of Jarada. Hamas released Jarada on August 13, 2017, and the PA released the five journalists the next day.

### *Demonstrations*

Palestinians also have limited freedom to participate in anti-government political demonstrations in both the West Bank and Gaza. In the West Bank, PA forces arrested dozens of members of the Islamist al-Tahrir Party in relation to peaceful protests the party had organized in February 2017 against the sale of *Waqf*, or Islamic trust, land in Hebron.

In Gaza, Hamas police detained hundreds of demonstrators who took to the streets in January 2017 to protest the electricity crisis, including Muhammad Lafi, a 25-year-old

activist who had also released a music video the day before demonstrations calling for people to rise up. Authorities charged Lafi with “inciting against the government, damaging public property, and calling for riots,” based on his involvement in the demonstrations, releasing him only after he signed a pledge not to “participate in any unauthorized demonstrations.” Hamas police weeks later detained Fatah activist Yaser Weshah for seven days and questioned him about an action he had taken in solidarity with detained electricity protesters in which he held a sign on a major road saying, “No to political arrests. No to gag orders.”

### *On University Campuses*

Palestinian authorities closely monitor criticism of the PA at universities. In January 2017, PA forces detained Fares Jbour, an electrical engineering student in Hebron, and questioned him about his participation in a book drive organized by the Hamas-affiliated Islamic Bloc on campus. Jbour told Human Rights Watch that PA forces had arrested him five previous times over his peaceful activities with the bloc, and said that prosecutors charged him with “weapons possession,” “forming militias,” “heading an armed gang,” and “money laundering,” but released him without referring him to court. In February 2017, Hamas police held Youssef Omar, who teaches history at Al-Aqsa University in Gaza, along with four other professors, apparently over their activism with the union of university employees, which opposed Hamas’ attempt to appoint a new university president without consulting the PA.

### *Opposition Strongholds*

Palestinian police have most aggressively policed areas in the West Bank and Gaza seen as hotbeds of political opposition. In the West Bank, the harshest reprisals have targeted the Nablus area, in particular the Balata Refugee Camp, seen as a base of support for Palestinian President Mahmoud Abbas’ rival Muhammad Dahlan, and the Old City of Nablus, where tensions have flared in recent years between supporters and critics of the PA. In Gaza, the crackdown around the January 2017 electricity protests focused on the refugee camps, particularly al-Bureij and Jabalia, where much of the organizing took place.<sup>5</sup>

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<sup>5</sup> In his music video ahead of electricity demonstrations, Muhammad Lafi in fact proclaimed, “a revolution from the camps.” See “Mhammedlafi – Your Right,” video clip, YouTube, January 11, 2017, <https://www.youtube.com/watch?v=qeGo7GVfhPE> (accessed August 30, 2018).

## Torture and Abuse in Custody

Human Rights Watch’s investigation based on 147 interviews further indicates that the mistreatment and torture of those in Palestinian custody is routine, in particular in Hamas’ Internal Security custody in Gaza and in the PA’s Intelligence, Preventive Security, and Joint Security Committee detention facilities in Jericho. The habitual, deliberate, widely known use of torture, using similar tactics over years with no action taken by senior officials in either authority to stop these abuses, make these practices systematic. They also indicate that torture is governmental policy for both the PA and Hamas.

Positional abuse or *shabeh*, the most common tactic used by both the PA and Hamas, paralleling years of Israeli practice against Palestinians, can amount to torture when it constitutes deliberate infliction of severe harm.<sup>6</sup> While the PA and Hamas both deny using *shabeh*, scores of detainees told Human Rights Watch that officers placed them in painful stress positions for many hours at a time, using a mix of techniques that often left little or no trace on the body.

In the West Bank, the Intelligence Services, Preventive Security, and Joint Security Committee often practice *shabeh* at their detention facilities in Jericho, where they regularly send political detainees. Alaa Zaqeq, detained in April 2017 because of his university activism with the Islamic Bloc, said that Intelligence Services officers forced him to stand for stretches at a time with his legs spread out in a half squat, and later, on his tiptoes with a rope pulling his hands back. He said an interrogator known as the “Juicer” told him he would “leave this place in a wheelchair,” and, “we are going to make you pay the price for the coup in Gaza.” At the same detention center two months prior, journalist Sami As-Sai said officers greeted him by telling him, “We had people who entered here with muscles and left without any.” They tied his hands by rope to the ceiling of an interrogation room and slowly pulled the rope to apply pressure to his arms, which caused him to feel so much pain that he had to ask an officer to pull his pants up after he used the toilet because he could not do it himself.

In Gaza, Internal Security officers often put detainees in a room called the *bus*, where they force detainees to stand or sit in a small child’s chair for hours or even days, with few

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<sup>6</sup> Human Rights Watch, *Torture and Ill-Treatment: Israel’s Interrogation of Palestinians from the Occupied Territories* (New York: Human Rights Watch, 1994), <https://www.hrw.org/legacy/reports/1994/israel/>.

breaks. A PA civil servant, arrested after a friend tagged him in a Facebook post calling for protests on the electricity crisis, spent most of his days in the Internal Security's Gaza City detention center subjected to positional abuse in the *bus*, causing him to feel "severe pain in my kidneys and spine" and as if his neck would "break" and his "body is tearing up inside." Journalists Ashraf and Fouad Jarada spent most of their first month in the *bus*, where security personnel forced them to alternate between standing and the chair.

Palestinian forces in both the West Bank and Gaza regularly use threats of violence, taunts, solitary confinement, and beatings, including lashing and whipping of the feet of detainees, to elicit confessions, punish, and intimidate activists. When al-Tahrir Party member Fawaz al-Herbawi refused to answer questions during an interrogation, an interrogator threatened to break his legs. Officers at the Intelligence Services' detention facility in Jericho whipped engineering student Jbour's feet and hit him on his side with a hose, while subjecting him to *shabeh*, and told him, "If you did not confess in Hebron, you will confess here." In a subsequent session, as officers alternated between kicking and hitting him with a baton, they told him, "You are affiliated with Hamas ... a day will come for you. If you do not talk, you will see something you have never seen before," and put him in a solitary cell, cut off from other inmates for a week.

In Gaza, an officer chided Weshah, the Fatah activist, for writing about "sensitive issues" like unemployment and medical negligence, telling him, "Next time, I will cause you a permanent disability," putting him in the *bus* for three days. Amoom, the Dahlan supporter, said officers whipped his feet and his chest with a cable until he felt he "was losing consciousness." Officers told Othman, the journalist, that they will "end [his] journalist future" if he "criticize[d] the government or the security apparatus;" they placed him in the *bus*. Two months after his release, he left Gaza as a result of the harassment and says he does not intend to return.

Authorities also regularly use similar tactics, sometimes with a greater degree of intensity, for those detained on drug or other criminal charges in order to obtain confessions. In the West Bank, a then 17-year-old boy said security forces detained him for a week and repeatedly tortured him in April 2017. Police shackled his hands behind his back and slowly raised them and hit his feet and legs repeatedly with a baton. When he could no longer bear the pain, he confessed to stealing some agricultural equipment. Sarie Samandar, a Christian Jerusalemite detained after a June 2017 street fight, said PA police



called him a “Christian pig,” and that, “Daesh (Islamic State or ISIS) needs to come for you,” and repeatedly punched, kicked, and slammed his body against the wall.

In Gaza, Emad al-Shaer, a farmer detained on drug possession charges, said that police attached his hands by cable to the ceiling and feet to the window and left him hanging while repeatedly whipping his feet and body with a cable, telling him, “You will die here if you do not speak.” He confessed. Despite only a day in detention, he spent five days in hospitals drifting into and out of consciousness and receiving treatment for injuries linked to his treatment in custody, including coughing up blood, kidney failure, and blockage of a major blood vessel, according to medical reports and photos reviewed by Human Rights Watch.

In the West Bank, some of the harshest treatment reported by detainees occurs at the Joint Security Committee detention facility in Jericho, where officers subject detainees to regular *shabeh* and long stints in small solitary cells cut off from others.<sup>7</sup> A young man from Balata said officers subjected him twice to electrical shocks and once tied a cord around his penis and witnessed officers dislocate the shoulder of another detainee when striking him with a chair while his hands were bound behind his back, an account corroborated by the other detainee’s family after a visit with him.

## Chilling Effect

Beyond the arrest and torture, authorities use several other tactics to punish and deter activists, including confiscating their electronic devices, leaving investigations open, and coercing detainees to commit not to engage in further dissent. Both the PA and Hamas interrogators frequently pressure detainees into providing access to their cellphones and social media accounts. Governments can use easily accessible technology to copy all details from seized cellphones, including contacts. Nablus-based journalist Tarek Abu Zaid said he gave interrogators his Facebook password in order to stop officers from subjecting him to *shabeh* and beating him in May 2016, when detained after publishing a report on PA

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<sup>7</sup> Prime Minister Rami Hamdallah formally disbanded the Joint Security Committee in June 2018. “Hamdalla decides to disband the Joint Committee” (in Arabic), Maan News Agency, June 4, 2018, <https://www.maannews.net/Content.aspx?id=951367> (accessed August 30, 2018). However, the Joint Security Committee continues to exercise its detention authority and hold detainees. Human Rights Watch email correspondence with Ammar Dwaik, Director General of the Independent Commission for Human Rights (ICHR), August 9, 2018.

torture. After the Intelligence Services arrested him again in August 2017, they interrogated him about several Facebook posts that they had printed out. In Gaza, 55-year-old United Nations Relief and Works Agency (UNRWA) math teacher Abdullah Abu Sharekh, detained for criticizing comments made by a Hamas leader to the effect that Gaza is steadfast and prosperous, provided his Facebook password after authorities threatened to imprison him for six months if he refused. After four arrests between January 2017 and January 2018 and long stretches in the *bus*, he said, “I decided to leave them alone, so they can leave me alone.”

In the West Bank, the PA often releases detainees without dropping the charges against them, so that charges hang over the former detainees as a potential pretext for future summons or arrests. The vague language in sections of the Penal Code and the Electronic Crimes Law, issued in 2017 and amended in 2018, granting authorities vast authority to monitor and restrict online activity, make it hard for people to know what type of expression constitutes a crime.<sup>8</sup> They also often repeatedly arrest or summon dissidents for interrogations as a punitive measure or to harass them into silence.

In Gaza, authorities regularly condition release on signing a commitment not to engage in the type of peaceful expression that led to their arrest.

## Lack of Accountability

In both Gaza and the West Bank, Palestinian authorities have routinely failed to hold accountable security forces for carrying out arbitrary arrests or using excessive force, ill-treatment, or torture against detainees. External oversight has not stopped routine abuse, even though that oversight should have become more robust after Palestine acceded in December 2017 to the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and authorities began deliberations on how to establish an oversight regime that includes surprise visits, as required under the protocol. Citizens and human rights groups have filed hundreds of complaints through internal complaint mechanisms within each agency. However, authorities took no disciplinary action in the vast majority of cases, with only a small number resulting in administrative sanction or referral for criminal prosecution.

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<sup>8</sup> “Palestine: Reform Restrictive Cybercrime Law,” Human Rights Watch news release, December 20, 2017, <https://www.hrw.org/news/2017/12/20/palestine-reform-restrictive-cybercrime-law>.

While military prosecutors have the power to independently prosecute wrongdoing by members of the security force regardless of their rank, Human Rights Watch is not aware of a single case in which a member of a security force was convicted of arbitrarily arresting or mistreating detainees.

Widespread arbitrary arrests and torture put Palestinian authorities in violation of a range of human rights treaties they acceded to over the last five years. Hamas authorities in a letter to Human Rights Watch said it had committed itself to upholding all international treaties ratified by the PA. International legal standards set out a robust right to free expression; they categorically prohibit torture, as well as cruel, inhuman or degrading treatment. The Palestinian Basic Law reflects these obligations, safeguarding the “right [of a person] to publish his opinion orally, in writing, or in any form of art, or through any other form of expression” and restricting authorities from arbitrarily arresting and torturing detainees.

The UN Committee Against Torture has said that “torture is practiced systematically when it is apparent that the torture cases reported have not occurred fortuitously in a particular place or at a particular time, but are seen to be habitual, widespread and deliberate in at least a considerable part of the territory of the country in question.”<sup>9</sup> As a crime of universal jurisdiction, states are required to arrest and investigate anyone on their territory credibly suspected of involvement in torture anywhere and to prosecute them or extradite them to face justice. The Convention against Torture makes clear that “those exercising superior authority - including public officials - cannot avoid accountability or escape criminal responsibility for torture or ill-treatment committed by subordinates where they knew or should have known that such impermissible conduct was occurring, or was likely to occur, and they failed to take reasonable and necessary preventive measures.”<sup>10</sup> When part of a widespread or systematic “attack on a civilian population,” which means it is part of a state or organizational planning or policy to commit the crime, torture constitutes a crime against humanity prosecutable at the International Criminal Court (ICC).

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<sup>9</sup> United Nations General Assembly, Report of the Committee Against Torture, A/51/44, July 9, 1996, para. 214.

<sup>10</sup> UN Committee Against Torture, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment General Comment No. 2, Implementation of Article 2 by States Parties, U.N. Doc. CAT/C/GC/2 (2008).

Human Rights Watch calls on President Abbas to publicly pledge to end arbitrary arrests, torture, and impunity for security forces and empower a credible, independent governmental body to inspect places of detention and investigate and prosecute allegations of wrongdoing. Prosecutors should refrain from charging defendants under vaguely worded penal code sections used to carry out arrests based on peaceful criticism of authorities, and security forces should stop arresting, detaining, and charging persons for nonviolent dissent.

Hamas authorities should similarly pledge to end arbitrary arrest and torture and establish a mechanism of oversight over its detention practices. Prosecutors should refrain from filing charges such as “harming revolutionary unity” or “misuse of technology,” to prosecute persons for nonviolent critical speech. They should investigate in a thorough, impartial, and timely manner all allegations of abuse, and prosecute members of security forces against whom there is evidence of criminal responsibility.

Palestinian authorities should implement the treaties Palestine has ratified, especially the Convention against Torture and its Optional Protocol, and establish a national body to oversee places of detention.

The PA and Hamas rely heavily on external support. The US allocated US\$60 million in International Narcotics Control and Law Enforcement (INCLE) nonlethal assistance to PA security forces for the 2018 fiscal year and US\$35 million for the 2019 fiscal year aimed at “supporting the long-term sustainability and effectiveness of the Palestinian Authority Security Forces and the Ministry of Interior.”<sup>11</sup> Congress exempted these funds from March 2018 restrictions on US aid to the PA.<sup>12</sup> The US, European Union, and a number of European states provide training and other support to PA security forces.<sup>13</sup> For Hamas, Yahya Sinwar

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<sup>11</sup> Congressional Research Service, “U.S. Foreign Aid to the Palestinians,” May 18, 2018, <https://fas.org/sgp/crs/mideast/RS22967.pdf> (accessed August 30, 2018). Human Rights Watch email correspondence with U.S. Department of State official, October 15, 2018.

<sup>12</sup> ‘Consolidated Appropriations Act, 2018, H.R. 1625, 115<sup>th</sup> Congress of the United States of America (2017-2018), available at: <https://www.congress.gov/bill/115th-congress/house-bill/1625/text>. According to media reports, the US released funds for Palestinian security forces in August 2018, despite a freeze since January 2018 in U.S. aid to the West Bank and Gaza. Amir Tibon, “Trump Administration Released Dozens of Millions of Dollars to Support Palestinian Security Forces,” *Haaretz*, August 2, 2018, <https://www.haaretz.com/us-news/.premium-trump-administration-released-dozens-of-millions-of-dollars-to-pa-1.6340023> (accessed August 30, 2018).

<sup>13</sup> The US Security Coordinator (USSC) for Israel and the Palestinian Authority (PA) has since the June 2007 Fatah-Hamas split overseen training for PA security forces. USSC, whose staff includes officers from the UK, Canada, Turkey, Italy, and the

in May 2018 highlighted the support of Iran, noting that they “have provided us a lot of resources, which allowed for the development of our capabilities.”<sup>14</sup> Qatar and Turkey have also provided financial support to Hamas authorities.<sup>15</sup> These countries should suspend assistance to security forces involved in widespread arbitrary arrests and torture, including the PA Preventative Security Forces, General Intelligence Services, and Joint Security Committee and the Hamas-run Internal Security, until authorities take concrete steps to end arbitrary arrests and torture. Engagement with Palestinian security services should focus on ending arbitrary arrests and torture by security forces and ensuring accountability for torture, arbitrary arrests, and other serious crimes.

The ICC prosecutor, Fatou Bensouda, should consider arrests and treatment in custody of detainees by the PA and Hamas as part of any future investigation into the situation in Palestine. Given strong evidence that serious crimes have been committed in Palestine since 2014, Human Rights Watch has called on Bensouda to open a formal probe consistent with the Rome Statute of the ICC.

Moreover, social media platforms should scrutinize government requests for user data, including from Palestinian authorities, and refrain from disclosing user data to governments where the disclosure could contribute to serious human rights abuses.

Both the PA and Hamas regularly speak of Palestinian independence and unity, but detention and torture of rivals and critics undermine their best argument: the promise of greater freedom. National reconciliation and freedom will require reckoning with these serious abuses, holding perpetrators to account, and dismantling their machineries of repression.

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Netherlands, in 2012 reportedly has limited its activities to advising and assisting local authorities. “State with No Army, Army with No State,” The Washington Institute for Near East Policy, March 2018, <https://www.washingtoninstitute.org/policy-analysis/view/state-with-no-army-army-with-no-state> (accessed August 30, 2018). The European Union Coordinating Office for Palestinian Police Support (EUPOL COPPS), provides support to the Palestinian police, with a fiscal year (FY) 2017 budget of €12.372 million, provided by all 21 EU member states, Canada, Norway, and Turkey. The European Union Coordinating Office for Palestinian Police Support, “Mandate,” <http://eupolcoppes.eu/en/content/what-eupol-coppes> (accessed August 30, 2018). Canada, Germany, Finland, France, Italy, Netherlands, Norway, Sweden, and the UK, among others, have also implemented training programs or otherwise supported PA security forces. Supporting documentation on file with Human Rights Watch.

<sup>14</sup> “Special Dialogue – Yahya Sinwar, head of Hamas in Gaza” (in Arabic), May 21, 2018, video clip, YouTube, [https://www.youtube.com/watch?v=ISNSk\\_UOMFE](https://www.youtube.com/watch?v=ISNSk_UOMFE) (accessed August 30, 2018).

<sup>15</sup> “Hamas: Fatah’s Faulting of the Positions of Turkey and Qatar toward Gaza is a Desire to Achieve Narrow Goals” (in Arabic), Sama News, February 14, 2017, <http://samanews.ps/ar/post/294485> (accessed August 30, 2018).

## Recommendations

### To Palestinian Authority (PA) President Mahmoud Abbas

- Publicly pledge to end arbitrary arrests, torture, and impunity by security forces.
- Convene the Palestinian Legislature Council, so it can enact meaningful reform to the Penal Code.
- Repeal the Electronic Crimes Law and ensure that any subsequent legislation complies with international standards and grows out of consultation with Palestinian civil society.
- Empower a governmental body — consistent with the national preventive mechanism provided in the Optional Protocol to the Convention Against Torture — staffed by independent professionals to make unannounced inspections of known and suspected detention sites, formal and informal, investigate complaints of abuse by the security services, prosecute these complaints in civilian court, and maintain a publicly available record of complaints received, investigations, and outcomes.
- Instruct governors to cease using their executive power to order detention outside of the legal process.

### To the Palestinian Legislative Council

- Revise the Penal Code to:
  - Repeal provisions that criminalize defamation, including article 144 on insulting a public official; article 189 on libel in print; article 191 on slandering a public official; and article 195 on insulting a higher authority;
  - Rescind article 150, which criminalizes creating “sectarian strife.”
- Review local law to ensure it is in line with Palestine’s international treaty commitments, including implementing legislation for the Rome Statute of the International Criminal Court (ICC), and implementing the Convention against Torture and its Optional Protocol. This should include clearly criminalizing torture and crimes against humanity and ensuring the principle of command responsibility is set out in criminal law.

- Enact legislation, consistent with the Palestinian Basic Law and international human rights law, granting civilian courts jurisdiction to investigate and prosecute alleged violations by security agencies against civilians, including journalists, in particular but not limited to cases of arbitrary and/or unlawful arrest and abuse of persons in custody.
- Set up independent and effective mechanisms that will compensate all persons who have been arbitrarily detained.

### **To PA Attorney General Ahmad Barrak**

- Refrain from charging defendants under articles 144, 150 189, 191, and 195 of the Penal Code, and the Electronic Crimes Law.
- Investigate, in a thorough, impartial, and timely manner, all torture allegations against law enforcement officials regardless of rank and whether the victim or family has formally filed a complaint.
- Prosecute members of the security forces against whom there is evidence of criminal responsibility for those crimes, ensuring that all perpetrators of serious human rights abuses are brought to justice regardless of rank or political affiliation.
- Order prosecutors at all levels to regularly conduct unannounced inspections of known and suspected detention sites and to investigate all allegations of torture and ill-treatment.
- Order prosecutors not to use confessions and other evidence that may have been obtained by torture, except in cases against the alleged torturers.
- Instruct judges not to use confessions and other evidence that may have been obtained by torture, except in cases against the alleged torturers.
- Publish data on the number of investigations opened, cases referred for prosecutions, and number of convictions for abuses by security forces.

## **To the PA Interior Ministry, Preventive Security, Intelligence Services, and Joint Security Committee**

- Cease arresting and detaining people for their nonviolent criticism of authorities.
- Cease the use of prolonged *shabeh* and publicly pledge that this tactic will not be used and any security officer who practices it will be prosecuted.
- Ensure cameras are installed in places of interrogation at all detention facilities.
- Cooperate fully with any criminal investigations of abuses by security forces and preserve and disclose as requested all potential evidence of serious human rights violations in its possession.
- Publish the names of any security officials disciplined and the disciplinary measures taken against them for abuses against detainees.

## **To PA Military Prosecutor Maj. Gen. Ismail Faraj**

- Investigate, in a thorough, impartial, and timely manner, all torture allegations against law enforcement officials regardless of rank and whether the victim or family has formally filed a complaint.
- Prosecute members of the security forces against whom there is evidence of criminal responsibility for those crimes, ensuring that all perpetrators of serious human rights abuses are brought to justice regardless of rank or political affiliation.
- Publish data on the number of investigations opened, cases referred for prosecutions, and number of convictions for abuses by security forces.

## **To Hamas Authorities in Gaza**

- Publicly pledge to end arbitrary arrests, torture, and impunity by security forces.
- Stop arresting, detaining, and charging people for their nonviolent criticism of authorities.
- Cease requiring detainees, as a condition of release, to commit to not exercise their right to engage in peaceful protest or criticism of authorities.



- Investigate, in a thorough, impartial, and timely manner, all torture allegations against law enforcement officials regardless of rank and whether the victim or family has formally filed a complaint.
- Prosecute members of the security forces against whom there is evidence of criminal responsibility for those crimes, ensuring that all perpetrators of serious human rights abuses are brought to justice regardless of rank or political affiliation.
- Publish the names of any security officials disciplined and the disciplinary measures taken against them for abuses against detainees.
- Refrain from charging defendants under vague laws, such as those that outlaw “misuse of technology” and “harming revolutionary unity.”
- End prosecutions of civilians in military courts, including by refusing requests by security services for arrest warrants against civilians and by military prosecutors for remands of civilians in detention.
- Ensure cameras are installed in places of interrogation at all detention facilities.
- Order prosecutors not to use confessions and other evidence that may have been obtained by torture, except in cases against the alleged torturers.
- Establish a mechanism to track the number of detainees in all places of detention, including facilities operated by Internal Security as well as by all branches of the regular police, the drugs police, and police detectives, and publish these numbers monthly.

## **To the United States, European Union, and Other States**

- Issue a public statement expressing concern about the PA’s systematic arbitrary arrests of dissidents and abuse of those in their custody.
- Suspend assistance to security forces involved in widespread arbitrary arrests and torture, including the PA Preventative Security Forces, General Intelligence Services, and the Joint Security Committee, until authorities take effective steps to stop arresting critics and torturing detainees and to investigate, prosecute, and punish security officers responsible for abuses, and publicly report on its compliance with these conditions. Engagement with Palestinian Authority security

services should focus on ending arbitrary arrests and torture by security forces and ensuring accountability for torture, arbitrary arrests, and other serious crimes.

### **To Qatar, Iran, and Turkey:**

- Issue a public statement expressing concern about Hamas' systematic arbitrary arrests of dissents and abuse of those in their custody.
- Suspend assistance to security forces involved in widespread arbitrary arrests and torture, including the Hamas-run Internal Security, until authorities take effective steps to stop arresting critics and torturing detainees and to investigate, prosecute, and punish security officers responsible for abuses, and publicly report on its compliance with these conditions. Engagement with Hamas security services should focus on ending arbitrary arrests and torture by security forces and ensuring accountability for torture, arbitrary arrests, and other serious crimes.

### **To ICC Prosecutor Fatou Bensouda**

- Open a formal investigation into serious crimes committed in Palestine.
- Consider arrests and treatment in custody of detainees by the PA and Hamas, including the use of torture and arbitrary detention, as part of a future investigation of the situation in Palestine.

### **To Social Media Companies and Internet Service Providers**

- Scrutinize government requests for user data, including from Palestinian authorities, and refrain from disclosing user data where the disclosure could contribute to serious human rights abuses, including reprisals for peaceful expression.
- Allow individuals who face risk of reprisal for their peaceful expression on social media to use pseudonyms on your platforms.

## To the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

- Request a visit to conduct spot inspections of places of detentions operated by the PA and Hamas, as per the terms of Optional Protocol to the Convention against Torture, which Palestine acceded to in December 2017.

## To the State of Palestine

- Extend open invitations to the UN special rapporteur on the promotion and protection of the right to freedom of opinion and expression, the special rapporteur on torture, the special rapporteur on the independence of the judiciary, the UN Working Group on Arbitrary Detention, the subcommittee to the Optional Protocol to the Convention against Torture, and the Office of the Prosecutor of the ICC to study relevant abuses in Palestine.
- Cooperate with the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, even if Israeli authorities deny them entry, and publish immediately reports they produce.

## Methodology

This report focuses on cases of detention by the Palestinian Authority (PA) and Hamas that occurred in 2016 and 2017, though on occasion refers to older events. It primarily evaluates the arrests themselves and treatment in custody and does not explore in-depth the legal proceedings against detainees. It also does not investigate detentions by the Israeli army in the West Bank and Gaza, which Human Rights Watch has covered elsewhere.

This report is based primarily on interviews conducted at different locations in the Occupied Palestinian Territories between September 2016 and September 2018. Human Rights Watch conducted a total of 147 interviews, 95 with ex-detainees and 52 with lawyers, NGO representatives, a doctor, and relatives of detainees.

In the West Bank, Human Rights Watch spoke to 47 former detainees, 10 family members, six lawyers, and 17 NGO representatives.

In Gaza, Human Rights Watch interviewed 48 ex-detainees, 10 family members, four lawyers, four NGO representatives, and a doctor.

Interviews were largely conducted individually and in Arabic. All interviews were conducted with the full consent of those being interviewed and all of the interviewees were told how Human Rights Watch would use the information provided. Human Rights Watch is withholding names of some detainees for their security, giving them instead pseudonyms, which are noted at first mention between quotation marks.

In some cases, Human Rights Watch was able to review photographic and video evidence, medical reports, court verdicts, and related documents, some of which are mentioned or reproduced and included in the report.

Human Rights Watch wrote to the PA Intelligence Services, Preventive Security, Military Prosecutor, and Interior Minister/Prime Minister, as well as to the Gaza Internal Security, Interior Ministry, Justice Ministry, and Hamas Political Office soliciting the respective authorities' perspectives generally on the issues covered. Human Rights Watch for the

most part did not ask the respective security agencies to respond to the individual cases documented in the report for the security of the former detainees.

Human Rights Watch received substantive responses from PA Intelligence Services, Preventive Security, Military Intelligence, police, and the Interior Ministry. Human Rights Watch also met with the PA Intelligence Services in the West Bank. In Gaza, the Hamas-run Interior Ministry, Justice Ministry, and police sent detailed responses to the Human Rights Watch letters. Hamas' Political Office also responded, noting all questions should be referred to the formal governmental authorities. We have reflected the responses we received throughout this report and reprinted them in full, translated into English, in the appendices.

Israeli military authorities denied Human Rights Watch a permit to enter Gaza to conduct meetings with Hamas authorities on these issues. Limitations imposed by Israel on access to and from the Gaza Strip for human rights workers made it more difficult for the researchers of this report to investigate particularly sensitive cases.<sup>16</sup>

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<sup>16</sup> Human Rights Watch, *Unwilling or Unable: Israeli Restrictions on Access to and from Gaza for Human Rights Workers*, (New York: Human Rights Watch, 2017), <https://www.hrw.org/report/2017/04/02/unwilling-or-unable/israeli-restrictions-access-and-gaza-human-rights-workers>.

## Background

In March 2006, two months after winning Palestinian National Authority elections in the West Bank and Gaza, Hamas formed a government headed by Ismail Haniyeh as prime minister. Since then, the Palestinian Legislative Council (PLC) has never convened with a quorum, due to Israel's arrest of dozens of elected Hamas members, international opposition to Hamas' role in the government, and political disagreements between Fatah and Hamas.<sup>17</sup>

In June 2007, after months of clashes between Fatah and Hamas, Hamas seized control of Gaza's security facilities and government buildings. In response, President Abbas dissolved the unity government that Fatah and Hamas had agreed to form four months earlier, dismissed Hamas leader Ismail Haniyeh as prime minister, declared a state of emergency, and appointed an emergency government.<sup>18</sup>

Since then, Hamas has effectively governed Gaza and the Fatah-led Palestinian Authority (PA), the West Bank. The parties have formed unity governments at various points over the last eleven years, most recently in October 2017, but Hamas and the Palestinian Authority have continued to control the security services in Gaza and the West Bank, respectively, and run government ministries in parallel.

Israeli authorities have also incarcerated hundreds of thousands of Palestinians from the West Bank and Gaza since 1967, the majority after trials in military courts, which have a near-100 percent conviction rate.<sup>19</sup> In addition, Israel has placed, on average, hundreds every year in administrative detention using secret evidence without charge or trial. Some

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<sup>17</sup> Palestinian Center for Human Rights (PCHR), *Annual Report 2007* (Gaza: PCHR 2007) [http://www.pchrgaza.org/files/Reports/English/pdf\\_annual/Summary-Eng.pdf](http://www.pchrgaza.org/files/Reports/English/pdf_annual/Summary-Eng.pdf) (accessed July 17, 2018).

<sup>18</sup> For more details, refer to Human Rights Watch, *Internal Fight: Palestinian Abuses in Gaza and the West Bank* (New York: Human Rights Watch, 2008), <https://www.hrw.org/report/2008/07/29/internal-fight/palestinian-abuses-gaza-and-west-bank>.

<sup>19</sup> Chaim Levinson, "Nearly 100% of All Military Court Cases in West Bank End in Conviction, Haaretz Learns," *Haaretz*, November 29, 2011, <https://www.haaretz.com/1.5214377> (accessed July 17, 2017).

were detained or imprisoned for engaging in nonviolent activism.<sup>20</sup> Many detainees, including children, face harsh conditions and mistreatment.<sup>21</sup>

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<sup>20</sup> “Israel: End Crackdown on Anti-Wall Activists,” Human Rights Watch news release, March 5, 2010, <https://www.hrw.org/news/2010/03/05/israel-end-crackdown-anti-wall-activists>; “Israel: Activist Convicted After Unfair Trial,” Human Rights Watch news release, September 8, 2010, <https://www.hrw.org/news/2010/09/08/israel-activist-convicted-after-unfair-trial>.

