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Palestine: No Letup in Arbitrary Arrests, Torture

(Ramallah) – Both the Fatah-led Palestinian Authority in the West Bank and Hamas authorities in Gaza are arbitrarily arresting peaceful critics and opponents, Human Rights Watch said today. From January 2018 through March 2019, the Palestinian Authority admitted detaining more than 1,600 people based on their peaceful expression, while Hamas authorities arrested more than 1,000 during the March 2019 protests against its rule alone.

“The Palestinian Authority and Hamas remain bitterly divided, but unified in a common approach to crushing dissent,” said Eric Goldstein (<https://www.hrw.org/about/people/eric-goldstein>), deputy Middle East and North Africa director at Human Rights Watch. “Leaders who have been in power for more than a decade without elections should at the very least listen to criticism, not punish it.”

More than six months after a Human Rights Watch report found a systematic practice by both the Palestinian Authority and Hamas of arbitrary arrest and torture (<https://www.hrw.org/news/2018/10/23/palestine-authorities-crush-dissent>), there have been no serious efforts to hold wrongdoers to account or any apparent change in policy or practice. From January 2018 until March 2019, courts in Gaza convicted no officers for arbitrary arrest, mistreatment, or torture, while courts in the West Bank convicted only one security officer for these offenses, sentencing him to 10 days in prison, according to figures provided by the Palestinian Authority and Hamas-led Interior Ministries.

Human Rights Watch documented five cases representative of systematic practice from early 2019 – two in the West Bank and three in Gaza – in which security forces arrested journalists and activists because of their peaceful opposition or criticism of authorities. In addition, the Palestinian Authority (https://www.hrw.org/sites/default/files/supporting_resources/hrwletter_msarar_april2019_redacted_en.pdf) and Hamas (https://www.hrw.org/sites/default/files/supporting_resources/hrwletter_mrabunaeem_april2019_redacted_en.pdf) responded in detail to a request from Human Rights Watch for information concerning the period beginning in 2018, the period after the one covered in the previous Human Rights Watch report.

Days before forming a new government in April, Palestinian Authority Prime Minister Mohammad Shtayyeh vowed in a meeting with Palestinian journalists (<http://samanews.ps/ar/post/370745/%D8%A7%D8%B4%D8%AA%D9%8A%D8%A9-%D9%8A%D9%86%D8%A7%D9%82%D8%B4-%D9%85%D8%B9-%D8%B5%D8%AD%D9%81%D9%8A%D9%8A%D9%86-%D9%82%D8%B6%D8%A7%D9%8A%D8%A7-%D8%AD%D8%B1%D9%8A%D8%A9-%D8%A7%D9%84%D8%B1%D8%A3%D9%8A-%D9%88%D8%A7%D9%84%D8%AA%D8%B9%D8%A8%D9%8A%D8%B1>) to safeguard free expression. Hamas authorities reiterated in their response to Human Rights Watch (https://www.hrw.org/sites/default/files/supporting_resources/hamas_response_hrw_april2019_eng.pdf) a commitment to human rights treaties ratified by the state of Palestine. But curbing systematic abuse will require translating these all-too-familiar statements into holding abusers accountable, Human Rights Watch said.

In its response (https://www.hrw.org/sites/default/files/supporting_resources/pamoi_response_april2019_eng.pdf), which reflects a positive degree of transparency, the Palestinian Authority said its security forces had detained 65,415 Palestinians in the West Bank in 2018 and the first three months of 2019. Hamas authorities said they had arrested 4,235 people in Gaza during this same period. The Palestinian Authority reporting holding 1,134 people in detention as of April 21, whereas Hamas held 1,885 as of April 23.

The Palestinian Authority said that its police and Preventative Security forces detained 1,609 people for insulting “higher authorities” and creating “sectarian strife” during this period. These two charges in effect criminalize peaceful dissent. It said its forces arrested 752 people during this same period for social media posts. It also said prosecutors in 2018 charged 815 people under the restrictive Electronic

Crimes Law (<https://www.hrw.org/news/2017/12/20/palestine-reform-restrictive-cybercrime-law>), including some based on social media posts. At least some of these arrests and charges were for peaceful criticism of, or opposition to, the Palestinian Authority or its officials. Human Rights Watch documented dozens (<https://www.hrw.org/report/2018/10/23/two-authorities-one-way-zero-dissent/arbitrary-arrest-and-torture-under>) of such arrests during 2016 and 2017.

