

PALESTINIAN SELF-RULE AREAS

HUMAN RIGHTS UNDER THE PALESTINIAN AUTHORITY

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رساله من منظمة مراقبة حقوق الإنسان إلى السيد الرئيس ياسر عرفات

INTRODUCTION AND SUMMARY

The Palestinian Authority (PA) must institutionalize legal safeguards and clear lines of accountability, and the international community must stop sending a mixed message about abuses, if the currently deplorable state of human rights in the areas under the PA is to improve.

As this report documents, the first three years of Palestinian self-rule have been characterized by widespread arbitrary and abusive conduct by the PA and its mushrooming security agencies. Hundreds of arbitrary detentions were carried out that violated defendants' most elemental due-process rights.¹ Those who were interrogated were commonly tortured. Physical abuse caused or contributed to many of the fourteen deaths that occurred in custody.² The Palestinian state security courts have tried and sentenced scores of persons in secret summary proceedings replete with procedural violations. The PA has interfered with the Palestinian press, threatening and arresting journalists and human rights activists, encouraging self-censorship and creating a climate of fear and intimidation.

While shortfalls in resources, training and experience played a role, the abusive conduct of the security forces is largely attributable to a failure of will by the PA's leadership to make human rights protection a priority. This has occurred in a context in which the PA has faced enormous pressures from Israel, the U.S. and other Western governments to crack down on militant movements.

In 1996, in the wake of suicide bombings by Islamist militants inside Israel, hundreds of suspected militants were detained in mass arrest campaigns. During the first half of 1997, there were no comparable campaigns of indiscriminate arrests, and the number of detainees held without charge declined. Nevertheless, numerous incidents of torture and of strong-arm tactics by the security forces dispelled hopes that the Palestinian Authority was becoming more tolerant and respectful of the rule of law. There were at least four suspicious deaths in detention between January and July. In addition, the Palestinian Authority displayed diminishing tolerance toward those who peacefully challenged or criticized its dictates.

With the media and independent critics and organizations facing censorship and intimidation, the Palestinian Legislative Council has become the preeminent forum for airing human rights concerns within Palestinian society. But the council has thus far served more as a sounding board than as an agent for change. Part of the problem is that the PA's executive has treated the council in a dismissive manner.

This has included moves to keep uncut broadcasts of its sessions off the local airwaves. In June, when an independent broadcasting station run by the prominent Jerusalem-based journalist Daoud Kuttab persisted in providing popular coverage of sessions of the council after the PA jammed the live broadcasts, he was arrested and held for one week without being charged or questioned. As this report went to press, Kuttab's Al-Quds Educational Television was still awaiting the PA's okay to resume coverage of the council.

Other recent events form a pattern of heavy-handed suppression of dissent and criticism. A two-month-long teachers strike in the West Bank, mainly over salary demands, was broken in April 1997 by tactics that included threats and the repeated detention of strike leaders on spurious accusations. In Gaza, Professor Fathi Subuh of al-Azhar University was detained on July 2, 1997, after assigning students an exam question about corruption in the administration of the university and in the Palestinian Authority. After PA officials denied that the arrest had anything

¹ The PA, which is also referred to as the "Palestine National Authority (PNA)," is the interim self-governing authority for Palestinians in the West Bank and Gaza. Its president is Yasir Arafat. The legislature, the Palestinian Legislative Council (hereinafter, "Legislative Council"), was elected in January 1996.

² Based on documentation by Human Rights Watch/Middle East, local human rights groups, and press accounts. See [Appendix A at the end of this report.](#)

to do with his university work, security forces raided the professor's home and confiscated the students' exam booklets. He was held for several weeks without access to family or lawyer. In early September, it was reported that he would go on trial shortly on charges of treason.

In a sign of contempt for the rule of law at a high level, PA Minister of Justice Freih abu Medein made a series of statements in June that appeared to condone summary executions of Palestinians found to have sold land to Jews; he made these defiant remarks around the time the PA announced it would seek the death penalty in such cases, pursuant to Jordanian law in effect in the West Bank. On May 5, Abu Medein, the highest legal authority in the PA, was quoted by Agence France-Presse (AFP) as saying that during the intifada, "People who sold land to Israelis were shot as traitors." Following the May 9 murder of a land dealer who was alleged to have been involved in such sales, Abu Medein declined to condemn the murder but instead reportedly stated, "As I have said before, expect the unexpected for these matters because nobody from this moment will accept any traitor who sells his land to Israelis." In the weeks immediately following, at least two more Palestinians suspected of dealing in land were found slain. Israeli authorities accused the Palestinian security forces of involvement in the slayings. The PA denied any such links and distanced itself from Abu Medein's inflammatory statements. Ahmed Abdel Rahman, secretary of Arafat's cabinet, said, "The Authority decision to ban land sales is based on law and no one is permitted to take the law into his own hands," according to a June 2 AFP report.³

An outcry from Palestinians and the international community over human rights abuses led on rare occasions to swift punishment for the accused perpetrators. Security force members accused of involvement in deaths in custody were in a few cases brought to trial before military and state security courts. While those trials sent a welcome signal that abuses would be punished, the hasty and summary nature of the proceedings, before tribunals that did not respect due-process protections, suggested an effort intended firstly to mollify external critics, with little regard for seeing that justice was done. For example, one day after the death in custody of Nasser Abed Radwan on June 30, six security force members were convicted in a military court, including three who were sentenced to death (see Appendix A). Justice was equally swift for three Palestinian civilians accused of murdering an Israeli taxi driver who disappeared on Thursday, August 14, at a time when the PA was under intense international pressure to heighten security cooperation with Israel. Palestinian police discovered his body late the following day (Friday) and by the afternoon of Saturday, August 16, the three young men had been tried and convicted of the murder, and two of them sentenced to life terms. Thus, no more than twenty-four hours elapsed in these two recent cases between the discovery of the murder and the conviction and sentencing of the suspects to the heaviest of penalties. This points clearly to a violation of the suspects' right, under the International Covenant on Civil and Political Rights, to "have adequate time and facilities for the preparation of [their] defence."

In another possible indication of efforts to address human rights criticisms, Arafat replaced Attorney General Khaled el-Qidrah in July. El-Qidrah had gained notoriety for ordering the arrests of several critics of the PA and for statements that whitewashed or condoned human rights abuses by the PA.

³ See Appendix for the letter sent by Human Rights Watch/Middle East to President Arafat in response to Abu Medein's statements.

But the PA has yet to incorporate human rights safeguards into law and make the security forces consistently accountable. It continues to try defendants before the abusive state security courts, where unfair trials are virtually guaranteed. Investigations are announced into deaths in detention and other suspected abuses, but the findings are never made public and perpetrators are held accountable only in rare instances. The PA continues to downplay abuses as isolated mistakes, the product of its young and transitional character, or the byproduct of Israeli policies.⁴

The role of Israel, the U.S. and the international community in influencing the conduct of the PA should not be underestimated. As this report illustrates, external demands that the PA halt anti-Israel violence have been made in terms that condone a disregard for the human rights of Palestinians. Such pressure is highly potent, due in part to the situation of extreme political and economic dependency in which the self-rule entity exists.

The PA must, with international support, move quickly to institutionalize the safeguards for free expression and association and the rights of suspects in custody. It should establish clear lines of authority for its security forces and put them on notice that allegations of abuse will be thoroughly and impartially investigated, and security forces found to have committed abuses will be punished or disciplined. It should adopt the Palestinian draft Basic Law, a kind of constitution for the transitional period refined by the Legislative Council, or some other legal code that enshrines the basic civil and political rights of Palestinians in the self-rule area.

If the PA fails to institutionalize these safeguards against abuses, the human rights situation in the self-rule areas will remain highly volatile and that much more prone to the sudden unleashing of repression, as occurred in 1996. Arbitrary roundups, torture and intimidation may in the short term create an image of order, but they are, over the long term, likely to undermine stability.

The PA: Pledges to Uphold Human Rights

The Oslo Accords did not confer the status of a state upon the Palestinian Authority. It is thus ineligible to become a party to international human rights instruments.⁵ However, Human Rights Watch believes that the PA is required to respect those international human rights norms that are part of customary law.⁶ The Oslo Accords granted the PA state-like powers in both internal security and civil affairs. Accordingly, the PA operates various police forces, as well as a judiciary, a penal system, a parliament and a range of ministries. These institutions cannot be exempted from the duty to respect basic human rights norms simply because they are part of an entity that falls short of statehood.

These customary norms include the right of detainees to humane treatment, the prohibition of torture and ill-treatment, the right of accused persons to basic due process guarantees, the rights to free expression and assembly, and protection from the use of excessive or unjustified force.

⁴ For example, General Nasir Yusif, director general for public security and police in the West Bank and Gaza, told Human Rights Watch, "Human rights is of great priority to us—it's the main issue for us. We are a people that have had many injustices brought against us... We have limited experience and we are new to this.... There *are* violations but it's out of our hands. We do not desire them. It needs time." (Human Rights Watch interview, Gaza, July 27, 1996.) In responding to an Amnesty International report on PA abuses, Ahmad Abd al-Rahman, secretary of the PA cabinet, was quoted as saying that the authors should have taken "a closer view of the difficult situation facing the PA due to Israeli occupation and settlement policy." "PA rejects Amnesty criticism," *Palestine Report* (Jerusalem), December 13, 1996, p. 16.