<sup>21</sup> “Palestine: Israeli Police Abusing Detained Children,” Human Rights Watch news release, April 11, 2016, <https://www.hrw.org/news/2016/04/11/palestine-israeli-police-abusing-detained-children>.

## I. West Bank

Since its establishment in September 1993, the Fatah-led Palestinian Authority (PA) has arbitrarily arrested scores of critics and mistreated detainees in its custody. In recent years, the Intelligence Services, Preventive Security, and the Joint Security Committee have been the PA agencies most involved in detaining those suspected of support for, or involvement in, Hamas or other Islamist groups and otherwise engaged in criticism of the PA or its security apparatus, or in other types of peaceful dissent.

Preventive Security said in a letter to Human Rights Watch that in 2016 and 2017, it had detained a total of 220 people because of social media posts, 65 university students, and two journalists. It justified these arrests on the basis of “illegal activities,” including expression that “falls outside the bounds of criticism and expression of opinions” and that “could have truly endangered the lives of civilians.” In particular, the letter linked the activities of those detained for social media posts, as well as the students and journalists, to their support for “criminal ideas of the illegal militias that seek a coup in the Gaza Strip.” Preventive Security also expressed hope that the arrests would “put them back on the path of order and lawfulness and to keep them away from closed thinking.”

As of April 2018, Preventive Security said that it held 125 detainees in detention and the Intelligence Services claimed it held 61 in detention.

Human Rights Watch did not ask the respective security agencies to respond to most of the individual cases documented in this section. However, they responded in general terms to the allegations of arbitrary arrest and torture. All security agencies deny carrying out arbitrary arrests, insisting that they strictly adhere to legal procedures. The police said in a letter to Human Rights Watch that officers did not in 2016 and 2017 “carry out arbitrary arrests on the basis of free expression or opinion or political or party affiliation.”

Preventive Security and Intelligence made similar statements.



Authorities have also held dozens in administrative detention under a 1954 law pursuant to orders from the regional governor.<sup>22</sup> No official figures are available regarding the number of administrative detentions, but in 2017 the Independent Commission for Human Rights recorded 103 cases and the Palestinian rights group Al-Haq documented 50 cases.<sup>23</sup> This form of detention leaves detainees with uncertainty as to the basis and length of their detention, depriving them of due process and fair trial guarantees. The United Nations Office of the High Commissioner for Human Rights (OHCHR) has said, “The routine practice of detention on a governor’s authority is inconsistent with international law and raises concerns of arbitrary detention, not least as governors have apparently been using such power mainly to detain political opponents.”<sup>24</sup>

All agencies also categorically said they reject torture and do not practice *shabeh*. A letter from the PA Interior Ministry presents a series of “policies and procedures to prevent torture,” including posters it says it sent to be posted at all detention facilities that list the rights of detainees. Preventive Security said there were no cases of *shabeh* in 2016, as “per verbal and written guidelines of the agency’s leader.” Lawyers at the Intelligence Services told Human Rights Watch that *shabeh* constitutes torture and is forbidden.

In addition to arbitrary arrests and torture, the PA has taken other steps apparently to restrict dissent, including blocking access in the West Bank to at least 29 news websites seen as sympathetic to Hamas and Fatah factions opposed to President Abbas.<sup>25</sup> Civil society organizations also accuse the PA of tapping the phones of lawyers, journalists, and PLC members and selectively leaking their contents.<sup>26</sup>

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<sup>22</sup> Prevention of Crimes Act of 1954, art. 4; Administrative Divisions Regulation, No. 1 of 1966.

<sup>23</sup> The Independent Commission for Human Rights (ICHR), “2017 Annual Report,” June 13, 2018, <https://goo.gl/CY8xAF> (accessed July 18, 2018); Human Rights Watch email correspondence with Ammar Dwaik, Director General of ICHR, August 9, 2018; and Al-Haq, “*Detention on the Order of Governors*,” in Arabic, 2018, [http://www.alhaq.org/arabic/index.php?option=com\\_zoo&task=item&item\\_id=126&category\\_id=12&Itemid=218](http://www.alhaq.org/arabic/index.php?option=com_zoo&task=item&item_id=126&category_id=12&Itemid=218) (accessed August 30, 2018).

<sup>24</sup> United Nations Human Rights Council, “Human Rights Situation in the Occupied Palestinian Territory, Including East Jerusalem: Report of the High Commissioner for Human Rights,” A/HRC/37/42, February 21, 2018, [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A\\_HRC\\_37\\_42.docx](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A_HRC_37_42.docx) (accessed August 21, 2018).

<sup>25</sup> Palestinian Center for Development and Media Freedoms (MADA), “*Media Freedoms Violations in Palestine in 2017*,” 2018, <https://goo.gl/HxVyVK> (accessed September 4, 2018).

<sup>26</sup> Al-Haq, “Al-Haq Calls on Official Bodies to Clarify their Positions on the Issue of Wiretapping Citizen’s Calls,” January 20, 2018, [http://www.alhaq.org/arabic/index.php?option=com\\_content&view=article&id=890:qq-&catid=82:2012-05-09-07-27-45&Itemid=197](http://www.alhaq.org/arabic/index.php?option=com_content&view=article&id=890:qq-&catid=82:2012-05-09-07-27-45&Itemid=197) (accessed July 17, 2018).

## Political Opposition

### *Osama al-Nabrisi, Qalqilya*

The Israeli army arrested Osama al-Nabrisi in the early 2000s and an Israeli military court sentenced him to 12 years in prison on what he said were charges of placing Molotov cocktails near an Israeli settlement.<sup>27</sup> During his time in detention, he joined the Hamas political wing—Palestinians in Israeli prisons affiliate themselves with political factions, which look after the needs of its members and serve a key social role for detainees. Since his release in October 2014, al-Nabrisi, who is now 38 years old and unemployed, told Human Rights Watch that Palestinian security forces arrested him at least 15 times, the first time two days after his release from an Israeli prison, mostly by the order of the governor of Qalqilya and without charge, and largely interrogated him about his activities and relationships with co-inmates in the Israeli prison. In December 2014, PA prosecutors charged him with “collecting and receiving illegal money,” but a Qalqilya court acquitted him of all charges in March 2015.

On the evening of April 18, 2016, about 30 Preventive Security officers wielding batons, some masked, arrested him from his home in Qalqilya based on an order from the city’s governor, he said. Officers transferred him to Preventive Security headquarters in Qalqilya and made him stand facing the wall with his hands behind his back for about three hours. Officers then left him overnight in the cell with sewage and no mattress or blankets.

The next day, officers took him to an interrogation room and asked him again about his activities in Israeli detention and whom he grew close to. Around 1 a.m. that night, he said an interrogator banged on the door of his cell with a baton, took him to an interrogation room and said, “We will make life hard for you until you speak.” Officers made him sit on a plastic chair with his hands cuffed behind his back and his head lowered between his legs and left him that way until 6 a.m. of the next morning. The next day, he said officers also interrogated him for two hours in the evening with his hands cuffed behind his back, which led his hands to turn blue and left cuff marks visible on his wrists.

He said officers released him without presenting him to a prosecutor or a court, after he launched a hunger strike. Al-Nabrisi said that the repeated arrests have taken a significant

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<sup>27</sup> Human Rights Watch interview with Osama al-Nabrisi, Qalqilya, May 20, 2017.

toll on his family, particularly on his wife, whom he married in 2015 between arrests and who was pregnant during his most recent arrest. He said she regularly asks him, in tears, “How long are we going to live like this?”

### *Hamdan al-Sayyid, Ramallah*

On the afternoon of April 13, 2017, officers from the Intelligence Services arrested Hamdan al-Sayyid, a 33-year-old father of two who teaches math at Birzeit University and at a high school in al-Bireh, a city neighboring Ramallah, from al-Manara, a round-about in the center of Ramallah, but released him around 6 p.m. Two hours later, al-Sayyid told Human Rights Watch that intelligence officers came to arrest him from his home and transferred him to the agency headquarters in Ramallah. Officers asked him if he participated in Hamas organized events, and about two men: Mohannad al-Halabi, a member of the Islamic Jihad killed by Israeli forces after stabbing two Israelis to death in Jerusalem,<sup>28</sup> and Muhammad al-Qiq, who went on a 94-day long hunger strike in 2015 and whom Israeli forces rearrested and placed in administrative detention in January 2017. Security officers, who arrested al-Sayyid twice in 2015 after he had participated in demonstrations in solidarity with al-Qiq’s hunger strike, asked him for the names of people who participated in efforts to support al-Qiq. Days later, over 1,000 Palestinian prisoners went on hunger strike to protest conditions in Israeli prisons.<sup>29</sup>

Between interrogation sessions on April 14 and 15, al-Sayyid said officers covered his head with a canvas bag and forced him to stand in the middle of the detention center and lift his hands up for two hours. They released him on April 15 without presenting him to a prosecutor.

Intelligence Services also arrested al-Sayyid in December 2016, at gunpoint and from the middle of Ramallah while at a Christmas parade with his wife. Al-Sayyid said that, without identifying themselves, officers violently grabbed him after seeing him give some money to his younger brother. When he resisted, they pulled out their guns, shouted that they were from the Intelligence Services and one officer hit him with the stock of his gun on his back

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<sup>28</sup> “Campaign funds new home for family of Muhannad al-Halabi,” *Maan News Agency*, April 5, 2016, <http://www.maannews.com/Content.aspx?ID=771006> (accessed July 17, 2018).

<sup>29</sup> Omar Shakir, “Hunger Strikes Highlight Isolation of Palestinian Prisoners,” commentary, *Human Rights Dispatch*, May 2, 2017, <https://www.hrw.org/news/2017/05/02/hunger-strikes-highlight-isolation-palestinian-prisoners>.

and another kicked him in his legs, causing him to fall and knocking off his glasses, which broke as a result. He said security officers also arrested his brother and hit his wife. They held al-Sayyid for two days, asking him not only about the money, but also about his relationships to other Hamas members, before releasing him without presenting him to a prosecutor.

## Social Media

### *Issa Amro, Hebron*

On September 3, 2017, Issa Amro, a 38-year-old prominent activist and coordinator of Youth Against Settlements, criticized in a Facebook post the arrest by PA security forces of a journalist in Hebron, Ayman al-Qawasma, who called for the resignation of President Abbas and Prime Minister Hamdallah. About an hour later, Amro received a call from his family telling him that two cars with 10 plain-clothed officers from Preventive Security were at his door. He called a contact with Preventive Security, who told him to turn himself in, he later told Human Rights Watch. He avoided his home that night, but, around 10 a.m. the next morning, Preventive Security told him that President Abbas had issued an order to arrest him.<sup>30</sup>

Amro reported to agency headquarters in Hebron around 11:30 a.m. Later that day, officers ordered him to open his Facebook profile, but he refused. When he inquired about his status in the evening, officers told him to sleep in a cell until they could figure out what to do with him the next day.

At midnight on September 6, four plainclothes officers questioned him for about three hours about his activism, telling him that his protests give Israelis an excuse to close off more parts of Hebron and that his activism was motivated by “personal interest.” At around 11 a.m., Amro appeared before prosecutors, who ordered him detained for 24 hours to investigate him on charges of insulting “higher authorities” and the “defamation” of the Hebron Municipality, both crimes under Palestinian law, Amro said. At around 6 p.m., officers asked him about his work with Youth Against Settlements, his ties to other human rights organizations and to various media outlets, what he thought of the Palestinian president, and why he criticizes the PA and defends detained journalists.

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<sup>30</sup> Human Rights Watch Skype interview with Issa Amro, January 22, 2018.

The next day, prosecutors charged him under the Palestinian Penal Code with creating “sectarian strife” and insulting “higher authorities” and under article 20(1) of the Electronic Crimes Law of “creating a website ... that aims to publish news that would endanger the public order of the state,” according to the indictment reviewed by Human Rights Watch.<sup>31</sup> On this basis, a court extended his detention for four days. That night, an officer told Amro that security forces had ordered his release, but that he must obtain a release order from the court, which would not be open for another two days. Officers, though, continued to interrogate him about his activism and his view of President Abbas, accusing him of wanting to lead a “coup” against the PA, “ruining the Palestinian national project,” and working with the US Central Intelligence Agency (CIA) and Israeli settlers.

On September 10, officers released Amro after he posted a 1,000 Jordanian Dinars (JD) bail (US\$1,410), but kept his two mobile phones, saying his case remains open. Amro, however, says he has not heard more about the case. Amro also continues to face charges in Israeli military court for his role in a protest.<sup>32</sup>

### *Hamza Zbeidat, Jericho*

Hamza Zbeidat, 33, is a project coordinator for the Maan Development Center covering the Jordan Valley. He says that authorities have summoned him at least four times over the years, mostly for Facebook posts. On May 9, 2016, he received a summons from the Preventive Security Forces and reported to their Jericho headquarters. Security forces immediately placed him under arrest. Zbeidat said a security officer asked about the reason for his arrest, to which he replied, “a political arrest.” He said the security officers then called him a liar, asking, “What did the PA ever do to you? You do not pay electricity?” Zbeidat denied that he was a liar and an officer slapped him, knocking off his glasses. Another officer then read one of Zbeidat’s Facebook posts from two months earlier in which he had written, “We will struggle against the PA like we struggle against the occupation.” They asked him, “Why are you attacking [the PA] and swearing at the president?” Zbeidat defended his right to speak and to criticize authorities, which

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<sup>31</sup> “Palestine: Reform Restrictive Cybercrime Law,” Human Rights Watch news release, December 20, 2017, <https://www.hrw.org/news/2017/12/20/palestine-reform-restrictive-cybercrime-law>.

<sup>32</sup> Khulood Badawi, “Yet Another Military Trial in the Occupied Territories,” commentary, Human Rights Dispatch, July 16, 2017, <https://www.hrw.org/news/2017/07/16/yet-another-military-trial-occupied-territories>.

prompted the officer to threaten to imprison him. Officers also asked him about his political affiliation, what he shares on Facebook, and why he criticizes the PA and not Hamas.

The next day, May 10, security officers told Zbeidat they were taking him to appear before prosecutors, but he said he never actually appeared before one and an officer later told him that his detention had been extended 15 days. That night though, security forces freed Zbeidat without a formal release order. He has not heard more about the case or whether he still faces charges.

## Journalists

### *Jihad Barakat, Tulkarm*

On the late afternoon of July 6, 2017, Jihad Barakat, a 29-year-old Ramallah resident and a journalist with Media Port, a Lebanon-based Palestinian media production company, took a shared taxi from Nablus to Tulkarm, a city in the northwest West Bank, he told Human Rights Watch. While stopped at the permanent Israeli checkpoint of Einab, at the entrance of Tulkarm, Barakat noticed a convoy of three cars behind the taxi, which he identified from his reporting as belonging to the Palestinian Prime Minister Rami Hamdallah.<sup>33</sup>

Despite the fact that the convoy belonged to the prime minister, it was waiting at the checkpoint in the line for ordinary cars, apparently receiving no special treatment. While remaining in the taxi, Barakat took four photographs of the convoy standing at the checkpoint from his mobile phone. Barakat said the prime minister and security officers did not appear in any of the photographs. After passing the Israeli checkpoint, the last car from the convoy stopped Barakat's taxi. Two men in civilian clothing asked the driver who had taken the photographs and Barakat identified himself and provided his identification card and journalist card as requested. They also asked for Barakat's cellphone. When he refused, they asked him to step out of the taxi.

They then put Barakat in a civilian car and took him to the Preventive Security Forces headquarters in Tulkarm, he said. They asked him why he took the photographs, and for whom he worked. They also asked him to provide his phone's password. Barakat refused.

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<sup>33</sup> Human Rights Watch interview with Jihad Barakat, Ramallah, July 16, 2017.

Security forces then informed Barakat that he was under arrest and confiscated his cellphones and laptop. They did not explain the reasons of arrest, but most of the questions focused on the photographs. Officers left Barakat in a cell overnight.

The next day, three interrogators asked him again to provide the passwords for his cellphone and laptop. When he refused, an interrogator threatened Barakat to “move him to a place where they can reach an understanding with him.” Barakat interpreted this to mean that security forces would transfer him to the Jericho Joint Security Committee detention facility, where he believed he would be at risk of mistreatment and torture. He said interrogators also asked him about his views on relations between Hamas and Muhammad Dahlan, a Fatah leader who opposes President Abbas, and his political affiliation and activities during his years as a university student. Security officers moved Barakat that afternoon to Preventive Security headquarters in Beitunia, near Ramallah. That night, he said interrogators questioned him again about his views on current political events in three separate sessions and threatened to keep him in detention for 15 days.

Barakat said the prosecutor then charged him with “being found in ... circumstances” that suggest “an unlawful or improper purpose,” and, on July 8, extended his detention for 48 hours.<sup>34</sup> The next day, Barakat appeared again before the prosecutor and agreed to delete the four photographs, which he said he never published. The officers asked him to unlock his phone to ensure that he deleted the photographs. Officers released Barakat on July 9, but kept his cellphone and laptop for another 16 days. On January 4, 2018, the Ramallah Magistrate Court acquitted Barakat. The court verdict reviewed by Human Rights Watch provided that taking pictures of the prime minister convoy while present in a public road during work hours, does not constitute “an unlawful or improper purpose” or violate the prime minister’s privacy and that the officers did not have a legal arrest warrant when they arrested Barakat. The prosecutor appealed the decision, but a higher court denied the appeal.

### *Mamdouh Hamamra, Bethlehem*

Mamdouh Hamamra, a 34-year-old journalist with the Quds News Network, an outlet seen as sympathetic to Hamas, says Palestinian security agencies have summoned him 14

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<sup>34</sup> Jordanian Penal Code, 1960, art. 389, par. 5, available at <http://bit.ly/2woPiiu>.

times since 2009 over his writings, including once for comparing President Abbas to a character in a popular television series.

On August 8, 2017, he told Human Rights Watch plain clothed men stopped him on the street in Houssan, a village west of Bethlehem where his parents live, and presented him with a summons from the Intelligence Services. They arrested him and transferred him to the agency headquarters in Bethlehem. PA forces arrested at least four other journalists across the West Bank over the next couple of days, apparently as a way to pressure Hamas to release pro-Fatah journalist Fouad Jarada, whom Hamas authorities in Gaza had detained on June 9, 2017.

On August 9, prosecutors said they would not charge Hamamra in “the hope” that Hamas would release Jarada and thus allow them to release Hamamra, he said.<sup>35</sup> Prosecutors, though, charged him the next day under the Electronic Crimes Law, claiming that since 2008 he had published material on websites “linked to Hamas militias with the goal of undermining security, internal public order, and society.” They extended his detention for five days, which prompted Hamamra to go on hunger strike.

During his first three days in detention, Intelligence officers interrogated Hamamra daily about his personal life and reporting. On the fourth day, when he refused to submit to interrogation, officers responded that they would oblige him to do so, he told Human Rights Watch. They slapped him, slammed his body against the wall, and held him by the neck, threatening to hit him with a plastic hose, and putting him in painful stress positions and subjecting him to *shabeh* or positional torture. Officers told him that he had brought the assault on himself and that they intended to “break your hunger strike.”

Human Rights Watch spoke with two other journalists with publications considered pro-Hamas and who were detained the same week in similar circumstances: Ahmad al-Halalqa of Quds News Network in Hebron, arrested from his home around midnight on August 9, and questioned about reports critical of the PA and Facebook posts that “caused strife;”<sup>36</sup> and Tarek Abu Zaid with Al Aqsa TV in Nablus, detained on August 6, around 11 p.m. and

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<sup>35</sup> Human Rights Watch interview with Mamdouh Hamamra, Bethlehem, October 30, 2017.

<sup>36</sup> Human Rights Watch interview with Ahmad al-Halalqa, Bethlehem, October 21, 2017.



questioned about Facebook posts criticizing the Palestinian Prime Minister, the Saudi Arabian government, the arrest of another Al Aqsa TV journalist, and a sermon at a local mosque.<sup>37</sup>

Authorities released Hamamra, al-Halaiqa, Abu Zaid, and the other two journalists on August 14, 2017, a day after Hamas released Jarada. Hamamra said he has not heard more about the case or whether he still faces charges since his release.

Intelligence Services denied to Human Rights Watch that these arrests had anything to do with Jarada, claiming it pertaining instead to “intelligence” related to their “involvement”<sup>38</sup> in inciting and protesting against the PA.<sup>39</sup>

In July 2018, Israel’s Defense Minister declared Quds News Network a terror organization and banned its operations in Israel.<sup>40</sup>

### *Muhammad al-Haj, Ramallah*

On September 14, 2017, a Military Intelligence official telephoned Muhammad al-Haj, a 38-year-old independent photojournalist, to ask him to report to their Ramallah headquarters, after earlier that day summoning his brother. Upon arrival, an officer interrogated him about an Interior Ministry memo he had published on Facebook, which instructs security forces to continue security coordination with Israel despite a public statement by President Abbas saying he had suspended security coordination.<sup>41</sup> Al-Haj told Human Rights Watch that the officer said that “there are people bothered by you” since his publishing of the memo.

The officer also asked him for his social media accounts and email passwords, he said pursuant to a request from the prosecutor, but al-Haj refused to provide them. Al-Haj said he saw a paper on the officer’s desk from an internet service provider that included his

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<sup>37</sup> Human Rights Watch interview with Tarek Abu Zaid, Nablus, November 7, 2017.

<sup>38</sup> Letter from Muhammad Jabrini, Security Aide to the Interior Ministry, General Intelligence, to Human Rights Watch, April 24, 2018.

<sup>39</sup> Human Rights Watch interview with the General Intelligence, Ramallah, May 2, 2018.

<sup>40</sup> Jack Khoury, “Israel Bans Hamas-affiliated Palestinian TV Channel,” *Haaretz*, July 9, 2018, <https://www.haaretz.com/israel-news/.premium-israel-bans-hamas-affiliated-palestinian-tv-channel-1.6249941> (accessed July 17, 2018).

<sup>41</sup> Human Rights Watch phone interview with Muhammad al-Haj, November 19, 2017.

online browsing history. The security officer also asked al-Haj to hand over his phone, threatening to interrogate him and his brother if he refused. Al-Haj complied, providing them with his passwords, and the officer told him to return several days later to retrieve it.

Upon his return several days later, the same officer asked him questions about particular journalists he knew. Al-Haj said he could not answer many of their questions. The officer let him leave later that day with his cellphone, but asked him to report again the next day. Al-Haj took his cellphone to a cellphone shop, where he was told that two applications that facilitated the monitoring of his cellphone had been installed. He uninstalled those applications.

Fearing arrest, al-Haj left the same day for Jordan, where he remains. He said Military Intelligence officers informed his lawyer that they want to “resolve the issue,” but al-Haj said he has no guarantee that he would not be arrested by other security agencies. His family, including his three children, remain in Ramallah. He told Human Rights Watch, “I do not want to live in a place where I am constantly harassed. ... The PA exists to look after me, not to intimidate me.”

### *Sami As-Sai, Tulkarm*

On February 2, 2017, Sami As-Sai, 39-year-old independent journalist and researcher who has written for several news organs, including the Maan news agency and al-Fajr TV, reported to the Intelligence Services agency in Tulkarm in the northwest West Bank, after receiving a phone call the previous day requesting his presence.<sup>42</sup> There, officers questioned him about his relationship to a Hamas member with whom he had shared a publicly accessible list of names of Palestinians in Israeli prisons in late 2015.

The next day, prosecutors came to his cell and extended his detention for 48 hours on the grounds of creating “sectarian strife.” He said he did not see a prosecutor again, but remained detained until February 8, when security officials told him they approved his lawyer’s request to release him. However, as he reached the main entrance of the agency, forces rearrested him and transferred him to the agency’s central headquarters in Jericho. When he arrived at the facility, blindfolded, he heard people say, “Welcome to the

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<sup>42</sup> Human Rights Watch interview with Sami As-Sai, Tulkarm, August 8, 2017.

journalist,” “We had people with muscles here and they left without any,” and “Bring the dogs.” That night, he said, officers told him, “We are going to devour you, today is your day.”<sup>43</sup> The next day, prosecutors extended his detention for 15 days on allegations of “money laundering” and “violating obligations of confidentiality imposed by his profession,” he said.

For the next seven days, officers interrogated As-Sai about his ties to Hamas, regularly using force to extract information. On his second night at the facility, he told Human Rights Watch that four officers tied his hands together using a rope and dragged him across a corridor to another room. There, they tied the rope to the room’s door and slowly pulled it to apply pressure on his arms. As-Sai said he did not know how long the *shabeh* lasted, since he passed out at some point. After he awoke, he said officers hit him about 20 times on the bottom of his feet. As-Sai begged them to stop. They responded by calling him “scum” and “vile” and accusing his wife of being a Hamas member. As-Sai said he felt so much pain that he could not to move his hands or feet and had to ask an officer to pull his pants up after he used the toilet.

In a subsequent interrogation, officers threatened that if he did not confess they would publicly accuse him of having several relationships with other women. They also offered to pay him if he provided the names of Hamas supporters who worked in the PA security services. When As-Sai said he did not know any, officers handcuffed his hands behind him and hung him from the ceiling with his feet touching the ground for about five to six hours.<sup>44</sup> Later, officers threatened to imprison him for six months and prevent him from seeing his 10-year-old son, who has stage 4 kidney failure and may need dialysis or a kidney transplant.

After 13 days in Jericho, officers transferred As-Sai on February 21 back to Tulkarm, where he pleaded guilty, as part of an arrangement with the prosecutor, to creating “sectarian strife,” “money laundering,” and “disclosing secrets outside his profession.” The court sentenced him to 15 months in detention, but, after the prosecutor requested leniency, the court shortened the sentence to three months. As-Sai paid a fine of JD1,000 (\$1,410) penalty in lieu of serving the three-months sentence and was released the next day.

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<sup>43</sup> Human Rights Watch interview with Sami As-Sai, Ramallah, March 18, 2018.

<sup>44</sup> Ibid.

The PA also detained As-Sai in 2012 and 2014, because, he said, of his Facebook posts. He also spent nine months in prison in 2016 after an Israeli military court convicted him of incitement on social media.

## Demonstrations

### *Al-Tahrir Party (Rawhi Abu Rumeida, Fawaz al-Herbawi, Taqideen al-Khatib, Ibrahim Aqeel, Ismail Aqeel), Hebron*

Palestinian security forces arrested dozens of members of al-Tahrir Party, an Islamist political party, in Hebron ahead of and following a peaceful February 2017 protest of a PA decision to give *Waqf*, or Islamic trust, land to the Russian Church in Hebron.<sup>45</sup> Authorities detained 48 party members that day, including Ismail Aqeel, Ibrahim Aqeel, and Taqideen al-Khatib, who were arrested on the way to the demonstration at checkpoints the PA security forces had set-up on that day and held for a month. They then held Rawhi Abu Rumeida overnight the night of the protest when he went to the prosecutor's office to follow up on those detained during the demonstration. They also detained 29 others, including Fawaz al-Herbawi for 18 days, after they took to the streets several weeks later to protest their arrests. Security forces beat several of the members while in detention and prosecutors filed a range of charges against them, including creating "sectarian strife," "assaulting security forces," "illegal assembly," and "rioting."

On February 4, the day of the protest, a joint force of the Intelligence Services and Preventive Security forces stopped the car of al-Khatib, a 27-year-old civil engineer, as he drove his relative Ismail Aqeel, a 49-year-old cook, from the village of Beit Kahil to Hebron for a medical check-up, the men told Human Rights Watch. Officers that morning also stopped the car of Ismail's brother Ibrahim, a 46-year-old English teacher in Beit Kahil, at a checkpoint the PA security forces had set-up on that day as he headed toward Hebron for the protest.<sup>46</sup> Officers transferred the men to the Intelligence Services station in Hebron.

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<sup>45</sup> Hizb ut-Tahrir, "Hizb ut-Tahrir," undated, <http://www.hizb-ut-tahrir.org/index.php/EN/def> (accessed July 17, 2018).

<sup>46</sup> Human Rights Watch interview with Ibrahim Aqeel, Hebron, August 2, 2017.

The officers put the three men, along with one other, in a small room and, according to Ismail Aqeel, turned off the lights and told them, “If we hear any noise, we will break you.”<sup>47</sup> Ten minutes later, they transferred the men to different rooms. Al-Khatib said an officer slapped him twice on the neck when he asked why he had been detained, then another officer slammed his body against a metal door four or five times and hit him four or five times on the face.<sup>48</sup> A couple of hours later, officers questioned him about his political affiliation, activities during university, and the protest planned for that day. Interrogators asked similar questions of Ismail and Ibrahim Aqeel, accusing Ismail of lying when he said he had planned to go for a medical appointment. Later that night, officers transferred the three men, along with several other party members, to the Intelligence Services detention facility in Jericho.

That same day, security forces dispersed the demonstration, firing tear gas, hitting protesters with batons, Rawhi Abu Rumeida, 64, al-Tahrir Party’s Hebron field coordinator, told Human Rights Watch. All in all, security forces detained 48 members that day, half of whom were released within two days, according to Abu Rumeida. The Intelligence Services told Human Rights Watch that it had carried out these arrests because the demonstration was unlicensed and protesters attacked officers, an allegation that demonstrators interviewed by Human Rights Watch denied.<sup>49</sup>

Abu Rumeida said he went to the prosecutor’s office that night to follow up on the cases of arrested members. When he protested the decision to detain the men for 48 hours, he said Preventive Security officers hit him on the forehead with the butt of their guns, causing him to bleed, and then held him overnight. Officers questioned him about the party, its members, and his role, before releasing him around 2 p.m. the following day.<sup>50</sup>

Security forces held al-Khatib and the Aqeel brothers for 12 days in Jericho. Two days after their transfer, prosecutors charged them with creating “sectarian strife,” “assaulting security forces,” and “illegal assembly,” and extended their detention for 15 days. On February 16, authorities transferred al-Khatib, the Aqeels, and one other party member to

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<sup>47</sup> Human Rights Watch interview with Ismail Aqeel, Hebron, August 2, 2017.

<sup>48</sup> Human Rights Watch interview with Taqideen al-Khatib, Hebron, August 2, 2017.

<sup>49</sup> Letter from Muhammad Jabrini, April 24, 2018; Human Rights Watch interview with the General Intelligence Services, Ramallah, May 2, 2018.

<sup>50</sup> Human Rights Watch interview with Rawhi Abu Rumeida, Ramallah, July 26, 2017.

the Intelligence Services compound in Bethlehem and transferred four other members to the Hebron compound. On February 23, though, a judge in Bethlehem refused to extend the detention of those detained there, so authorities transferred them to the Hebron compound, where a judge ordered them detained for another six days. After another extension, authorities released all the men, except for Ismail Aqeel, on March 7 on JD200 (\$282) bail. Aqeel spent another two days detained at a Hebron police station over taxes they claimed he had failed to pay and released him on March 9, after he made the payment.

Meanwhile, on February 25, the party organized a sit-in to protest the arrests of its members earlier in the month. Security forces arrested 29 party members that day or in the aftermath of that protest, 10 of whom remained in custody for more than a week, Abu Rumeida said. Al-Herbawi, a 28-year-old who works for an office supply company and attended the sit-in, told Human Rights Watch that security forces dispersed the peaceful sit-in by firing tear gas, shooting live ammunition in the air, and arresting demonstrators. Two days later, al-Herbawi said eight plain-clothed Preventive Security officers showed up at his office and arrested him. In the car, officers asked him about the party and the sit-in, but he refused to answer. When they arrived at Preventive Security's Hebron compound, seven officers put him on the hood of the car and for about 60 seconds hit him across his body, until he screamed and someone wearing a uniform came out of the station, told the others to stop, and took him in, al-Herbawi said. Several hours later, officers transferred him to an interrogation room and instructed him to sit on a wooden chair with steel legs. Officers mostly asked about the protest, but al-Herbawi refused to answer, prompting an interrogator to threaten to "break your legs, so you cannot stand." After this session, officers placed him in solitary confinement for five days without interrogating him further. They then transferred him to a room with other detainees and released him on March 9, 2017, after 11 days in custody.