In a case from January 2019, Palestinian Authority Preventative Security forces detained Yousef Faqeeh, a journalist from Hebron, and questioned him about his political affiliations and a Facebook post (<https://www.facebook.com/photo.php?fbid=10217434557674535&set=a.1247466665449&type=3&theater>) listing all the positions held by a senior official.

Hamas authorities said they had charged 24 people for insulting others based on social media posts, 15 for “harming revolutionary unity,” and 27 for “misuse of technology,” between January 2018 and March 2019. All three of these broadly worded offenses are used to punish peaceful dissent or opposition.

These figures, though, significantly underrepresent the actual number of arbitrary arrests. Human Rights Watch has documented many cases (<https://www.hrw.org/report/2018/10/23/two-authorities-one-way-zero-dissent/arbitrary-arrest-and-torture-under>) of people detained for their peaceful expression, but not formally charged, including more than 1000 during “We Want to Live” demonstrations in March, according to the Palestinian statutory watchdog, the Independent Commission for Human Rights (<https://www.ichr.ps/ar/1/26/2629/%D8%A7%D9%84%D8%A3%D8%AC%D9%87%D8%B2%D8%A9-%D8%A7%D9%84%D8%A3%D9%85%D9%86%D9%8A%D8%A9-%D9%81%D9%8A-%D9%82%D8%B7%D8%A7%D8%B9-%D8%BA%D8%B2%D8%A9-%D8%AA%D9%88%D8%A7%D8%B5%D9%84-%D8%A7%D9%86%D8%AA%D9%87%D8%A7%D9%83%D8%A7%D8%AA%D9%87%D8%A7-%D8%A8%D8%AD%D9%82-%D8%A7%D9%84%D9%85%D8%B4%D8%A7%D8%B1%D9%83%D9%8A%D9%86-%D9%81%D9%8A-%D8%A7%D9%84%D8%AD%D8%B1%D8%A7%D9%83-%D8%A7%D9%84%D8%B3%D9%84%D9%85%D9%8A-%D8%A8%D8%AF%D9%86%D8%A7-%D9%86%D8%B9%D9%8A%D8%B4.htm>) (ICHR).

ICHR also said that it received 455 complaints from Palestinians in the West Bank and Gaza of “torture and mistreatment” in 2018 and the first three months of 2019 – 242 by Palestinian security forces in the West Bank and 213 by Hamas forces in Gaza.

Both authorities deny wrongdoing and have failed to take meaningful action to address abuse, with impunity endemic. The Palestinian Authority said it received 346 complaints of arbitrary arrest and mistreatment, most of them attributed to the police, between January 2018 and March 2019, and opened investigations in each case. However, it found wrongdoing in only 48 cases, a mere 14 percent, of which 28 resulted in warnings or administrative sanction such as reductions in salary or promotion delays. The letter notes that most torture complaints to the Preventative Security agency aimed to “tarnish Palestine’s image in front of international civil society.” Twenty cases were referred for prosecution or trial. Many remain open, but only one officer was convicted: a Palestinian Authority intelligence officer who received a 10-day prison sentence for assaulting demonstrators.

Hamas authorities said they received 47 complaints of arbitrary arrest and torture during this period. They found wrongdoing in eight cases, opening investigations into each. Seven involving arbitrary arrest and mistreatment led to administrative sanctions, including transfer and detention without trial for up to a month. One case of torture was referred to military prosecution, but remains in the courts. There have been no convictions.

No Palestinian security officer was convicted (<https://www.hrw.org/news/2018/10/23/palestine-authorities-crush-dissent>) for wrongful arrest or torture in 2016 or 2017.

Palestinian authorities should abide by the international human rights treaties they acceded to over the last five years, including by credibly investigating wrongdoing and holding wrongdoers accountable. The Interior Ministry had pledged in its letter that, during the government’s first 100 days, which ends on July 22, it would pass a law and set a budget to establish a “national preventative mechanism” to independently monitor detention centers including with surprise visits, as required under the Optional Protocol of the Convention against Torture, which Palestine has ratified. It should follow through on this pledge. Israeli authorities should allow the United Nations Committee on Prevention of Torture into the West Bank and Gaza Strip so that it can monitor adherence to Optional Protocol.