⁵ The so-called Oslo Accords encompass the Declaration of Principles on Interim Self-Government Arrangements, signed by Israel and the PLO on September 13, 1993 (hereinafter the "Declaration of Principles"), the Agreement on Gaza and the Jericho Area, signed by Israel and the PLO in Cairo, Egypt on May 4, 1994 (hereinafter the "Gaza-Jericho Agreement") and the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip, signed by Israel and the PLO on September 28, 1995 in Washington, D.C. (hereinafter "Oslo II").

⁶ Customary law consists of norms that are widely adhered to by governments out of a sense of obligation. Customary law binds states even when they are not party to a treaty or convention that encompasses the norm.

The PA should also be held to international human rights and humanitarian standards that both the PA and PLO officials have commendably pledged to uphold. In 1989, for example, the PLO formally expressed its desire to be bound by the four Geneva Conventions of 1949 and their additional protocols.⁷ Although blocked by the U.S. and other countries, the PLO's effort to become a signatory signaled a commitment by the PLO to uphold international humanitarian law. On October 2, 1993, just weeks after signing the Declaration of Principles, Chairman Yasir Arafat told a delegation from Amnesty International that the PLO was committed to respect all internationally recognized human rights standards and wished to incorporate them into Palestinian legislation. He also acknowledged the fundamental role of local and international human rights organizations in protecting and promoting human rights.⁸ The PA has also committed itself in the Oslo Accords to carry out its responsibilities under the agreements "with due regard to internationally-accepted norms and principles of human rights and the rule of law."⁹

External Pressures to Crack Down

The PA's human rights record cannot be analyzed without considering the constraints imposed on it by the Oslo Accords. The PA is still in a transitional phase, grappling with its gradually expanding jurisdiction and the civil and security responsibilities it assumed through the interim self-rule agreements. Meanwhile, Israel continues to maintain a military presence in the West Bank and Gaza Strip and exerts significant control over the lives of Palestinians in these territories, not only in the areas in which it exercises direct authority, but also in the self-rule areas where the PA has responsibility for internal security and civil affairs. For example, Israel retains ultimate power over the flow of persons and goods into, out of, and between, the West Bank and Gaza Strip. It also sometimes blocks movement out of the towns of the West Bank and between them, confining much of the population to a form of town arrest.¹⁰ Its exercise of that power during periods of "closure" has shut down vital economic activity and imposed severe hardship on Palestinians residing both inside and outside the self-rule areas.¹¹

The Oslo Accords devote much attention to security arrangements between the PA and Israel—arrangements aimed at protecting the safety of Israeli citizens. Collaboration between Israeli and Palestinian security forces is an essential element of Oslo II. As a party to this agreement, Israel has agreed to the parameters governing the PA's security-related actions.

Israel has made clear that the implementation of future stages of the self-rule agreements depends in large part on the PA's efforts to prevent anti-Israeli violence. Indeed, such violence has already dealt severe blows to the peace process. In the most dramatic series of attacks, suicide bombings in Ashkelon, Jerusalem and Tel Aviv between February 25 and March 4, 1996, caused fifty-eight deaths, mostly of civilians. The military wings of the Islamist groups Hamas (the Islamic Resistance Movement) and Islamic Jihad claimed responsibility for these attacks.

⁷ The PLO did so by filing instruments of accession with the Swiss Federal Council, the depository of the Geneva Conventions. The PLO's ambassador to the U.N. expressed to the Swiss government "the will of the State of Palestine to be bound by the said Conventions and Protocols by acceding thereto, and to affirm the application and observance of their provisions in all circumstances...." (Letter from Ambassador Nabil Ramlawi to the Swiss Federal Council, June 14, 1989, reprinted in *The Palestine Yearbook of International Law* V [1989], pp. 319-321.) See also Paul Lewis, "P.L.O. Seeks to Sign Four U.N. Treaties on War," *New York Times*, August 9, 1989.

⁸ Amnesty International press release (AI Index: MDE 15/WU), October 5, 1993.

⁹ Gaza-Jericho Agreement, art. XIV, and Oslo II, art. XIX.

¹⁰ See Human Rights Watch/Middle East, "Human Rights Watch/Middle East Urges Israel To Lift Restrictions on Palestinian Movement within West Bank and Gaza," August 9, 1997.

¹¹ The "closure" refers to the Israeli-imposed sealing of the West Bank and Gaza, blocking the free movement of individuals and goods between the West Bank and Gaza. The closure has been in place since March 1993 and has been regularly tightened, blocking even the movement of Palestinians who hold valid Israeli-issued permits. See Human Rights Watch/Middle East, "Israel's Closure of the West Bank and Gaza," *A Human Rights Watch Short Report*, vol. 8, no. 3, July 1996.

Human Rights Watch condemns the deliberate and arbitrary killing of civilians and recognizes the duty and the right of the PA to bring to justice those responsible for such acts.¹² However, the means employed must conform to international rights standards. In responding to violence by militant groups, Israel has, with U.S. support, exerted intense pressure on the PA to crack down on such groups, without making any reference, at least publicly, to the means employed. As the PA has indiscriminately rounded up hundreds of suspected militants in response to acts of violence against Israelis, both Israel and the U.S. have signaled to Arafat that they are little concerned with abuses when they are committed in the name of Israeli security and saving the Israeli-PLO peace process.

External pressures, however, cannot justify or fully explain the PA's disregard for the rule of law and intolerance of peaceful opposition and dissent. And while the PA's repressive tendencies fall well short of stamping out all dissent or critical voices, the pattern of intimidation, arrests, and physical mistreatment documented in this report has created substantial fear among Palestinians. Rights activists, lawyers, journalists and even critics within the PA have had to maneuver within a political environment that is at once chaotic and repressive, and where the precise limits of acceptable dissent are unclear. Some have chosen self-censorship, while others have continued to speak out despite the risks.

Unless there is a dramatic shift in the PA's priorities, encouraged by international incentives and pressure to curb violations and promote freedom of expression and the rule of law, the abusive policies that prevail today will be the blueprint for the Palestinian future. The international community, intent on addressing Israel's security concerns and preserving the Israeli-PLO peace process, must stop encouraging the PA to address security demands without regard for human rights, and must cease turning a blind eye to the denigration of the rights of Palestinians, whether by forces of the state of Israel or by the PA. A myopic approach poses a long-term threat to the durability of the peace process that the international community supports.

RECOMMENDATIONS

Human Rights Watch urges the Palestinian Authority to:

- Release all detainees currently being held without charge or trial, unless recognizable criminal charges are brought against them and they are provided with prompt and fair trials;

- Ensure accountability by:

condemning publicly and at a high-level acts of torture, illegal detention and other abusive practices when committed by the PA security forces.

conducting prompt, thorough and impartial, investigations into credible allegations of human rights violations. The findings of such investigations should be made public.

providing training to all security or law-enforcement agents in international human rights standards and in domestic law by which they will be held accountable for deviations from these standards. These include the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the U.N. Code of Conduct for Law Enforcement Officials. The latter prohibits the use of force except "when strictly necessary to the extent required for the performance of their duty."

- Protect the rights of persons in custody or facing charges by:

¹² See, for example, Human Rights Watch/Middle East, "Human Rights Watch Deplores Tel Aviv Bombing," October 19, 1994, Human Rights Watch/Middle East, "Human Rights Watch Condemns Bomb Attacks Against Civilians in Israel," March 5, 1996, "Human Rights Watch/Middle East Condemns Jerusalem Bombing," July 30, 1997.

requiring authorities promptly to I) inform suspects of the reasons for their arrest and their rights while in custody, and II) bring them before a judge or release them. Authorities should ensure that relatives of persons taken into custody are promptly informed of the detainees' whereabouts and judicial status, and that the detainee receives prompt access to legal counsel.

halting prosecutions before state security courts unless procedures are brought into line with international due process standards; providing new trials that conform with international fair trial standards to all those convicted in unfair trials before the state security courts; and ensuring that all trials, whether in reformed state security courts or the ordinary courts, conform with international fair trial standards.

continuing to permit the International Committee of the Red Cross to visit Palestinian prisons and detention centers, and allowing independent human rights organizations also to monitor conditions and treatment of all detainees on a regular basis.

ensuring that judicial decisions are respected and enforced by security forces and public authorities.

suppressing the legal sanctions and security force conduct that chills political debate and dissent in Palestinian society, including the pattern of harassment and intimidation of human rights workers, journalists, members of the opposition and others engaged in peacefully questioning or challenging the conduct or policies of the PA or its leaders.