Four days later, on March 13, 13-14 officers, some plain-clothed and others in uniforms of the Intelligence Services, arrested al-Herbawi at his office and took him to the Intelligence Services compound in Hebron. There, officers told him they "spent 14 days looking for him," claiming to have no knowledge of his arrest by Preventive Security.<sup>51</sup> They questioned him about the sit-in and asked him to sign a paper committing to work with

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<sup>51</sup> Human Rights Watch interview with Fawaz al-Herbawi, Hebron, August 2, 2017.

them. He refused and the next day prosecutors charged him with “attacking security forces” and “participation in riots,” and the court ordered his detention for six days. Authorities did not interrogate him during this period and, on March 19, the court released him on JD200 (\$282) bail. Ten days later, it acquitted him of all charges.

## On University Campuses

### *Alaa Zaqeq, Hebron*

On April 24, 2017, security forces arrested 28-year-old Alaa Zaqeq, a graduate student at Hebron University and imam in Beit Umar a village near Hebron in the south West Bank, while visiting his in-laws’ house in the al-Aroub refugee camp with his then-pregnant wife. Zaqeq said eight cars from the Intelligence Services conducted the raid without a warrant and pushed him by the neck out of the house and to the cars, threatening to hit him with batons if he resisted. The security forces, who also arrested Zaqeq’s brother-in-law during the raid and held him for four days, transferred Zaqeq to the Intelligence Services headquarters in Hebron before moving him to their Jericho detention facility the same day. Officers told him, “We are going to make you pay the price for the coup in Gaza.”<sup>52</sup>

Upon arrival, officers moved Zaqeq, blindfolded and handcuffed, through the detention facility, shaking and slamming his body against the walls until he reached the warden’s office. An officer told him that this was his “welcome.” The warden slapped Zaqeq several times, hit him on his neck, and instructed other officers to “hang” Zaqeq. He told Human Rights Watch that officers then cuffed his hands behind his back and tied them by cloth to the door and kept him in that position, blindfolded, for about 45 minutes. During that time, an officer at one point struck him in the back with a stick. Zaqeq said that his hands went numb and that he later lost feeling in his shoulders. Officers then escorted him back to the warden’s office, slapping and punching him.

The next day, prosecutors extended his detention for 48 hours after asking him if he supported Hamas. Back at the detention facility, an officer told Zaqeq that the “real party” would start that night and that an interrogator nicknamed the “Juicer” would treat him like a “mop.” That night, Zaqeq said officers again subjected him to *shabeh* or positional

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<sup>52</sup> Human Rights Watch interview with Alaa Zaqeq, Hebron, May 21, 2017.

torture in the bathroom, cuffing his hands behind his back and tying them to the bathroom door, and then dragged him to the warden's office, where another officer again beat him.

At the warden's office, Zaqeq met the Juicer. He asked Zaqeq to stand up, but Zaqeq said he could not. The Juicer pulled him up by his shirt and punched him in the face, knocking him to the ground. He then began asking Zaqeq about his activities with the Islamic Bloc, the student group affiliated with Hamas, at the university. When he failed to answer satisfactorily, the Juicer subjected him to *shabeh*. The Juicer told him he would "leave this place on a wheelchair" and "wearing a skirt and a headscarf."

This pattern of interrogations and abuse continued over the course of 24 days in Jericho. Zaqeq said the *shabeh* he experienced included forcing him to stand with his legs spread out and hands up or in a half squat, all of which left his body trembling.<sup>53</sup> To elicit a confession, officers in one instance told him that a member of his family had fallen ill; in another, they threatened to arrest his mother, sister, and wife. These threats led Zaqeq to confess to financing the Islamic Bloc at the university, even though he told Human Rights Watch that this was untrue.

Zaqeq said he told officials that he had asthma, a muscle rupture in his chest, and nerve inflammation. According to Zaqeq, they replied, "We do not care" and "Even if you die, no one will care." He saw a doctor at one point when he could not move his thumb and legs and felt pain in his shoulders. The doctor gave him painkillers, telling him he could not take him to the hospital. Sleeping for two weeks without a mattress in the cell exacerbated Zaqeq's pain.

After three weeks of detention, security forces released Zaqeq on May 17, 2017, on a JD200 bail (\$282). Zaqeq said that Palestinians interrogators told him that they detained him to protect him from the Israelis, who wanted to arrest him.

Just over two months later, on July 23, Israeli forces arrested him and placed him in administrative detention without charge or trial for four months.<sup>54</sup> The Israeli army renewed his administrative detention in October 2017, before releasing him in March 2018. Israeli

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<sup>53</sup> Human Rights Watch interview with Alaa Zaqeq, Beit Umar, May 25, 2017.

<sup>54</sup> Human Rights Watch phone interview with Alaa Zaqeq's wife (name withheld), January 17, 2018.



forces rearrested him in September 2018 and ordered him placed in administrative detention for four months.

### *Fares Jbour, Hebron*

On January 8, 2017, around 8 a.m., Fares Jbour, a 23-year-old electrical engineering student at the Polytechnic University in Hebron, presented himself to the Intelligence Services headquarters in Hebron, after an officer told his father in a phone call on January 5, that he had to turn himself in, and Jbour himself received a text message summoning him.<sup>55</sup>

One month earlier, Jbour had participated in an initiative organized by the Islamic Bloc, a student group affiliated with Hamas, at the university to sell books and electronic devices for students at discounted prices. He said that on December 8, 2016, the second day of the drive, Jbour heard that officers from the Intelligence Services were meeting with university administrators and, fearing arrest, Jbour and seven other students held a sit-in. About 25 university private security officers broke up the sit-in and instructed everyone to leave campus. Within a week, officers arrested about 10 students, including several who participated in the sit-in, and raided Jbour's house, which he had been avoiding. Authorities questioned those they had arrested about the exhibition and about a Facebook page that identified officers who arrested students and university administrators who worked with security forces, the other students told Jbour. As he studied for exams, Jbour said he received a text message to report to the agency.

Jbour reported to the agency headquarters in Hebron on January 8, where, he said, officers questioned him about the book drive, the funding, and other members of the Islamic Bloc, and the Facebook page, which Jbour said he was not involved in. Frustrated with his answers, interrogators threatened to transfer him to the Intelligence Services detention facility in Jericho, where, they said, "People confess to things they know and do not know" and from which he would emerge a "different person."

The next day, officers told Jbour they were taking him for a medical check-up before his release, but then drove him to the central Intelligence Services detention facility in Jericho. Upon arrival, officers blindfolded him, declaring, "If you did not confess in Hebron, you will

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<sup>55</sup> Human Rights Watch interview with Fares Jbour, Hebron, May 21, 2017.

confess here.” They made him stand for two hours with his hands up. Interrogators questioned him about the Facebook page and the exhibition, he said hitting him on his side with a plastic hose, when he failed to answer or they did not believe him, about once every five minutes, he said.

Four officers then moved him to a smaller room, handcuffed his hands above his head and tied the handcuffs by a rope to a hook in the center of the ceiling room and slowly tightened the pressure, subjecting him to *shabeh* for about five minutes. They then untied him, made him squat on his knees, blindfolded him, placed a pipe between his knees and added some weight to his back. They kept him in this position, which puts pressure on his legs and blocks blood flow, for about an hour, while asking again about the activities of the Islamic Bloc, periodically hitting him with a hose on his hips and warning that “what is coming is greater.” That night, officers whipped his feet with a hose about six or seven times, pleading with him “to just confess.”

The next day, prosecutors charged him and extended his detention for 24 hours. The charges included “weapons possession,” “forming militias,” “heading an armed gang,” and “money laundering,” Jbour said. The next day, a court extended his detention for another 15 days. Two weeks later, officers told him that the court extended his detention for another 15 days, without referring him to court.

Jbour’s interrogation at Jericho lasted for five or six days, during which they continued to subject him in *shabeh* and beat him. One night, Jbour recounted, three officers placed him on his back and, for about two hours, they alternated hitting him with a baton and kicking him. They told him, “You are affiliated with Hamas, who is making a joke of you. A day will come for you. If you do not talk, you will see something you have never seen before.”<sup>56</sup> About a week into his detention, officers moved Jbour to solitary confinement, where he spent about a week before they moved him to a room with other detainees. He said he lost consciousness seven times during his detention, once for about 10 minutes during an interrogation session.

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<sup>56</sup> Human Rights Watch interview with Fares Jbour, Hebron, July 3, 2017.

Authorities released him on January 31 without bringing him to trial. Jbour told Human Rights Watch that following his arrest he still has nightmares that “the cell is strangling me and I cannot breathe.”

Security forces also arrested Jbour five times in 2016 for more than 50 days in total over his activism, including once for 23 days in the Intelligence Services detention facility in Jericho.

In October 2017, Israeli forces arrested Jbour and, on November 11, 2017, an Israeli military court sentenced him to 11 months in prison on charges of membership and participation in the Islamic Bloc.<sup>57</sup>

## Opposition Strongholds

### *“Zaid” and “Husam,” Balata Refugee Camp*

Palestinian security forces detained “Zaid” and “Husam,” young men from the Balata Refugee Camp, widely known as a central point of resistance to President Abbas, in early 2017 on allegations of criminal activity and, they said, subjected them to prolonged torture.

Balata Refugee Camp, home to about 27,000 refugees and seen as a base of support for President Abbas’ rival Muhammad Dahlan, has in recent years become the site of frequent clashes between residents and Palestinian security forces. Tensions escalated after the PA launched a security campaign in August 2016 focused on Balata.<sup>58</sup>

Zaid, a 32-year-old civil servant, told Human Rights Watch that, as he approached his office one day in December 2016, he saw a large group of men who he later realized were Palestinian security forces outside his office open fire in his direction and, after he put his hands up, arrest him. He said officers took him to al-Jneid prison in Nablus, where they blindfolded and repeatedly struck him thirty minutes into his detention, before transferring

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<sup>57</sup> Human Rights Watch phone interview with Fares Jbour’s father (name withheld), January 29, 2018.

<sup>58</sup> “‘Wanted men’ in Balata refugee camp turn themselves in to PA,” Maan News Agency, July 19, 2017, <https://www.maannews.com/Content.aspx?id=778210> (accessed July 17, 2018); “Palestinian PM vows to resign if PA fails to arrest all West Bank fugitives,” Maan News Agency, August 28, 2016, <https://www.maannews.com/Content.aspx?id=772883> (accessed September 10, 2018).

him to the Joint Security Committee detention facility in Jericho. Upon arrival at Jericho, he said he received a “welcome” from some 20 to 30 officers lined up on both sides of him and who cursed and hit him as he walked to a cell.

Later that night, an interrogator asked Zaid about a murder he said he had witnessed one month earlier. When he explained that he had no part in it, the interrogator told him, “If you do not speak, you will be destroyed. You will speak in spite of yourself.”<sup>59</sup> Officers then handcuffed his hands behind his back, covered his face, and put him in “the Closet,” a room he described as roughly 60 centimeters by 60 centimeters in size where he said he had difficulty breathing. He said they kept him there for 22 hours a day for 22 consecutive days. Later, they had him stand on a wooden box and tied his handcuffed hands to a rope, which they gradually raised to stretch his arms. He said they kept him like this for 20 hours, before letting him sleep. They then returned him to *shabeh*. In subsequent interrogations, officers threatened to return him to *shabeh* if he did not speak.

At one point during his first three days of detention, Zaid said officers in the corridor put wires on the back of his shoulders and twice shocked him for about 25 to 30 seconds, and once tied a cord around his penis for eight or nine hours, causing his penis to swell and turn blue. On his third day, while handcuffed and blindfolded, he said a guard pushed him to the ground and, for ten minutes, repeatedly hit and kicked him, fracturing his knee and causing him to lose consciousness. He woke 20 minutes later to find himself with a doctor.

Officers continued to periodically conduct *shabeh* during his first 25 days in detention, though stopped for the last 50 days. Authorities transferred him to a prison in Nablus for trial on a range of charges, but a court acquitted him, and he was released. He said security forces several months later detained him again on similar charges for 20 days in al-Jneid prison in Nablus but did not mistreat him in custody.

In January 2017, unemployed 29-year-old Husam, who spent nine months in detention with Preventive Security in 2015 on charges of incitement and firing weapons, turned himself in after authorities had sought him out in relation to clashes in Balata.<sup>60</sup> Husam’s brother, who also asked to withhold his real name, told Human Rights Watch that Husam turned

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<sup>59</sup> Human Rights Watch interview with Zaid, Nablus, August 15, 2017.

<sup>60</sup> Human Rights Watch interview with Husam’s brother (name withheld), Nablus, August 15, 2017.

himself in only after Nablus' mayor assured him that security forces would not mistreat him and that the mayor would personally visit him once a week. The brother said the mayor called Husam's family one week later, but then stopped providing updates.

Husam's father visited him in Jericho a month-and-a-half into his detention and noticed that his shoulder was dislocated and nose and thumb broken, the brother said. Zaid told Human Rights Watch that he witnessed the events that he believed caused Husam's shoulder injury: about 20 meters in front of his cell, he saw an interrogator hit Husam with a chair on his shoulder while his arms were being pulled by rope while tied behind his back, causing him to scream in agony. He said the eight officers around him began to hit him and "treat him like an animal." Immediately after the visit, Husam's father complained about the treatment of Husam and authorities transferred him to Nablus for medical treatment.

Two weeks later, though, they transferred Husam back to Jericho. The family heard nothing for two weeks, until Husam called and said officers had kept him in *shabeh* from 5 a.m. to 4 p.m. daily, put him in "the Closet," and regularly kicked and hit him, his brother said. Husam appeared to have lost almost half his body weight, according to his brother, who visited him in July 2017. Husam told his brother that authorities had laid 17 charge sheets in front of him and told him he can choose whichever one he wishes to confess to, his brother said. Husam appeared several times in court, apparently to answer to charges of firing guns, armed robbery, resisting security forces, and forming a "criminal gang." He remains detained as of April 2018, in the maximum-security section at the Jericho Rehabilitation and Reform Prison, where he is not allowed to interact with other inmates, according to his brother.

Reflecting on what happened to him and the situation in Balata, Zaid said, "I wanted to get married and build a house, but, if I had the chance to leave, I would do it. There is no dignity here."

### *Halawa Family and "Rami," Nablus*

Following armed clashes in Nablus' Old City in which one person was killed in December 2015, security forces detained several members of the Halawa family. Rumors that one member of the Halawa family died in detention sparked clashes that resulted in the deaths

of two PA officers on August 18, 2016. In response, Prime Minister Hamdallah vowed to “impose security,” “arrest all fugitives,” and end “a state of lawlessness.”<sup>61</sup> In the days following the deaths of the officers, security forces rounded up 250 local residents, including 30 from the Halawa family.

Three residents of the Old City, including two members of the Halawa family, died apparently while in the custody of PA security forces. Palestinian security agencies claim that two of them, Khaled al-Aghbar and Fares Halawa, died in armed clashes on August 19, 2016,<sup>62</sup> but the Palestinian statutory watchdog Independent Commission for Human Rights (ICHR) found “strong evidence” that “contradicted the official statements of security agencies,” including forensic medical reports and accounts from three eyewitnesses who saw officers detain the men while alive.<sup>63</sup> Two days later, Ahmad Halawa died while in detention; Nablus’ mayor later acknowledged he died after a severe beating, which he described as an “unacceptable mistake.”<sup>64</sup>

Other members spent long stretches in detention. On August 30, 2016, security forces arrested a Halawa relative, who said he spent 25 consecutive days in a solitary cell in the Joint Security Committee detention facility in Jericho.<sup>65</sup>

Another relative, “Mustafa,” originally detained on July 27, 2016, told Human Rights Watch that he spent nearly a year in detention, mostly rotating between detention facilities in Jericho where he was tortured.<sup>66</sup> He told Human Rights Watch that during a three-week stretch in Preventive Security custody in summer 2016, officers subjected him to two to six hours of *shabeh* daily, handcuffing his hands behind his back and stretching his arms, and periodically beat him for several minutes at a time with a plastic hose. He later spent 12 days at the Joint Security Committee detention facility, where they subjected him to regular *shabeh* sessions lasting two to four hours. Authorities charged him with “formation of a

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<sup>61</sup> “Palestinian PM vows to resign if PA fails to arrest all West Bank fugitives,” Maan News Agency, August 28, 2016.

<sup>62</sup> Official Spokesperson of the Palestinian Security Forces Adnan al-Dmiri’s Facebook page, <https://www.facebook.com/923825254322413/photos/a.923872710984334.1073741828.923825254322413/1153505544687715/?type=3&theater> (accessed July 17, 2018).

<sup>63</sup> ICHR, “Fact-Finding Report About the Events that Took Place in Nablus in August 2016,” 2017, pp. 19, 37-38.

<sup>64</sup> Nablus Al-Hadath’s Facebook page, <https://www.facebook.com/nablus.alhadath/photos/pb.804218409634320.-2207520000.1472060897./1163723917017099/?type=3&theater> (accessed July 17, 2018).

<sup>65</sup> Human Rights Watch interview with a relative of the Halawa family (name withheld), Nablus, August 15, 2017.

<sup>66</sup> Human Rights Watch interview with Mustafa, Nablus, November 26, 2017.

criminal gang” and “possession of a firearm without license,” but a court acquitted him and released him in February 2017.

National Security Forces rearrested Mustafa in June 2017, this time in relation to the escape of Imad Halawa from detention, the main suspect in the killing of the officers. Security forces detained Mustafa for 134 days in detention facilities in Jericho, 107 of which at the Joint Security Committee detention facility, more than half of which in a solitary cell without contact with other inmates. Prosecutors charged him with “hiding a fugitive of justice” in relation to the escape, but a court again acquitted him and released him in October 2017 on the condition that he reported daily to a security force agency in Nablus until January 2018.

Officers from the National Security Forces also in June 2017 arrested “Rami,” a 32-year-old neighbor of the Halawas, from his house, hitting him with the stock of the gun on his back, and stomping on him, he said. Officers moved him to al-Jneid prison in Nablus, where interrogators asked him about the Halawa family and their friends and acquaintances and told him, “We will stomp on you just as we stomped with our boots on [Ahmad] Halawa.” They also asked him if he had harbored Imad Halawa after he escaped from detention, periodically slapping him on his face and neck, he told Human Rights Watch.

That same night of his arrest, officers transferred Rami to the national security agency headquarters in Jericho, where about 20 officers greeted him by pushing him around and hitting him. They placed him for eight days in a 60 cm by 60 cm cell known as “the Closet,” letting him out for only about two hours a day and continuing to interrogate him about the Halawa family. He spent 14 days in solitary confinement, he said.<sup>67</sup> Prosecutors charged Rami with “aiding an escapee or a prisoner” and extended his detention twice for 15 days each time.

After a month, officers moved him to the Nablus Rehabilitation and Reform Prison, until a court ordered him released on bail on August 4. However, police arrested Rami at the prison’s doors as he was being released and transferred him to a police station in Nablus, saying they needed a release order from the Joint Security Committee in Ramallah. They released him on August 10 with the charges still outstanding, after 71 days in custody.

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<sup>67</sup> Human Rights Watch interview with Rami, Nablus, August 15, 2017.

## Criminal

### *“Hassan,” Jenin*

On April 19, 2017, Palestinian police arrested “Hassan,” then 17, who they accused of theft, from his home in Jenin, in the northern West Bank. They took him to the Jenin police station, where officers interrogated him about stealing a cellphone and agricultural equipment. Before questioning him, officers tied his right hand to a plastic chair and ordered him to hold up the chair for four hours or else they would beat him, Hassan told Human Rights Watch.<sup>68</sup> Next, they sat him on a wooden chair and tied his hands to it, and then interrogated him about the stolen cellphone over the course of about two hours. They also threatened to transfer him to Jericho, where security forces are known to practice torture, unless he confessed. Later that day, the general prosecutor told him he faced charges of theft.

Hassan said security officers held him in the juvenile section of Jenin’s Reform and Rehabilitation prison. During the first three days of his detention, they transferred him in the early mornings to the police station, where they interrogated him until the late evening without a lawyer, relative, or juvenile protection counselor present.

At one point, Hassan said, five police officers shackled his hands behind his back and tied them to a rope hanging from a door. They then slowly pulled the rope, causing his hands to raise until the tip of his feet barely touched the floor. In another incident, they laid him on the ground, cuffing his hands behind his back and placing his feet on a plastic chair. Two or three officers then took turns hitting the bottom of his feet and his legs with a baton. A police officer also kicked him on his back, called him an “animal,” and insulted his family, he said. Unable to bear the pain, Hassan confessed to stealing the agricultural equipment.

Security officials did not allow Hassan’s family to visit him during his week in detention and only permitted him to speak to them by phone the day before his release after the intervention of his lawyer. Security forces also refused to accept clean clothes family members brought Hassan, forcing him to remain in his same clothes all week. Hassan met with the juvenile protection counselor one day before his release. The security forces

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<sup>68</sup> Human Rights Watch interview with Hassan, Jenin, July 4, 2017.



released Hassan on a personal bail of JD200 (\$282), paid by one of his relatives. He said that he continued to feel pain for a full week after his release. Hassan’s lawyer told Human Rights Watch that the charges remain outstanding.<sup>69</sup>

### *Sarie Samandar, Ramallah*

On the early morning of June 2, 2017, a street fight broke out in Ramallah between a group of eight Christian Palestinians, including 22-year-old Jerusalemite Sarie Samandar, who worked at an East Jerusalem hotel, and another group of youths. Officers arrested Samandar and his friends, all Christian Palestinians, shortly after the quarrel ended, and transferred them to a police station in the Ein Musbah neighborhood of Ramallah. When they arrived, Samandar said, two uniformed officers made them stand against the wall and then one of them knocked his head against the wall and slapped him on the back of his neck, while the other hit him on his legs to separate them. One of them then grabbed his gold cross necklace and asked, “What is this?” before tearing it off his neck and handing it back to him.<sup>70</sup> The officers then made the group walk for several minutes between two lines of about 35 plain-clothed officers, who slapped, kicked, and hit them with their fists and batons, as they made their way to the interrogation rooms, Samandar said. When Samandar arrived at the top of a staircase at the end of the line, an officer kicked his chest, causing him to fall back down the staircase. That officer, though, later filed an assault complaint against him and his friends, Samandar said.

Upon entering the interrogation rooms in two groups, about four officers forced Samandar and his friends to stand with their backs against the wall and warned them that if they moved or talked, “God’s anger will fall upon you.” One officer told them, “You drank alcohol and we will crush you. You have been drinking during Ramadan.” Another said, “Daesh [ISIS] needs to come for you ... you are crusaders and invaders who came to this country,” a reference to their Christian faith. Samandar said he also heard other officers say, “They are Christian pigs, they should be left to rot in prison.”

The next day, security officers released them with an order to appear before the court the following day.

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<sup>69</sup> Human Rights Watch phone interview with the child’s lawyer (name withheld), January 17, 2018.

<sup>70</sup> Human Rights Watch interview with Sarie Samandar, Ramallah, June 5, 2017.

Samandar said the following day the judge sentenced all eight of them to seven months in prison for assaulting an officer and drinking in public, a crime under Palestinian law, despite having neglected to perform alcohol tests on them.<sup>71</sup> The judge lowered the sentence to three months after the officer dropped the case against them. Upon agreement with their parents, the judge agreed to release them that day without serving the sentence, after he paid a JD450 (\$634) penalty.

Samandar said he missed four days of work as a result of his arrest and the court hearing. He filed a complaint with the military prosecutor against the officers who allegedly assaulted him, but said he was not aware of any action being taken as a result. Following the filing of the complaint, the police called Samandar's father twice and, after identifying themselves, advised him to drop the case and look after his family, Samandar told Human Rights Watch.

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<sup>71</sup> Jordanian Penal Code, art. 390.

## II. Gaza Strip

Since it seized control of Gaza in June 2007, the Islamic Resistance Movement ( Hamas ) authorities have harassed critics and abused those in its custody. Internal Security, a part of the Interior Ministry, largely oversees the crackdown on dissent, but the police often work closely with Internal Security.

Since January 2016, the Hamas-led Justice Ministry noted in a letter to Human Rights Watch that forces had detained a total of 45 people over social media posts, it said for “publishing lies, promotion of rumors, and incitement to hatred and disrespect.” It added that forces arrested 81 during protests over the electricity crisis that took place in January 2017 for damaging public property, but released them within 24 hours without the detainees appearing in court when they agreed not to protest again, noting that the demonstrations had not been coordinated in advance with authorities. Authorities also said they detained eight journalists since January 2016, but stated that they were not arrested due to their work as journalists.

The Hamas-led Interior Ministry stated that, as of April 2018, it holds 4,071 men in detention: 1,468 in prisons, 2,038 in police stations on pending charges, 145 in Internal Security custody for military prosecution for “security cases” such as “collaboration with the occupation,” and 150 by military police.

Human Rights Watch did not ask the Interior Ministry to respond to each of the individual cases documented in this section, but they generally denied arbitrarily arresting dissenters. In a letter to Human Rights Watch, it highlighted its commitment to freedom of expression and the press, noting that it arrests demonstrators only when they cause damage to property, and dissidents for social media posts only when citizens file complaints about slander, insults, or defamation. It further stated that it does not carry out arrests based on political affiliation, but only for involvement in criminal activities. Such activities include “harming revolutionary unity,” an offense under Palestinian law.

The Interior Ministry also rejects the allegation that it systematically mistreats detainees. Its letter states that positional abuse, or *shabeh*, is prohibited, with penalties imposed on anyone found to have practiced it. It acknowledges isolating detainees in Internal Security

detention, but denies putting them in a room called the *bus*, where positional torture takes place. It further notes that it has installed cameras to monitor interrogations and it invalidates confessions when they are tainted by torture. It emphasizes that individual officers may violate these rules, but that these do not reflect systematic practices.

Hamas authorities have also carried out 25 executions since they took control in Gaza in June 2017, including 6 in 2017, following trials that lacked appropriate due process protections and courts in Gaza have sentenced 117 people to death, according to the Palestinian Center for Human Rights.<sup>72</sup>

## Political Opposition

### *Abdel Basset Amoom and Ramy al-Jarba, al-Bureij Refugee Camp*

On April 16, 2016, 49-year-old Abdel Basset Amoom and 39-year-old Ramy al-Jarba, both former employees of the Palestinian Authority (PA) Preventive Security forces and supporters of Fatah leader Muhammad Dahlan, participated in a Fatah event in al-Bureij refugee camp.<sup>73</sup> A speech by Abdullah Abu Samhadana, governor of the central Gaza district and President Abbas' supporter with close ties to Hamas authorities, led to discord that cut the event short. That night, Amoom, al-Jarba, and three others went to Abu Samhadana's house to raise concerns about his remarks, leading to some shoving and one of the men slapping Abu Samhadana in the face and, according to both Amoom and al-Jarba, Abu Samhadana's son firing shots into the air as the men left.

According to al-Jarba, the next evening, two masked men in black uniform arrested him from his house and drove him in an Internal Security jeep to Amoom's house, where they arrested him, and took both men to Internal Security's Deir al-Balah headquarters.<sup>74</sup> There, Amoom said officers covered their heads and put them in separate cells for the night.<sup>75</sup> The next morning, interrogators asked them about the dispute at Abu Samhadana's house and

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<sup>72</sup> "Another Death Sentence Issued in Gaza in One Week, PCHR Calls Upon President to Abolish this Punishment," Palestinian Center for Human Rights (PCHR) press release, July 10, 2018, <http://pchr.org/en/?p=11038> (accessed July 17, 2018).

<sup>73</sup> Amoom and Jarba are among thousands of Palestinian Authority (PA) civil servants who have for the most part received a salary from Ramallah since June 2007 despite not reporting for work during this time.

<sup>74</sup> Human Rights Watch interview with Rami Jarba, al-Bureij Refugee Camp, November 14, 2016

<sup>75</sup> Human Rights Watch interview with Abdel Baset Amoom, al-Bureij Refugee Camp, January 5, 2017.

then transferred them around 10 a.m. to Internal Security offices in Gaza City, after warning both men that they would be tortured there.

Al-Jarba said that shortly after arriving at Internal Security offices, officers had him undergo a quick medical exam and then ordered him to turn in circles until he grew dizzy, then repeatedly punched him in the head and face, kicked him in the legs, threw his jacket on the floor, and stepped on it. Thirty minutes in, an officer said, “Put these dogs in one *bus*,” referencing a room where authorities force detainees into painful stress positions for long stretches of time to coerce them to confess.

Amoom told Human Rights Watch that, as interrogators questioned him in a separate room, they slapped him on the face and neck, pushed him against the wall, pulled him by his neck, punched him in the chest, and kicked and hit him with a cable on his legs, before putting him in the *bus*.

Al-Jarba said that in the *bus* officers placed black goggles over his eyes that he could not see through, and forced him to remain standing, except for one 15-minute period when they allowed him to sit on a small uncomfortable chair, until 6 a.m. the next morning. Officers threatened to subject to *shabeh* those who disobeyed and required those in the *bus* to request permission to pray, use the bathroom, or sit down. Amoom received similar instructions, though officers moved him to another room and, a few hours in, returned him to an interrogation room where he faced more beating. This time, though, he said officers ordered him to sit on the ground, take off his shoes, and put his feet on a metal chair. Then, officers sat on his chest and legs, while two others whipped his feet with a cable and later hit him in his chest, causing Amoom to feel faint. Officers then returned Amoom to the *bus*, where he remained until the next day.

Officers kept al-Jarba mostly in the *bus* the next day and night. Meanwhile, Amoom appeared before a military prosecutor, who charged him with “harming revolutionary unity” and extended his detention for 15 days, then returned him to *bus* for the night. Interrogators questioned him the next day, again repeatedly hitting him in the face and chest. He said this time he felt “exhausted” and could not stand the “severe pain in his ears and chest” and asked to see a doctor. He asked the doctor to transfer him to a hospital, but the doctor told him, he said, “There’s no hospital here, only a grave.”

Interrogators also questioned al-Jarba on April 19. They asked about the altercation with Abu Samhadana. When he denied having fired a gun during the incident, they slapped him in the face, knocking off his black goggles, and allowing him to see the four men questioning him. They then hooded him and asked him about his ties to the West Bank, Egypt, and Israel, striking him in the head and body and kicking him on the legs between questions.

Officers then transferred al-Jarba to military prosecutors, who extended his detention for 15 days, and then returned him to the *bus*. He faced further interrogation the next day, including questions about the political affiliation of his aunt in the West Bank. They whipped his feet, as they had done with Amoom, and continued striking him, focusing on areas where he felt pain, he said.

On April 21, the fifth day in custody for al-Jarba and Amoom, the director general of Internal Security Forces for Gaza Tawfiq Abu Naim visited the two men and ordered their release, encouraging them to file complaints. They have not heard about charges since their release.

One week later, authorities summoned both men for questioning regarding their treatment in custody and doctors examined them. A month later, Abu Naim told him that authorities had decided to cover their medical expenses, but the men declined, Amoom said.

On January 17, 2017, at around 6 p.m., Amoom also participated in a ten-to-fifteen-minute protest in al-Bureij camp regarding the electricity crisis. According to Amoom's wife Eman, at around 11 p.m. that night, three uniformed and three plain-clothed men came to the house to ask for Amoom.<sup>76</sup> Being told he was not at home, they returned at 1 a.m. and seized his 17-year-old son. Eman said she and her daughter tried to stop them, but the officer hit her in the chest with the back of his rifle and slapped her daughter in the face, before taking the son away.

At 9 o'clock the next morning, Amoom presented himself to Internal Security in Deir al-Balah and, once he confirmed his son's release, agreed to submit to interrogation. Officers asked him about organization of the demonstration, saying, referring to Fatah supporters,

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<sup>76</sup> Human Rights Watch interview with Eman Amoom, al-Bureij Refugee Camp, April 3, 2017.