Other countries should suspend assistance to Palestinian security agencies that routinely torture dissidents – including, for the Palestinian Authority, the Intelligence Services, Preventive Security, and Joint Security Committee, and, for Hamas, Internal Security – as long as systematic torture and other serious abuses continue.

“Continued promises to reform and warnings about the fragility of their institutions fool no one when systematic abuse and impunity continue unabated,” Goldstein said. “Governments should not fall for these tired excuses but should cut ties to abusive Palestinian security forces.”

Government Responses

Palestinian Authority Prime Minister Shtayyeh did not respond to a letter from Human Rights Watch asking what he intended to do to curtail arbitrary arrests and torture. In a November 2018 16-page reply (<https://nn.ps/news/thqyqt-wtqryr/2018/11/24/174134/>) to the Human Rights Watch report issued a month earlier, the Palestinian Authority largely recited procedures and systems to safeguard against abuse, without explaining why they have failed to halt abuse.

The Palestinian Authority Interior Ministry wrote in April that in preparing their reply, they did not interview any alleged victims of abuse. In the November reply, the Palestinian Authority justifies arrests as lawful without addressing the contention that they use overly broad laws to hold people for peaceful dissent. They assert, without elaboration, that systematic torture “never occurred.” They do not promise to change policy to curtail abuse.

Hamas authorities wrote to Human Rights Watch that it has “taken a number of measures on torture” since October without specifying the actions. They said they had held a number of workshops and issued guidance to security forces that arrests outside urgent cases should only take place with a warrant.

Palestinian Authority Cases

Yousef Faqeeh (Hebron, West Bank)

Preventative Security forces detained Yousef Faqeeh, a 34-year-old journalist, at his home in al-Burj village near Hebron in January and held him for two weeks.

Faqeeh said that officers questioned him about an August 2018 Facebook post (<https://www.facebook.com/photo.php?fbid=10217434557674535&set=a.1247466665449&type=3&theater>), in which he listed six positions that he said Nabil Abu Rudeineh, spokesman for President Mahmoud Abbas, was holding concurrently, which authorities apparently took to be a criticism of the Palestinian Authority's concentration of power.

He said that they asked, “Why are you talking about Abu Rudeineh like this? Were you insulting him?” and handed him a printed list of the names of everyone who commented on the post, asking him about their political affiliations. They also asked him about his political views, probed his work with particular media outlets, read through his emails and messages on Facebook, and accused him of “working with Hamas,” Faqeeh said.

Faqeeh's lawyer, Firas Karajeh, told Human Rights Watch that prosecutors charged Faqeeh with “inciting sectarian strife” and that, despite his release, the charges remain outstanding. Security forces, as of May, still held Faqeeh's personal cellphone and laptop, as well as two other phones belonging to his family members, which they had confiscated during his arrest.

Hazem Emad Nasser (Tulkarm, West Bank)

Intelligence Services arrested Hazem Emad Nasser, a 29-year-old cameraman, in Tulkarem in March and held him for 19 days at the Intelligence Services prison in Jericho. The arrest followed what he described as weeks of harassment by security forces.

Nasser said that Preventative Security forces detained him in January for 24 hours after he called, in a Facebook post, for the release of his uncle, whom security forces had detained. Prosecutors charged Nasser's uncle with creating “sectarian strife” based on his comments at an event in which community members presented a local family with funds to rebuild their house, which Israeli forces had punitively destroyed after a relative shot and killed two Israeli settlers, the lawyer for both Nasser and his uncle

said. Authorities later detained two of Nasser’s cousins, Haitham Nasser and Amin Khwaled, who commented on his post, “May God Avenge Them,” sentencing them to three months in jail sentences under the Electronic Crimes Law, but releasing them after a little more than a week.

After weeks of periodic calls from security services, Nasser agreed to appear for questioning by the Intelligence Services in Ramallah on February 24. Instead of questioning him, though, Nasser said, Intelligence officers offered him 2,000NIS (US\$550) per month and protection to work undercover for them. When he refused, he said that an officer told him, “I promise you you will regret this; we’ll meet in Jericho,” a reference to its detention facility there with a reputation for being a location where abusive interrogations take place (<https://www.hrw.org/report/2018/10/23/two-authorities-one-way-zero-dissent/arbitrary-arrest-and-torture-under>).