Human Rights Watch urges the government of Israel to:

- Comply with the provision of the Oslo accords requiring both principal parties to ensure respect for human rights, not only by ensuring that Israeli forces respect human rights, but also by urging the PA to conform to human rights standards, especially with regard to persons taken into custody. As a partner of the PA in the Oslo accords, and as an occupying power with continuing overall responsibility for security in the West Bank and Gaza Strip, the government of Israel should modify its public stance that the PA must prevent anti-Israeli violence through whatever means necessary, without regard to the rights of Palestinians.

Human Rights Watch urges the government of the United States, as the preeminent international advocate of the Israeli-PLO peace process, to:

- Continue its public engagement on human rights with the PA with respect to intimidation of human rights critics and suspicious deaths in detention, while making the engagement more principled by extending it to include the rights of persons suspected of involvement in movements openly critical of the Israeli-PLO peace process;
- Insist that the PA respect human rights even when the policies in question are being pursued in the name of preventing anti-Israeli violence.

Human Rights Watch urges the European Union (EU), as the largest single provider of aid to the PA and the chief source of outside funds for the budget of the Palestinian police, to:

- Use the influence that comes with its financial assistance to urge, publicly and consistently, that the PA address human rights abuses, including, among other things, by establishing a policy of encouraging public complaints, investigating of allegations, and punishing abusers;
- Maintain the linkage between human rights and the EU-PA interim Association Agreement, articulated by EU representatives in talks with President Arafat on February 25, 1997 in Brussels, by insuring that violations of "human rights and democratic principles," as set forth in Article 2, are considered material breaches of the EU-PA agreement.

ABOUT THIS REPORT

This report is based on a three-week fact-finding mission to the West Bank and Gaza Strip in July 1996 and on follow-up work conducted since then.

Human Rights Watch spoke with released detainees, lawyers, human rights activists, journalists, editors, members of the Legislative Council and representatives of the Palestinian Authority, in East Jerusalem, Ramallah, Nablus, Jericho, Bethlehem and throughout the Gaza Strip. Wherever possible, the persons interviewed are identified by name. However, most Palestinians spoke to Human Rights Watch on the condition that their names not be used in our report. Some persons also requested that their city of residence not be identified, for fear that this would reveal their identities.

Two key PA officials whom we had hoped to interview, PA Minister of Justice Freih Abu Medein and Attorney General Khaled al-Qidrah, declined to make themselves available during this fact-finding mission, despite numerous attempts by our researcher to arrange meetings. Since that mission, Human Rights Watch sent several letters requesting official responses to some of the concerns voiced in this report. These letters, which are reproduced in Appendix B, were addressed to President Arafat and were copied to several other PA officials. To date, no reply has been received.

THE PALESTINIAN SECURITY FORCES

The Palestinian security forces, created pursuant to the Oslo Accords, have become the most visible agent of abuse in the self-rule areas. Oslo II provided for the establishment of “a strong Palestinian police force” in order to “guarantee public order and internal security.”¹³ This police force was supposed to be the sole security force: Oslo II explicitly states: “Except for the Palestinian Police and the Israeli military forces, no other armed forces shall be established or operate in the West Bank and Gaza Strip.”¹⁴ The police force was intended to “consist of one integral unit under the control of the Legislative Council,” and be “subordinate to one central command.” According to the agreement, the force was to be composed of six branches: the civil police, public security, preventive security, presidential security, intelligence, and emergency and rescue services;¹⁵ a separate coastal police unit was also created pursuant to Article XIV.

¹³ Oslo II, art. XII.

¹⁴ Oslo II, art. XIV(3).

¹⁵ Oslo II, art. I, art. IV(2)(a).

However, the number of agencies concerned with internal security has steadily grown. They now include General Intelligence (*mukhabaraat*), Military Intelligence, the elite Presidential Guards known as "Force 17," and Preventive Security (PSS). These various forces operate openly in the West Bank and Gaza alongside the Palestinian police, some actively cooperating with Israeli security forces.¹⁶ Human Rights Watch has found, based on the testimony of victims, that most branches of the security forces have engaged in abusive conduct.

Oslo II envisaged that upon completion of all stages of Israeli redeployment, a total of 30,000 Palestinian police would operate in the areas under Palestinian rule.¹⁷ Although redeployment has not been completed, the number of Palestinian police and security personnel in the self-rule areas well exceeds that figure.¹⁸

Security force members were recruited both from inside the West Bank and Gaza and from among pro-Arafat Fatah activists who with the advent of self-rule returned to the area from Arab countries. Officials and other Palestinians have sometimes blamed abusive conduct on the fact that many of the returnees were long-time residents of repressive Arab countries whose careers were spent in Palestinian military forces in exile. In addition, many West Bank Palestinians resent the heavy representation in the security forces of Gazans, whom they view as outsiders.

The various security agencies appear to be autonomous units whose duties are ill-defined and overlapping. They appear to be accountable to no one but President Arafat, and sometimes act in competition with one another. Dr. Haidar Abd al-Shafi, a respected critic of President Arafat and a member of the Legislative Council, commented, "The security forces are in complete disorder and confusion. There are so many security organs and no coordination between them. Some officers function unilaterally, violating rules."¹⁹

It is not known, for example, why the Coastal Police operates in a landlocked city such as Nablus, where its members were found guilty, in August 1996, of torturing a detainee to death (see below). The responsibilities of the Presidential Guards (Force 17) are also murky, since they appear to engage in arrests and interrogations in security, criminal and civilian cases that are unrelated to presidential security. One man who was detained for over four months in 1996 told Human Rights Watch that he was initially detained and beaten by Force 17 but was not questioned about anything related to presidential security; he was then transferred to Military Intelligence.²⁰

¹⁶ The Oslo Accords provide for "coordination and cooperation in mutual security matters," including the establishment of joint security committees and joint local patrolling. See Oslo II, ann. I, art. III. See also, Graham Usher, "The PA's New Intelligence Services," *News From Within* (Jerusalem), vol. XII, no. 5 (May 1996), p. 30.

¹⁷ Oslo II, annex I, art. IV(3).

¹⁸ Muhammad Dahlan, chief of the Preventive Security Service in the Gaza Strip, stated, "We have 36,000 people of whom we only need 10,000 [in the security forces]. This huge number is a burden on the PA and a burden on the security organ. We view it as a social issue because I cannot tell a prisoner who has spent fifteen years in jail that I have no job for him." Interview in *Al-Quds al-Arabi* (London), April 25, 1997, as reported in Foreign Broadcast Information Service, Near East and South Asia (hereinafter FBIS-NES), April 25, 1997. See also David Hirst, "Yasir Arafat's Tools of Repression," *The Guardian* (London), July 6, 1996.

¹⁹ Human Rights Watch interview, Gaza City, July 29, 1996.

²⁰ Human Rights Watch interview, Bethlehem, July 16, 1996.

In February 1997, civilian Yusuf Ismail Mahmud al-Baba died less than one month after his arrest, apparently from torture inflicted in a Nablus jail. The fact that he had been detained by Military Intelligence prompted sharp comments from Justice Minister Freih Abu Medein. A few days after al-Baba's death, Abu Medein told reporters, "The dangerous thing is that al-Baba was arrested illegally by an agency which had no right to detain or interrogate him and he was not presented either to civil police or the public prosecutor."²¹ For more on this case, see the section on deaths in detention below.

Commanders and members of security agencies routinely profess an inability to address problems brought to their attention, stating that the matter must be referred to President Arafat. Although this might be interpreted as shirking responsibility, it also highlights the control that President Arafat exercises over both major and minor cases. According to Elia Theodory, a lawyer for the Human Rights Action Program (HRAP) at Birzeit University, "The officers always say, I want to release this person but I can't unless I have orders from Abu Ammar [Yasir Arafat's *nom de guerre*]. This is a problem for us lawyers—we can't just close our offices and go home and only write letters to Abu Ammar."²²

Ihab Abu Ghoush, director of the Quaker Legal Services in Ramallah, told Human Rights Watch about a case his office handled in which a man fled to the West Bank from Jordan with his infant child; his wife obtained a custody order from a Nablus court in January 1996, but found that the Palestinian police were unwilling to enforce the judgment against her husband, whose brother was very influential in Fatah—Yasir Arafat's dominant faction within the PLO. She spent the next five months trying to publicize her case, including making an appeal to President Arafat. The Quaker Legal Services wrote to President Arafat that, in light of the police's unwillingness to enforce the court order, they were planning to bring the case to the Palestinian High Court of Justice (the "High Court"). In mid-June, President Arafat visited Nablus and personally delivered the child to its mother. According to Abu Ghoush:

Arafat decided to intervene personally on behalf of someone in need of protection....This should not require intervention by Arafat, but should be done through the courts. This intervention could be positive if it became a clear message to the police and security forces that they must enforce court decisions, regardless of who the parties are to the dispute. But a situation has been created where Arafat is the only one who is able to resolve situations like this.²³

In a recent interview, Muhammad Dahlan, chief of the Preventive Security Service in the Gaza Strip, stated that problem of agencies overstepping their mandates had declined:

I believe that there are more apparatuses in name than in reality....At the outset, each apparatus acted as an independent sovereign body because each wanted to consider itself the protector of the country and the guardian of its security. But with the passage of time and experience, the multiplicity of the apparatuses led to the introduction of specialization. We [the PSS] and the intelligence apparatus deal with internal security matters while the presidential security apparatus deals with matters pertaining to the president's security and the intelligence apparatus deals with the security of members of the Palestinian police forces only. Because of the introduction of the system of specialization, the number of conflicts dropped...and the [possibility of the] arrest of a citizen by more than one apparatus decreased immensely.²⁴

²¹ "Palestinian minister admits prisoner died from 'extreme torture'," Agence France-Presse (AFP), February 3, 1997.