“You are spreading chaos and sowing division in the country.” He told Human Rights Watch that officers then put him in a solitary cell until the next morning, when they put him with six other electricity demonstrators.<sup>77</sup> That night, officers transferred them by bus to Internal Security headquarters in Gaza City, covering their eyes with black goggles and making them stand facing forward in the vehicle, each with his arms reaching forward to grasp the person standing in front of him. The driver repeatedly pressed the breaks as they drove, which Amoom said he believed to be a deliberate effort to make the detainees bounce around and fall as the bus lurched forward.

Officers blindfolded the men upon their arrival at Internal Security headquarters and had them placed in the *bus*. Thirty minutes later, interrogators asked him who had organized the demonstration, accusing Amoom and the others of “destabilizing security,” and then asked him if he was Fatah’s secretary general. The men spent the night in the *bus*, forced either to stand or sit on a small chair, except for a period of 15 to 30 minutes when they allowed him to sleep, Amoom said.

The next morning, an officer asked the remaining detainees where they worked. When Amoom said “Preventive Security,” he ordered him to do push-ups and, while doing so, pushed his boot on his neck until Amoom could not continue. Officers then interrogated him again and, when he said he had nothing to say, one officer told another, “Make him talk against his will” and the office brought a stick, which he banged against the wall. They returned him to the *bus* until the late evening. They released Amoom after his brother pledged to pay US\$10,000 if he participated in further demonstrations, even though Amoom refused to sign a pledge himself not to demonstrate. They did not return his mobile phone, though, for more than two weeks.

### *Taghreed Abu Teer, Khan Younis*

Security forces arrested Taghreed Abu Teer, a 48-year-old journalist with the Palestinian Broadcasting Corporation and Fatah activist, from her home in April 2017, apparently in response to her having attended conferences for Fatah in Ramallah.

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<sup>77</sup> Human Rights Watch interview with Abdel Baset Amoom, al-Bureij Refugee Camp, January 23, 2017.

Abu Teer’s husband Abed Abu Sarm told Human Rights Watch that on April 13 at around 2 p.m., about 14 officers, six of them plain-clothed and the rest wearing gray uniforms of the Internal Security forces, raided their home, confiscated three computers, and cellphones belonging to each member of the family, as well as one belonging to a guest, and took Abu Teer into custody.<sup>78</sup> Abu Teer said they took her to Internal Security headquarters in Khan Younis before quickly transferring her to Internal Security headquarters in Gaza City, where she remained for two days without being interrogated, she said.<sup>79</sup> Officers then brought her before the military prosecutor, who ordered her detention for 15 days.

During her first interrogation with Internal Security, officers asked her about her political affiliation and two two-day trips she had taken in 2016 to the West Bank, where she met members of Fatah’s Central Committee.<sup>80</sup> Interrogators told her they had found a news article when going through her mobile phone that another journalist had sent her on Facebook Messenger regarding corruption within Hamas and accused her of transmitting this information to the PA. They released her on April 24 after 11 days in custody. She has heard nothing further about her case and is unaware of any charges against her.

Reflecting on her experience, Abu Teer said, “I feel I am being monitored, as if I’m under a microscope. I was released, but, until now, I feel I am not free. They broke our desire to defend citizens’ rights.”

## Social Media

### *“Sami,” Jabalia Refugee Camp*

“Sami”, a 28-year-old social worker and community center coordinator for the Union of Health Work Committees, presented himself to Internal Security in Jabalia Refugee Camp at 8 a.m. on April 27, 2017, pursuant to a summons he had received the previous evening.<sup>81</sup> Thirty minutes after entering, someone slapped him on the face as he passed him by in the hallway, Sami told Human Rights Watch.

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<sup>78</sup> Human Rights Watch interview with Abed Abu Sarm, Khan Younis, April 23, 2017.

<sup>79</sup> Human Rights Watch phone interview with Taghreed Abu Teer, April 24, 2017.

<sup>80</sup> Human Rights Watch phone interview with Taghreed Abu Teer, January 24, 2018.

<sup>81</sup> Human Rights Watch interview with Sami (name withheld), Gaza City, May 15, 2017.



Shortly thereafter, he said four or five plain-clothed men took him to an investigation room, where they asked him about a Facebook post in which he had discussed a quotation from Palestinian author Ghassan Kanafani's book *Land of Sad Oranges*, in which the writer appears to make fun of God.<sup>82</sup> During this time, they hooded him, put his feet on another chair and whipped his feet for more than ten minutes while they cursed him, calling him an "infidel" and "non-believer" and threatening to break his legs. They also questioned him about what books he read, asking in particular about Karl Marx, a two-year-old photo on his Facebook that showed him with a young man and woman above a caption reading "Gaza, Akka, Nablus.. Jordan brings us together," and his parents, both of whom belong to the leftist party Popular Front for the Liberation of Palestine (PFLP).

After this interrogation, officers held him for about an hour-and-a-half before transferring him in a jeep to Jabalia police station. There, officers persisted with similar questions. Interrogators told him they were investigating him on a range of charges, including "insulting the divine self," "contempt of religion," "offending religious feelings," "insulting religious sensibilities," and "misuse of technology."

Around 7:30 that night, the police transferred him by jeep to a nearby police station, where he said he was held with 20 to 25 detainees in a windowless, foul-smelling room built for no more than half that number, where they had no access to newspapers, radio, television, or books, except for a few religious books. He remained there for a day-and-a-half.

Officers had told him he would face prosecutors on May 14, but they released him without further explanation around noon on May 13, after he signed the commitment "not to misuse social media."

Sami told Human Rights Watch that he has become more "cautious" since his arrest and that he plans "not to write on Facebook on issues that might be misunderstood or interpreted ... not everyone reads Ghassan Kanafani."

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<sup>82</sup> "I was sure that the God who, we knew in Palestine, left her as well and He is a refugee somewhere in this world, and that he is incapable of solving his own problems."

### *Amer Balousha, Beit Lahiya*

Amer Balousha, 26, an activist and journalist, wrote on Facebook in July 2017, “do your children [referring to Hamas leaders] sleep on the floor like ours do,” a reference to the way that in the summer, children in families that cannot afford generators to operate air conditioners sleep on the floor where it is cooler.

Shortly afterward he received a summons to Internal Security in Beit Lahiya.<sup>83</sup> When he presented himself there on July 4, officers put him in a solitary cell and asked him why he had written the Facebook post. After about 12 hours, they transferred him to the Intelligence Division at Beit Lahiya police station, where interrogators again asked him about his post. Prosecutors then ordered his detention for two days on a charge of “misuse of technology.” Four days later, Balousha appeared before the North Gaza Magistrate Court, where a judge ordered him detained for 15 days and complained that he was “using Facebook to oppose the government” and “inciting against the resistance [to the Israeli occupation].” The judge later also rejected two requests to release him on bail.

Fifteen days into his detention, the director of Beit Lahiya police offered to release him from detention if he denied on Facebook that he had been arrested, Balousha said. Balousha refused, but signed a commitment not to write about his arrest, which led the police to release him on condition that his father pay 100,000 Israeli Shekels (NIS) (\$27,480) bail if he failed to appear in court. His charges remain outstanding.

The Interior Ministry said in a letter to Human Rights Watch that Balousha’s detention is related to a criminal matter, but did not provide further details. The Justice Ministry indicated that his arrest was due to repeated violations of the laws relating to the press and publications, not to the Facebook post.

In a separate incident on April 29, 2017, nine plain-clothed men with Kalashnikovs, six on foot and three on motorcycles, grabbed Balousha as he walked to work near al-Fakhoura school in Beit Lahiya, putting him into a white jeep while exulting to one another that they had “brought Amer, the source of sedition,” he said. Balousha told Human Rights Watch that he thought the men may be from the Islamic State (also known as ISIS), but they

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<sup>83</sup> Human Rights Watch interview with Amer Balousha, Beit Lahiya, December 3, 2017.

transferred him to Internal Security in Beit Lahiya, where he spent the night in a 2-meter-by-2-meter cell.

The next morning, officers blindfolded him, cuffed his hands and feet, and began asking him about his role in organizing demonstrations, accusing him of taking money and “collaborating” with “Ramallah [the PA],” while periodically slapping his face and head and kicking his leg. They told him, “It’s forbidden to write against Hamas, we will shoot you.” He said the interrogation lasted about two hours. They released him that day, without presenting him to a prosecutor, after he signed a commitment not to organize demonstrations or write against Hamas. He said he gave officers, who had seized his cellphone upon arrest, the password to his Facebook account when they asked, feeling he could not object in the circumstances; they took control of his account, leading him to deactivate it after his release. They also confiscated his mobile phone for two weeks.

Beit Lahiya police also arrested Balousha for a night on November 26, 2017, but did not explain why, he said. On January 3, 2018, they held him for 13 hours ahead of a demonstration he helped organize that he said was a call for reconciliation with Fatah, telling him they would not release him until he signed a commitment assuming responsibility for any actions taken by protesters. He refused to sign, but police released him after he withdrew from organization of the protest and committed to refrain from organizing protests without the government’s permission.

### *“Majd,” al-Bureij Refugee Camp*

“Majd,” a 36-year-old ex-civil servant for the PA affiliated with Fatah leader Muhammad Dahlan, presented himself to Internal Security headquarters in Deir al-Balah at 8 a.m. on February 25, 2017 after receiving a summons the previous day.<sup>84</sup> He told Human Rights Watch that officers put him in a cell and, at 10 a.m., took him blindfolded to an interrogation room.

Officers there questioned him about a Facebook post a friend tagged him in that read, “We are allowing the electricity company 24 hours—if they do not return electricity as usual, we

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<sup>84</sup> Human Rights Watch interview with Majd, Gaza City, March 5, 2017. Majd has, like other former PA employees in Gaza, for the most part received a salary from the PA despite not formally working since the 2007 Fatah-Hamas split.

will take to the street!” They said the post constituted incitement and a threat to the electricity company. Majd said the officers returned him to his cell after he untagged himself in the post.

Around 9 p.m., officers transferred him to Internal Security headquarters in Gaza City and put him in the *bus*, forcing him to sit blindfolded and handcuffed in a small chair designed for children and to not look right or left, remove the blindfold, talk, or use the bathroom without permission. He said he spent much of three days on that chair, even sleeping on it, with only brief respites to use the bathroom and pray.

On the fourth day, interrogators asked him who had posted on Facebook his summons to report to Internal Security, and then transferred him to military prosecution. The prosecutor told him they were charging him under a Palestine Liberation Organization (PLO) law with “harming revolutionary unity” and asked him whether he had incited against the government or caused strife in the community. When he denied all charges, they told him they were extending his detention for 15 days and returned him to the *bus*.

Majd said that the next day in the *bus*, he fainted, after feeling “severe pain in my kidney and backbone.” He said he felt as if his neck would “break” and that his “body is tearing up inside.” After the intervention of a doctor, officers brought him a mattress to sleep on, but, around midnight, ordered him back to the chair. He said he felt he would “cry out in pain.”

Around 1 p.m. the next day, officers told him they would release him following a request from the Islamic Jihad and, after his brother signed a guarantee that he would pay NIS5,000 (\$1,411) if he participated in another demonstration, they released him.

Majd said that, since the split in 2007, Hamas authorities have detained him about once a year, usually after public events, and sometimes mistreated him. In January 2017, Internal Security detained him for five days after he participated in an electricity demonstration in al-Bureij Refugee camp.

### *Abdullah Abu Sharekh, Jabalia Refugee Camp*

On May 29, 2017, Abdullah Abu Sharekh, a 55-year-old United Nations Relief and Works Agency (UNRWA) math teacher and writer, took to Facebook to respond to comments made the day before by Hamas leader Salah al-Bardawil about the state of affairs in Gaza. Bardawil had proclaimed, “Hamas can continue to do what it has done for the last 11 years for the next 11 years. Gaza will persevere with the Palestinian people and find solutions to its crises.”<sup>85</sup> Abu Sharekh wrote: “Mr. al-Bardawil, Gaza is not steadfast ... and life is not prosperous except for Hamas leadership.” He contrasted what he saw as the relative prosperity of Hamas members with the “oppression” felt by everyone else, saying Hamas ruled by “iron and fire.”<sup>86</sup> The next day, four or five plain-clothed men came to his house and said they wanted to talk to him “for half-an-hour,” Abu Sharekh told Human Rights Watch.

They took him to Internal Security headquarters in Gaza City.<sup>87</sup> There, officers blindfolded him and put him in the *bus*, where they forced him for hours at a time to remain standing or seated in a small chair, with about 15 other detainees—whom he saw when they removed his blindfold so he could use the bathroom. Abu Sharekh said later, “You cannot imagine how painful it was” to have to stand or sit in a small chair for hours at a time. He said that he felt pain in his back, neck, and knee for more than four days after his release.

During several interrogation sessions, officers confiscated his cellphone, which they kept for a month, and took control of his Facebook account, getting him to reveal his Facebook password after threatening to detain him for six months. They questioned him about his alleged ties to Ramallah and with “international bodies.” Authorities referred him to military prosecution, but released him after five days in detention only upon signing a commitment not to “slander persons with high national positions.”

On January 28, 2017, Jabalia police detained Abu Sharekh, holding him for two days after he had called for people to participate in demonstrations around the lack of electricity and wrote an article about the electricity and economic crisis in Gaza.<sup>88</sup>

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<sup>85</sup> “Writer Responds to al-Bardawil: Gaza is not steadfast and life is not prosperous except for Hamas leadership” (in Arabic), Sadaa al-Allam, May 30, 2017, <http://www.sadaa.ps/49536.html> (accessed July 17, 2018).

<sup>86</sup> Alfalstiniyah TV’s Facebook page, <https://www.facebook.com/Alfalstiniyah/photos/a.265824903531453.58645.265460790234531/1343333119113954/?type=3&theater> (accessed July 17, 2018).

<sup>87</sup> Human Rights Watch phone interview with Abdullah Abu Sharekh, June 7, 2017.

<sup>88</sup> Human Rights Watch phone interview with Abdullah Abu Sharekh, February 28, 2017.

On April 26, 2017, Internal Security in Jabalia detained him again and held him for two days, apparently in response to writings that displeased them, including an article on the Muslim Brotherhood, with which Hamas is affiliated, and social media commentary on management of the electricity crisis, arrests by Hamas that he considered to be politically motivated, and a report about a declaration by a Hamas spokesman of readiness for war “even if we were to lose half a million martyrs” (on the last post, Abu Sharekh told Human Rights Watch that he had erred; there had been no such declaration.). He said authorities questioned him about each of these matters and told him, “You are slandering us.”<sup>89</sup>

On January 3, 2018, Jabalia police arrested him from his home a day before demonstrations that he had encouraged people to participate in, to call for Hamas-Fatah reconciliation. They held him along with other activists for over seven hours, releasing him after he signed a commitment to “behave.”<sup>90</sup>

As a result of these four arrests in the span of over a year over criticism of authorities or participation in demonstrations, Abu Sharekh said he decided to stop his political activities. “I decided to leave them alone, so they can leave me alone,” he said.

## Journalists

### *Fouad and Ashraf Jarada, Gaza City*

On June 9, 2017, about an hour before the breaking of the daily fast during the month of Ramadan,<sup>91</sup> three plain-clothed officers arrived at the house of Fouad Jarada, a 34-year-old reporter with the Palestinian Broadcasting Corporation, seized his laptop and cellphone and took him to Internal Security headquarters in Gaza City.<sup>92</sup> At around the same time, two plain-clothed officers detained Fouad’s cousin Ashraf Jarada, a 41-year-old former PA civil servant, as he walked on the street near his home in Gaza City, also taking him to the same location.<sup>93</sup>

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<sup>89</sup> Human Rights Watch phone interview with Abdullah Abu Sharekh, May 3, 2017.

<sup>90</sup> Human Rights Watch phone interview with Abdullah Abu Sharekh, January 8, 2018.

<sup>91</sup> Fayez Abu Own, “Hamas Continues to Detain Talouli and Jarada in Clear Suppression of Freedoms” (in Arabic), Al-Ayyam, June 12, 2017 [http://www.al-ayyam.ps/ar\\_page.php?id=121b1bf6y303766518Y121b1bf6](http://www.al-ayyam.ps/ar_page.php?id=121b1bf6y303766518Y121b1bf6) (accessed July 17, 2018).

<sup>92</sup> Human Rights Watch interview with Fouad Jarada, Gaza City, December 13, 2017.

<sup>93</sup> Human Rights Watch interview with Ashraf Jarada, Gaza City, December 13, 2017.

Fouad said officers asked him about a Facebook post he had written three days earlier, welcoming measures that Gulf states had taken to isolate Qatar, then an ally of Hamas. “Why do you oppose Qatar?” they asked, “Do you not know what Qatar gives to the resistance [a reference to Hamas and its armed wing]?” They also asked about Fouad’s ties to the Fatah-dominated PA, his political affiliation, why he writes “inciting” posts on Facebook, and about several recent television news stories he had produced, including on political arrests in Gaza, Gaza’s electricity crisis, and a seven-year-old who died allegedly as a result of negligence by doctors in Gaza.<sup>94</sup>

After the initial interrogations, police transferred Fouad and Ashraf to the *bus*, where they blindfolded and forced them to stand or sit in a kid’s chair for hours at a time. Fouad said he spent about a month alternating between about three days standing and then three subsequent days sitting on a small chair, whereas Ashraf said officers made him go back and forth between standing for two hours and sitting for 20 to 30 minutes during this month-long period during which the most intensive interrogation took place. Officers then moved them to regular cells.

Officers would intermittently call both in for questioning, returning to the same kinds of questions. During his first interrogation after placement in the *bus*, Fouad said interrogators asked him to open his hands and whipped them with a cable and then whipped his feet ten to twelve times. Beatings remained a staple of his interrogation, with each interrogator having “his own style” and method of choice. Ashraf described similar treatment, including one interrogation where interrogators whipped him on each hand 50 times, causing serious swelling, and another where they whipped his feet for seven or eight minutes.

Authorities referred both cases to military prosecutors, who opted to charge both men under a PLO law that forbids “harming revolutionary unity,” and renewed their detention. Fouad said they also charged him with collaborating with Israel, which he firmly denies.

On August 13, officers released Fouad, pursuant to an apparent deal whereby the PA agreed to release several detained journalists who work for outlets considered

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<sup>94</sup> Palestine TV’s Facebook page, <https://www.facebook.com/PalestineTv/videos/1385226738213983/> (accessed July 17, 2018).

sympathetic to Hamas, including Mahmoud Hamamra, Tarek Abu Zaid, and Ahmad al-Halqiqa. Fouad said they made his release conditional on developments with the West Bank cases, but that prosecutors ultimately dropped the charges. Ashraf was released on bail on August 22 and has not heard anything since about charges against him.

### *Muhammad Othman, Gaza City*

On August 28, 2016, Muhammad Othman, a 31-year-old independent journalist from Gaza City who writes for the news website Al-Monitor and freelances for Al Araby TV in London, published a leaked document on Facebook that showed a former senior Hamas official authorizing distribution of *zakat*, or charity, funds despite having no formal role in government. On September 1, 2016, six policemen, three in plainclothes and three in uniform, came to Othman's house around 4:10 p.m., Othman told Human Rights Watch.<sup>95</sup> They said they had a search warrant, but did not show it to him. In the presence of him and his wife, the officers went straight to their bedroom, seizing two laptops, three mobile phones (including two cellphones), papers, a digital camera, notebooks, and one book. Then they put Othman in a car and drove him to the Internal Security Services offices in Gaza City.

There, he said, officials from Internal Security questioned him about the source of the leaked document that Othman has posted on Facebook on August 28. When Othman refused to name his sources, the officers placed him for one-and-a-half hours in the *bus*, where they forbade him from sitting, except in chairs made for children, pray, or use the bathroom without permission. Police then escorted Othman into an interrogation room. When he again refused to disclose the leaker, the interrogator and another agent slapped him on his face repeatedly for about two minutes. They then hooded Othman, handcuffed him behind his back, and raised a cable attached to the handcuffs gradually, forcing his hands up until his feet were almost off the ground. They kept Othman in this position for about five minutes, while he screamed in pain, before removing the handcuffs.

Othman told Human Rights Watch that they then resumed the interrogation, warning him that they would “end [his] future as a journalist” if he “criticize[d] the government or the security apparatus,” and held him in a cell overnight before releasing him the next day.

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<sup>95</sup> Human Rights Watch interview with Muhammad Othman, Gaza City, September 16, 2016.



The General Inspector of the Interior Ministry Muhammad Lafi told Human Rights Watch during a September 2016 meeting in Gaza that they had Othman sign a commitment to “not publish rumors and speak badly of us.”<sup>96</sup> A few days later, they returned to him everything they had confiscated except one notebook containing notes from interviews he had conducted. Authorities did not charge him with any offense.

Othman, who said he also received a summons for interrogation in August 2016 and received death threats in January 2015 from an armed group when he wrote about suspected executions of accused collaborators, left Gaza two months after his arrest in November 2016 and says he does not plan to return.

Human Rights Watch raised Othman’s case in meetings with senior officials in Gaza in September 2016. Deputy Justice Minister Omar al-Bursh labeled Othman a “spy.”<sup>97</sup> General Inspector of the Interior Ministry Muhammad Lafi acknowledged Othman was a journalist, but said he “wrote a lot of wrong things on websites about our work.”<sup>98</sup> Also in September 2016, then Deputy Interior Minister Kamal Abu Madi vowed to investigate allegations of abuse and publish the findings within three weeks.<sup>99</sup> Human Rights Watch wrote to the Justice and Interior Ministries in November 2016 to inquire about the status of the investigation, but, as of this writing, had not heard back.

### *Hajar Harb, Gaza City*

On June 24, 2016, Hajar Harb, a 34-year-old freelance journalist, produced a story, aired on AlAraby TV in London, for which she had gone undercover and asked a doctor to falsely represent that she has an urgent medical condition that requires treatment in the West Bank. She explained to him that her real motive was to marry a man who lives there. The report includes footage of the doctor, whose face is blacked out, agreeing to her request and a man who works in Ramallah admitting that he obtained a permit to leave Gaza through a falsified medical report..

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<sup>96</sup> Human Rights Watch Interview with Muhammad Lafi, General Inspector of the Interior Ministry, Gaza City, September 19, 2016.

<sup>97</sup> Human Rights Watch Interview with Omar al-Bursh, Deputy Justice Minister, Gaza City, September 19, 2016.

<sup>98</sup> Human Rights Watch Interview with Muhammad Lafi, September 19, 2016.

<sup>99</sup> Human Rights Watch Interview with Kamal Abu Madi, Deputy Interior Minister, Gaza City, September 19, 2016.

Two days later, Harb received a call from the government press office inviting her for a chat, but she refused to go, she told Human Rights Watch.<sup>100</sup> On July 13, prosecutors summoned her for questioning, because of a complaint they said they had received from the doctor who appeared in the video. When she appeared before them, they asked for her sources and names of people who had helped her in preparing the report, all unpublished documentation, and the original version of the video before the faces had been blacked out. Harb refused to comply.

On August 28, prosecutors told her that they were investigating her on five charges: “impersonation,” “slandering the Health Ministry,” “publishing false information regarding corruption in the Health Ministry,” “lack of precision and caution in publishing information that casts disrepute on the Health Ministry,” and “connection to a foreign entity ... that has no connection to the Gaza Strip or the government press office.”<sup>101</sup> Harb, though, reached an agreement with prosecutors a few days later to provide information she used in return for them not referring her case to court.

In May 2017, Harb left Gaza to undergo breast cancer treatment in Jordan and, while away the next month, a magistrate court convicted her in absentia of the same charges on which prosecutors had begun investigating her months prior and sentenced her to six months in prison and a NIS1,000 fine (\$282). In December 2017, however, the court suspended the sentence, agreeing to start proceedings anew upon her return.<sup>102</sup> Harb returned to Gaza in April 2018 and her next hearing, after multiple postponements, is scheduled for October 2018.

## Demonstrations

### *Muhammad Talouli, Jabalia Refugee Camp and Shukri Abu Oun, Beit Lahiya*

Muhammad Talouli and Shukri Abu Oun, both 26 years old, organized protests in the Jabalia Refugee Camp on the electricity crisis in January 2017. Talouli told Human Rights

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<sup>100</sup> Human Rights Watch interview with Hajar Harb, Gaza City, September 6, 2017.

<sup>101</sup> Hajar Mohmed Harb’s Facebook page, [https://m.facebook.com/story.php?story\\_fbid=150616998715570&id=100013018114436&\\_\\_mref=message\\_bubble](https://m.facebook.com/story.php?story_fbid=150616998715570&id=100013018114436&__mref=message_bubble) (accessed July 17, 2018).

<sup>102</sup> Human Rights Watch phone interview with Hajar Harb, September 14, 2017.

Watch that, after he posted a call for protests on Facebook alongside Abu Oun and others, Internal Security called him and told him to turn himself in for “inciting violence.”<sup>103</sup> Instead, he and Abu Oun participated in the large demonstrations that took place on January 12. When it was winding down, protesters and supporters of Hamas threw rocks at one another, which led security forces to fire in the air and break up the demonstration, Talouli said. Fearing arrest, Talouli and Abu Oun went into hiding for several days, during which time security forces visited their homes. During these visits, they warned relatives of both men, “If you do not turn him in, we will shoot him.”

Talouli and Abu Oun came out of hiding after Palestinian political factions reached an agreement with Hamas authorities on January 16 to stop electricity demonstrations in return for releasing everyone detained during electricity protests.<sup>104</sup>

On January 28, Talouli and Abu Oun, along with activist Amer Balousha, who also helped organize the protest, were summoned for interrogation. The next day, Talouli reported to the General Intelligence Service in Jabalia, where interrogators questioned him for three to five hours about the aims of the demonstration and its participants, he said. Talouli said an officer told him, “You said ‘Down with the Hamas government?’ The Hamas government is the hand of God” and threatened to rough them up should they continue to organize protests.

In a separate incident on April 26, Abu Oun reported to the Internal Security in Jabalia, a day after receiving a phone call threatening to arrest him if he did not turn himself in, and several days after he blamed Hamas on social media for a range of problems in Gaza, including electricity shortages, poor health care, and unemployment. After Abu Oun arrived, officers blindfolded him and put a canvas sack over his head and put him in a cell, he said. Three hours later, several men came and cuffed his hands behind his back and, for about thirty minutes, beat him on the feet, back, and neck, then left him alone in a cell for several hours. The men returned and asked him to stand, then punched him, knocking his head into the wall and causing him to fall to the ground. He said that when they removed the sack, they found his head covered in blood. He said the officer who

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<sup>103</sup> Human Rights Watch interview with Muhammad Talouli and Shukri Abu Oun, al-Bureij Refugee Camp, January 25, 2017.

<sup>104</sup> “Gaza: The Release of Detainees of Electricity Protests Today,” Maan News Agency, January 16, 2017, <https://www.maannews.net/Content.aspx?id=886939> (accessed July 17, 2018).

struck him, whom he managed to briefly sneak a glance at and identified as a former schoolmate, told him, “Your mind that you think with, I will destroy it, I will show you.”

He said authorities charged him with “incitement” and “endangering public security,” but released him on April 29 after he signed a commitment, the substance of which he could not recall. They seized control of his Facebook account, leading him eventually to create a new one. Abu Oun left Gaza in August 2017, citing his harassment as a principle reason, and now resides elsewhere. He received a summons to report to police headquarters on November 22, 2017.

Meanwhile, on June 10, Talouli appeared before General Intelligence in Gaza City pursuant to a summons he had received the day before in apparent reaction to a post he had put on Facebook shortly before, in which he advised young people to spare their energy going to the Gaza border to protest against Israel, and focus instead on their leaders “who sell their blood and homeland.”<sup>105</sup> Talouli said he spent 24 hours in custody, mostly in a solitary cell. His interrogators asked why he had criticized Hamas leaders and organized electricity demonstrations, telling him they considered him “agitator number one against Hamas.” As a condition of his release, they required his father to sign a guarantee to pay NIS50,000 (\$14,122) if Talouli violated a commitment he signed to abide by the law and not organize demonstrations or slander Hamas officials, he said. They also threatened that, next time, they would deal with Talouli on the streets and not in the station.

Prosecutors charged him with “misuse of technology,” but released him on bail after five days in custody. The charge sheet, reviewed by Human Rights Watch, accuses him of posting “a video on Facebook that attacks the leadership of the Hamas movement and accuses its leaders of dragging the youth to destruction, and posting on inflammatory topics including by defaming, slandering, and insulting respected figures both directly and indirectly.” In May 2018, Talouli said a court convicted him of “misuse of technology,” handing him a three-month suspended sentence.<sup>106</sup>

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<sup>105</sup> Fayeze Abu Own, “Hamas Continues to Detain Talouli and Jarada in Clear Suppression of Freedoms,” Al-Ayyam.

<sup>106</sup> Human Rights Watch phone interview with Muhammad Talouli, September 2, 2018.

### *Muhammad Lafi, Jabalia Refugee Camp*

On January 12, 2017, Muhammad Lafi, a 25-year-old activist and rapper, joined a large group of protesters in Jabalia refugee camp who were making their way toward the offices of the electricity distribution company in northern Gaza. Lafi had released a music video the day before the demonstration entitled “Your Right,” calling for people to rise up and proclaiming, “a revolution from the camps.”<sup>107</sup> He told Human Rights Watch that the demonstration began peacefully. He held a sign calling on the leader of Hamas’ armed wing to “stand with his people,” while chants included, “Shame, shame on those who remain sitting at home” and “Abbas tell Haniyeh: We want our human rights!”<sup>108</sup>

During the march, though, Lafi said he noticed plain-clothed men standing behind police—whom he believed to be thugs—throwing rocks at the demonstrators, who threw rocks back. The police fired into the air to disperse demonstrators and began violently detaining some of them. Five plain-clothed men caught Lafi and brought him to a police car, where plain-clothed young men cursed him and accused him of being a “collaborator.” They took him to Jabalia police station.

At the station, officers placed Lafi in a cell too small to sit down in and, over the course of an hour, several men came and showed him footage of him chanting and throwing stones at the protest, he said. They asked him to confirm that it was him. Officers then took him for interrogation and, after asking him about his political affiliations and demonstrations, took a picture of him holding a sign with the charges he faced: “inciting against the government,” “damaging public property,” and “calling for riots.” An official then punched him twice in the face and slapped him several more times on the neck, telling him “you are the one who acts like a rebel.” They then moved him to another room, where officers shaved his head, while others slapped him in the face. They later instructed him to clean up his hair from the floor, saying, “You are our cleaner today.” He said the men also revealed that they had been monitoring him since he posted the video.

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<sup>107</sup> “Mhammedlafi – Your Right,” video clip, YouTube, January 11, 2017, <https://www.youtube.com/watch?v=qeGo7GVfhPE> (accessed August 30, 2018).

<sup>108</sup> Human Rights Watch interview with Muhammad Lafi, Jabalia Refugee Camp, January 25, 2017. Ismail Haniyeh, who briefly served as Prime Minister in the Palestinian unity government after 2006 elections, now is the chairman of Hamas’ Political Bureau.

The next morning at 9 a.m., they transferred him to Internal Security headquarters in Gaza City, where he spent the next two days. He said authorities poured water on the floor of his cell and kept him barefoot and wearing only light clothing despite the winter weather. On January 15, Lafi said authorities released all demonstrators except him, telling him that higher authorities were making the decisions on his case. They released him that night after he signed a pledge “not to participate in any unlicensed demonstrations.”

Two months later, on March 14, 2017, Lafi released a song entitled “Prosperity,” meant as a response to a Hamas politician who said there is “prosperity in Gaza.”<sup>109</sup> Internal Security again summoned him for interrogation. They held him for four hours, during which time officers pleaded with him to stop his activities and threatened to charge him with slander if he continued producing songs. They also searched his Facebook account to see whom he had contact with and asked him why he hated Hamas.

