

## **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

██████████  
Head of the Palestinian Authority General Intelligence Services  
Ramallah, Palestine

Dear Minister ██████████,

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 [REDACTED], [REDACTED], and [REDACTED].

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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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

Accusation	Year 2016	Year 2017
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 / [REDACTED] – 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 / 

State of Palestine  
General Intelligence  
Office of the Chief of Service

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Number: [REDACTED]

Date: 24. 4. 2018

Brother General Dr. / [REDACTED]  
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: [REDACTED]  
Date: 4/25/2018

**In Reference to Your Excellency’s Explanations on the Human Rights Watch (HRW)  
report, number [REDACTED], 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. [REDACTED]**  
**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

██████████  
Deputy Minister of Interior and National Security  
Gaza City, Palestine

Dear Major General ██████████,

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 [REDACTED], [REDACTED], and [REDACTED].

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 [REDACTED]  
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 

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  
 Outgoing  Incoming  
Date: 4/26/2018  
Number: 19

### 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. [REDACTED]  
**Deputy Minister of Justice**

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Ghaza – South Rimal – Near Public Employees Bureau  
Tel [REDACTED] – Fax: [REDACTED] – Email: [REDACTED] – Url: [www.moj.ps](http://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