

Flygtningenævnets baggrundsmateriale

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Fråga-svar

Staten Palestina. General Intelligence Service (GIS)

Fråga

- Allmän information angående General Intelligence.
- Information om arbetet inom General Intelligence; förhörsmetoder, arresteringar etc.

Svar

Nedan följer en sammanställning av information/länkar kring General Intelligence. Sammanställningen gör inte anspråk på att vara uttömmande. Refererade dokument bör alltid läsas i sitt sammanhang.

Allmänt om General Intelligence Service (GIS)

I en rapport från Independent Commission for Human Rights (ICHR) från 2010 redogörs för General Intelligence roll och uppgifter i enlighet med bestämmelserna i lagen, samt hur de har efterföljts. Nedan följer några utdrag:

The General Palestinian Intelligence Service is a regular security agency subordinate to the President. It is to perform its functions and commence its jurisdictions pursuant to the provisions of the law under the Presidency and command of its head, who issues the decisions necessary for the management of its work and the regulation of all its affairs(2). The General Intelligence takes all measures necessary to prevent any actions which jeopardize the security and safety of Palestine, and it takes necessary measures against the perpetrators of such actions. It also reveals the external dangers which threaten the national security of Palestine in terms of espionage, collusion, sabotage or any other actions that threaten the unity, security, independence and resources of the homeland (3).
(s. 5-6)

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The General Intelligence administers a number of detention centers in its premises throughout the West Bank. It practically detains and seizes suspects, and conducts criminal interrogations into charges the Military Prosecution take up later and put them before the military courts.

(s. 6-7)

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Once the accused is arrested, the members of the Judicial Police should hear him immediately after receiving him. If they find his affidavit is not convincing, they are to send him to the competent Public Prosecutor within 24 hours. The Public Prosecutor should interrogate him and then order his detention or release. The Public Prosecution is allowed to order detention of the accused for no more than 48 hours (17).

(s. 13)

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According to the Palestinian Basic Law and Penal Procedural Law, carrying out detention, search, investigation or gathering of information is the full responsibility of the Public Prosecutor; it is not the jurisdiction of the General Intelligence.

(s. 16)

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General Intelligence arrests, searches, detains and interrogates civilians suspected of crimes punishable under the Revolutionary Penal Code of 1979, which is implemented by the Military Judiciary in the Palestinian Controlled Territory. Despite the fact that the civil Public Prosecution (pursuant to the Palestinian Penal Procedural Law) is responsible for interrogation while investigating a charge, and that the members of the General Intelligence Service enjoy the capacity of the Judicial Police, the work of which should, according to the law, be supervised by the civil Public Prosecution, the actions of the General Intelligence in regard to detention, search, investigation and gathering information manages to prevent the civil Public Prosecution from taking on these responsibilities, and in fact limits such responsibilities to the officers of the General Intelligence and the Military Judiciary. This conduct constitutes a clear breach of the Palestinian Penal Procedural Law of 2001.

(s. 17)

En rapport från ICG från 2010 beskriver General Intelligence Service verksamhet:

General Intelligence (4,000) theoretically focuses on intelligence-collection outside the West Bank, conducts counter-espionage and

liaises with intelligence agencies of other countries, but in practice, it largely overlaps with Preventive Security.
(s. 2-3, fotnot 15)

Arbetet inom General Intelligence: förhörsmetoder, arresteringar etc

Enligt en rapport från Amnesty International 2015 har General Intelligence m fl gjort sig skyldiga till tortyr av frihetsberövade:

Methods of torture included beatings and forcing detainees to stand or sit in stress positions (shabah) for long periods. In the West Bank, detainees alleged that they were tortured or otherwise ill-treated by police, Preventive Security, military intelligence and General Intelligence officials.