Lafi told Human Rights Watch that police arrested him in April 2018, questioning him over a Facebook post, taunting and striking him when he refused to cooperate with interrogators, and holding him for five days on charges of “misuse of technology.”<sup>110</sup>

### *Yaser Weshah, al-Bureij Refugee Camp*

On January 30, 2017, Yaser Weshah, a 27-year-old Fatah activist, stood alone at the entrance to the al-Bureij Refugee Camp holding a sign that read, “No to political arrests. No to gag orders,” in solidarity with detained writer Abdullah Abu Sharekh.<sup>111</sup> One day later, on January 31, he received a summons to report to Internal Security headquarters. Weshah said he posted the summons on Facebook and asked why Hamas authorities continued to arrest activists.

On February 19, while at a friend’s house, a van belonging to Internal Security, with seven armed men in black uniform, arrived and an officer asked Weshah to come with them. Weshah said he asked to get something from inside, but then fled from another door. The officers then raided the house and held his friend’s father until Weshah turned himself in the next day to Internal Security at their office in Deir al-Balah.

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<sup>109</sup> “Mhammedlafi – Prosperity”, video clip, YouTube, March 8, 2017.

<sup>110</sup> Human Rights Watch phone interview with Muhammad Lafi, September 4, 2018.

<sup>111</sup> Human Rights Watch interview with Yasser Weshah, Gaza City, February 28, 2017.

Officers at Internal Security asked Weshah about his protest and why he had fled. In the afternoon, they transferred him to Internal Security headquarters in Gaza City, where officers put him in the *bus*, where officers told him he had to keep standing and could not sleep, he said. They kept him in the room for 72 hours and then transferred him to military prosecutors, who told him they ordered his detention for 15 days to investigate him on charges of “harming revolutionary unity” related to the sign that he had hoisted.

He said officers then took him to an interrogation room, where an officer told him “You are opposing the state’s policy, you are accused of writing posts about medical negligence and unemployment. These are sensitive issues. Criticize the government as you want, but do not talk about these issues.” The officer then warned, “Next time, I will cause you a permanent disability.” He then pushed Weshah against the wall and then another officer slapped him on the neck and said, “That’s for Abdullah Abu Sharekh, tell him you were slapped because of him.” Weshah spent the next four days in a cell. Internal Security then released him after he committed in writing to stop his activities or risk re-arrest.

Weshah told Human Rights Watch that Hamas authorities have arrested and mistreated him and paid visits to his house on many occasions. Earlier in January 2017, Weshah turned himself in after authorities had pursued him for a week, raided his house several times and told his family that they are not to blame if someone shoots him after he participated in demonstrations regarding the electricity crisis. He spent 12 days in detention. He said he decided to stop criticizing Hamas authorities in light of the increasing pressure they placed on his family.

## On University Campuses

### *Youssef Omar, al-Shati Refugee Camp*

On February 13, 2017, Youssef Omar, 46, who teaches history at Al-Aqsa University and is a member of the Islamic Jihad, received a phone call from someone who introduced himself as an intelligence officer, asking him to report to the al-Jawazat police headquarters.<sup>112</sup> Omar refused. He soon learned that four other colleagues at the university, Riyad Abu Zann, Muhammad al-Omoor, Bassam Abu Hasheesh, and Adham abu Hatab, had also

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<sup>112</sup> Human Rights Watch interview with Youssef Omar, Gaza City, February 19, 2017.

received summons. They all were all activists with the union of university employees, which had opposed Hamas' attempt to appoint a new university president without consulting the PA.<sup>113</sup> They all decided to report together the next morning.

When they arrived at 9 a.m., officers put them in what looked like a storage room and summoned them one-by-one, calling Omar last, he said. Interrogators focused on his union activities and asked him if he received money from the PA to oppose Hamas at the university, shoving him against the wall several times and putting him in a solitary cell when he refused to answer questions according to Omar. After his initial interrogation, Omar called a leader of the Islamic Jihad, using his cellphone. When the interrogator called Omar in the next time, the Islamic Jihad leader was present too. Officers asked him to sign a commitment to stop participating in protests on campus. Although he refused to sign, they released him later that day, he said.

Omar filed a complaint about his treatment in-person with the Interior Ministry, but the General Inspector's Office in the Interior Ministry subsequently told him they conducted an investigation and found no wrongdoing.

In April 2017, prosecutors notified Omar that he faced charges including "slander" and "defamation," because of a complaint from a Hamas official at the university. Omar and the official, though, settled the matter outside of court and the case was dropped.<sup>114</sup>

## Criminal

### *Emad al-Shaer, Khan Younis*

Emad al-Shaer, a 48-year-old farmer and diabetic, told Human Rights Watch that, at around 3 p.m. on October 27, 2017, a group of 26 to 28 police officers, most wearing black uniforms, entered his house without warning and detained him on allegations of possession of tramadol, a narcotic.<sup>115</sup>

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<sup>113</sup> "Agreement Averts Financial Crisis at Gaza's Al-Aqsa University," Marsad, April 5, 2017, <https://www.marsad.ps/en/2017/04/05/agreement-averts-financial-crisis-gazas-al-aqsa-university/> (accessed July 17, 2018).

<sup>114</sup> Human Rights Watch phone interview with Youssef Omar, September 10, 2018.

<sup>115</sup> Human Rights Watch interview with Emad al-Shaer, Khan Younis, November 30, 2017.



They drove him to the anti-drugs section of the Khan Younis police station and put him in an interrogation room blindfolded. Al-Shaer said officers tied his hands behind his back, attached his hands to a cable tied to the ceiling and had him stand on the table. They then removed the table, leaving him dangling and screaming in pain, which led an officer to slap him several times in the face and put the blindfold in his mouth. They also tied his feet with a cable to the window. While he hung, officers demanded to know where he “hid the tramadol,” an addictive painkiller popular as a recreational drug in Gaza, as they kicked him and whipped his feet and body with a plastic hose. Al-Shaer told interrogators he had diabetes and pleaded with them to stop, but they continued, saying “You will die here today if you do not speak” and “May God take you.”

Unable to bear the pain after hanging for about three hours, al-Shaer told the officers he confessed to having the tramadol at his house. They untied him, he said, and drove him back to his house. When they failed to locate it, they returned to the station, hung al-Shaer in the same position and resumed whipping and striking him for another three hours. During this time, they did not give him water or allow him to use the bathroom. He said that while hung, “I could not feel my hand, I would not have even felt it if they had cut it with a knife,” and that his feet grew swollen and began to bleed. They untied him and moved him to a cell around midnight, but, when he lay on a blanket, it became full of blood, forcing them to move him to another cell.

At 9 a.m. the next morning, they took him to the hospital and then back to the police station, where officers told him they would release him. Before doing so, he said they took him to the yard and perforated blisters on the balls of his feet to drain the blood and then wrapped them in gauze. Before leaving, officers told him to sign a release order. Al-Shaer did so without reading it. Later, he learned that he had signed what amounted to a confession that he participated in a drug deal involving a carton of tramadol and had been found with possession of a half a tablet, he said.

Upon his return home around 10:30 a.m., al-Shaer said he was having difficulty breathing and digesting food. He consulted a doctor who recommended he check himself into intensive care. Al-Shaer spent the next five days in a Gaza hospital, where he said he drifted into and out of consciousness, at which point doctors recommended his referral to Augusta Victoria Hospital in Jerusalem. He obtained a permit from Israeli authorities and traveled there three days later. Medical reports from both the Gaza and Jerusalem

hospitals reviewed by Human Rights Watch note that his condition began “after he was in prison for one night [and] underwent physical stress and punishment there.” The medical reports diagnosed him with hemoptysis (coughing blood), kidney failure, and pulmonary embolism, among other ailments. Upon returning from Jerusalem, he spent another week in a Gaza hospital, he said.

Human Rights Watch reviewed photographs of al-Shaer in the hospital that show bruises and cuts on his chest and deep scars, lacerations, swelling, and discoloring on his feet. Al-Shaer said that, a month later, he still felt weakness in his hands, could not lift heavy items and felt out of breath walking short distances.

Al-Shaer filed a complaint with the Independent Commission on Human Rights (ICHR), a statutory commission charged with monitoring human rights compliance by the Palestinian authorities, about his mistreatment. He said senior officials in the anti-drugs police asked him to withdraw it, offering to drop the charges and pay his hospital expenses. He refused. As of April 2018, he had not heard any update regarding his complaint.

On April 25, 2018, al-Shaer said the two officers who had tortured him months before approached him on motorbikes as he was distributing invitations to his daughter’s wedding. They took him to the Khan Younis police station, where they pressured him to sign a confession that he sold tramadol. They told him, “Last time, we sent you to intensive care. This time we will put you in a grave and turn your daughter’s wedding party into a funeral.” He refused and the men took out a stick, blindfolded him and bound his hands and feet. Al-Shaer signed the confession before they proceeded further. He said he later recanted, and prosecutors cleared him. He decided not to file a complaint, saying it would be “in vain.”<sup>116</sup>

### *Khalil Abu Harb, Gaza City*

On September 17, 2017, a neighbor of Khalil Abu Harb, a 46-year-old construction worker phoned him to ask him to join him for a work project.<sup>117</sup> According to an investigative report

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<sup>116</sup> Human Rights Watch phone interview with Emad al-Shaer, Khan Younis, May 30, 2018.

<sup>117</sup> Human Rights Watch interview with Isam Abu Harb (Khalil’s father), Gaza City, November 7, 2017.

by the Attorney General's Office in Gaza reviewed by Human Rights Watch, while riding in a TokTok, the men stole the purse of a women walking on the street and fled the scene.<sup>118</sup> Abu Abed Azzam, a local resident, told Human Rights Watch that, in the late afternoon that day, two men, one of whom introduced himself as Abu Harb, appeared in his garage, saying that they had robbed someone and were being chased.<sup>119</sup> He said that he handed the two men over to people who said they would take them to a Gaza City police station and that he did not see anyone hit them. The attorney general report notes that members of the public hit the two men before they were turned over to the police station that day causing "light bruises," but include no further details.

Upon entering the police station, the report notes that police interrogated Abu Harb and, the next day, September 18, presented him to prosecutors. The report says that, on the morning of September 19, they returned to the prosecutors' office and Abu Harb suddenly jumped out of an unsecured window on the fourth story, causing him to die. A news report said he died around 9 a.m.<sup>120</sup> Khalil's father said that he found out about his son's death around 1 p.m., after neighbors had read a report in the news, and that he had been negotiating to reconcile with the robbery victim and secure Khalil's release that day, in time for his brother's wedding planned for September 26.

Khalil's father observed his son's body at al-Shifa hospital that day and said it was "deformed head to foot," with his face and eyes swollen, blood under his head and feet looking blue. A neighbor who managed to see the body before burial, said he observed swelling on the bottom of his feet and his eyes, lacerations and scars on his shoulder and back, and discoloring of his eyes and back.<sup>121</sup> These injuries are consistent with having been whipped on his feet, hit on his back by a hose, and punched in the face. The attorney general report denies that Abu Harb was subjected to "any kind of torture" and says that he only had "light bruises as a result of being hit by members of the public before his detention." The Justice Ministry in an April 2018 letter to Human Rights Watch mentions

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<sup>118</sup> Attorney General Report on file with Human Rights Watch.

<sup>119</sup> Human Rights Watch interview with Abu Abed Azzam, Gaza City, November 11, 2017.

<sup>120</sup> Ahmad Alashi, "Watch: 'Donya al-Wattan' Discovers Details about the Abu Harb Death. The Family Takes Responsibility and Prosecutor Responds," Donya al-Wattan, October 25, 2017, <https://www.alwatanvoice.com/arabic/news/2017/10/25/1092944.html> (accessed July 17, 2018).

<sup>121</sup> Human Rights Watch interview with a resident of Gaza City (name withheld), Gaza City, November 7, 2017.

also “depression,” brought on by result of his difficult financial situation and his brother’s wedding, as a cause of death.<sup>122</sup>

Khalil’s father said he met the attorney general to request an autopsy on his body before burial, but the attorney general told him to “bury him and I will open an investigation, considering him as my son.” Both he and the neighbor reject the attorney general’s findings.

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<sup>122</sup> Letter from Dr. Muhammad Numan al-Nahal, Deputy of Ministry of Justice, Ministry of Justice, to Human Rights Watch, April 26, 2018.

### III. Legal Standards

The State of Palestine acceded to a range of international treaties over the last five years, which forbid many of the abuses outlined in this report. The treaties apply to the full territory of the state of Palestine, encompassing both the West Bank and Gaza—both to areas under the control of the Palestinian Authority and Hamas, and to areas within Palestine controlled by Israel, including Area C and East Jerusalem.<sup>123</sup> Palestinian accession to these treaties represents a commitment by its authorities to respect, protect, and fulfill rights such as the right to freedom of expression and the right to be free from torture and arbitrary detention. Official Palestinian state bodies are responsible not only for the conduct of their own security forces, but also protecting people from other actors violating rights, to the maximum extent possible.

While Hamas did not participate in the ratification process the Interior Ministry said in an April 2018 letter to Human Rights Watch that it considered itself “bound by the international human rights treaties Palestine acceded to, in particular the International Covenant on Civil and Political Rights and the Convention Against Torture.”

Authorities have made similar pronouncements publicly. In a speech in Gaza on June 21, 2006, then-Prime Minister Ismail Haniyeh said Hamas was determined “to promote the rule of law, the respect for the judiciary, the separation of powers, the respect for human rights, the equality among citizens; to fight all forms of discrimination; to protect public liberties, including the freedom of the press and opinion.”<sup>124</sup> In the program of the National Unity Government, presented on March 17, 2007, Hamas stated its “respect for international law and international humanitarian law insofar as they conform with our character, customs, and original traditions.”<sup>125</sup>

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<sup>123</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987.

<sup>124</sup> Prime Minister Ismail Haniyeh, speech at the “The New Government and the Agenda for Human Rights” conference, Gaza City, June 21, 2006 (as cited by United Nations Human Rights Council, “Human Rights Situation in Palestine and other Occupied Arab Territories,” A/HRC/8/17, June 6, 2008, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/8session/A.HRC.8.17.doc> (accessed September 9, 2018).

<sup>125</sup> Prime Minister Haniyeh, “National Unity Government Program” (presented to the Palestinian Legislative Council, March 17, 2007) (as cited by UN Human Rights Council, “Human Rights Situation in Palestine and other Occupied Arab Territories”).

## Arbitrary Detention in International Law

The International Covenant on Civil and Political Rights (ICCPR), which Palestine ratified in 2014, holds that "[e]veryone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

Article 19 of the ICCPR further states that "everyone shall have the right to freedom of expression ... to seek, receive, and impart information and ideas of all kinds." The article notes that authorities may restrict the right, but restrictions "shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order, or of public health or morals."

In its letter to Human Rights Watch, the Gaza Interior Ministry referenced this language, which it said gives state authorities the right to limit free expression.<sup>126</sup>

Beyond the requirements of legality and necessity set out in the article itself, the United Nations Human Rights Committee issued guidance in 2011 on the free speech obligations of states party under article 19 that noted that restrictions "must not be overbroad" and that "[w]hen a state party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat ... in particular by establishing a direct and immediate connection between the expression and the threat." The committee further emphasized the high value the treaty places upon uninhibited expression "in circumstances of public debate concerning public figures in the political domain and public institutions." It said, "States parties should not prohibit criticism of institutions, such as the army or the administration." It also warned, "The mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties." Defamation should in principle be treated as a civil, not a criminal, issue and never punished with a prison term, the Human Rights Committee said.<sup>127</sup>

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<sup>126</sup> Letter from Tawfiq Abu Naem, Deputy Minister of Interior and National Security, Ministry of Interior and National Security, to Human Rights Watch, April 25, 2018.

<sup>127</sup> UN Human Rights Committee, General Comment No. 34, Article 19: Freedom of Opinion and Expression (102nd session, 2011), U.N. Doc. CCPR/C/GC/34 (2011), <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf> (accessed September 9, 2018) para. 47,

Article 20 of the ICCPR proscribes “[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,” as does the Convention on the Elimination of All Forms of Discrimination, which Palestine also acceded to. In January 2013, the Office of the High Commissioner for Human Rights (OHCHR) adopted a set of guidelines, known as the Rabat Plan of Action, that set out a three-part test—legality, proportionality, and necessity—on how to balance free expression and incitement to hatred. It set a “high threshold” for any restriction on free expression that should evaluate the context, speaker, intent, content, and form, extent of the speech act and likelihood of harm, including imminence.<sup>128</sup>

The ICCPR further requires authorities to properly and promptly inform a detainee of the “nature and cause of the charge against him,” present him before a court that can judge the lawfulness of the detention “without delay,” and compensate those unlawfully detained. The Johannesburg Principles on National Security, Freedom of Expression and Access to Information (1995), which articulate best practices based on international human rights law and standards, provide: “No one may be punished for criticizing or insulting the nation, the state or its symbols, the government, its agencies, or public officials.”<sup>129</sup>

## Torture under International Law

The prohibition against torture is a bedrock principle of international law. International law bans torture, as well as cruel, inhuman, or degrading treatment, at all times, in all places, including in times of war or occupation. No national emergency, however dire, ever justifies its use.

The Convention against Torture, which Palestine acceded to without reservation in 2014, defines torture as:

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<sup>128</sup> UN Human Rights Council, Annual Report of the UN High Commissioner for Human Rights, Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred, U.N. Doc. A/HRC/22/17/Add.4, January 11, 2013, [http://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat\\_draft\\_outcome.pdf](http://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf) (accessed July 17, 2018).

<sup>129</sup> ARTICLE 19, “Johannesburg Principles on National Security, Freedom of Expression and Access to Information,” November 1996, <https://www.article19.org/data/files/medialibrary/1803/joburg-principles.pdf> (accessed July 17, 2018).

[A]ny act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.<sup>130</sup>

The convention forbids the use of evidence obtained by torture and requires states to ensure torture does not take place and prosecute alleged perpetrators of torture on their territory.<sup>131</sup> The UN Committee against Torture has made clear that “those exercising superior authority – including public officials – cannot avoid accountability or escape criminal responsibility for torture or ill-treatment committed by subordinates where they knew or should have known that such impermissible conduct was occurring, or was likely to occur, and they failed to take reasonable and necessary preventive measures.”<sup>132</sup> To meet these requirements, states should have effective systems in place for addressing victims' complaints, and prosecuting those who torture, those who order them to, and those in positions of authority who fail to prevent or punish torture.

States are obliged to pay compensation to all victims of torture, and with regards to child victims of torture or other cruel, inhuman, or degrading treatment or punishment, to “take all appropriate measures to promote physical and psychological recovery and social reintegration” of the child victim.<sup>133</sup>

Palestine also acceded in December 2017 to the Optional Protocol of Convention Against Torture, which establishes a regime of oversight over places of detention for signatories including surprise visits. It requires Palestine to create a National Preventive Mechanism, an independent monitoring body for detention centers.

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<sup>130</sup> Convention against Torture.

<sup>131</sup> Ibid

<sup>132</sup> UN Committee Against Torture, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment General Comment No. 2, Implementation of Article 2 by States Parties, U.N. Doc. CAT/C/GC/2 (2008).

<sup>133</sup> Convention against Torture, art. 14, and Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc.A/44/49 (1989), entered into force September 2, 1990, art. 39.



Torture is also a crime of universal jurisdiction, meaning states are required to arrest and investigate any person on their territory credibly suspected of involvement in torture anywhere and to prosecute them or extradite them to face justice.

The International Criminal Court (ICC) treaty went into effect for Palestine on April 1, 2015, giving the court jurisdiction over serious crimes in violation of international law, including war crimes and crimes against humanity committed on or from Palestinian territory.<sup>134</sup> On January 1, 2015, the Palestinian government gave the court a mandate back to June 13, 2014, to cover the 2014 conflict in Gaza.<sup>135</sup> Since 2015, the ICC prosecutor has been conducting a preliminary examination into the situation in Palestine. Human Rights Watch has called for the prosecutor to open a formal probe aimed at holding perpetrators of serious crimes to account.<sup>136</sup>

Torture “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack” constitutes a crime against humanity prosecutable at the ICC.<sup>137</sup> The UN Committee Against Torture has said that “torture is practiced systematically when it is apparent that the torture cases reported have not occurred fortuitously in a particular place or at a particular time, but are seen to be habitual, widespread, and deliberate in at least a considerable part of the territory of the country in question.”<sup>138</sup> Crimes against humanity involve a degree of planning or policy to commit the crime in question. Liability for the commission of crimes against humanity is not limited to those who carry out the acts, but also those who order, assist, or are otherwise complicit in the crimes. Under the principle of command responsibility, military and civilian officials up to the top of the chain of command can be held criminally responsible for crimes committed by their subordinates when they knew or should have known that such crimes were being committed but failed to take reasonable measures to stop them.

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<sup>134</sup> “ICC welcomes Palestine as a new State Party,” International Criminal Court, Office of The Prosecutor press release, April 1, 2015, <https://www.icc-cpi.int/Pages/item.aspx?name=pr1103&ln=en> (accessed July 30, 2018).

<sup>135</sup> “Palestine declares acceptance of ICC jurisdiction since 13 June 2014,” ICC, Office of The Prosecutor press release, January 5, 2015, <https://www.icc-cpi.int/Pages/item.aspx?name=pr1080&ln=en> (accessed July 30, 2018).

<sup>136</sup> “Palestine: ICC Should Open Formal Probe,” Human Rights Watch news release, June 5, 2016, <https://www.hrw.org/news/2016/06/05/palestine-icc-should-open-formal-probe>.

<sup>137</sup> Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, art. 7.

<sup>138</sup> UN General Assembly, Report of the Committee Against Torture, A/51/44, July 9, 1996, para. 214.

The systematic practice of torture by both the PA and Hamas – occurring habitually and deliberately for years at particular detention facilities using similar tactics with no meaningful action taken by senior officials to stop it or hold violators to account despite wide knowledge of the abuses – may amount to a crime against humanity.

## Palestinian Law

The Palestinian Basic Law safeguards the rights to free expression and restricts the state from arbitrarily arresting and torturing detainees. Although the division between Fatah and Hamas has led to the passage of de facto laws only applicable on one of the two territories, this does not change the status of the Basic Law, which binds authorities in both the West Bank and Gaza.

Article 19 states, “every person shall have the right to freedom of thought, conscience, and expression, and shall have the right to publish his opinion orally, in writing, or in any form of art, or through any other form of expression, provided that it does not contradict with the provisions of law.” Article 26 enshrines the right of Palestinians to “participate in the political life individually and in groups,” which incorporates the right to “establish and join political parties” and “conduct public meetings, processions, and assemblies” under the law. Article 27 prohibits “[c]ensorship of media” and guarantees freedom of the press and “freedom of individuals working in this field.”

The Basic Law also prohibits arrest, detention, and other deprivations of personal freedom except by judicial order (article 11), requires that a detained person be “promptly” informed of the reasons for their arrest or detention (article 12), and establishes that authorities cannot enter, search, or surveil a private home without a “valid judicial order.” The Code of Criminal Procedures says that authorities can detain a person without a warrant where “there is evidence sufficient to charge him” with a “flagrant felony or of a flagrant misdemeanor punishable by a term of more than six months,” or where the suspect resists authorities, escapes following lawful arrest, or commits a crime before the officer and refuses to disclose information about himself.<sup>139</sup> The code further sets out that

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<sup>139</sup> The law defines “flagrant” as a case where crime “being or just after it has been committed,” “perpetrator pursued by the victim or by public clamour,” or perpetrator “found shortly after its commission in possession of tools, weapons, effects, papers or other items which permit an inference that he committed or participated in the crime, or if he exhibits traces or marks conducive to such interference.”

persons detained must have their case reviewed by a prosecutor within 24 hours (article 34). A prosecutor can extend the period of detention for another 48 hours (article 108). After 72 hours, the case must be reviewed by a judge, who can extend the detention by another 15 days (articles 119). A judge can extend the detention for another two 15-day periods for a maximum of 45 days; a higher court judge can order an additional 45 days' detention, for a total of up to six months (article 120). During this time, detainees must have prompt and unhindered access to legal counsel (article 123).

The Basic Law also sets out in article 13 that “no person shall be subject to any duress or torture,” and that “all statements and confessions” obtained via duress or torture “shall be considered null and void.” The article that defines the role of the security forces and police makes clear that they must perform their duties “within the limits prescribed by law with complete respect to rights and freedom.” Article 32 criminalizes “aggression committed against any personal freedom, against private life of human being, or against any rights of freedom guaranteed by the law or this basic law,” which would cover torture, but the law does not define torture or set out what it entails. Article 29 of the Code of Criminal Procedures also sets out that a detained or arrested persons “must be treated in a manner that will preserve his dignity, and may not be physically or morally harmed.”

Palestinian law also sets clear protections against arbitrary arrest and torture. Article 128 of the Code of Criminal Procedures sets out that “every person who learns of a detainee or inmate being held illegally ... is entitled to report that matter to the attorney general or one of his assistants, who shall order an investigation and the release of the illegally held detainee or inmate.” The 1960 Penal Code also sets out a punishment of three months to three years of prison for “whoever inflicts any form of violence and force, not allowable by law, in order to obtain a confession for committing a crime.

## IV. Insufficiency of Accountability Mechanisms

Palestinian authorities in both the West Bank and Gaza have in place internal and external mechanisms designed to provide oversight over security forces and a pathway for accountability for abuses. Hundreds of complaints have been filed via internal oversight mechanisms, but, according to data provided by the agencies themselves, only a small minority resulted in any sort of administrative sanction such as mandated training, work suspension, demotion, or transfer. An even smaller number were referred for criminal prosecution and, to Human Rights Watch's knowledge, none resulted in criminal convictions for those who carry out arbitrary arrest or practice torture. In effect, this means little to no actual accountability for serious violations, fueling a culture of impunity that encourages abuse.

### Internal Accountability Mechanisms

Each security service in both the West Bank and Gaza has an internal mechanism for receiving complaints directly from citizens and human rights organizations.

In Gaza, citizens can file complaints online, directly with oversight bodies within each security agency or with the Interior Ministry's General Inspector Office. Complaints about police conduct go through the Police's General Inspector Office or Security Department, which has branches in every police station, according to the Interior Ministry.<sup>140</sup> The Justice Ministry noted that it too receives complaints from citizens and human rights organizations.<sup>141</sup> The Interior Ministry said it investigated 314 complaints of violations, including mistreatment in detention, between January 2016 and December 2017. Investigations involve evaluating information received from both the complainant and the accused party. These investigations resulted in a finding of wrongdoing in 90 cases during this period, resulting in disciplinary measures such as mandated training, work suspension, demotion, transfer, or even detention, it said.<sup>142</sup> One lawyer who has filed complaints on behalf of citizens told Human Rights Watch that, in the vast majority of cases he filed, he received no response.<sup>143</sup>

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<sup>140</sup> Letter from Tawfiq Abu Naem, Deputy Minister of Interior and National Security, Ministry of Interior and National Security, to Human Rights Watch, April 25, 2018.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Human Rights Watch interview with a Human Rights lawyer, Gaza City, April 17, 2018.

In both 2016 and 2017 the Independent Commission for Human Rights (ICHR), the statutory watchdog body, reported that Gaza authorities did not respond to a single complaint it filed.<sup>144</sup>

Similar structures exist in the West Bank within Preventive Security (Complaints Department), General Intelligence (Grievances Unit), Interior Ministry (Complaints Unit), Council of Ministers (General Department of Complaints), and Police (through either the Grievances and Human Rights Department, Police’s General Inspector Office or Police Security Department).

Preventive Security noted in a letter to Human Rights Watch that it received 85 complaints in 2016, including 15 of illegal arrest and 55 of mistreatment, and 125 complaints in 2017, including 47 of illegal arrest, and 58 of mistreatment in custody.<sup>145</sup> The letter does not specify what the outcomes of these investigations were or what actions authorities took as a result.

The Intelligence Services told Human Rights Watch that it investigated 24 complaints in 2016 and 2017, all for mistreatment in detention, by speaking to the relevant parties and visiting the site where alleged abuse took place. It found in two cases that officers had held individuals before presenting them to a court or prosecution beyond the time prescribed under the law—a violation of regulations not amounting to a crime, the agency said. As a result, they did not refer the officers to prosecution, but rather disciplined them by detaining them for two weeks and transferring them to a different location.<sup>146</sup>

The police said it investigated 170 complaints in 2016—four of arbitrary arrest and 166 of mistreatment. In 2017, it investigated 167 complaints —11 of arbitrary arrest and 156 of mistreatment. These investigations resulted in taking disciplinary measures in 18 cases in 2016 and seven in 2017.<sup>147</sup>

In its 2016 report, ICHR noted that the Palestinian Authority (PA) Interior Ministry received 355 complaints, 275 of which it said were “proven incorrect,” 62 of which resulted in disciplining of officers and 18 of which were referred to the Military Prosecution. ICHR did

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<sup>144</sup> The Independent Commission for Human Rights (ICHR), *2016 Annual Report*, June 15, 2017, <https://goo.gl/rHvojz> (accessed July 18, 2018); ICHR, *2017 Annual Report*, June 13, 2018, <https://goo.gl/CY8xAF> (accessed July 18, 2018).

<sup>145</sup> Letter from Zeyad Heb al-Reeh, General Director, Preventive Security Forces, to Human Rights Watch, April 18, 2018.

<sup>146</sup> Human Rights Watch interview with the General Intelligence, Ramallah, May 2, 2018.

<sup>147</sup> Letter from Hazem Atallah, General Director, Palestinian Police, to Human Rights Watch, April 25, 2018.

not include the number of complaints filed in 2017 in its report for that year. However, it said that the police reported that it had disciplined 85 officers in 2017, 58 for “violating the right to physical integrity” and 27 for “violating the right to personal freedom and security,” and referred 43 officers to face military prosecution.<sup>148</sup>

## Prosecution

In the West Bank, PA law empowers the Office of the Military Prosecution with independently investigating and prosecuting crimes committed by members of the security forces regardless of their rank.<sup>149</sup> Military prosecutors can investigate potential abuse they become aware of, or act pursuant to a complaint filed by the victim or representative of the victim, or based on a referral by the head of one of the security agencies, usually after an internal investigation. Victims forfeit the right to file a complaint if not done within three months of “the victim’s knowledge of the crime.”<sup>150</sup>

Human Rights Watch wrote to the Military Prosecution to request information about the number of times charges have been filed against members of the security forces in 2016 and 2017 and cases have resulted in convictions, but, as of this writing, had not received a response. In its 2017 report, ICHR found that military prosecutors looked into 15 cases, three of torture and 12 of arbitrary arrest; of these, they dismissed five for lack of evidence, referred five to court, and were still investigating five. It further noted an “unprecedented case where a magistrate court in Ramallah referred a number of police officers to the military prosecution because they were suspected of torturing detainees who were brought before the court.”<sup>151</sup>

In Gaza, the military prosecution plays a similar role in monitoring potential wrongdoing by security forces. In 2016, however, it told ICHR that no security forces were held criminally accountable for offenses “concerning the right to bodily integrity.”<sup>152</sup>

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<sup>148</sup> ICHR, *2016 Annual Report*.

<sup>149</sup> Law on Service in Palestinian Security Forces, No. 8 of 2005, [http://moidev.moi.gov.ps/Download/file\\_store/30d64f55-e060-4609-808f-7a8c9aef9a0e.pdf](http://moidev.moi.gov.ps/Download/file_store/30d64f55-e060-4609-808f-7a8c9aef9a0e.pdf) (accessed September 9, 2018).

<sup>150</sup> Palestinian News and Information Agency, “Military Prosecution” (in Arabic), undated, <http://www.wafainfo.ps/atemplate.aspx?id=20030> (accessed July 18, 2018).

<sup>151</sup> ICHR, *2017 Annual Report*.

<sup>152</sup> ICHR, *2016 Annual Report*.