²² Human Rights Watch interview, Ramallah, July 20, 1996.

²³ Human Rights Watch interview, Ramallah, July 15, 1996.

²⁴ *Al-Quds al-Arabi* interview, April 25, 1997.

Arrests and Lack of Due Process

Palestinian security forces have carried out over a dozen major arrest campaigns since May 1994, usually in response to anti-Israeli violence, responsibility for which was claimed by militant groups opposed to the Israeli-PLO peace process.²⁵ During the first eight months of 1996, at least 2,000 Palestinians were arrested by the PA—nearly double the number of arrests during all of 1995.²⁶ The Mandela Institute estimated in late February 1997 that the PA was holding 523 detainees in the West Bank and an additional 395 in the Gaza Strip. By the summer of 1997, the number had declined. Five months later, the new Attorney General, Fayez Abu Rahma, stated that he had the files of 180-185 detainees being held without charge who he said should be released or tried “as soon as possible.”²⁷ In August 1997, the Palestinian Human Rights Monitoring Group published a list of 115 detainees it said had been held for between twelve and thirty-nine months without charge or trial.²⁸ It cautioned that the list was not necessarily comprehensive, and another human rights group, the Palestinian Society for the Protection of Human Rights and the Environment (LAW), estimated the number at around 300.²⁹

An estimated 900 to 1,200 of the 1996 arrests, the overwhelming majority of which were of suspected Islamists, took place in February, March, and April, after four suicide bombings. In these, as in other arrests, the PA routinely violated the suspects' due process rights. For example, authorities rarely presented arrest or search warrants when entering people's homes or workplaces. Many of the arrests were arbitrary: instead of limiting the operations to persons suspected of involvement with the bombings or with the military wings of Islamist groups, the PA raided mosques, universities and homes, rounding up suspected Islamist sympathizers in an apparently indiscriminate fashion. According to a former detainee, “Any young male who prays five times a day in a mosque” could have been among those rounded up.³⁰ In one incident in early April, reported by *Middle East International*, Mustafa Jarra of Ramallah visited Ramallah prison to bring some food to a friend detained there. He was informed by the guard that he “looked like Hamas,” presumably because he had a beard, and would be detained. He remained in detention for one month, until a relative and Legislative Council member, Burghan Jarra, secured his release.³¹

²⁵ Gaza Center for Rights and Law, “Collective Arrests Among Affiliates of Hamas and El Jihad El Islami,” April 12, 1995.

²⁶ LAW-The Palestinian Society for the Protection of Human Rights and the Environment (formerly LAWE, hereinafter “LAW”), “Statement on PA Prisoners,” *News From Within*, vol. XII, no. 8 (August 1996), pp. 20.

²⁷ “New Palestinian Top Lawyer To Free or Try Detainees,” Reuter, July 20, 1997; and interview published in *People's Rights* (Jerusalem), July 1997.

²⁸ *The Palestinian Human Rights Monitor*, No. 3 (August 1997), pp. 7-11. The PHRMG said that the list included suspected activists from the Hamas and Islamic Jihad organizations as well as persons accused of -- but not charged with -- criminal offenses and/or collaboration with Israel.

²⁹ Private communication with Human Rights Watch/Middle East, August 23, 1997.

³⁰ Human Rights Watch interview, Gaza Strip, July 26, 1996. See also, “Arafat's Police Raid Hamas Stronghold in Gaza,” Reuter, March 6, 1996, reporting on raids in Gaza.

³¹ Nigel Parry, “Human Rights on the Israeli Election Altar,” *Middle East International* (London), May 28, 1996.

According to lawyers and human rights organizations, the majority of those arrested in these sweeps were never even questioned or interrogated about alleged offenses—a further indication that the PA either lacked evidence linking them to offenses or lacked the will to prosecute them.³² The sweeps appeared intended to punish supposed Islamist sympathizers, and to be seen to do so, without founding these operations in law. At the same time, some of these detainees were told by PA officials that they were being detained for their own safety, in order to protect them from being arrested by Israel. One former detainee told Human Rights Watch:

I spent three months in detention. There was no interrogation, no charge sheet, they never brought me to a judge. They just asked me what is my attitude about the bombings and violence. They said this is not a detention but a kind of protection because I am wanted by Israel. But they did not allow me to go outside the cell until the last two weeks.³³

The references by some jailers to Israeli intentions regarding particular detainees might reflect the particular PA officials' efforts to encourage detainees to accept their "punishment" as a lesser evil, but it offers little to suggest the detentions were in accord with due process of law.

In April 1997, Muhammad Dahlan, the chief of the PSS in the Gaza Strip, stated, "As for releasing Hamas and [Islamic] Jihad prisoners, we have not got anyone in prison who has not been involved in a military action which harms the PA's interests."³⁴ However, the vast majority of those arrested by the PA, particularly following the February and March 1996 suicide bombings, were never charged with an offense or brought before a judge, even though many were detained for longer than six months. By the end of 1996, according to information provided by the Jerusalem-based, nongovernmental Addameer Prisoners Support Association, only fifty-eight persons had been convicted of any offense, all of them in trials held in the state security courts (see below).

In the Gaza Strip, a suspect in custody must be brought before a judge within forty-eight hours after arrest if authorities wish to extend his detention.³⁵ In the West Bank, a detainee must be brought before the district prosecutor within forty-eight hours or released immediately.³⁶ These laws have been routinely ignored. In a view endorsed by many lawyers and former detainees, one former detainee observed:

There are no rules, no procedures, no warrants—nothing. Maybe many of [the Israeli rules] were bad rules, but at least your lawyer could go to court if they didn't bring you to a judge, or if they didn't let you go outside to see the sun.³⁷

A former detainee who said he was tortured by Palestinian security commented, "Under the Israelis they would torture me, but at least my Israeli lawyer could come and visit me inside the prison."³⁸

³² See also Human Rights Watch/Middle East, "Israel and the Palestinian Authority Engaging in Arbitrary Arrests, Denial of Due Process and Torture in Response to Suicide Bombings," April 3, 1996.

³³ Human Rights Watch interview, Bethlehem, July 16, 1996.

³⁴ *Al-Quds al-Arabi* interview, April 25, 1997.

³⁵ In Gaza, arrest procedures are governed by the 1924 Criminal Procedure (Arrest and Searches) Ordinance, promulgated during the British mandatory rule.

³⁶ Pursuant to articles 100-114 of the 1961 Jordanian Criminal Procedures Law no. 9, which governs arrest procedures in the West Bank.

³⁷ Human Rights Watch interview, Bethlehem, July 16, 1996.

³⁸ Human Rights Watch interview, Gaza Strip, July 24, 1996.

Ex-detainees told Human Rights Watch that one of the worst aspects of their detention was the uncertainty about how long they would remain in detention. One activist said, "Today there is a feeling that administrative detention [the much-criticized Israeli practice of "preventive" detention without charge or trial] is more just than what the PA does, because administrative detention has a definite date, while arrest by the PA can go on indefinitely."³⁹ A university student from Bethlehem reinforced this view:

During the occupation you would hire a lawyer and he knew whether you were in administrative detention, under interrogation or whatever. So the teachers knew how to deal with you—they would put a paper in the file so that you could do the work and take the exams after you were released. Now, under the PA, you don't know what is happening, for how long. You can't study anymore and you can't know when your normal life will continue.⁴⁰

Palestinian rights groups estimated in 1996 that the PA administers at least thirty detention facilities in the West Bank and twenty-four in the Gaza Strip. In addition, some of the security forces appear to run facilities in secret locations.⁴¹

During 1996, Palestinian prison officials frequently flouted internationally-accepted standard rules for the treatment of detainees. Detainees' names were often not entered in prison logs, or they were listed under false names. In addition, prison officials regularly refused or failed to notify families or respond to their inquiries about their detained relative's legal status and whereabouts. Families were left to check with each of the different security organs until they found the correct place of detention. A West Bank human rights activist told Human Rights Watch of a case in Bethlehem where a family had been searching for three months for a relative arrested by Military Intelligence.⁴² In another case, Manal al-Rai, whose husband Shaher was sentenced to seven years imprisonment by the state security court on September 3, 1996, told Human Rights Watch that she had learned about her husband's trial from the press. Then, she said, "It took two months before they would let me visit him. They kept sending me to different buildings and once they said he was not even being held there. Then they said it was forbidden to visit—there was an order from Amin Ziad [the prosecutor for the state security court in Jericho]."⁴³

³⁹ Human Rights Watch interview, Nablus, July 22, 1996.

⁴⁰ Human Rights Watch interview, Bethlehem, July 16, 1996.