UN Human Rights Council skriver i en rapport från 2014 om behandlingen av frihetsberövade:

45. Concerns remain regarding the arbitrary detention and ill-treatment of detainees in the custody of the PPS and the Palestinian General Intelligence Service (GIS), including detainees linked to political opposition groups. While ill-treatment of detainees in GIS custody is not systematic, OHCHR documented a pattern of ill-treatment against those who do not make confessions. In several cases, detainees have alleged been blindfolded, handcuffed, slapped in the face and kicked in the legs. OHCHR also documented five cases during the reporting period where the authorities allegedly held detainees incommunicado and used sleep deprivation and stress positions. In at least one case, the detainee alleged multiple violations that may have amounted to torture.

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As recorded on many previous occasions, both GIS and PPS continued to detain suspects arbitrarily despite orders to release detainees by the courts, thereby undermining the rule of law.⁴⁹

(s. 11)

Palestinian Centre for Human Rights (PCHR) redogör i sin årsrapport för 2013 för vad frihetsberövade uppgett att de utsatts för under arrestering och förhör:

In the West Bank, security services (the General Intelligence Service, the Preventive Security Service and the Military Intelligence Service) continued to illegally arrest and summon Hamas and Islamic Jihad activists, including academics. In a

number of cases, security members searched civilian houses and confiscated personal belongings before arresting the wanted persons. Some of the persons who were arrested and then released stated that they were subject to torture during interrogation by different security services.
(s. 68)

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L. 'A.T. (26), from Hebron said that he was arrested by the Palestinian General Intelligence (GIS) in February 2013 without an arrest warrant after searching the house and his store. He was taken to the GIS prison in the city, where he stayed in a room for 5 hours. He was then transferred to the GIS prison in Jericho, where he was placed in a cell lacking proper detention conditions and the floor and ceiling are wet and without a bed. L. 'A.T. claimed that he was subject to interrogation when his hands were tied to the back and he was blindfolded. He was also ordered to take off some of his clothes despite the bitter cold. In addition, security officers put a piece of rubber in his mouth so he would not be able to scream. He was also beaten with a stick on his feet and was deprived of sleeping as well as practicing psychological methods on him. He also added that he went on hunger strike for two days. In the court rounds, the Magistrate Court in Jericho decided to release him, but the GIS refused so and detained him for another 40 days, during which he was severely tortured until he was released on 18 April 2013.
(s. 71)

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On 10 November, members of the General Intelligence Services (GIS) in Bethlehem arrested George Carlos Qanawati, Director of Bethlehem 2000 Radio station from his house in Beit Sahour, east of the city. Qanawati said that he was beaten, pushed, insulted while being under arrest from his house that was searched without a search warrant from the General Prosecution. On the following day evening, 11 November, he was released upon a decision issued by the General Prosecution on guarantee of his place of residence after being questioned about his "Amar Ya Balad" program broadcasted by the Radio.
(s. 83)

Den oberoende palestinska icke-statliga människorättsorganisation Al-Haq rapporterade 2011 att ett formellt beslut utfärdats av General Intelligence med innebörd att militära arresteringsorder inte längre kan utfärdas mot civila:

Starting from Sunday 16 January 2011, all security agencies operating in the West Bank have been ordered to strictly abide by civil procedural law when civilians are involved in alleged violations. Military arrest warrants can no longer be issued against

civilians, and civilians illegally detained as a result of military arrest warrants will be released. The Chief of the Military Judiciary, Mr. Mobaied, confirmed that from now on civilians will not be tried in military courts and those awaiting trial will have their case transferred to civilian courts.

The decision to put an end to the illegal practice of issuing military arrest warrants against civilians and trying them before military courts is the result of the combined efforts of Palestinian human rights organisations and foreign diplomatic representatives in lobbying Palestinian policy makers. While the decision issued by the Head of the Legal Division of the Palestinian General Intelligence represents a positive measure with regard to respect for the rule of law and human rights, Al-Haq calls upon the President of the PA, Mahmoud ‘Abbas, to promptly issue the required Presidential Decree to institutionalise such a fundamental decision in order to avoid any future abuse of power against civilians.

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

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