Intelligence officers detained Nasser a week later. While prosecutors charged him with “carrying and trading in weapons,” Nasser said that no evidence of this was presented in court. He also said that one officer told him to “forget about these allegations, we just put forward these claims so that we can keep you here lawfully.” Daily interrogations focused on his political views and ties to Hamas, though he denies having any. They also questioned him about a 2016 arrest by the Israeli army based on his work with TransMedia, a company that provides filming/production services for a television channel affiliated with Hamas. He also said that the same officer who threatened him in Ramallah appeared in Jericho one day and asked him, “Didn’t I promise you that you would regret this?”

Nasser testified in court, according to his lawyer and reports by the Palestinian media freedom organization Mada (http://www.madacenter.org/report.php?lang=1&id=1866&category_id=13&year=2019), that officers repeatedly subjected him to *shabeh*, torture based on being forced into a painful position. Officers on several occasions tied his arms behind his back and hung them from the bathroom door, including once for over an hour, he said. They also forced him to stand with his legs spread wide and hands up for minutes at a time, as they beat him with a plastic hose. He spent all but three days of his detention in solitary confinement. On May 16, prosecutors informed Nasser that they dropped his case due to lack of evidence, he said. Nasser said he filed a complaint about his treatment in custody with the Public Prosecution, but that he is not aware of any investigation having taken place.

Hamas Cases

Hamas authorities detained over 1,000 people, often using excessive force (<https://www.hrw.org/news/2019/03/20/another-brutal-crackdown-hamas-gaza>) in the process, during “We Want to Live” demonstrations in March, according to the Palestinian statutory watchdog ICHR (<https://www.ichr.ps/ar/1/26/2629/%D8%A7%D9%84%D8%A3%D8%AC%D9%87%D8%B2%D8%A9-%D8%A7%D9%84%D8%A3%D9%85%D9%86%D9%8A%D8%A9-%D9%81%D9%8A-%D9%82%D8%B7%D8%A7%D8%B9-%D8%BA%D8%B2%D8%A9-%D8%AA%D9%88%D8%A7%D8%B5%D9%84-%D8%A7%D9%86%D8%AA%D9%87%D8%A7%D9%83%D8%A7%D8%AA%D9%87%D8%A7--%D8%A8%D8%AD%D9%82-%D8%A7%D9%84%D9%85%D8%B4%D8%A7%D8%B1%D9%83%D9%8A%D9%86-%D9%81%D9%8A-%D8%A7%D9%84%D8%AD%D8%B1%D8%A7%D9%83-%D8%A7%D9%84%D8%B3%D9%84%D9%85%D9%8A-%D8%A8%D8%AF%D9%86%D8%A7-%D9%86%D8%B9%D9%8A%D8%B4.htm>). The protests were spurred by the cost of living and taxes imposed by Hamas on goods like cigarettes and vegetables, against a background of Israel’s decade-plus-long closure of Gaza (<https://www.hrw.org/report/2017/04/02/unwilling-or-unable/israeli-restrictions-access-and-gaza-human-rights-workers>). Among those arrested were 23 journalists (<https://ichr.ps/ar/1/5/2649/%D8%A7%D9%84%D8%AA%D9%82%D8%B1%D9%8A%D8%B1-%D8%A7%D9%84%D8%B4%D9%87%D8%B1%D9%8A-%D8%AD%D9%88%D9%84-%D8%A7%D9%84%D8%A7%D9%86%D8%AA%D9%87%D8%A7%D9%83%D8%A7%D8%AA-%D8%A7%D9%84%D9%88%D8%A7%D9%82%D8%B9%D8%A9-%D8%B9%D9%84%D9%89-%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86-%D9%88%D8%A7%D9%84%D8%AD%D8%B1%D9%8A%D8%A7%D8%AA-%D9%81%D9%8A-%D9%81%D9%84%D8%B3%D8%B7%D9%8A%D9%86-%D8%AE%D9%84%D8%A7%D9%84-%D8%B4%D9%87%D8%B1-%D8%A2%D8%B0%D8%A7%D8%B1-%D9%85%D9%86-%D8%A7%D9%84%D8%B9%D8%A7%D9%85-2019.htm>) and five Palestinian human rights workers (<https://pchrgaza.org/en/?p=12152>) as they documented abuses, including staff of the Palestinian Center for Human Rights, Al-Mezan Center for Human Rights, and Al Dameer Association for Human Rights in Gaza, as well as an Amnesty International (<https://www.amnesty.org/en/latest/news/2019/03/gaza-hamas-must-end-brutal-crackdown-against-protesters-and-rights-defenders/>) employee.