⁴¹ Mandela Institute, "Palestinian Detention Facilities and Detainees after Two Years of Autonomy," *Mandela Institute Newsletter*, Special Edition, June 25, 1996; and Gaza Center for Rights and Law, "Illegal Extravagances in Areas of the Palestinian National Authority in the Gaza Strip."

⁴² Human Rights Watch interview, Ramallah, July 17, 1996.

⁴³ Human Rights Watch interview, Jericho, July 15, 1996.

Palestinians in detention have been denied their right to consult promptly with a lawyer.⁴⁴ Lawyers told Human Rights Watch that they are often denied access to detainees, particularly during interrogation, which can last for more than a month and is the period when torture is most likely to take place. Birzeit HRAP's lawyer Theodory, who represented a group of Birzeit University students arrested in March 1996, said:

All the students who went to the Jericho interrogation center were interrogated in a very bad way. The first time they let me visit them was after one month. Two officials from the prison were there and we only spoke for a few minutes because the situation was not very comfortable for a visit.⁴⁵

In many cases, prison officials have permitted lawyers and human rights workers to meet with detainees on an ad hoc basis, but not as the detainees' counsel. To the best of our knowledge, such visits have only been permitted once interrogation has been completed. According to one West Bank activist: "If we ask to visit as [name of human rights organization] it would take us two months just to get an answer. So we just go as 'friends' of the detainee, and no one stops us."⁴⁶ However, one human rights organization, the Mandela Institute, reports that it has gained fairly regular access to all facilities in the West Bank except the interrogation wing at Jericho prison. The Mandela Institute has thus been able to assess conditions and provide medical treatment in some cases, although not to ensure legal representation.

While not a substitute for regular access by lawyers and human rights groups, one positive step taken by the PA was its signing of an agreement, on September 1, 1996, with the International Committee of the Red Cross (ICRC), granting that organization regular access to all detention facilities and all detainees held in the Palestinian self-rule areas. Three months later, the ICRC began its first round of visits.⁴⁷ An earlier PA-ICRC agreement on prison visits, signed in 1994, was never implemented.

THE STATE SECURITY COURTS

The state security courts are the most disturbing feature of the Palestinian judicial system and illustrate the PA's willingness to flout fundamental international human rights norms. These courts, which stand outside the Palestinian civil and military court system, were established pursuant to a decree issued by President Arafat on February 7, 1995, under pressure from the United States and Israel to respond more firmly to anti-Israeli violence. The decree provides the

⁴⁴ The International Covenant on Civil and Political Rights, Article 14, (3(d)) states that a defendant is entitled to "defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it."

The U.N. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, in Principle 15, provides that, "Communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days."

The U.N. Basic Principles on the Role of the Lawyers is more specific in its Principle 7: "Governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention."

⁴⁵ Human Rights Watch interview, Ramallah, July 20, 1996.

⁴⁶ Human Rights Watch interview, Ramallah, July 13, 1996.

⁴⁷ The ICRC does not publish its findings about the treatment of detainees and the conditions of detention but provides important protection to political detainees through its programs of regular visits.

courts with jurisdiction “over crimes which infringe on internal and external state security and over the felonies and misdemeanors mentioned in Order 555 of 1957.”⁴⁸

⁴⁸ Egypt issued Order 555 following the 1956 war with Israel. The law refers to collaboration activities and establishes punishments for a list of security offenses. As cited in Amnesty International, “Trials at Midnight: Secret, Summary Unfair Trials in Gaza.” AI Index: MDE 15/15/95, June 1995, p. 12.

The first trial before a state security court took place on April 9, 1995. The catalyst seemed to be the explosion of two bombs inside Israel only hours earlier; such attacks invariably have prompted demands from Israel that the PA do more to prevent anti-Israel violence. By February 1997, an estimated fifty-seven additional cases had been brought before the courts. Trials have usually been held at night, within hours of arrest, and have often lasted only minutes. Defendants have been systematically denied the right to be represented by independent counsel, bring witnesses, or appeal their verdicts. The judges presiding over these courts are military commanders who reportedly have no judicial experience, having served in neither the ordinary criminal nor the military courts.⁴⁹

When the courts were first established, Justice Minister Freih Abu Medein vowed that the proceedings would be open to the public and the media.⁵⁰ However, virtually all trials have been held in secret and closed to the public, including relatives of defendants. For example, Muhammad Simri was tried by the Gaza state security court on April 17, 1995, and sentenced to seven years for transporting explosives and harmful substances into Israel. His father, Hassan, stated that neither he nor his son's lawyer knew anything about Muhammad's trial until neighbors heard about it on the radio.⁵¹ Members of an Amnesty International delegation visiting Gaza in May 1995 were barred from attending state security court sessions and denied access to charge sheets and trial transcripts.⁵²

Although the decree establishing the state security courts limits their jurisdiction to state security matters, they have tried and convicted people on charges such as libel, homicide, and selling rotten food. President Arafat has, in some cases, transferred civil or criminal cases to these courts, thereby undermining the civil and criminal court system.

The case of Yusif and Shaher al-Rai, cousins from Qalqiliya, illustrates the dangers posed by the speedy trials that have come to characterize these courts. In August 1996, according to Palestinian human rights organizations, Israel asked the PA to arrest the al-Rai cousins after Jamal al-Hindi, a Palestinian in Israeli detention, named the two as accomplices in the July 1995 murder of two Israelis. The PA immediately charged the two with distributing leaflets and incitement against the Israeli-PLO peace process and brought them before the state security court. In an interview in prison, the two men told Human Rights Watch that they were tried by the state security court at about 2:00 p.m. on September 3, 1995, in a single proceeding that lasted between ten and fifteen minutes. They were never questioned or interrogated during the ten or eleven days that they spent in detention prior to the trial. They were represented by a court-appointed lawyer with whom they had no chance to speak before the trial. According to Shaher, "One time I tried to say something but the prosecutor said, 'You have a lawyer. Let him talk.'"⁵³ The two were sentenced to seven years imprisonment and hard labor.

⁴⁹ Amnesty International, "Trials at Midnight," p. 14, and Mandela Institute, "The State Security Courts," *Mandela Institute Newsletter*, Special Edition, June 25, 1996, p. 4.

⁵⁰ "Accused in Abed, Jabalya, and Mosque Killings to be Tried in Military Court," *Palestine Report*, April 9, 1995.

⁵¹ Mary Curtius, "Islamic Prisoners are Putting Arafat in a Bind," *Los Angeles Times*, April 19, 1995.

⁵² Amnesty International, *Trials at Midnight*, p. 2.

⁵³ Human Rights Watch interview, Jericho Prison, July 15, 1996.

After ninety days of interrogation, Israel released al-Hindi and cleared him of charges related to the murder. Al-Hindi later claimed to have framed the al-Rai cousins because he had been tortured.⁵⁴ According to Shaher's wife Manal, "After Jamal was proven innocent the PA repeatedly promised to release Shaher and Yusif as well. But almost a year passed and nothing was done."⁵⁵ Yusif and Shaher al-Rai initiated two hunger strikes to protest their sentences, first on July 5, 1996 and more recently from February 21 through March 4, 1997, along with five other prisoners sentenced by the state security court in Jericho. Among their demands were a fair trial and to be moved to prisons closer to their homes, according to the Addameer Prisoners Support Association.

TORTURE AND PHYSICAL ABUSE BY THE SECURITY FORCES

According to testimony gathered by Human Rights Watch, detainees who undergo interrogation by the Palestinian security forces are commonly tortured, while detainees who are not interrogated — the vast majority — are generally not physically ill-treated. In the early period of the PA, torture was mainly used against suspected collaborators with the Israeli security services and drug offenders; however, following the February-March 1996 suicide bombings in Israel, the practice of torture also became widespread during interrogation of those arrested for political or security reasons.

PA officials either deny the phenomenon or insist that incidents of torture are isolated. The PA "will not tolerate the torture of any Palestinian," said Major General Amin al-Hindi, the chief of intelligence. "We have brought to trial those who committed such abominable actions and we put them in prison, and they are still there."⁵⁶ Hassan Abd al-Rahman, chief representative in Washington of the PLO, which represents the PA, said, "There is no policy to tolerate torture. These [incidents of torture] are individual acts."⁵⁷

But organizations including Human Rights Watch have gathered testimony about dozens of cases of torture during interrogation, some of which are presented below.⁵⁸ Some of the methods resemble the ones used systematically by Israeli interrogators, such as hooding, shackling and sleep deprivation.⁵⁹ In other cases, detainees were severely beaten or burned with cigarettes.

⁵⁴ "Ten Minutes Trial ... 12 Years Hard Labor," *News From Within*, vol. XII, no. 8 (August 1996), p. 22.

⁵⁵ "Why are Yussef and Shaher al-Rai Still in Prison?" *Challenge* (Jerusalem), vol. VII, no. 39 (September-October 1996), p. 10.

⁵⁶ Interviewed by Salih Qallab in *Al-Majallah* (London), November 24-30, 1996, as reported in FBIS-NES, November 30, 1996.