## External Oversight

Victims can also direct complaints to ICHR. In 2016, ICHR received 2,429 complaints for “violations against the right to personal freedom and security” (a reference to arbitrary arrest) and “violations of the right to physical integrity” (a reference to mistreatment in custody) in the West Bank and Gaza. 1,136 came from the West Bank—351 for mistreatment and 785 for arbitrary arrest—and 1,293 from Gaza—514 for mistreatment and 779 for arbitrary arrest. The number decreased to 2,168 in 2017—1,132 from the West Bank (289 mistreatment, 843 arbitrary arrest) and 1,036 in Gaza (284 mistreatment, 752 arbitrary arrest).<sup>153</sup>

ICHR investigates these claims and, where it finds potential wrongdoing, will intervene with the relevant authority. Their mandate also empowers them to visit places of detention, including without prior notification, and inspecting conditions.

The International Committee of the Red Cross (ICRC) and Office of the High Commissioner for Human Rights (OHCHR) also conducts visits to places of detention, the OHCHR without the need to notify authorities in advance. Palestinian rights groups, such as Al-Haq, also visit places of detention and have submitted complaints.

These organizations play an important role in monitoring places of detention, but routine mistreatment and torture persists. Palestine’s accession to the Optional Protocol of the Convention Against Torture in December 2017, offers the prospect of more robust oversight, including surprise visits of a specially constituted body, but will depend on the constitution of the body and on how much authority and independence it is granted.

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<sup>153</sup> ICHR, *2017 Annual Report*; ICHR, *2016 Annual Report*.

## Acknowledgements

Omar Shakir, Israel and Palestine Director at Human Rights Watch, was the lead researcher and writer of this report.

Eric Goldstein, deputy director of Human Rights Watch's Middle East and North Africa division, Balkees Jarrah, senior counsel in Human Rights Watch's International Justice Program, Tom Porteous, deputy program director at Human Rights Watch, Bill Van Esveld, senior researcher in Human Rights Watch's Children's Rights Division, and Cynthia Wong, senior researcher on the internet and human rights at Human Rights Watch, edited the report. Clive Baldwin, senior legal advisor at Human Rights Watch, provided legal review.

Ayah Kutmah and Rawan Abushahla, interns in Human Rights Watch's Middle East and North Africa division, contributed research.

Mariam Dwedat, Ibrahim Hussein, and Hatem Selmy contributed to filming and producing multimedia content. Omar al-Fotuhi, Pierre Bairin, and Jessie Graham, multimedia producers at Human Rights Watch, oversaw multimedia production.

We are grateful to the governmental bodies who responded to our letters requesting more information and their perspectives generally on the issues covered in this report.

We would also like to thank attorney Mohannad Karajeh, Al-Haq, al-Mezan Center for Human Rights, Defense for Children International Palestine, the Independent Commission for Human Rights, the Palestinian Center for Human Rights, the Palestinian Nongovernment Organizational Network, the United Nations Office of the High Commissioner for Human Rights (OHCHR), and the lawyers and family members of ex-detainees for their insights and support.

Most importantly, we wish to thank the men and women who were arbitrarily arrested, mistreated, and tortured and courageously shared their stories with us.



## **Annex I: Letter from Human Rights Watch to the Palestinian Authority General Intelligence Services in the West Bank**

Human Rights Watch sent similar letters to the head of the Palestinian Authority (PA)'s Preventive Security Forces, the PA Military prosecutor, and the Prime Minister, who also serves as Interior Minister. All letters were sent in Arabic.

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March 27, 2018

Minister Majed Faraj  
Head of the Palestinian Authority General Intelligence Services  
Ramallah, Palestine

Dear Minister Majed Faraj,

I write to request your assistance in obtaining information pertaining to arrests carried out by the Intelligence Services and treatment of detainees in custody. We would greatly appreciate the opportunity to meet you in Ramallah to discuss our research on this topic, so that information and explanations that you provide can be reflected in our forthcoming report on these issues. For this to happen, we would need to receive your responses orally or in writing by April 26, 2018.

Human Rights Watch is an international human rights organization, whose head office is located in New York City. The organization publishes reports on the state of human rights in more than 90 countries worldwide, with the object of defending human rights and promoting respect for international humanitarian law. Human Rights Watch regularly meets and corresponds with Palestinian Authority (PA) officials, as part of its mission, and has fruitfully engaged with officials on a wide range of human rights issues.

Human Rights Watch has spent the last 18 months investigating patterns of arrests by the Palestinian Authority and Hamas in 2016-17 and detention conditions in both the West

Bank and Gaza, based on our study of 86 cases. Our team of researchers has conducted over 140 interviews, including with ex-detainees and their relatives, lawyers, NGO representatives, and doctors, and reviewed photographic and video evidence, medical reports, and court documents.

Our preliminary findings show that the Intelligence Services and other organs of the PA in the West Bank have carried out scores of arrests of persons who did no more than peacefully criticize authorities, including in online social media, through print and TV journalism, during university activities, and at demonstrations. Those arrested include a number of presumed supporters of Hamas or other Islamist movements. Prosecutors have charged many under overly broad laws that criminalize activity such as causing “sectarian strife” or insulting “higher authorities,” but frequently not taken cases to trial, indicating that the arrests are arbitrary and aimed to punish critics and deter them from further activism. In detention, security forces routinely mistreat and torture those in its custody, taunting, beating, whipping, and forcing detainees into painful stress positions for hours at a time.

We have reached similar preliminary conclusions regarding the conduct of Hamas authorities in Gaza and written a letter to them similar to this one, inviting their response.

Our evidence indicates that arrests constitute serious violations of international human rights law, in contravention of legal obligations assumed through Palestine’s accession to major international human rights treaties over the last five years. In particular, the International Covenant on Civil and Political Rights, which Palestine ratified in 2014, holds that “no one shall be subjected to arbitrary arrest or detention” and that “everyone should have the right to freedom ... to seek, receive and impart information and ideas of all kinds.” Palestine also ratified without reservation the Convention against Torture in 2014, which bans torture, as well as cruel, inhuman, or degrading treatment, at all times and in all places.

The pattern of arbitrary arrests and torture that we have been documenting appears to be systematic and to have been in place for many years. Moreover, Palestinian authorities have largely failed to hold security forces accountable for these abuses.

We are writing to you to better understand the perspective of the Intelligence Services on these issues. We would greatly appreciate answers to the following questions:

- On what basis do the Intelligence Services carry out arrests?
- How many arrests have the Intelligence Services carried out since January 2016?
  - How many arrests were triggered by posts on social media?
  - How many of the persons arrested were university students? How many of those arrested identified themselves as journalists?
- How many people do the Intelligence Services currently hold in custody? What is the breakdown of where they are being held? How many are held without charge? How many are in pretrial detention?
- What guidance is provided to Intelligence Services officers regarding when to carry out arrests based solely on speech or other expressive activity?
- Do the Intelligence Services place detainees in *shabeh*, forcing them into stress positions for hours at a time? If so, do you agree with the consistent testimony we have heard that the shabeh as you practice it causes significant pain to the detainee? If you disagree, what safeguards are in place to ensure that shabeh does not cause significant pain?
- What oversight does the Intelligence Services provide over its detention facilities, in particular the facility in Jericho?
- What mechanisms are in place to file complaints regarding arbitrary arrests or mistreatment of persons by the Intelligence Services? How many complaints on these issues have been filed since January 2016?
  - How many investigations into alleged arbitrary arrests and mistreatment of persons have been opened within the Intelligence Services?
  - How do investigators investigate complaints? How many of these investigations led to a finding of wrongdoing?
  - What sort of wrongdoings were confirmed, and what disciplinary actions were taken as a result?

We invite you to respond to the following questions about two of the many cases documented in our report:

- Our research indicates that Intelligence Services officers arrested five journalists in August 2017 apparently as a way to pressure Hamas authorities in Gaza to release detained journalist Fouad Jarada, releasing them the day after Jarada was freed. On what basis were they detained?

- Our research indicates that Intelligence Services officers arrested a number of members of the al-Tahrir party in Hebron ahead of and following peaceful February 2017 protests of a decision to sell Waqf, or Islamic trust, land to the Russian Church in the city. On what basis were they detained?

We welcome the opportunity to discuss these issues further in-person. We would also like to formally request access to visit the Intelligence Services detention facility in Jericho. My colleague Eric Goldstein, deputy Middle East and North Africa director at Human Rights Watch, will be in country April 2-April 9 and would be happy to arrange for a meeting and a visit during this time.

We will reflect any pertinent information you provide us by April 26 in our report on these issues and take that information into account in finalizing our conclusions and recommendations.

For any query, please contact my colleague Omar Shakir at XXXXXXXXXXX, XXXXXXXXXXX, and XXXXXXXXXXX.

Thank you in advance for your attention to this request.

Regards,

Sarah Leah Whitson  
Executive Director  
Middle East and North Africa  
Human Rights Watch

# **Annex II: Unofficial Translation of Letters from the Palestinian Authority Military Intelligence, Preventive Security, and General Intelligence Services to Human Rights Watch**

State of Palestine  
Palestinian Security Forces  
Military Intelligence

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XXXXXXXXXX

**President of the Democracy and Human Rights Unit  
National Greetings to You**

### **Subject: Letter from Human Rights Watch**

Military Intelligence wishes you warmest greetings. In reference to the observations in the letter you provided, we would answer as follows:

- As to the above reference letter we would inform you of the following data and statistics collected by Military Intelligence relating to the issues of the **inciting sectarian prejudices, slandering high dignitaries, and publishing on social media** to criticize the work of the security establishment by security service members

<b>Accusation</b>	<b>Year 2016</b>	<b>Year 2017</b>
Inciting sectarian prejudices	2	1
Slandering high dignitaries	1	1
Publishing on social media “arrest by the Prosecution”	5	1
Publishing on social media the disciplinary punishment “detention”	5	2

- It should be noted that the Law of Security Forces Service number 8 for 2005 stipulates prohibitions on security establishment members including criticizing the work of the security establishment and criminalizes this action. In addition, there

- are guidelines and internal decisions issued by the security establishment leadership that prohibit members from publishing on social media content related to freedom of opinion and expression and the airing of political views.
- In regards to arbitrary detention, no arbitrary detention of a member of the security establishment in the Military Correctional and Rehabilitation Centers has been recorded. All persons detained in these centers had their cases referred by the Military Justice Commission and had a legal detention memorandum issued against them by the Military Prosecution.
  - In regards to torture, no case of torture of a member of the security establishment in the Military Correctional and Rehabilitation Centers has been documented, nor have they been tortured or beaten or mistreated.

Respectfully,

Team Member  
Captain / XXXXXXXXXXX – Military Intelligence  
22/4/2018

State of Palestine  
Preventive Security H.Q.  
Office of General Director

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To Human Rights Watch  
Greetings

**Subject: Detainees of the Preventive Security Service**

*Greetings from the Preventive Security Service*

In reference to your letter to us dated 03/27/2018 regarding Human Rights Watch's concerns for the respect of rights and assurances to detainees of the official Palestinian Security Services, we would inform you that the Preventive Security Service is a governmentally-organized, public security administration subject to oversight of the performance and execution of the work entrusted to it by the relevant ministry and agencies with purview over the rights of detainees and their living conditions, and that the Service has a team that reviews complaints received from civil society and human rights organizations and the Complaints Office of the Cabinet, and from detainees and their families, and these complaints are taken seriously and addressed in accordance with the law and due process. In addition, the Service provides legal assurances guaranteeing the protection of human rights and needs of detainees consistent with the law. The Service is committed to ensuring that detainees are afforded a fair trial, whereby every detainee is referred to a judicial body of "The Public Prosecution" within 24 hours of their detention, and has a right to an attorney, in complete accordance with the law.

- The Service has an Office of Medical Services distributed throughout the Service's detention centers that provide medical testing to detainees before they are admitted to the detention centers and supervise their health throughout the course of their detention. Sometimes, detainees are tested by the military medical services, whereupon each detainee with the Service has a medical record.

The Service permits detainees to meet their family through organized visits, and their attorneys are allowed to visit them at any time, in accordance with the procedures stipulated by law. In answer to the specific questions posed in your letter we would reply as follows:

- Arrests are carried out in accordance with the law, insofar as an individual is arrested with legal justification and after detailed information and documentation has been provided. The number of those detained due to publications on social media was 220, where these publications constituted a crime by Palestinian law and fall outside the bounds of criticism and expression of opinion, and some of these publications could have truly endangered the lives of citizens. The number of university students detained was 65, due to their carrying out illegal activities, and there are two cases of journalists detained for the same reason. The purpose of referring them to the courts is to enforce the law, to put them back on the path of order and lawfulness and to keep them away from closed-thinking, insofar as most of their publications are derived from and supportive of the criminal ideas of the illegal militias that seek a coup in the Gaza Strip—and this is a primary duty of any government towards its people.

- The current number of detainees of the Service is 125, distributed between the northern (60), middle (19), and southern regions (49), and all of them were detained by arrest warrants issued by judicial bodies. The Service has no one detained without charge, nor does it have any detainees in pre-trial detention. Arrest warrants are issued according to legal justifications and via official memorandums; they are not based on speech or any act of expression. There are no cases of Shabeh for detainees, as per verbal and written guidelines of the Service's leader. Regular visits confirm the legality of all procedures related to detainees; that they are treated fairly as per the law and legal and international norms and they are not subjected to any form of treatment that conflicts with these international norms or laws. This is ensured by the supervision provided by the Service over its detention centers, and especially the center in the city of Jericho, where three levels of supervision are provided:

**Internal Supervision:** concerning the Service itself, and there are special offices for that

**External Supervision:** carried out by international committees and civil society organizations such as the Red Cross, the Independent Palestinian Commission for Human Rights, the Al-Haq Organization, and the UN High Commission for Human Rights. A memorandum of understanding was signed with the Office of the United Nations that guarantees them the right to visit the Service's detention centers without prior coordination (surprise visits).

**Judicial Supervision:** represented by the chief justices and chief prosecutors in detention center areas.



**As regards the complaints about the performance of Service staff:**

There is an office for complaints within the Preventive Security Service that fields complaints from civil society organizations, international organizations, citizens and detainees and their families filed against the performance of Service staff, and they are investigated and addressed as per regulations and the law, and some actions have been taken to redress individual mistakes in order to deepen the legal understanding of the Service members.

The Complaints Office helps to strengthen the rule of law and the elements of sound governance by realizing the values of transparency, accountability, civilian oversight, elevation of institutional performance, and the bolstering of trust between citizens and the Service, and support for the principles of justice and impartiality in the provision of services on the bases of responsibility and respect for rights and freedoms.

The Complaints Office is responsible for fielding, reviewing, following up on, preparing regular reports about, and informing the relevant bodies about complaints, as well as contacting and communicating with civil society and human rights organizations and strengthening the relations between the Service and these organizations, and following up on complaints against the Service by these organizations, and responding to them as per the law and due process.

In 2016, 85 complaints were filed against the Service, mostly by detainees and their families to rights organizations (the Independent Commission and Al Haq Organization), including 16 claims of illegal detention and also 55 complaints of improper treatment, though notably some of these complaints were moved to the next year to be reviewed with specialized bodies within the Service.

In 2017, 125 complaints were filed including 15 complaints of non-enforcement of judicial decisions, and after investigation it was found that most of them were incorrect, and even though a very few were correct it was the detainee or his family who requested he remained in detention, of which we have proof, because the detainee's life was in danger from the Occupation. 58 of the complaints were for improper treatment, 47 for illegal detention, and 5 for infringements of general freedoms, all of which were submitted by detainees and their families to the Independent Commission for Human Rights and the Al-Haq Organization. A number of the complaints filed in 2017 were moved to the year 2018 to be reviewed and addressed as necessary with specialized bodies within the Service.

### **Mechanisms for Submitting Complaints**

The Complaints Office of the Service receives complaints 24 hours a day, 7 days a week, and they may be received in the following ways:

- 1) The complainant appears in person or via his legal representative
- 2) Fax or other modern means of communication
- 3) Via rights organizations and civil society organizations

### **The Complaints Office of the Service Communicates Regularly With:**

1. The General Administration for Complaints in the Cabinet
2. The Complaints Unit of the Interior Ministry
3. The Independent Commission for Human Rights
4. Civil society organizations, including the Center for Defending Freedoms and Civil Rights (Huriyyaat), Al-Haq Organization, and the Human Rights and Democracy Media Center (SHAMS)
5. The International Red Cross and the UN High Commission for Human Rights

With Our Highest Respect and Regards

General Director of the Preventive Security Service  
General / XXXXXXXXXXXX

**State of Palestine**  
**General Intelligence**  
**Office of the Chief of Service**

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Number: XXXXXXXXXXXX

Date: 24. 4. 2018

**Brother General Dr. / XXXXXXXXXXXX**  
**Security Aide to the Interior Ministry**  
**Greetings**

**Subject: Letter from Human Rights Watch**

General Intelligence wishes you warmest greetings. In reference to the letter from the Office of the Interior Ministry number 4164 addressed to the special team “Legal Office / General Intelligence”, to review the Interior Ministry’s obligations for human rights issues and rule of law, dated 04/15/2018, including a letter from Human Rights Watch, we would inform you as follows:

- **Concerning the First Question:**

We do not arrest students due to any affiliation with student movements or their occupations or social or educational positions. Detention is carried out in accordance with crimes established in the Penal Code.

- **Concerning the Second Question:**

The number of people held by the General Intelligence Service currently is sixty-one (61), distributed among eleven detention centers.

- **Concerning the Third Question:**

It depends on each Service individually; we have indicated the number of our detainees.

- **Concerning the Fourth Question:**

There are clear instructions and clear guidance issued by the Supreme Administrative Bodies regarding the appropriate and respectful treatment of detainees in a way that respects their dignity, and the prohibition on subjecting them to any form of torture.

- **Concerning the Fifth Question regarding the supervision applied by the General Intelligence Service:**

There is internal supervision—a Complaints Office with the General Supervisor Administration within General Intelligence, in addition to the Security Office which receives and reviews complaints, and there is external supervision applied through regular and

surprise visits by the Red Cross, Independent Commission, Hurriyat Center, Al-Haq Organization and other organizations concerned with these issues, in addition to judicial supervision over detention centers.

- **Concerning the Sixth Question:**

**Relating to the available mechanisms to submit complaints:** There are different means of filing complaints, via human rights organizations, the Red Cross, or any other commission working in this area, in addition to complaints that can be submitted directly to the Public Prosecution or the Courts, and complaints may be presented during tours of inspection by the center managers or security officers or the General Intelligence Service's General Supervisor.

**As for investigating complaints:**

Complaints are referred to the General Supervisor and then transferred to the detention center in which the violation occurred, and the investigation and redress of these complaints is carried out through the statutes and regulations in effect.

**Concerning the question of the persons' documentation of the arrest of journalists:**

The arrest of the journalist Fouad Jarrada in Gaza is unrelated to the issue of the journalists detained by us, but rather to intelligence information about their involvement in a shared matter that was investigated, and they were subsequently released.

**Regarding the Hizb Ut Tahrir's March:**

It was unlicensed, they attacked police officers, and violated the law. The incident was brought under control and they were dispersed peacefully.

**Regarding the request from Eric Goldstein / deputy director of Human Rights Watch's Middle East division:**

We welcome the visit or any other inquiry.

Respectfully,  
General Intelligence  
Head of Department  
24/4/2018

General Intelligence  
Office Director

## **Annex III: Unofficial Translation of Letter from the Palestinian Authority Police to Human Rights Watch**

His Excellency Dr. Rami Hamdallah  
Prime Minister– Interior Minister  
Nation’s Greetings,

God Preserve Him

Number: XXXXXXXXXX

Date: 4/25/2018

**In Reference to Your Excellency’s Explanations on the Human Rights Watch (HRW)  
report, number XXX, dated 3/28/2018, regarding “Arbitrary Arrests, Torture and  
Mistreatment During Confinement,”**

The Police General Directorate extends its warmest greetings to you. As to the subject of Your Excellency’s inquiry referenced above, consisting of a number of questions about and answers to several issues related to arbitrary arrests on the grounds of freedom of expression and opinion, and particularly the rights of journalists and university students, or arrests over political or party affiliation, and the practice of torture and mistreatment against detainees during the period of their confinement, from 1/1/2016 through today, we would like to inform Your Excellency of the following:

1. During the period cited above, the police did not carry out any arbitrary arrests in connection with freedom of expression and opinion, or over political or party affiliation, whether against journalists or university students or otherwise.
2. The police are not holding in pre-trial custody any person without their appearance before the Public Prosecutor or their being charged in connection with the above.
3. Guidance issued by the Ministry of the Interior about arrests and other procedures carried out by the security forces including the police are decisions and instructions that mandate the application of the law and guarantee the proper legal procedures and the preservation of freedoms and rights and prevent their violation or restriction except within the bounds of the law.
4. In the course of legal procedures to perform their tasks and duties towards detainees or suspects, the police adhere to the application of the law in preserving detainees’ rights and freedoms and ensuring they are not subjected to torture or mistreatment, as these acts constitute violations or crimes that must be held

accountable and disciplined and could be prosecuted in accordance with the law. If any police personnel have committed such acts, the proper legal procedures are taken against them, and their case is referred to the authorities. They face deterrent penalties, be they administrative or criminal.

5. The 1998 Corrections and Rehabilitation Centers Law number 6 authorized specified individuals to inspect and oversee the centers, in particular in its Articles 10, 11 and 12 as such:
  - a. The Interior Minister, the Justice Minister, or their delegates
  - b. The Public Prosecutor, their attorneys, governors and Higher and Central Court Justices as per their jurisdiction.
  - c. The Director of the Correction and Rehabilitation Centers; to carry out regular inspection visits of all investigative centers, to see if they are implementing relevant regulations, instructions, and decisions.
- This supervisory role is in accordance with the law to ensure the protection of the rights of those in custody at the Corrections and Rehabilitation Centers, where the referenced officials conduct inspections of the centers in order to affirm the legitimacy of inmates' detention, to inspect their living conditions, and to conduct interviews with them and other related procedures. It should be noted that the administration of Corrections and Rehabilitation Centers also takes note of feedback and makes any necessary improvements.
- In addition, there are internal oversight mechanisms represented in the Oversight and Inspection Office of the Corrections and Rehabilitation Centers, which monitor and evaluate the extent of the Centers' adherence to and assurance of inmates' rights, their application of the best international standards, through inspection visits, reviews of inmate conditions, and hearing inmates' complaints as well as taking the necessary measures to address them. There are also oversight mechanisms external to the Corrections and Rehabilitation Centers such as the Complaints and Human Rights Office, the Office of the Inspector General, and the Police Office of Internal Security, as well as oversight mechanisms outside of the police such as regular visits from the Independent Commission for Human Rights, the International Committee of the Red Cross, Defense for Children International, and other rights organizations.

6. Complaints about police violations of the laws and regulations governing their work and the subsequent violations of human rights and basic freedoms, whether from torture or mistreatment, are submitted to accountability offices within the police such as the Internal Security Office, the office of the Inspector General, and the Office of Complaints and Human rights, each as per their mandate. Complaints filed are addressed in an objective and professional manner, and recommendations about the legal steps that must be taken are issued, should the complaints be proven true.
- In general, the police have not received complaints about arbitrary arrests, torture and mistreatment in connection with freedom of expression or political affiliation during the period in question, however the Complaints and Human Rights Office has received complaints against police personnel for committing legal violations in terms of arbitrary arrest and mistreatment in general. These complaints were as follows:

	Year	Arbitrary Arrest	Mistreatment
1	2016	4	166
2	2017	11	156

After investigating these cases, violations were found to have occurred in 18 cases during 2016, and in 7 cases in 2017, and the necessary disciplinary actions were taken.

- **Awaiting your orders, Your Excellency**

**Respectfully yours,  
Brig. Gen. XXXXXXXXXXXX  
General Director of the Police**

## **Annex IV: Unofficial Translation of Letter from the Palestinian Authority Ministry of Interior to Human Rights Watch**

STATE OF PALESTINE  
MINISTRY OF INTERIOR  
DEMOCRACY AND HUMAN RIGHTS UNIT  
2018/4/25

Mrs. Leah Whitson  
Executive Director  
Middle East and North Africa Division  
Human Rights Watch

First, we would like to thank you for your interest and efforts to strengthen and ensure human rights, and to confirm our continued cooperation with your organization's work in the State of Palestine, and our intent to seriously address all of your observations and reports related to the state of human rights in Palestine. We provide you with this report as part of a partnership and an exchange of information to benefit the development and bolstering of the Palestinian political system based on respect for freedoms and the guarantee of human rights, pluralism and equality. We also wish to inform you of the Ministry's readiness to cooperate in investigating all of the complaints you have conveyed, and to follow up on them with the relevant bodies after obtaining whatever testimonies and documents you have.

### **Introduction**

The State of Palestine announced since the beginning that the political system in Palestine is a pluralist, democratic system that protects freedoms, ensures human rights and applies justice among all of its citizens. The Independence Document issued at the meeting of the National Council for the Palestinian Liberation Organization in 1988 translated this vision into precise words and phrases not subject to interpretation or misrepresentation. The Palestinian Foundational Law amended in 2003 came as a reflection and affirmation of these concepts and values and principles to stand as organizing basis and reference for all laws and legislation governing political, social, economic and cultural life in Palestine.



Palestine's becoming an observer member of the United Nations and the international momentum that we see has had the greatest impact on the continuation of our work on all facets of ensuring justice, security and safety to our citizenry, and imposing the rule of law, and providing a positive climate to strengthen the principles of transparency and respect for human rights and dignity and freedom, through the development of the necessary policies and strategies, consistent with the Palestinian character and its international covenants and conventions.

The Interior Ministry and the Palestinian Security Sector being a reflection of this values-based system, where human rights are not merely an abstract matter unfelt by the citizenry without tangible impact on their daily lives—in order to ensure progress towards the integration of human rights standards in the daily work of government agencies through developed and organized performance, the Ministry has worked to set the legal mandates for every component of the security forces and to clarify their authorities and responsibilities, and to reorganize security sector institutions as consistent with the laws in force, and to specify and develop effective oversight systems to ensure adherence to the laws and regulations governing and organizing their work and behaviors in the course of their duties, and to strengthen oversight mechanisms that allow for the imposition of measures and penalties to deter law enforcement officers from committing crimes and violations. The Interior Ministry accomplished a number of strategies, policies and sector plans for the Ministry and Palestinian Security Forces by working to strike a balance between realizing security, stability, rule of law, and criminal justice on the one hand, and guaranteeing peaceful security procedures and practices that respect human rights on the part of law enforcement agencies on the other, based on the spirit of the international standards for human rights, and rooted in the group of laws and the handbooks and related administrative procedures and decisions, and the programs of Palestinian governments and their plans and priorities, the most recent of which is the Strategic Security Sector Plan for 2017-2022, which will work to develop new concepts and values of commitment to the issues of human rights via a comprehensive strategic goal based on a security sector government. Translating this vision and philosophy into a program and activities in the real world, we would summarize what the Interior Ministry and Security Forces have done as follows:

### **One: Accomplishing the Strategic Security Sector Plan for 2017-2022**

The plan focused on developing new concepts and values of commitment to the issues of human rights via a comprehensive strategic goal based on a security sector government, including the following interventions:

1. Reviewing and completing the laws regulating the work of the security forces to ensure they are responsive to the issues of human rights and consistent with international covenants and conventions signed by the State of Palestine.
2. Developing oversight, inspection and accountability systems that ensure work in operation in accordance with the principles and values of human rights, and accountability for any violations that may occur.
3. Developing systems and procedures for addressing complaints that ensure the proper implementation of the system set by the Cabinet and adherence to the unified manual for administrative procedures for complaints offices in the security establishment, for which a unified structure was also achieved.
4. Improving the procedures for ensuring human rights through the implementation of security operations such as arrest and search operations and dealing with illegal activities, balanced with the development of the relationship with the justice sector in a way that ensures complementarity and integration of the work of the security sector and the prosecution and the justice system. This is responding to the strategic goal of bolstering the security and safety of the citizen and the citizenry.

In this context, the Ministry has strived to do as follows:

### **One: Developing and amending the legal system regulating the work of the Interior Ministry and the Security Forces**

The interior Ministry and the security forces recognize the urgent need to develop its professional conduct by developing and amending the legal system that organizes its work and determines the powers, responsibilities and duties of the security forces. The Interior Ministry is trying to address the laws regulating its work by putting forward broader conceptions of security and the specializations of the security forces and oversight and inspection mechanisms so that they are consistent with the principles of the rule of law and good governance and guarantees for the respect of the rights of the Palestinian citizen and his freedoms. The Ministry's efforts have focused on producing a number of laws, bills, guidebooks and pamphlets, among them the Law of Customs Officers; the Police Law; the Law of Minors and Family Protection; the Implementation Regulations for the Law of Service in the Palestinian Security Forces number 8 for 2005; the Implementation Regulations for the Law of General Intelligence number 17 for 2005; the Implementation Regulations for the Decision of the Law for Preventive Security; the Unified Procedural Guidebook for Complaints Offices in the Security Establishment, Staff Training, and the Production of

Relevant Domestic and International Reports; the Guidebook for Corrections and Rehabilitation Inmates and Judicial Officers; the Unified Guidebook for Administrative Procedures for Legal Offices of the Security Forces and Training to Ensure Optimal Operation of Offices and Fulfilling their Role in the Development of the Legal System Regulating the Work of the Security Services; the Guidebook for Administrative Procedures for Health Services provided in Correction and Rehabilitation Centers; the Guidebook of Procedures for Military Correction and Rehabilitation Centers in the Military Intelligence Service; the Pamphlet on Disciplinary Violations by Members of the Security Services; and the regular report produced on disciplinary procedures.

## **2. Developing the Institutional Structure of the Ministry and Security Forces**

The Ministry created a number of institutions and structures supporting human rights. It built and operated 13 Community Policing Centers; it developed Correction and Rehabilitation Centers into humanitarian and secure centers consistent with international standards that ensure the rehabilitation of inmates and improvement of their capacities to integrate back into society in an effective and productive way; and it developed family protection services and methods for treating victims of violence and established a Family Protection Division in the Police Service.

The Democracy and Human Rights Office of the Interior Ministry is considered an institutional framework to ensure enforcement of the law and the protection and strengthening of the principles of democracy and human rights on the basis of laws and national legislation, consistent with the values, principles and conventions of international law. The Office holds broad powers to obtain information from all law enforcement institutions and works to organize relations between law enforcement institutions under the Ministry of the Interior—especially the security services—and the Palestinian citizenry, directly or via civil society organizations working on issues of democracy and human rights. The office aims to raise awareness and self-sufficiency among law enforcement institution officers towards the concepts and applications of human rights and pursues with the relevant agencies any human rights violations by law enforcement institutions. The Office also keeps up with international developments in the issues of democracy and human rights to contribute to ensuring freedoms and pluralism and to encourage participation in the decision-making process.

Also, the Interior Minister's decision number 9 for 2017 established a specialized team for the Ministry's commitments to human rights and rule of law issues to strengthen and solidify the Ministry and Security Services' work consistent with the standards and values of human

rights and freedoms. The team consists of representatives from each of the Office of the Security Aide to the Interior Minister, the Arab Relations and International Cooperation Unit, the General Administration for Legal Affairs, the General Administration for Arab Affairs, the General Administration for Civil Affairs, the General Passports Administration, the Police, Intelligence [*Mukhabaraat*], Preventive Security, Military Intelligence [*Istikhbaraat*], National Security, the Military Justice Commission, the Military Liaison, Political Direction, Customs, Civil Defense, and Military Medical Services. The Office conducts the following activities:

1. Collecting information related to legislation and laws governing the work of the Interior Ministry and Palestinian Security Forces concerning human rights and the rule of law.
2. Collecting information related to the strategic plans and policies followed in the Ministry and security forces concerning human rights and the rule of law.
3. Analyzing the information from (1) and (2) above, work internally to supervise human rights violations by Ministry offices and the security forces, and propose appropriate mechanisms to limit violations and ensure that they do not become systematic practices.
4. Producing periodic, annually and other necessary reports on the Palestinian State's commitments arising from its membership in human rights-related conventions.
5. Proposing legislation, laws and effective measures, or modify existing ones, to bring them consistent with international conventions and agreements.
6. Collecting information on human rights and rule of law-related training and qualification programs for Ministry and Security Force officials and propose modifications and development of them.