In its letter to Human Rights Watch, though, the Hamas Interior Ministry said that, while it summoned “dozens” for questioning for damaging property and triggering riots, it released all but nine “main instigators” within 48 hours. It justified arrests as necessary to protect citizens and combat “sedition,” saying investigations indicated that Palestinian Authority Intelligence orchestrated the protests. It denied holding any registered journalists.

Human Rights Watch interviewed two registered journalists detained for covering the demonstrations and an activist known for his criticism of Hamas, whom Hamas officials told that they suspected him of organizing the protests.

Osama Al-Kahlout (Deir al-Balah, Gaza Strip)

Hamas Internal Security forces detained Osama al-Kahlout, a 34-year-old freelance photojournalist, for three days in March after he live-streamed on Facebook a ‘We Want to Live’ protest and dispersal by Hamas forces in front of his home in Deir al-Balah.

Al-Kahlout said that, shortly after dispersing the protest, 20 Internal Security officers appeared at his house, as he was meeting with two senior representatives of the ICHR, Jamil Sarhan and Bakr al-Turkmani. Officers struck him with a baton on his head and all over his body and dragged him out of his house and into a police jeep, while calling him “Abu Mazen’s collaborator,” he said (Abu Mazen is the nickname of Palestinian Authority President Mahmoud Abbas). Security forces damaged some of his furniture while searching the house, he said. Officers also physically assaulted Sarhan and al-Turkmani, ICHR said (<https://ichr.ps/en/1/26/2625/ICHR-condemns-the-attack-on-ICHR-staff-in-the-Gaza-Strip-and-calls-for-holding-perpetrators-to-account.htm>). Sarhan had head wounds and both men had contusions all over their bodies.

Security forces held al-Kahlout for three days at the Deir al-Balah police station, without charge and questioned him largely about the live stream and why Palestine TV, affiliated with the rival Fatah movement, carried his footage. He explained that they did not ask for his permission, that many others cite his work, and that he deleted the live stream shortly after he realized it received 30,000 views in 20 minutes, al-Kahlout said.

Ihab Fasfous (Khan Younis, Gaza Strip)

Hamas security forces arrested Ihab Fasfoos, a 46-year-old freelance journalist, at his home in Khan Younis on March 13, hours after he posted on Facebook video footage he took from a “We Want to Live” protest and shared a news report about it. They seized his computer and phone and transported him to an Internal Security facility, accusing him of organizing the protest and causing “sedition.”

Fasfous said that, during interrogations at an Internal Security facility in Khan Younis, officers accused him “receiving orders from Ramallah.” Interrogators produced a printout of Facebook posts and berated him for criticizing Hamas. He said the pointed to one that criticized Hamas’s motives during the Great March of Return, regular protests alongside fences with Israel against Israeli rights abuses, and accused him of being a “collaborator” and “working against the resistance.” Between questions, interrogators struck Fasfous in the face and all over his body and poured cold water on him, he said.

They charged him with “incitement via Facebook,” but released him after a day due to a health issue, on condition that he return the next day. He did not return, though, when he learned that authorities had decided to release all journalists. His case remains open, he said.

Amer Balousha (Beit Lahya, Gaza Strip)

Hamas Internal Security forces arrested Amer Balousha, a 27-year-old activist and freelance journalist, at his friend’s house two days after the first ‘We Want to Live’ protests on March 16 across Gaza. Security forces detained Balousa four times in 2017 and 2018 for his opposition or criticism of Hamas authorities, including once for 15 days for a Facebook post (<https://www.youtube.com/watch?v=7aM05tK7OAo>) that asked of Hamas leaders, “Do your children sleep on the floor like ours do?”

Balousha said that officers accused him of organizing the protests, which he denies, and of receiving support from the Palestinian Authority. Military prosecutors charged Balousha with “opposing the revolution” and held him for nine days, including seven in solitary confinement, only releasing him ahead of a military escalation with Israel. After hostilities subsided, he went to the Internal Security facility in Gaza City, where officers asked to sign a commitment to “abide by the law,” and released him without mentioning anything about the charges, he said.



Article on arbitrary arrests of critics and opponents by Fatah authorities in West Bank and Hamas authorities in Gaza Strip

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