⁵⁷ Meeting with representatives of Amnesty International USA, the Center for Victims of Torture, Human Rights Watch/Middle East, the Robert F. Kennedy Memorial Center for Human Rights and Physicians for Human Rights USA, Washington, DC, September 17, 1996.

⁵⁸ See also "The Practice of Torture in the Palestinian Authority," in *The Palestinian Human Rights Monitor*, no. 3, May-June 1997. The Palestinian Human Rights Monitoring Group, which prepared the report, states that it is based on forty-two cases it studied.

⁵⁹ On Israeli methods, see Human Rights Watch/Middle East, *Torture and Ill-Treatment: Israel's Interrogation of Palestinians from the Occupied Territories* (New York: Human Rights Watch, June 1994). On the similarities between Israeli and Palestinian interrogations, Israeli journalist Gideon Levy wrote:

"[T]he interrogation dungeons of the *Shin Bet* [the Israeli General Security Service or GSS] were an excellent school for the future torturers. And it is no coincidence that the Palestinians tortured by the PNA describe methods that are amazingly similar to the Shin-Bet's interrogation methods. Like several other things, we have bequeathed to them the art of torture, together with the concept of detention without trial." (Gideon Levy, "The Legacy of Occupation," *Ha'aretz*,

Said Amr, who suffers from asthma, went into shock and temporarily lost most of his speech due to the way he was treated during interrogation on March 26, 1996. He recounted his experience to Human Rights Watch:

They [the General Intelligence Service in Gaza] put me in a cell and tied my hands to a bar on the ceiling so I had to stand the whole time. I don't know for how long I was like that—maybe for two days. They played loud music and didn't let me sleep. I had a bag over my head the whole time. I wasn't able to breathe. My situation got very bad and they removed the bag. I stood for six hours waiting to go into interrogation. They interrogated me and sent me back to the cell. I slept for two hours and when I woke up I wasn't able to speak. Many interrogators came to see me and they were a bit confused. Then they released me.⁶⁰

Twenty-six-year old Adib Ziadeh, a student at Birzeit University, was arrested without a warrant by the General Intelligence Service on March 8, 1996, and taken to the intelligence section of Jericho prison for interrogation. On April 1, Ziadeh, who had not been permitted access to a lawyer, was finally granted a family visit. According to the Human Rights Action Program of Birzeit University, Ziadeh described to his family, in the presence of a PA official, how he had been severely beaten with a stick and a whip and hit and kicked by interrogators. In addition, he had been held in a small room for prolonged periods and deprived of sleep. The family reported that deep bruises were visible on his body, face and neck. He was taken to the hospital twice after losing consciousness; each time he was brought back for further interrogation. Ziadeh was never charged with an offense.⁶¹ He was finally released on January 16, 1997.⁶²

A detainee arrested by the General Intelligence Service in March 1996 and interrogated in Jericho recalled the methods to which he was subjected:

They kept me isolated in a cell for the whole time of interrogation, which was twenty-three days. They would start the interrogation very late at night. They put me in *shabeh* [standing or shackling to a chair] outside, and it was winter so it was cold. They beat me, with their hands and with cables. They asked me questions about myself and the others that they had arrested with me. I had bad bruises and almost every day I had nosebleeds.⁶³

Another young man who was arrested by Military Intelligence in January 1996 told Human Rights Watch:

They handcuffed me and tied my hands behind the chair—one was hitting my face, the other kicking my handcuffed hands. My hands started to bleed. After maybe half an hour they took me to another room. They removed the handcuffs and started to beat my hands and feet for another half hour. Then they took me to a cell and put handcuffs again behind my back. They tied a cable to my hands and connected it to the ceiling. They started pulling until I was forced to stand. With another cable and a stick they beat me between my back and my knees. For two hours they beat me and asked me my political views. Then they beat the soles of my feet for half an hour. All of this continued for [a total of] about three and-a-half hours. At the end, one of the captains said to me, "Don't tell anyone what happened to you. This will not benefit you."⁶⁴

Deaths in PA Custody

⁶⁰ Human Rights Watch interview, Gaza Strip, July 25, 1996.

⁶¹ Human Rights Action Program, Birzeit University, "Birzeit University Protests Treatment of Student Detained by Palestinian Authority in Jericho," April 6, 1996.

⁶² Amnesty International Urgent Action (AI Index: MDE 15/05/97), February 10, 1997.

⁶³ Human Rights Watch interview, West Bank, July 17, 1996.

⁶⁴ Human Rights Watch interview, West Bank, July 16, 1996.

In the three years since the PA was first established, at least fourteen persons have died in PA custody. Several others have died in suspicious circumstances, shortly after release from detention (see Appendix A).

PA investigations into deaths in detention have been unsatisfactory. In several cases, no autopsies are known to have been performed. The investigative process and conclusions of investigations have remained secret, although officials have sometimes cited the victim's preexisting medical condition or other outside factors as the cause of death. Even when the PA announces that it has investigated and punished law enforcement officials for their involvement in torture, it sometimes does not divulge their names and punishments. These steps are necessary if the process of holding them accountable is to be monitored and verified.⁶⁵

In several cases, the PA initially acknowledged the use of force during interrogation, only to announce later that the investigation exonerated the PA of responsibility. For example, when Farid Jarbu died in Gaza on July 6, 1994—the first death in PA custody—there were traces of violence on his body.⁶⁶ Although Justice Minister Abu Medein issued a statement on July 9, 1994, announcing that a forensic medical investigation ordered by the attorney general identified violence as the cause of death, the three policemen arrested in connection with the incident were eventually released. Arafat's spokesperson Marwan Kanafani later announced that, "The inquiry proved there was no foul play."⁶⁷ However, the Palestinian Centre for Human Rights, whose director Raji Sourani represents the Jarbu family, never received a response to the complaint it filed with the attorney general on July 10, 1994, regarding his death. According to Mazen Shaqura, public relations officer at PCHR, "There is an open file at the attorney general's office against those responsible. None of them have been demoted or removed. The attorney general says he suspended them from work and there was supposed to be a trial in July 1995. But they have never been brought before a judge."⁶⁸

Following the September 29, 1995, death of Palestinian-American Azzam Muhammad Ibrahim Muslih, PA Attorney General al-Qidrah initially denied PA responsibility, stating that Mr. Muslih "headed a gang of thieves that is also responsible for the death of people....He was confronted with all the evidence that proved his guilt, and as a result he was shocked [and suffered a heart attack.]"⁶⁹ The Mandela Institute arranged for his exhumation and an autopsy, however, and reported that Muslih had suffered broken bones in his chest, as well as signs of violence in several places on his body.⁷⁰ Five people, including security agents, were then reportedly detained in connection with this death, and three were then given prison sentences.

⁶⁵ See, for example, Amnesty International, "Amnesty International Calls for End to Torture Following Death in Custody," (AI Index: MDE 15/53/96), August 2, 1996.

⁶⁶ See Human Rights Watch/Middle East, "The Gaza Strip and Jericho: Human Rights Under Palestinian Partial Self-Rule," *A Human Rights Watch Short Report*, vol. 7, no. 2, February 1995, p. 20.

⁶⁷ Barton Gellman, "Second Arab Dies in Custody of Palestinian Authority," *Washington Post*, January 19, 1995.

⁶⁸ Human Rights Watch interview, Gaza City, July 24, 1996.

⁶⁹ "Palestinians Deny Torture," *New York Times*, October 2, 1995.

⁷⁰ "Palestinian Detention Facilities...." *Mandela Institute Newsletter*, p. 2.

On July 31, 1996, twenty-six-year old Mahmud Jumayal died after being tortured by the Coastal Police in Jneid prison near Nablus, where he had been held, without charge, since mid-December 1995. Mr. Jumayal, who was already brain-dead, had been admitted to Ramallah hospital under a false name on July 27. He died shortly after being transferred to a hospital in Israel, from extensive bleeding in the brain.⁷¹ After visiting Jumayal on July 30, attorney Khader Shkirat, general director of LAW-The Palestinian Society for the Protection of Human Rights and the Environment (hereinafter LAW) reported:

Multiple lacerations are visible all over his body and his chest is deeply bruised. He appears to have been branded with a hot iron instrument....Both hands and ankles have been wounded, apparently by wire.⁷²

In contrast to suspected Islamists, who make up the bulk of political detainees, Mahmud Jumayal was a member of the Fatah Hawks, a militant branch of President Arafat's dominant political faction. His death exposed President Arafat to popular pressure and condemnation, including from Fatah, which called for a general strike to protest the use of torture.⁷³ Abd al-Jawad Salih, a member of both the Legislative Council and the cabinet, said in a council meeting:

There are seven who have died under torture in the prisons, and there are a few more, I don't know how many, who have been killed through violence and deceit in the streets. We haven't heard about verdicts against these people.⁷⁴

This view was common even among Fatah leaders such as Bilal Dweika of Nablus:

This is not the first crime. What happened to Mahmud Jumayal crowns a series of violations by the security forces against strugglers from Fatah and ordinary citizens....No crime justifies such violence.⁷⁵

Responding to the outcry over Jumayal's death, President Arafat promised the Legislative Council, in a speech on July 31 in Bethlehem, "We will not forgive anyone who has committed an offense under any circumstances."⁷⁶

⁷¹ Al-Haq, "Palestinian Detained under the Custody of the Palestinian Authority Admitted to Hospital Brain-Dead," Ramallah, July 30, 1996.