#### Two: Policies and Procedures to Prevent Torture

As an implementor and enforcer of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocols, including the provision of suggestions consistent with relevant laws and legislation, and the development of an institutional framework to accord with the convention's requirements and protocols, and the provision of reports to relevant national and international bodies, we at the Interior Ministry have done as follows:

1. Completed a first draft of the official State of Palestine Report for the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; held national discussion sessions (governmental and rights organizations, in participation with the Office of the High Commissioner for Human Rights) on the draft report in both the West Bank and the Gaza Strip; and began to re-write the report in light of discussion comments, which is expected to be finished in the next 2 months.
2. Following the President's certification of the protocol attached to the Convention Against Torture dated 12/27/2017, in order to launch an effective and constructive dialogue between all interested parties (governmental and rights organizations), the Interior Ministry convened a national discussion session with the participation of the Chair of the UN Subcommittee for the Prevention of Torture Sir William [sic] Evans on "The National Preventive Mechanism to Prevent Torture", which is considered an obligation for the Palestinian State to fulfill within a year from signing it. The attendees agreed to develop and adopt an authoritative document that determines the philosophy and vision of the National Preventive Mechanism to Prevent Torture consistent with the required standards for the organizational and legal framework set out in the Optional Protocols to achieve those goals. The Ministry has empowered this mechanism with a mandate and authorities that ensure its independence and neutrality, set its relationship with the United Nations Subcommittee to Prevent Torture, and laid out a model that the State of Palestine must adopt legislatively and organizationally. The Ministry now is in the midst of achieving these requirements through the convening of drafting committee sessions.
3. The Ministry circulated the Convention Against Torture via a CD as part of the Ministry's commitments to apply the Convention, which contained the Optional Protocols attached to the Convention and the Istanbul Protocol, and which was integrated into the training materials for Security Forces on human rights and rule of law issues.
4. The Ministry drafted, in cooperation with the Center for Defense of Freedoms and Civil Rights (Hurriyat), a Bill of Detainee Rights—Know Your Rights—and distributed a poster for it to all detention and prison facilities and civil and military correction and rehabilitation centers.
5. The Ministry signed, along with An-Najah National University, a memorandum of understanding to provide academic training for Interior Ministry and Security Force personnel on the means of preventing torture and adopting the Istanbul Protocol via

a curriculum on these topics, in addition to holding a number of conferences and discussion sessions to increase awareness of the Convention Against Torture in all facilities in which freedoms are restricted.

### Three: Regarding the Freedom of Opinion and Expression and the Freedom of the Press

The Ministry of Interior is committed to the stipulations of Law in effect regarding issues of the media which reserve to it the role of registration of radio, television, news agencies, and media companies. The Ministry has not denied the right to register any media entity that submitted a request to the Interior Ministry. The Interior Ministry does not interfere in any way in what is broadcast through the various media organs, and no issues in this regard have been documented against the Ministry. The Interior Ministry has looked seriously into and addressed all complaints received about violations of the rights of journalists and the media, in cooperation with the Palestinian Journalists' Syndicate. In the context of translating this policy into a daily course of action, we would note the following:

1- The National Investigative Commissions, as a mean of oversight, responsibility and accountability mechanism—the committee investigated into the events that took place in front of a building and the Bethlehem events of 3/12/2017 are an example. Various Palestinian communities have become comfortable with this Commission and its role, the results it has produced, and the guidance it has put forward. The Commission was formed of official government bodies – the Ministry of the Interior and representatives of civil society organizations, the Independent Committee for Human Rights, and the Bar Association—so that it reflects the will of the political leadership to reach the highest level of credibility in investigations and reveals the desire for accountability and serious responsibility, as well as the desire to avoid any mistakes and ensure they are not repeated in the future. The production of the report in a short period of time—3/13/2017 to 3/26/2017—had the effect of strengthening credibility and trust between the citizenry and the official institution.

The Government facilitated the work of the Commission and its capacity to gain information, guidance, and related reporting. The Commission worked with a high degree of professionalism and complete neutrality rooted in the national public context through which the Palestinian Cause is moving, connected to the continuation of Israeli occupation, its oppressive actions against the sons of the Palestinian people, the closing of political horizons, and the loss of hope among the sons of the Palestinian people to reach a two-

state solution. The Commission linked the events to the Israeli incursion to assassinate the martyr Basel al-Araj in zone (A) and in the middle of Ramallah.

The Commission has been guided by the general principles and best practices of investigative committees around the world, due to the absence of a clear and detailed legal framework for the work of such commissions in Palestine, and among these are:

1. Objectivity and arriving at conclusions according to data and facts supported by the evidence.
2. Comprehensiveness and listening to different points of view and testimony from all sides.
3. Confidentiality and maintenance of privacy and doing no harm.
4. Non-interference in the work of the judiciary and the Public Prosecution and being limited to documenting information and data connected to the events.
5. Reviewing the legal framework that regulates public gatherings and the legal framework regulating the use of force in accordance with the laws and guidelines in effect, which stipulate the acceptable behaviors and rules governing the use of force, and being guided by international laws and agreements.
6. Documentation of events by gaining credible testimony from journalists, civil society organizations, citizens and government officials, and reviewing the circumstances of events with visual media.
7. The Commission made a number of conclusions that clearly determined the responsibilities and rights violated.
8. The Commission produced a number of clear recommendations for various relevant agencies including the Cabinet, the Interior Ministry, the Supreme Judicial Council, the Public Prosecution, the official media, forces and factions, the following of which the Ministry accomplished:
  - 1) The Cabinet worked to pass a Police Law by presidential decree number 23 for 2017 (a copy of the law can be provided)
  - 2) The Interior Ministry established the “Democracy and Human Rights Office”, a national commission consisting of representatives from the Ministry of Information, the Independent Committee for Human Rights, and the Palestinian Journalists’ Syndicate, which produced the “Guidebook Governing Relations Between Security Forces and Journalists in the Field”, which will be circulated among all law enforcement officers in the security

forces and will be used as a training manual (a copy of the manual can be provided). A number of international partners also helped produce the guidebook (DCAF, UNESCO, and EUROPOL).

- 3) The Interior Ministry organized training courses on Journalist Safety and Freedom of Public Opinion in cooperation with the UNESCO office in Palestine with the goal of fostering a constructive dialogue between the security forces and journalists. 50 security service officers participated in the training, along with experienced journalists representing numerous media organizations from all sectors.
- 4) In the second half of 2017, in coordination and consultation with the Interior Ministry, the Geneva Centre for the Democratic Control of Armed Forces, in cooperation with the Amin Network, held six discussion sessions on bridging the gap between journalists and security forces in the field, in which around 50 security force officers and experienced journalists representing numerous media organizations from all sectors participated.
- 5) EUROPOL conducted a number of field activities and training exercises to strengthen the competence and capabilities of police media personnel.

#### Four: Mechanisms for Oversight, Accountability, and Fielding Complaints

Oversight and complaint-resolution systems are considered among the most important tools for ensuring adherence to legal regulations and procedures in performance of work. These systems also ensure that security force personnel adhere to the provisions of law and disciplinary rules and prescribed behaviors. Thus, the Ministry determined and developed oversight policies and tools as foundational policies. Among the most important accomplishments in this regard is the production of the Unified Procedural Guidebook for Complaints Offices in Security Institutions and the training of personnel in these matters, and the production of relevant local and international reports.

The Ministry continues its efforts to build an oversight, inspection, and complaints system, and to develop regulations and procedures to organize the work of that system and to define its authorities, as an essential part of developing the Security Forces in accordance with the laws and regulations in force, which are summarized as follows:

##### 1- Internal Oversight

- 1) Based on the Law of Correction and Rehabilitation Centers number 6 for 1998, the Interior Minister or his delegate may enter any Center to inspect it and provide



observations or suggestions. Among the most important of such visits that occurred was the state visit by Dr. Rami Hamdallah in his capacity as Interior Minister, accompanied by His Excellency the Minister of Justice and the Public Prosecutor, to the Jericho Corrections and Rehabilitation Center, to review the work of the joint security commission at the end of 2017.

- 2) The Minister may, in coordination with the Minister of Social Affairs, appoint inspectors or social scientists to study the psychological and social conditions of inmates. The Minister authorized a special commission for this purpose in previous years which provided observations to His Excellency the Minister so that the confinement and detention conditions were sound in terms of the services available to inmates—food, cleanliness, ventilation, etc.—and this commission continues its work periodically or when necessary.
- 3) The Public Prosecutor or his delegate, Governors, and Supreme and Central Court Justices have [oversight authority] as per their mandates. This oversight role comes via Articles 10-11 of the Corrections and Rehabilitation Centers Law with the goal of ensuring and protecting the rights of Corrections and Rehabilitation Center inmates. In addition, Article 12 stipulates: “The General Director shall conduct period inspection visits to all centers to verify the implementation of all rules, regulations and decisions, and to file his report on this matter with the Minister.”
- 4) His Excellency the President on 5/14/2013 issued guidance on affirming adherence to the prohibition of all forms of torture and respect for related international conventions and contracts, and the correction and engagement of specialized oversight mechanisms.
- 5) The Interior Minister continually issues instructions to the security agencies prohibiting torture.
- 6) Guidelines have been issued by the leadership of the security agencies prohibiting torture in their detention centers.
- 7) The General Administration for Corrections and Rehabilitation Centers issued a number of procedural guidebooks containing information about procedures for Corrections and Rehabilitation Center personnel, inmates and visitors.
- 8) An internal inspection system for Corrections and Rehabilitation Centers was developed by the General Administration of the Police.

- 9) The Ministry's Democracy and Human Rights Office, which focuses on ensuring security agencies operate in accordance with Palestinian laws and consistent with the principles, values, and standards of international human rights, has an oversight role insofar as bringing law enforcement agencies in line with the principles of democracy and human rights. The Office audits complaints related to law enforcement agencies' violations of human rights and works with relevant bodies to address the impacts of violations according to the rules and procedures in force.
- 10) Complaints offices and Ombudsmen offices in the Interior Ministry and in all security agencies aim to exercise oversight of the security agencies' conduct in a fair and neutral way, in all sectors; to implement the necessary reforms to achieve the interests of all, from the state to the citizenry to the agencies themselves; to develop oversight, inspection and accountability systems; to develop systems and procedures for addressing complaints at different levels so as to facilitate citizens' free access to these systems without oversight or fear. These Offices have created procedural guidebooks and operational and developmental plans for their work, and they have launched a number of courses and workshops for complaints units on how to strengthen complaints mechanisms in security agencies, how to use computer programs for complaints, and how to address them.

## 2- Local Civil Society Organization Oversight:

In an effort to bolster the partnership with relevant civil organizations, the Interior Ministry granted them the right to visit, enter, and inspect any detention, confinement, corrections or rehabilitation center; to review the conditions of the detainees and inmates; and to write their observations and suggestions and submit them to the relevant agencies. Among these civil organizations are:

- 1) The Independent Commission for Human Rights, which works in its capacity as a national Palestinian committee for human rights within the framework of National Legal Authorities and international standards regulating the work of national human rights committees, to conduct a wide range of activities and operations aiming to achieve the Commission's primary goal which is to monitor, document, and protect the rights of inmates, and among these activities the Commission conducts regular visits to Corrections and Rehabilitation Centers, scheduled as two visits each month to each Center.
- 2) The Ministry and security agencies signed memorandums of understanding with other rights organizations such as Al-Haq Organization, the Center for Defense of

Freedoms and Civil Rights (Hurriyyaat), the Center for Treatment and Rehabilitation of Victims of Torture, and Defense for Children International – Palestine, under which memorandums these organizations were granted the authority to oversee and inspect detention and confinement facilities and Corrections and Rehabilitation Centers.

- 3) The Ministry organizes trips for journalists and media personnel to review the situation in detention and confinement facilities and Corrections and Rehabilitation Centers.

### 3- International Organization Oversight:

(2) [sic] The International Committee for the Red Cross in Palestine makes periodic visits to Corrections and Rehabilitation Centers. It conducts these visits under a memorandum of understanding signed by the International Committee for the Red Cross on April 1<sup>st</sup> 1996 with the Palestinian Liberation Organization, renewed in April 2017 as signed by the President of the Cabinet Dr. Rami Hamdallah, titled “International Committee Presence, Its Activities and Related Issues in Areas Under Control of the Palestinian Authority.” The International Committee conducts oversight and humanitarian visits. Red Cross delegates evaluate the living conditions of inmates and their treatment and verify the provision of their basic judicial rights. The Committee also works to spread the International Humanitarian Law to law enforcement personnel of the Interior Ministry and security agencies via workshops and training programs, after coordinating them with the Ministry to suit the needs and capacities of the Palestinian State.

(3) The Office of the High Commissioner for Human Rights, by a memorandum of understanding, conducts inspections of detention and confinement facilities and Corrections and Rehabilitation Centers and presents its recommendations to the Ministry and relevant bodies on the conditions of inmates and the means of improving and developing them.

### Five: Current and Future Plans to Generalize and Disseminate a Culture of Human Rights in the Work of the Interior Ministry and Security Forces

The Ministry considers that spreading a culture of human rights and facilitating the dissemination of the necessary information among law enforcement agency officials via education and training courses is a beneficial means of strengthening the application of democracy and human rights and developing these officials’ law enforcement capabilities without being arbitrary in their enforcement of the law or their use of force.

Training on issues and concepts of human rights is considered a necessary and permanent element of all training programs for the security agencies and relevant offices of the Ministry, which conducts conferences and workshops on legal issues and skills necessary for working in accordance with the principles of the rule of law and increasing their professional competence in legal and rights matters. The Ministry works to disseminate numerous documents produced by experts and academics as an additional means of education in democracy and human rights for law enforcement agency officials. The Ministry also worked to accommodate academic studies in various legal and rights issues from Palestinian and foreign universities.

Trainings have been diversified to solidify respect for human rights and the rule of law covering subjects such as: the management, structure and operations of community policing stations; women’s rights and strengthening the roles of the social dimension in a security agency; family issues—children, minors, and the disabled; Corrections and Rehabilitation Centers and inmate rights; oversight, accountability, and responsibility mechanisms; use of force and crowd-control; arrest and search procedures; mechanisms for submitting, fielding, and addressing complaints; and international agreements and international law. Among the future plans to solidify the principles and values of human rights in the work of the Interior Ministry and security forces include:

- 1- Discussions and dialogue sessions on “Freedom of Opinion and Expression vs. Incitement”, and the right to privacy
- 2- A plan for training on cyber-crime for relevant agencies in the security forces
- 3- Training trainers for issues of human rights and the rule of law among the security forces, and preparing a training plan to cover all sectors and provinces, focused on a package of training materials including a handbook of rules of the use of force and firearms by Palestinian security force personnel issued by decision of the Interior Minister number 211 for 2016; a handbook of ethics and conduct rules for security force personnel; a unified manual of operational procedures for health services provided in Corrections and Rehabilitation Centers; relevant Palestinian laws in force including the Penal Code and Criminal Procedures, special laws related to the work of the security forces, and those based on agreements and conventions related to human rights to which the State of Palestine is a signatory, and attendant principles and guidelines issued by the United Nations.

- 4- Training social scientists to prepare and design special training curricula in issues of human rights and democracy related to the work of the Interior Ministry and security forces, and to produce a first draft of the proposed curriculum.

#### Challenges and Problems

(1) Israeli moves that obstruct the establishment of Palestinian state institutions: Israel abdicates its responsibilities as an occupying force and under the agreements it has signed, and continually aggresses against the institutions of the State of Palestine, particularly the security institutions, which has a negative impact on Palestinian domestic peace and security. For example, raids against offices and the destruction of some of them, leading to the arrest of officials and the martyrdom or wounding or detention of many more. The Israeli occupation continues to hinder all programs related to the Palestinian security forces intended to ensure the maintenance of order or strengthening of the rule of law. The occupation prevents freedom of labor and movement and transfer of logistical equipment to the security forces, especially in the areas labeled (B) + (C), in addition to causing a number of breaches in the areas labeled (A). The occupation obstructs the security forces' attempts to pursue and arrest those wanted for justice, especially drug-dealers and traffickers in banned materials or those involved with major crimes such as murder, etc.

The occupation prevents agencies from enforcing judicial orders and limits their capacity to operate and hinders military judicial procedures whether it be arrests of wanted suspects or the functioning of checkpoints around the provinces. The occupation denies the ability to build new police and civil defense stations in areas (B) and (C), and deliberately weakens the abilities of rapid-responders and first-responders of civil defense staff to carry out their duties. The occupation maintains total control over all crossings and obstructs the movement of citizens, including the sick, while facilitating and protecting the entry of materials for settlements in Palestinian areas.

(1) The legislative and legal regulations organizing the work of the security sector in Palestine suffers from many problems and obstacles: in spite of the fact that the justice system in Palestine is relatively new, it is rooted in a number of different and often contradictory laws due to the multiplicity of bodies that drafted its laws from the Ottoman Mandate to the British to Jordanian and Egyptian laws. This is in addition to what was created by the State of Palestine since 1993 to organize its governmental and administrative offices, which remain under the restrictions and obstacles of Israeli occupation to this day, and the various legal authorities and lack of unity of administrative and legal organization in government agencies between the West Bank and the Gaza Strip and occupied Jerusalem.

(2) The coup that persists in the southern provinces and deepens political divisions, and their attempt to impose order by way of issuing laws and policies that contravene the laws and legislation in force in Palestine, most of which also conflicts with human rights and limits public and private freedoms. The coup has also had a negative impact in terms of the failure to impose rule of law within the Strip and to integrate the security agencies, which has prevented the completion of the development of the legislative system for the security sector and created chaos and weakened control over the borders and crossings.

(3) The Legislative Council is hampered and unable to carry out its role in making Palestinian laws. This shortcoming has negatively impacted democratic life and the prospect for human rights insofar as one of the primary roles of the Council is to draft and issue Palestinian laws that reflect the spirit of the Palestinian political system, as well as its role in overseeing enforcement agencies including the Ministry of the Interior and the security agencies.

(4) The emergence of technological challenges, especially social media and the spread of internet in light of the lack of laws pertaining to cyber-crime and the limited operational capacity to pursue these crimes.

Additional References:

- 1- Report by the Preventive Security Service addressed to HRW dated 4/9/2018
- 2- Report by Military Intelligence
- 3- Report by Mukhabarat
- 4- Report by the Police Agency
- 5- Report by the Military Justice Commission

## **Annex V: Human Rights Watch Letter to Gaza Internal Security**

Human Rights Watch sent similar letters to the spokesman for the Gaza Interior Ministry, a representative of the Justice Ministry, and to the Hamas Political Office. All letters were sent in Arabic.

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March 27, 2018

XXXXXXXXXXXXXXXXXX

Deputy Minister of Interior and National Security  
Gaza City, Palestine

Dear Major General XXXXXXXXXXXX,

I write to request your assistance in obtaining information pertaining to arrests carried out by the Internal Security and treatment of detainees in custody. We would greatly appreciate the opportunity to understand your perspective on our research on this topic, so that information and explanations that you provide can be reflected in our forthcoming report on these issues. For this to happen, we would need to receive your responses by April 26, 2018.

Human Rights Watch is an international human rights organization, whose head office is located in New York City. The organization publishes reports on the state of human rights in more than 90 countries worldwide, with the object of defending human rights and promoting respect for international humanitarian law. Human Rights Watch regularly meets and corresponds with Palestinian officials as part of its mission, including with senior Hamas officials during a September 2016 visit to Gaza and with others outside Palestine, and has fruitfully engaged with officials on a wide range of human rights issues.

Human Rights Watch has spent the last 18 months investigating patterns of arrests by the Palestinian Authority (PA) and Hamas in 2016-17 and detention conditions in both the West

Bank and Gaza, based on our study of 86 cases. Our team of researchers has conducted over 140 interviews, including with ex-detainees and their relatives, lawyers, NGO representatives, and doctors, and reviewed photographic and video evidence, medical reports, and court documents.

Our preliminary findings show that Internal Security and other Hamas authorities in Gaza have carried out scores of arrests of persons who did no more than peacefully criticize authorities, including in online social media, through print and TV journalism, and at demonstrations. Those arrested include a number of presumed supporters of Fatah or former Palestinian Authority civil servants. Prosecutors have charged many under overly broad laws that criminalize activity such as “harming the revolutionary unity” or insulting “higher authorities,” but frequently not taken cases to trial, indicating that the arrests are arbitrary and aimed to punish critics and deter them from further activism. In detention, security forces routinely mistreat and torture those in its custody, taunting, beating, whipping, and forcing detainees into painful stress positions for hours at a time.

We have reached similar preliminary conclusions regarding the conduct of PA authorities in the West Bank and written a letter to them similar to this one, inviting their response.

Our evidence indicates that arrests constitute serious violations of international human rights law, in contravention of legal obligations assumed through Palestine’s accession to major international human rights treaties over the last five years. In particular, the International Covenant on Civil and Political Rights, which Palestine ratified in 2014, holds that “no one shall be subjected to arbitrary arrest or detention” and that “everyone should have the right to freedom ... to seek, receive and impart information and ideas of all kinds.” Palestine also ratified without reservation the Convention against Torture in 2014, which bans torture, as well as cruel, inhuman, or degrading treatment, at all times and in all places.

The pattern of arbitrary arrests torture that we have been documenting appears to be systematic and to have been in place for many years. Moreover, Palestinian authorities have largely failed to hold security forces accountable for these abuses.



We are writing to you to better understand the perspective of Internal Security on these issues. We would greatly appreciate answers to the following questions:

- On what basis does Internal Security carry out arrests?
- How many arrests has Internal Security carried out since January 2016?
  - How many arrests were triggered by posts on social media?
  - How many arrests did you carry out in the events surrounding electricity demonstrations in January 2017?
  - How many of those arrested identified themselves as journalists?
- How many people does Internal Security currently hold in custody? What is the breakdown of where they are being held? How many are held without charge? How many are in pretrial detention?
- What guidance is provided to Internal Security officers regarding when to carry out arrests based solely on speech or other expressive activity?
- In what circumstances does Internal Security put detainees in a room commonly referred to as *bus*, where detainees are made to stand or sit in a small chair for long stretches of time?
  - What rules govern conduct of detainees in *bus*?
- Do the Internal Security place detainees in *shabeh*, forcing them into stress positions for hours at a time? If so, do you agree with the consistent testimony we have heard that the *shabeh* as you practice it causes significant pain to the detainee? If you disagree, what safeguards are in place to ensure that *shabeh* does not cause significant pain?
- What oversight does Internal Security provide over its detention facilities?
- How many complaints have been filed since January 2016 regarding arbitrary arrests or mistreatment of persons by Internal Security?
  - How many investigations into alleged arbitrary arrests and mistreatment of persons have been opened by Internal Security?
  - How do investigators investigate complaints? How many of these investigations led to a finding of wrongdoing?
  - What sort of wrongdoings were confirmed, and what disciplinary actions were taken as a result?

We invite you to respond to the following questions about two of the many events documented in our report:

- Our research indicates that Internal Security officers arrested dozens of demonstrators who took to the streets in January 2017 to protest the electricity crisis in Gaza. On what legal basis were these arrests carried out?
- Our research indicates that Internal Security forces in July 2017 detained for 15 days journalist and activist Amer Balousha over a Facebook post where he wrote, in relation to the electricity crisis, “I wonder if children [of our leaders] sleep on the floor like us.” On what legal basis was this arrest carried out?

We will reflect any pertinent information you provide us by April 26 in our report on these issues and take that information into account in finalizing our conclusions and recommendations.

We would also like to formally request access to visit Internal Security detention facilities. We have sought permits from the Israeli army for my foreign colleagues and me to enter Gaza and, if approved, would be happy to be in touch to coordinate a date and time for the visit, as well as the possibility to meet to discuss these issues in-person.

For any query, please contact my colleague Omar Shakir at XXXXXXXXXXX, XXXXXXXXXXX, and XXXXXXXXXXX.

Thank you in advance for your attention to this request.

Regards,

Sarah Leah Whitson  
Executive Director  
Middle East and North Africa  
Human Rights Watch

## **Annex VI: Unofficial Translation of Letter from Hamas Political Office to Human Rights Watch**

Islamic Resistance Movement Hamas  
Office of Hamas Head  
Gaza, Palestine

April 8, 2018

Ms. Sarah Leah Whitson  
Executive Director  
Middle East and North Africa Division  
Human Rights Watch

With Our Salutations,

**Subject: In response to your letter dated March 27, 2018**

We write to you with our warmest greetings and the hope that you are well...

We have reviewed your letter directed to Hamas and dated March 27, 2018, with regards to the conduct of the security apparatus in the Gaza Strip.

First, we would like to thank you for the confidence you have shown in writing to us, and for the effort and attention you pay to what is happening in the Palestinian territories. Because we would like to cooperate with you and in appreciation of the trust you have placed in us, we would like to offer a few remarks with regards to your letter:

1. We thank you for the care you have shown to the Palestinian issue, and as a resistance movement opposed to the occupation, we highly appreciate your fundamental role in defending human rights, as well as the historical rights of our people to determine their own fate, and your rejection of Israeli injustices perpetrated on our people.

2. In this regard, we would like to affirm the importance of respecting human rights and freedoms, and the preservation of human dignity, which are all values that Hamas subscribes to and deeply believes in, always emphasizing them and seriously trying to work within their parameters.
  
3. We would like to inform you that we are not the source of either the information or the facts related to the arrests and detentions carried out by the governmental security apparatus in the Gaza Strip.
  
4. We appreciate your trust as well as the concern expressed in your letter to get the truth straight from its source, and as such would like to direct you to seek information from the official bodies in Gaza, namely the Ministry of Justice and the Ministry of Interior, in order to receive all the facts you seek, as well as responses to all the questions raised in your aforementioned letter.

With gratitude and appreciation,

Hamas Movement, Gaza Strip

## **Annex VII: Unofficial Translation of Letter from Gaza Internal Security to Human Rights Watch**

State of Palestine  
Ministry of Interior and National Security  
Internal Security Forces  
General Director

Wednesday April 25, 2018

Attention: Sarah Leah Whitson  
Human Rights Watch Director Middle East and North Africa Division

**Subject: In response to your queries regarding the security forces**

Greetings,

With regards to the above, and in response to your letter dated March 27, 2018, seeking information regarding the arrests carried out by the internal security forces under the jurisdiction of the Gaza Ministry of Interior and National Security and the treatment of detainees while in custody, please find the response attached.

We welcome a visit from you or any of your representatives to any Ministry of Interior location or rehabilitation and reform center.

Major General XXXXXXXXXXXX  
General Director of Internal Security Forces  
Ministry of Interior and National Security Report  
Regarding Queries by Human Rights Watch

## **Introduction:**

To begin with, we at the Ministry of Interior and National Security wish to thank you and extend our appreciation to Human Rights Watch (HRW) for its effort and dedication in defending human rights, and for reinforcing respect for the International Humanitarian Law, as well as its efforts in reaching out to us to inquire about the issues raised in the report regarding the state of freedoms in the Gaza Strip. We would like to note that we are in constant communication with human rights organizations operating within Gaza, and other international organizations, most notably the International Committee of the Red Cross (ICRC), with whom we have signed numerous Memoranda of Understanding. We would also like to assure you that the Ministry of Interior is always open to receiving visits from your inspectors, especially to our detention and rehabilitation centers. We regularly organize workshops and meetings with human rights organizations to bolster freedoms and human rights in the Gaza Strip and provide the necessary training to our personnel.

After examining the HRW letter, we have prepared the following report which answers to and clarifies the queries contained therein:

**First: In regards to the claim that “police and Internal Security have arrested scores of people who only peacefully criticized authorities, either on social media, through print and TV journalism or during demonstrations and that those arrested included a number of presumed supporters of Fatah or former Palestinian Authority (PA) civil servants;”**

- Free press is among the key tools to defend individuals within society and to stand up against oppressors and tyrants, and a free, independent, and functional press is among the pillars of democracy. It is impossible to talk about free press without a legal framework that would ensure its independence and curtail, as much as possible, any restrictions that might be imposed on it. Many international and constitutional instruments, as well as national and regional legislations and laws, have supported this assertion.
- The right to free speech, press and media has long been supported by the international human rights law, a number of regional agreements, and Palestinian

legislation itself. This right was reaffirmed and protected in the International Covenant on Civil and Political Rights (ICCPR), in accordance with Article (19) thereof.

- International law allowed certain restrictions on freedom of expression and access to information to better safeguard personal rights and freedoms and public interest. These restrictions are recognized by international law, particularly by the second provision under Article (19) of the ICCPR.
- All Palestinians are equal before the law and judiciary, regardless of race, color, gender, disability, religion or political opinion, and these rights are affirmed by Article 19 of the Palestinian Basic Law, which states that “freedom of opinion may not be prejudiced. Every person shall have the right to express his opinion and to circulate it orally, in writing or in any form of expression or art, with due consideration to the provisions of the law.”
- With regards to the arrests of certain protesters carried out by the internal security forces under the jurisdiction of the Gaza Ministry of Interior and National Security, peaceful protests are permitted in accordance with law and order. Should protesters, however, attack private and public property, then the police shall intervene to protect said property and shall arrest violators and deal with them in accordance with the law.
- With regards to criticisms [against the government] on social media, as well as in print and broadcast media, those who misuse these platforms and infringe upon the rights of others shall face legal inquiry before the competent authorities in accordance with Palestinian law. Case in point, in response to citizens’ complaints about defamation and slander to the police and public prosecution, the police carried out their duties by summoning the individuals in question.
- With regards to detaining individuals on charges of undermining revolutionary unity, the Palestinian Liberation Organization (PLO) Revolutionary Penal Code lays out this punishment in Chapter 3 under crimes against the internal security of the

revolution. The Revolutionary Penal Code is old and was established in 1979 by the PLO. It is applied across all Palestinian territories, whether in the West Bank or Gaza, and to all members of the Palestinian security forces regardless of political affiliation.

- All the individuals detained by the security forces, who are alleged to be Fatah supporters or employees of the former government, were arrested based on criminal charges, including drug possession or theft or forgery of original contracts or otherwise. They were not arrested based on their political affiliation, and factional affiliation doesn't give anyone the right to violate the law and commit criminal acts.
- With regards to those individuals who were detained and then released, when the accused is arrested and questioned by the office of the public prosecutor, and if the representative of the prosecutor's office is convinced of the charge, the accused is detained and their file handed over to the relevant court. The prosecutor general may not investigate charges against the accused for more than 6 months, and the accused may not be detained for a period that exceeds that of the sentence that would be meted out for the crime of which he is accused. The maximum possible period of preliminary detention is 6 months in accordance with Palestinian law, and if during that time the public prosecutor's office is not convinced of the charges and cannot find any evidence against the accused, then the accused is released in accordance with Palestinian law.

**Second: In regards to the claim that “security forces routinely mistreat and torture those in its custody, taunting, beating, whipping and forcing detainees into painful stress positions for hours at a time;”**

- The internal rules of conduct for the Ministry of Interior and National Security and the semi-periodic instructions and guidance issued by the authorities at the Ministry on the prohibition of carrying out violence or beatings on detainees **affirm that:**



- No accused person shall be tortured or coerced. The accused remains in full possession of his rights during custody and shall be treated decently, as can be attested to by the human rights organizations within the Gaza Strip and the International Committee of the Red Cross (ICRC). These organizations regularly and consistently inspect all detention centers. Lawyers shall be permitted to visit their detained clients regularly depending on the internal regulations of the detention center. Follow-up shall be carried out by the General Inspector Office, the Police Inspector General Office, the Military Judicial Authority and the oversight bodies within the other branches of the security apparatus in the Gaza Strip, who all conduct official surprise inspections of detention centers. Should investigations indicate that the law is being overstepped, then commissions of inquiry shall be established and legal measures taken against any and all who have overstepped their authority. Accordingly, 123 commissions of inquiry were established by the oversight bodies of the Ministry of Interior between January 2016 and December 2017.
  