⁷² LAW, "Prisoner Declared Clinically Brain Dead after Beating by Palestinian Coastal Police," July 30, 1996.

⁷³ "Arafat Orders Probe of Officers on Torture Charges," Reuter, July 31, 1996.

⁷⁴ Joel Greenberg, "7 Die in Jail, Setting Arab against Arab," *New York Times*, August 2, 1996.

⁷⁵ "Arafat Orders Probe of Officers on Torture Charges," Reuter, July 31, 1996.

⁷⁶ Greenberg, "7 Die in Jail...." *New York Times*.

The PA then brought the three officers allegedly responsible for Jumayal's torture to trial before the state security court in Jericho, where two of them were sentenced to fifteen years' imprisonment and a third was sentenced to ten years. However, like other security court trials, these summary proceedings were marred by due process violations. The defendants were represented by a state-appointed military lawyer who provided no defense and had no opportunity to call witnesses. It was also unclear why the accused officers were tried by the state security court instead of by a civil or military court.⁷⁷ While the prompt response to this brutal death could have been an encouraging sign, the haste and unfairness of the trial were more indicative of a desire to soothe public anger than to seek justice.

Less than two weeks after Jumayal's death, four detainees who had been arrested in Tulkarm on August 2 while participating in a demonstration and were then held in Jneid prison, were hospitalized after allegedly being beaten by batons, water hoses and chairs during interrogation. A field worker from LAW who visited the four—Ayman Sulayman al-Sabah, Mahmud Mustafa Abu Jamus, Tha'ir Abd al-Karim Shirta and Muhammad Wasfi Diab—reported that "several were beaten by [sic] a chair, and all were marked or wounded on their bodies."⁷⁸ Al-Sabah, who suffers from asthma, reported that he had also been forced to stand on one foot with his hands in the air and sit down and stand up hundreds of times in succession.⁷⁹

At least eight detainees have died in suspicious circumstances since Jumayal's death. On August 7, 1996, Nahid Mujahid Dahlan was in a comatose state when he transferred to a hospital in Khan Yunis, in the Gaza Strip; he was pronounced dead several minutes after his arrival. There were reports that a suicide note accompanied Dahlan's body when he arrived at the hospital. Although not in custody when he was discovered in a coma, Dahlan, according to his family, had been summoned by the General Intelligence Service in al-Qarar village in the Gaza Strip on an almost-daily basis between July 27 and August 7—the date of his death.⁸⁰ Although human rights groups such as Addameer and the Palestinian Centre for Human Rights called for an autopsy and investigation into Dahlan's death, no findings were publicized by the PA. Instead, for having issued a press release about Dahlan's death, the director of Addameer was detained for fifteen days and accused of publishing false information (see below).

On August 11, sixty-six-year-old Khalid Isa al-Habal died in detention in Ramallah. Al-Habal had been arrested the previous week, along with his five sons, over a violent land dispute with neighbors. The governor of Ramallah announced that al-Habal had committed suicide by hanging, but his wife, Nuzha, was quoted by the press as saying that, "There were signs of beating on his body, on his testicles and arms and back. The skin on his neck looked fine, it is impossible that he strangled himself."⁸¹ The PA reportedly conducted an autopsy but the findings were not made public.⁸²

Yusif Ismail al-Baba, a thirty-one-year old merchant, died in Rafidiyya Hospital in Nablus on February 1, 1997, four weeks after his arrest by the Military Intelligence Service. Although al-Baba was never charged, he was allegedly arrested in connection with a property dispute. His body bore cigarette burns, rope marks around the hands and feet, and bruises from blows to the head, according to a Nablus-based lawyer working with LAW who examined al-Baba's

⁷⁷ See Al-Haq, press release no. 116, August 5, 1996, and Amnesty International, "Palestinian Authority: Amnesty International Calls for an End to Torture and Political Detention Without Trial," AI Index: MDE/15/55/96, August 16, 1996.

⁷⁸ LAW, "Four Hospitalized from Torture under Interrogation," August 10, 1996.

⁷⁹ "New Nablus Torture Charge," *Washington Post*, August 10, 1996.

⁸⁰ Palestinian Centre for Human Rights, press release, August 14, 1996.

⁸¹ "Man killed in PA police custody," *Palestine Report*, August 23, 1996.

⁸² *Ibid.* See also, Amnesty International, "Palestinian Authority: Prolonged political detention, torture, and unfair trials," AI Index: MDE 15/68/96, p. 24.

corpse after the family received it from the authorities. Hospital officials speaking on condition of anonymity told LAW that al-Baba died of massive internal bleeding. They also stated that al-Baba had been brought to the hospital on January 30 but sent back to interrogation the same day.⁸³ He died two days later.

⁸³ LAW, "Update on Torture Death of Yusef Ismail al-Baba in Palestinian Prison: Palestinian Authority Admits Problems." February 4, 1997. According to LAW, the hospital officials refused to be identified for fear of reprisals.
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PA officials initially refused to release al-Baba's corpse unless his family agreed to bury it immediately, but they later relented when the family refused to abide by these terms.⁸⁴ However, the Nablus general prosecutor did not permit an independent doctor to attend the autopsy conducted on February 2.⁸⁵ On February 3, Justice Minister Abu Medein confirmed that al-Baba had been "illegally imprisoned and...subjected to extreme torture which led to his death," but announced that al-Baba's medical file had "disappeared," and that hospital employees had been detained for questioning.⁸⁶ A few days later, Abu Medein accused the security services of obstructing his investigation and covering up the death, and called on President Arafat to eliminate the "impediments [that continued to be] put in the way of the justice ministry and the attorney general....There must be a stand by the cabinet ministers and the president because there are too many violations in these security agencies."⁸⁷

There were strong protests by Palestinians over al-Baba's death, including a joint statement issued February 5 by human rights organizations, members of the Legislative Council and other notables. Over the weekend of February 15-16, Palestinian police announced the arrest of Capt. Hani Ayyad, the head of Military Intelligence in Nablus, Abd al-Muti Sadiq, deputy governor of Nablus, and Bassam Hilu, director-general of the governor's office. Police also arrested one nurse who was suspected of concealing al-Baba's medical record.⁸⁸ Despite the justice minister's promise to try all suspects "according to the law," no information on the whereabouts or legal status of these detainees has been released.

Human Rights Watch has received numerous accounts of incidents where police have acted in a violent, sometimes lethal, manner when lesser means would have been effective. These include interventions in private disputes and in cases of suspected prostitution or drug-dealing. At other times, injuries have resulted from negligent conduct, or were inflicted during apparent attempts by law enforcement or other PA officials to demonstrate their power vis-a-vis the population. In the process, law enforcement officials have violated international standards regulating the use of force, including the use of live ammunition. LAW and other organizations documented several cases of wrongful deaths during 1996.⁸⁹ Whether or not such conduct is due partly to a lack of training, the PA has failed to address the problem by investigating and punishing guilty law enforcement officers and their superiors.

On April 26, 1996, thirty-two-year old Ibrahim Rishmawi was summoned to the Beit Sahour police station. According to an affidavit he provided to a field worker for B'Tselem, an Israeli human rights organization, Rishmawi acknowledged to police that he had damaged the house of a suspected collaborator with Israel. Then, according to his testimony:

⁸⁴ "Cigarette burns found on body of Palestinian torture victim," AFP, April 5, 1997.

⁸⁵ Mandela Institute, "Mandela: Death in Palestinian Custody," press release no. 5/97, February 1, 1997.

⁸⁶ "Palestinians tortured prisoner to death—official," Reuter, February 3, 1997.

⁸⁷ "Justice minister calls on Arafat to rein in security forces," AFP, February 6, 1997.

⁸⁸ Patrick Cockburn, "Torture Deaths that Shame Palestine," *The Independent* (London), February 21, 1997. See also, "Palestinian Police Make Arrests in Baba Torture Case," *Al-Quds* (internet version) in Arabic, February 17, 1997, as reported by BBC Monitoring Service, February 20, 1997.

⁸⁹ LAW statements on these cases: LAW, "Unexplained Fatal Shooting by Palestinian Security Forces, April 1, 1996; "More Accidental Shootings by Palestinian Police," August 4, 1996; "Two Injured, One Killed in Police Shooting at Football Match," September 24, 1996; "Accidental Fatal Shooting by Palestinian Police," July 31, 1996; "More Accidental Shootings by Palestinian Police," August 24, 1996. See a summary in "The Police: In the Service of the People--A Real or Imaginary Slogan?" *People's Rights*, April 1997, no.2.