- The law also stipulates that no confessions shall be coerced from any accused under duress of intimidation or beating. Any confession deemed to have been coerced is considered void and inadmissible. Should it become apparent that any accused was forced into making a confession, then he will be released in accordance with the stipulations of Article 214, clause 1 of the 2001 Palestinian Code of Criminal Procedure nbr 3, which regulates procedures during custody.
  
- Should any complaint or grievance be lodged directly with us by a citizen, or if they submit a complaint to a human rights organization in the Gaza Strip about mistreatment, it is reviewed on-site, and a commission of inquiry is set up to investigate the complaint, with legal measures taken against violators [of the law]. We respond to human rights organizations with regards to all complaints and keep them apprised of all measures that have been taken. We have our own oversight bodies that investigate claims and ensure the application of legal measures, and they are the General Inspector Office, the Police Inspector General Office, the Military Judicial Authority, and the oversight bodies within the different branches of the security apparatus.

Third: In regards to the claim that [your] “evidence indicates that arrests constitute serious violations of international human rights law, in contravention of legal obligations assumed through Palestine’s accession to major international human rights treaties over the last five years. In particular, the ICCPR, which Palestine ratified in 2014, holds that “no one shall be subjected to arbitrary arrest or detention” and that “everyone should have the right to freedom... to seek, receive and impart information and ideas of all kinds.” Palestine also ratified without reservation the Convention against Torture in 2014, which bans torture, as well as cruel, inhuman, or degrading treatment, at all times and in all places.”

- The Ministry of Interior and National Security is committed to the international human rights treaties that have been ratified by Palestine, in particular the ICCPR and the Convention Against Torture. Article 19 of the Basic Law confirms this and reads “freedom of opinion may not be prejudiced. Every person shall have the right to express his opinion and to circulate it orally, in writing or in any form of expression or art, with due consideration to the provisions of the law.” This, in addition to what is stipulated in the Geneva Accord on freedom of opinion and speech, affirming the dictates of Article 19 of the Universal Declaration of Human Rights adopted in 1948, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”
- While international conventions have affirmed the right to freedom of opinion and speech, they have also placed restrictions on these freedoms when they are deemed to infringe upon public order and public interest, under clause 3 of Article 19 of the ICCPR.
- In light of the above, freedom of expression should not cause harm to others, as Palestinian law has established penalties for crimes of slander, disparagement, verbal abuse and defamation of others.
- We would like to draw your attention to the fact that more than 2,678 events, activities and gatherings have been organized under different demand and

objection banners. The security forces and the police have helped facilitate these events and safeguard the security of participants.

And, in regards to the assertion that **“the pattern of arbitrary arrests and torture that we have been documenting appears to be systematic and to have been in place for many years and that the Palestinian authorities have largely failed to hold security forces accountable for these abuses;”**

- The Ministry of Interior and National Security in Gaza prohibits torture and arbitrary arrest policies, and we assure you that any overstepping [of the law] is considered an individual mistake and not a systemic one. This is evidenced by the continuous and binding instructions, guidance, and directives issued by the Ministry of Interior to all employees and security institutions. All violators of those instructions and regulations shall be subject to legal accountability.
- We would also like to assure you that we have established commissions of inquiry and accountability to investigate everyone who uses any methods that violate human rights or that constitute abuse against an individual during arrest or questioning. The appropriate punishment will be meted out by the commissions of inquiry, which are appointed by the General Inspector Office, the Police Inspector General Office and the oversight bodies within other branches of the security apparatus. As mentioned previously, 123 commissions of inquiry were established between January 2016 and December 2017.

Fourth: **Generally, with regards to the queries sent by [your] organization, wishing to “better understand the perspective of the Interior Ministry on these issues” of detaining people because of freedom of opinion and speech,**

- Between January 2016 and until the end of December 2017, the internal security forces arrested scores of people for violations of the law, such as drugs, murder, theft, burglary, crimes against decency, assault and altercation, communication with the enemy, deception and fraud, debt, etc.

- The Ministry of Interior and National Security affirms that freedom of opinion and speech on social media platforms is a guaranteed right for all citizens, and that we do not interfere with this right, except in the very limited context when such expression exceeds the bounds of the law. We likewise take the general current situation in the Gaza Strip into account, where many people are trespassing the law, and we do not interfere unless this constitutes an extreme violation of the law and an infringement upon the rights of others.
- We also affirm that we currently do not have anyone in the Ministry's detention centers, held because of posts on social media platforms or because of freedom of opinion or speech.
- With regards to your specific questions:

**1) How many arrests were triggered by posts on social media?**

There have been 45 arrests made as a result of the accused spreading lies, rumors, defamation and slander, and they were held for 24 hours in accordance with the law and questioned by the police. Before their release, they took legal pledges not to repeat such offences. None of these cases were taken to court, whether civil or military.

**2) How many arrests did you carry out in relation with the power protests in January 2017?**

There were 81 arrests made, and the accused were held for 24 hours in accordance with the law and questioned under the charge of destruction to private and public property. Before their release, they were made to take legal pledges that they would not repeat such offences. None of these cases were taken to court, despite the fact that such incidents occurred in several areas in the Gaza Strip.

**3) How many of those arrested identified themselves as journalists?**

Eight of those arrested identified themselves as journalists, but none of them were arrested because of their professional affiliation as journalists but rather because of criminal charges. They were treated in accordance with the law, and they have legal files evidencing the crimes they committed.

**4) How many people is the Interior Ministry currently holding in custody? How many detainees are being held in each detention center?**

- There are currently 4,071 people in total being held in custody by the Interior Ministry across all of its detention centers. Some are being held in pretrial detention and others have been charged with crimes such as drugs, murder, theft, burglary, crimes against decency, assault and altercation, communication with the enemy, deception and fraud, debt, etc. They are distributed as follows:
  - 1- 1,468 in reform and rehabilitation centers.
  - 2- 2,308 in police station detention facilities due to the shortage of rehabilitation centers, and these are charged with various crimes.
  - 3- 145 in the Internal Security prison, under the custody of the military prosecutor's office for national security charges, such as collusion with the occupation and bombings within Gaza.
  - 4- 150 soldiers in custody at the military police prison.

We have a shortage of reform and rehabilitation centers due to lack of resources, and the siege that has been imposed on the Gaza Strip as well as the repeated destruction of many centers due to Israeli bombing.

In order to deal with overcrowding and alleviate it as much as possible, we release many prisoners once they have completed two-thirds of their sentence, under probation conditions imposed by the law, while non-violent criminals are often placed under house arrest.

**5) How many detainees are held without charges?**

We do not have a single detainee in custody being held without charges as per a memorandum issued by judicial authorities, and the Ministry of Interior is open to receiving visits from any and all human rights organizations, the ICRC, lawyers, or any other oversight bodies.

**Fifth: With regards to your question about what guidance is provided to Interior Ministry officers regarding when to carry out arrests based solely on speech or other expressive activity;**

- The right to freedom of opinion and speech is guaranteed to all, and people are held in custody only on the basis of a legal order issued by the public prosecutor's office. The Ministry of Interior is the executive body tasked with carrying out orders and directives issued by the judicial authorities rather than issuing accusations itself. The judiciary is the sole specialized body with the authority to issue and pursue criminal proceedings. Ministry directives attest to this fact.

**Sixth: With regards to your query: "In what circumstances do the security forces affiliated with the Interior Ministry put detainees in a room commonly referred to as *bus*, where detainees are made to stand or sit in a small chair for long stretches of time? What rules govern conduct of detainees in *bus*?"**

- In terms of what is referred to as *bus*, there is no such room in any of the Ministry of Interior and National Security's detention centers. What we have is simply a waiting room at the Internal Security headquarters with normal chairs where the detained are denied communication, in accordance with Article 50 of the 1979 Revolutionary Penal Procedure Law, which stipulates that "the public prosecutor has the right to decide that the accused be denied contact with anyone for a period not exceeding ten days which may be renewed in accordance with the law."
- During this time, the accused enjoys the full rights guaranteed him by law as well as his natural rights to food, water, bathroom breaks and worship.

**Seventh: With regards to your query "Does the Interior Ministry place detainees in *shabeh*, forcing them into stress positions for hours at a time? If so, do you agree with the consistent testimony we have heard that the *shabeh* stress position causes**

**significant pain to the detainee? If you disagree, what safeguards are in place to ensure that *shabeh* does not cause significant pain?”**

- The policy of placing detainees in *shabeh* and forcing them into stress positions for hours is absolutely forbidden as per the stipulations of the law as well as the directives issued by the authorities at the Ministry of Interior. Anyone who violates these directives will be held accountable, and to reinforce this, there are cameras in all interrogation rooms, with the footage being monitored by Ministry of Interior surveillance specialists.
  
- The law also stipulates the prohibition of confessions coerced out of the accused whether by beating or intimidation and their inadmissibility as evidence. Any accused coerced into confession will be released, in accordance with Article 214, clause 1, of the Penal Procedure Law no. 3/2001, which outlines which confessions may be considered valid:
  
- Confessions are considered valid only if:
  1. They are given voluntarily and by choice without pressure or financial or moral coercion, without assurance or threat, and in accordance with Article 280, clause 2 of the 1979 Revolutionary Penal Code which deals with crimes that disrupt the course of justice as well as with the extraction of confessions and information, and which stipulates the following:
    - a) Anyone who subjects another person to forms of force not allowed by the law in order to extract confession about a crime or information on a crime shall be sentenced to imprisonment for a minimum of three months.
    - b) If the inflicted violence leads to illness or physical harm, then the sentence is a minimum of five months' imprisonment.
    - c) If the inflicted torture results in death, then the sentence is a minimum of five years' hard labor.

The Ministry of Interior also issues clear and invariable directives and guidance to all employees about not using beating, *shabeh* or torture when interrogating suspects, and the strategy for enforcing such rests on three strategies:

- a) Training and awareness
- b) Following up on complaints
- c) Accountability and punishment

Ministry of Interior employees are given regular training courses in the most modern and advanced interrogation techniques to replace the use of *shabeh* and torture (i.e. the ways of procuring evidence outlined in Article 214 of the Penal Procedure Law no. 3/2001).

The Ministry of Interior has furthermore appointed oversight tools and a number of oversight departments to receive complaints from citizens against individuals working in the security forces and to deal with them appropriately.

We do not agree with the consistent testimony you have heard on our practice of *shabeh*, and we are completely open to receiving any complaint from any citizen or party and to investigate it and pursue justice for the plaintiff should the complaint prove to be true. There are some individual employees of the internal security forces who occasionally overstep in terms of abuse of some detainees, whether by beating or verbal abuse, and we listen to those complaints and subject those individuals to commissions of inquiry after which the appropriate punishment is meted out in accordance with the disciplinary sanctions regulations. In some cases, the individual's file might be handed over to the military court so that it may take legal action against him.

**Eighth: With regards to your query: “What oversight does the Interior Ministry provide over its detention facilities?”**

The General Inspector Office, the Police Inspector General Office, the Military Judicial Authority and the oversight bodies within the other branches of the security apparatus perform inspection and oversight of the following sites:

1. The Ministry of Interior reform and rehabilitation centers.
2. Detention facilities located in the police stations.
3. Detention centers under the jurisdiction of the security apparatus.



**Types of oversight visits:**

Periodic, regular surprise visits are carried out on all reform, rehabilitation and detention centers under the jurisdiction of the security forces and all juvenile detention centers, after which a report is submitted to the authorities at the Ministry. The Ministry reviews the reports and takes legal action in case there is evidence of violations being committed.

**Oversight bodies also investigate the following:**

1. Legal issues and whether they conform to the laws and legislations in place
2. Living conditions in detention and whether they conform to the laws and legislations.
3. Health conditions.
4. Complaints of torture or mistreatment.
5. Any violation of the regulations at the reform and rehabilitation centers.

**Ninth: With regards to your query “What mechanisms are in place to file complaints against arbitrary arrests or mistreatment of persons by the Interior Ministry? How many complaints on these issues have been filed since January 2016? How do investigators investigate complaints? How many of these investigations led to discovering violations? What sort of violations were confirmed, and what disciplinary actions were taken as a result?”**

a) Mechanisms to file complaints:

There are a number of oversight bodies at the Ministry of Interior to receive complaints from citizens against Ministry employees in case of overstepping the law, and they are:

1. The Office of the General Inspector of the Ministry of Interior, which has “the authority to oversee all the branches of the ministry.”
2. The Police Inspector General Office, which has “physical headquarters as well as a webpage where complaints can be filed and received centrally.”
3. Police Security, which has “branches at all police stations in Gaza.”
4. The Military Judicial Authority
5. All branches of the Ministry of Interior have oversight bodies to receive complaints from citizens.

6. The Ministry has also launched a website in order to receive complaints from citizens and respond to them electronically.
  
- b) The number of complaints on these issues that have been filed between January 2016 and December 2017:

There were 314 complaints received during the aforementioned period, made against employees of the Ministry of Interior and related to overstepping the law and mistreatment. 90 of these were proven to be true and 224 were false.

c) How investigators investigate complaints:

1. Having either the plaintiff or their legal representative show up in person to the complaints department.
2. Receiving written complaints from citizens or employees in accordance with the means and mechanisms in place.
3. Researching and studying complaints, issues and files referred to the department and writing up a summary that includes suggestions and recommendations as to the mechanism that might resolve them.
4. Directing the plaintiff to the relevant oversight body depending on the branch implicated in the complaint.
5. Informing the plaintiff (whether individual or legal personality) or the defendant of the allegations and permitting them to respond to the allegations and explain themselves.
6. Forwarding the complaint, along with the recommendations for resolution, to the relevant parties and informing the citizen of the result.

d) **How many of these investigations led to discovering a violation?**

There have been 90 complaints recorded that have led to discovering violations.

**e) What sort of violations were confirmed, and what disciplinary actions were taken as a result?**

- The violations that were committed by certain employees of the Ministry are varied, and include altercations, beating during interrogation, abusing one's position, assault and searching homes without legal warrants.
- Violators were given the appropriate punishment in accordance with the law and the regulations in place, including dismissal from a position, jail time, discharging from service, demotion, imposition of disciplinary sessions, etc.

**Tenth: With regards to your claim “research indicates that Interior Ministry officers arrested dozens of protesters who took to the streets in January 2017 to protest the electricity crisis in Gaza,”**

- We must first inform you that the Palestinian authorities require that anyone wishing to organize any action, protest or peaceful demonstration must first notify the Ministry of Interior at least 48 hours prior to the start of the protest and must follow all necessary legal measures.
- Furthermore, clause 3 of Article 19 of the ICCPR guarantees citizens' freedom of opinion and speech, but places restrictions that such freedoms should not infringe upon national security, public order, public health or the public morals of the country.
- There are absolutely no restrictions on peaceful demonstrations in the Gaza Strip, but anyone seeking to organize a demonstration must first coordinate with the Ministry of Interior through the correct legal means that are in place in order to maintain public order and security, and these steps were not followed during the aforementioned demonstrations. Despite that, the police did not interfere to break up the demonstration except after protesters began attacking public and private property as well as police officers. The police were then forced to take the necessary measures to protect these properties and maintain public order.

- 81 people were arrested and detained for 24 hours in accordance with the law, and they were made to take legal pledges not to commit such offences a second time, and then they were released.

**With regards to the claim that “journalist Amer Balousha was detained in July 2017 for 15 days over a Facebook post where he wrote, in relation to the electricity crisis, ‘I wonder if children of our children sleep on the floor like us,’” we would like to inform you that:**

The aforementioned individual was summoned by the internal security forces in the north of the Gaza Strip for his incitements, calling on people to demonstrate without following the necessary legal measures with the relevant authorities. He was summoned only to provide clarification on the matter, after which he was immediately released.

He was then arrested by the Criminal Investigations Department with regards to another offence of a criminal nature, and he has a legal record in possession of the public prosecutor.

**In conclusion:**

The Ministry of Interior and National Security has signed a number of memoranda of understanding with international rights organizations, including the ICRC, the Independent Commission for Human Rights and Al-Mezan Center for Human Rights, etc., and these organizations conduct periodic and often surprise visits to various detention centers and rehabilitation centers. The memorandum of understanding signed with the ICRC commits us to:

1. Reviewing the international standards for human rights and humanitarian principles that have to do with police conduct and incorporating them into the security doctrine.
2. Reviewing the international standards for human rights and humanitarian principles that have to do with police conduct and incorporating them into training programs.
3. Providing the required support to review and update the applicable detection, implementation and accountability mechanisms, according to international regulations that outline police conduct.

Finally, we at the Ministry of Interior and National Security welcome your visit and assure you that the Ministry’s offices and locations are all open to receiving you at any time.

Sincerely,  
Major General XXXXXXXXXXXX  
General Director of Internal Security Forces

Attached:

Some directives of the General Director of Security related to the above.

Some directives of the General Director of Police related to the above.

A sample complaint form for citizens.

A sample form to submit complaints to the Office of the Inspector General.

A sample form to submit complaints to the Police Inspector General Office.

## **Annex VIII: Unofficial Translation of Letter from Gaza Ministry of Justice to Human Rights Watch**

State of Palestine  
Ministry of Justice  
Deputy Minister's Office

**To: Sarah Leah Whitson**  
**Executive Director – Human Rights Watch**  
Greetings,

State of Palestine Ministry of Justice – Office of the Deputy <input checked="" type="checkbox"/> Outgoing <input type="checkbox"/> Incoming Date: 4/26/2018 Number: 19
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**RE: Inquiries**

We hope this letter finds you well, and we would like to express our utmost respect and warmest regards. In reference to the above subject, please find our reply to the inquiries in Human Rights Watch's (HRW) letter, consisting of eight pages.

We appreciate your efforts and diligence in defending human rights, and we reiterate our welcoming of your visit. We remain ever-ready to provide necessary assistance and respond to any questions.

Respectfully,

**Advisor**  
**Dr. XXXXXXXXXXXXXXX**  
**Deputy Minister of Justice**

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Ghaza – South Rimal – Near Public Employees Bureau  
Tel XXXXXX – Fax: XXXXXX – Email: XXXXXX – Url: www.moj.ps

## Reply to HRW Inquiries

1. In your letter to us, you used the phrase “ Hamas authorities ” or “ Hamas ” when talking about the Gaza Strip, yet you used the “ Palestinian Authority ” ( PA ) when talking about the West Bank, though the Hamas movement ( as a political organization ) is not the entity that governs the Gaza Strip. Rather, the Gaza Strip is governed by the official bodies working under the applicable laws and regulations.
2. Regarding HRW’s investigations that included 86 cases, you may send any of the alleged cases so that we may verify them. Should any case be substantiated, the necessary investigation will ensue, and you will be notified of its findings to reach the truth.
3. You mentioned in your letter that “ the police and security forces in the Gaza Strip have detained individuals who only expressed peaceful criticism of the authorities through the media and protests, and among those detained are Fatah supporters, or former PA employees...”

We would like to clarify that all arrests occurred in accordance with the applicable laws and regulations, and that arrests may only be ordered based on official complaints filed to the relevant authorities. The Public Prosecution does not take action on criminal charges on the grounds of practicing a lawful political activity. But, when a citizen expresses a derogatory opinion that offends another individual or individuals, the competent authorities summon and arrest that individual in cases set forth by the law. This does not qualify as political detention.

Peaceful protests and gatherings are permitted under the applicable laws and regulations in the Gaza Strip, provided that social order and security are maintained, and public and private property are not damaged. As for the accusation that among those detained are individuals who support Fatah, or former PA employees, this accusation is unfounded, since all detentions have been carried out in accordance with legal precepts and for criminal cases, and not based on affiliation, as some have claimed.

4. Regarding the assertion in your letter that “the security and police forces have mistreated and tortured detainees...”

We would like to clarify that a number of oversight committees and associations monitor detention centers, including the committees of the Ministry of Justice and the Interior Ministry, which conduct regular visits and organize prison and detention center inspections to review inmates’ circumstances and detention conditions and to provide feedback and necessary suggestions. If any violations of the detainees’ rights are found, the appropriate steps are taken to address them. Recently, the Deputy Minister of Justice visited and inspected the prisons and detention centers in every area of the Gaza Strip, to study the legal conditions of the detainees, to confirm the investigative procedures and verify that the standards of fair trials have been met.

There have been some individual cases of security agency staff beating some inmates or mistreating them verbally or physically, but these actions were not systematic and the perpetrators have been investigated and held accountable.

5. As to the assertion in your letter about “a pattern of arbitrary detention and arrests [sic] documented systematically for many years, and the authorities in Gaza not holding the security forces accountable...”

We would affirm that there are a number of oversight committees that carry out their role with the highest responsibility to ensure the rights of inmates and detainees, and at no time have there been systematic violations, despite the occurrence of some individual cases which are being handled according to the law. To confirm this, the Interior Ministry of the Gaza Strip formed 123 investigative committees from January 2016 through the end of December 2017.

6. Below you can find information about detainees in the Gaza Strip since January 2016, as follows:

- a. The number of detainees on the grounds of social media publications:  
45 people were detained for publishing lies, spreading rumors, and inciting hatred and contempt, though they were released after pledging not to commit such violations again.



- b. The number of detainees on the grounds of participating in electricity protests in January 2017:

81 people were detained in several governorates of the Gaza Strip, for no longer than 24 hours, after committing violations related to security, public peace and destruction of public and private property, rather than reasons related to their exercise of free expression or for any other reason related to human rights. They were released after pledging not to commit such violations again.

The Ministry of Justice affirms its diligence and commitment to banning any prohibitions on the exercise of the right to peaceful assembly, and to protecting the participants in such acts, under the applicable laws and regulations in effect.

- c. The number of known journalists detained:

8 journalists were detained in several governorates of the Gaza Strip, for criminal offenses, and not for reasons related to the practice of their profession.

- d. The number of those detained in all prisons and detention centers:

The current number of detainees among all reform, rehabilitation, and detention facilities as of the writing of this report is 4071.

- e. The number of detainees in each center:

The number of detainees in each center as per the statistics provided by the competent authorities, as of the writing of this report:

- Detainees in reform and rehabilitation centers: 1468
- Detainees in police custody: 2308
- Detainees in Internal Security prison: 145
- Detainees in military police prison: 150

- f. The number of uncharged detainees:

There are no detainees being held without charges filed by the competent authorities as per the law.

7. Regarding “guidelines given to security personnel about the time of arrest based on speech or any activity of expression alone...”

Instructions and guidance are issued regularly, in the form of general guidance consistent with the law, about mechanisms for dealing with any complaint filed by a citizen or upon request of governmental authorities. Note that the security and police forces are the executive arms to implement orders and rulings, etc. issued by the Prosecution and the judiciary.

8. In response to the question about “the conditions under which Internal Security forces put detainees in the room known as ‘the bus’...”

There is no such room, and if you have any documentation of detainees being subject to this, we ask that you provide us with these cases to give us the opportunity to take the necessary steps in this regard.

9. As to the question about “security officers ghosting detainees and forcing them to stand in stress positions for hours on end...”

We would clarify that this accusation is unfounded, as security officers are responsible for upholding the law and carrying out necessary investigations with detainees and interrogating them in accordance with the approved legal procedures. If any cases of torture or ghosting are substantiated, an investigation will be opened, and the necessary measures will be taken. The formation of the numerous aforementioned investigative committees will ensure that.

10. As to the assertion in your letter that “HRW has evidence indicating that some arrests constitute dangerous violations of international human rights law, in breach of legal commitments pursuant to Palestine’s accession to international treaties...”

We reassure you that the government of the Gaza Strip remains committed to all international treaties, agreements and conventions for human rights, and to its responsibilities under the basic law towards rights and general freedoms, including the freedom of expression, provided that it does not conflict with the general laws of the State.

11. Regarding the government of Gaza’s oversight of detention centers:

As per the applicable laws and regulations, prisons and detention centers are inspected by the Legislative Council, the Ministry of Justice, the Interior Ministry, the Judiciary, the Public Prosecution, the Bar Association and the Independent Commission for Human Rights. The Red Cross and civil society and rights organizations are also permitted to visit all centers and prisons. Several organizations visit regularly, and sometimes unannounced. Everyone contributes to monitoring and to overcoming

challenges and difficulties and providing necessary assistance. The reports of these organizations' visits and activities are available for review.

12. The mechanisms in place to complain about maltreatment or arbitrary arrest:

There are systems, laws and internal decisions that clarify for the citizen the mechanisms of lodging complaints. Recently, an electronic system for complaints was launched, allowing citizens to lodge complaints to any ministry or governmental institution for examination and follow-up. Citizens can receive replies and stay informed on the status of their complaints and any steps taken as soon as they appear. In addition, the Human Rights and Citizen Complaints Unit at the Ministry of Justice receives complaints submitted by citizens, organizations and others, and takes the necessary steps in that regard. There is also a special department for following up on complaints with foreign and domestic bodies, and it informs citizens of the progress of complaints through to the issuance of a final recommendation. Also, the Public Prosecution works in accordance with the mechanisms described above, contributing to the "open-door policy" for citizens appealing to its office, to strengthen citizens' trust and accelerate the process of resolving their problems and addressing their grievances. It should be noted that the Deputy Justice Minister and the Public Prosecutor have fixed two days per week to meet with plaintiffs, together with relevant authorities. The Interior Ministry receives complaints through the Military Justice Commission, the Public Oversight Office, the Police Inspector General, and Police Security, apart from the offices and public agencies related to human rights. Various human rights organizations write to the relevant ministries about complaints and allegations made by citizens, and the ministries and agencies respond accordingly.

13. In regards to your inquiry about the number of investigations into arbitrary detention and mistreatment opened by Interior Ministry agencies; the number of related complaints and how they were investigated; and the type of confirmed abuses and the disciplinary steps taken as a result, for the period between January 2016 and December 2017—

The number of complaints against security agency personnel during this period was 314, and after the required investigation, 90 were substantiated.

Complaints are investigated in accordance with clear and specific procedures and standards, beginning with the appearance of the plaintiff or his legal representative, after proper receipt of the complaint, followed by review and investigation of the complaint and verification of any documentation or files, then the complaint is filed

with the relevant oversight department. The plaintiffs and defendants are allowed to respond to the allegations and request explanation, and finally the relevant investigative department provides its feedback and recommendation to the senior authorities, which in turn review the case, make the appropriate decision, and inform the plaintiffs of the results of the investigation.

The violations committed have been numerous, including beating during investigation, abuse of position, assault, altercations, and home searches without a warrant.

It should be noted that penalties were imposed on those violators in accordance with the applicable laws and regulations, including job transfers, prison sentence, relief from duties, demotion, re-training, etc.

14. Regarding your request to know the facts about three cases documented by HRW,
  - a. For the first case related to the detention of dozens of demonstrators who participated in protests due to the electricity crisis in January 2017, our response can be found in paragraph (b) of section 6.
  - b. For the second case regarding the arrest of journalist and activist Amer Balousha for his Facebook comment, “I wonder if the children of ‘our leaders’ sleep on the ground like us”,  
Balousha was detained as a result of his repeated violations of the applicable Press and Publications Law and journalism and media charters, and not because of the post itself. He was released, despite these violations. However, he was detained again for another criminal charge unrelated to the above issues, and he has a duly submitted case before the authorities.
  - c. For the third case regarding the citizen Khalil Abu Harb, who died after jumping from the fourth floor of the Public Prosecutor’s building during his detention on a theft charge, after being subjected to whipping and repeated beatings, and after the Public Prosecutor’s report denied that he had been subjected to any form of torture, and regarding how the Prosecutor investigated the incident, and whether independent witnesses were interrogated, below are the details of the incident.

**Details of the incident:**

The suspect, the late Khalil Issam Abu Harb, was charged along with another suspect with robbery, not with theft, as stated in the letter. They

were driving a tuk tuk and, after stealing a woman's purse by force and aggression, they tried to escape from the scene.

In the course of their escape, the two men crashed their vehicle. People gathered around them, witnessed the incident and apprehended the men and beat them. Then, they turned the men in to the nearest police station.

A preliminary statement was taken from the two men by Al-Remal police station, and they duly confessed. Then, they appeared before the Public Prosecutor within the following 24 hours, as per the law.

#### **Investigative Procedures into the Incident of the Detainee's Death:**

Upon being notified that the detainee Khalil Abu Harb had thrown himself from the Public Prosecutor's building, the General Judicial Inspection Office was delegated to undertake a thorough investigation into the incident and its circumstances. Detailed statements were taken about the incident from all those who were present in the office building from which the detainee had jumped, being: two public prosecution attorneys, and an investigative secretary.

The medical examiners' report of the two detainees was reviewed, as it described their condition prior to appearing before the Public Prosecutor.

The investigation, detention, and arrest procedures in the two men's cases were validated.

The place from which the man jumped was inspected thoroughly, and the body was sent to the forensics' department to ascertain the cause of death and note any distinguishing signs on the body.

The Public Prosecutor found that the detainee Khalil Abu Harb had financial troubles, and his brother's wedding was approaching, in addition to family and marital problems. He became depressed and isolated while in Al-Remal police station. This was confirmed by his partner, the other suspect, in his statement to the Public Prosecutor.

The Public Prosecutor found through its investigation that the deceased suspect was not subjected to any type of torture during his detention, though he had some minor bruises as a result of his being beaten by the crowd of people when he was captured, and this is corroborated by the initial medical report and the forensics' report.

The Public Prosecutor found that those present at the public attorney's office had tried to stop him from jumping from the window, however due to the rapidity and suddenness of the move, they were unable to control him or grab him before he jumped.

It appears that the windows of the Prosecutor's building were not closed with the iron safety bar— a fact which they only realized afterwards. Instructions were issued immediately in the aftermath to adopt this measure.

**Note: The family of the deceased were visited and informed of the results of the investigation, and they were provided with a written copy.**

End





## TWO AUTHORITIES, ONE WAY, ZERO DISSENT

### Arbitrary Arrest & Torture Under the Palestinian Authority & Hamas

In the 25 years since the Oslo Accords gave Palestinians a degree of self-rule over parts of the West Bank and the Gaza Strip, their right to peacefully protest and criticize their own authorities has been met with routine repression.

Both the Fatah-dominated Palestinian Authority (PA) in the West Bank and Hamas in Gaza have carried out scores of arbitrary arrests in recent years of journalists, demonstrators, student activists, and social media commentators, often targeting supporters of one another as the Fatah-Hamas feud deepened. Relying primarily on overly broad laws that criminalize activity such as insulting “higher authorities,” causing “sectarian strife,” or “harming revolutionary unity,” both authorities use detention to punish dissidents and to deter them and others from further activism.

Security forces in both the West Bank and Gaza routinely use torture, including by forcing detainees into painful stress positions for hours at a time, including with men who never face trial or serve sentences and are released in a matter of days.

This report, based on an investigation of 86 cases of alleged abuse, documents how these systematic abuses are in contravention to legal obligations imposed through Palestine’s accession to major international human rights treaties since 2014. Effective impunity for serious abuse is the norm, even though the security apparatuses have in place mechanisms to receive citizen complaints of abuse and investigate them.

Human Rights Watch urges the respective foreign powers that provide support to PA and Hamas security forces to suspend assistance to those agencies implicated in widespread arbitrary arrests and torture until authorities curb those practices and hold perpetrators accountable.

*(above) Protesting the electricity crisis, in the Jabalia refugee camp, Gaza, on January 12, 2017. One demonstrator holds a sign that reads, in Arabic, “We want electricity.” On that day, Hamas security forces detained scores who participated in the demonstrations in Jabalia.*

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*(front cover) Palestinian riot police confront demonstrators protesting security coordination between the Palestinian Authority (PA) and Israel, in the West Bank city of Ramallah on June 23, 2014.*

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