Five police officers jumped on me, took off my shoes and sat me down in a chair, my chest to the backrest of the chair. Two officers grabbed my feet, tied me and beat the soles of my feet with sticks. They beat me from 2:00 to 5:00 in the morning. When I asked if they were beating me because I had damaged the house of a collaborator with Israel, they beat me harder, and beat me all over my body with sticks and the butts of rifles.⁹⁰

Rishmawi was eventually released, after signing an undertaking not to damage the house in the future.⁹¹

In early February 1996, only one month after the PA had established itself in the West Bank city of Ramallah, police arrested pharmacist Musa Alloush, accusing him of selling drugs without a prescription. Alloush was arrested and severely beaten. A police major confirmed the beating to the *Guardian*:

He was very impolite with us. He kept saying impolite things. We told him to be quiet, and then we attacked him.... There is a big difference between torture and just beating. We didn't use any torture. He made us angry and we beat him.⁹²

The *Guardian* reported that the PA was considering legal action against the newspaper for alleged "misrepresentation of facts" in its article about Alloush.⁹³

On January 24, 1996, armed policemen in plainclothes in Bethlehem arrived at the house of Khalil Hazboun, who was involved in a land dispute at the time. Hazboun and another Bethlehem businessman, Victor Atallah, were taken to the police station and interrogated about forging land documents—accusations that they denied. According to Hazboun's testimony to B'Tselem:

[Seven policemen] forced me to lie down on the floor. Two policemen put my legs into the strap of a rifle, spun the rifle around and the strap bound my legs. I couldn't move. Each of the policemen had 20 millimeter thick electric wire in his hand [with the copper wire exposed]. Five policemen beat me on the soles of my feet, causing them to bleed. I yelled out. One of the policemen stepped on my face with his shoe. Two of them grabbed my shoulders so I couldn't move and one grabbed my head between his legs. While they beat me, some policemen smoked and extinguished the cigarettes on my feet. They said to me: "Admit that you forged documents and we'll let you go." I immediately responded: "I did it."⁹⁴

Hazboun was eventually released, after signing a document saying that he had bought land without paying for it, and relinquishing ownership of the land to the other party in the dispute. The incident sparked a wave of protests in Bethlehem when it became known that the police chief had ordered his forces to intervene following a request from the other party in the conflict.⁹⁵

This sort of conduct has led, in the words of a West Bank judge who asked not to be identified, to the creation of "courts outside the courts":

⁹⁰ Testimony given to Bassem `Eid of B'Tselem, June 28, 1996, Beit Sahour, West Bank.

⁹¹ Ibid.

⁹² Derek Brown, "Palestinians Beat 'Rude' Pharmacist," *Guardian*, February 16, 1996.

⁹³ Derek Brown, "News Report on Beatings Irks Arafat Police," *Guardian*, February 20, 1996.

⁹⁴ Testimony given to Bassem `Eid of B'Tselem, Bethlehem, January 27, 1996.

⁹⁵ Hillel Cohen, "Palestinian Police Arrested Wealthy Bethlehemite," *Kol Hair* (Jerusalem), February 9, 1996.

There are branches of the security forces that think they have the authority to settle disputes, but they have no authority to intervene. Or, one party or his lawyer will pay the security forces to intervene—the problem is resolved quickly, but not fairly. It's a question of who has more influence.⁹⁶

A West Bank human rights activist observed, "Instead of a system of accountability and judicial determinations, there is a system of side settlements and forgiveness, but not of punishment [for those who break the law]."⁹⁷

VIOLATIONS OF FREEDOM OF EXPRESSION AND ASSOCIATION

Freedom of the Press

The PA has displayed an intolerance of criticism and has encouraged self-censorship, although the self-rule areas have not become a place where all who dare to criticize are persecuted. The PA has sought to control the content of Palestinian reporting through a pattern of intimidation, detention and acts of violence against journalists. It has sought to impose its own views on the press, and has blocked distribution and suspended and closed newspapers. The primary electronic media in the Palestinian self-rule areas, Voice of Palestine Radio and two television stations, are government-controlled and, by all accounts, serve as mouthpieces for the PA.

One encouraging development has been the founding of small, local television and radio stations. As of the summer of 1997, there were a total of nineteen private television stations and four radio stations on the West Bank, though none in the Gaza Strip. While none of these stations could be considered a voice of opposition or dissent, some of them provided forums for airing issues of political consequence through call-in shows and the airing of unedited sessions of the Palestinian Legislative Council. However, in June 1997, authorities blocked broadcasts of the council meetings, which had become popular evening fare on the local West Bank television stations (see above, Summary of this report).

As this report went to press, a committee headed by Minister of Information Yasser Abed Rabbo was drafting legislation to permit and regulate private broadcasting stations on the West Bank. It remained to be seen whether the new law would be one designed to regulate access to the airwaves in a neutral fashion or, rather, one that enabled the authorities to discriminate against broadcasters that displeased them.⁹⁸

While the number of Palestinian newspapers has grown since self-rule began, major newspapers have had to adopt a pro-PA or at least noncritical stance and most opposition newspapers have not survived.

⁹⁶ Human Rights Watch interview, Ramallah, July 14, 1996.

⁹⁷ Human Rights Watch interview, Ramallah, July 13, 1996.

⁹⁸ On the implications for freedom of expression of a restrictive broadcasting law in Lebanon, see Human Rights Watch/Middle East, "Lebanon: Restrictions on Broadcasting: In Whose Interest?" *A Human Rights Watch Short Report*, vol. 9, no. 1, April 1997.

The Palestinian Press Law was signed by Yasir Arafat as Chairman of the PLO and head of the PA on June 25, 1995, pursuant to the 1962 Basic Law of the Gaza Strip.⁹⁹ The Basic Law, which was issued by the Egyptian government when it administered the Gaza Strip, permits the executive branch to pass emergency legislation. The Press Law guarantees the right to freedom of opinion and a free press and does not provide for formal censorship. However, it contains a number of vague and potentially restrictive provisions. For example, Article 37(3) prohibits the publication of articles that “may cause harm to national unity,” a phrase that is not defined, and permits the confiscation of such materials. Although the PA has, on occasion, invoked the Press Law when trying to control the content of press coverage, widespread self-censorship has largely eliminated the need to do so.

Interference with Distribution and Closure of Newspapers

The PA has, on many occasions, interfered with the distribution of newspapers or closed them down. This occurred more frequently in 1994 and early 1995, before Palestinian journalists “had realized for themselves where the red lines were,” in the words of one West Bank journalist.¹⁰⁰ According to another journalist:

The first lesson that Palestinian journalists learned was from the closing of *Al-Nahar* [in 1994]. There was nothing to justify the closing of this newspaper, but some in the PA thought it was pro-Jordanian. After this incident, journalists began thinking too much about what they were writing and how it would make the PA feel. A kind of self-censorship began, where you didn’t want to make the PA angry.¹⁰¹

Criticism of President Arafat and the PA is tolerated rarely if at all. In May 1995, *Al-Umma* (East Jerusalem), a small newspaper that had existed for only four months and had often been critical of the PA, ran an unflattering cartoon of Chairman Arafat. The newspaper received a phone call warning it not to issue that edition. The Preventive Security Service (PSS) then confiscated the issue, but some copies had already been distributed.¹⁰² *Al-Umma* then published a statement that was sharply critical of the authorities’ conduct toward the newspaper.¹⁰³ One week later, a fire damaged the paper’s offices. Its owner reportedly received a threatening phone call following the fire. An investigation conducted by Israeli police and firemen who visited the scene determined the cause of the fire to be arson.¹⁰⁴ The owner shut down the newspaper and it has not reopened since.

In August 1995, Palestinian authorities ordered *Al-Quds*, which has the largest circulation of any Palestinian newspaper, closed for one week. According to editor-in chief Marwan Abu Zalaf, there were several possible explanations:

The newspaper had just run a paid advertisement by Hamas, asking people not to attend a West Bank festival. On the same day, we had printed an interview with [PLO Foreign Minister] Faruq Qaddumi, saying “Oslo” was a sell-out. Also, a new PLO-backed newspaper [*Al-Hayat al-Jadida*] was being launched that day and the PA might have wanted it to be available on a day when *Al-Quds* was absent.

⁹⁹ See Orayb Aref Najjar, “The Palestinian Press Law: A Comparative Study,” *Communication Law and Policy*, vol. 2, no. 1 (Winter 1997).

¹⁰⁰ Human Rights Watch interview, Nablus, July 22, 1996.

¹⁰¹ Human Rights Watch interview, East Jerusalem, July 18, 1996.

¹⁰² Human Rights Watch interview with a person close to the owner of *al-Umma*, Ramallah, July 20, 1996.

¹⁰³ Peace Watch, *Freedom of the Press under the Palestinian Authority*, January 16, 1996, p. 20. Peace Watch is an independent nongovernmental organization in West Jerusalem that “monitors the implementation of agreements signed by Israel and its Arab neighbors.”

¹⁰⁴ *Ha’aretz*, May 5, 1995, as quoted in Peace Watch, *Freedom of the Press Under the Palestinian Authority*, p. 20.

We were supposed to be closed down for a week but we started publishing again after one day. Arafat's men came to the newspaper and pressured us to prevent us from printing. We reported this to the foreign and Israeli media. Then the Israeli police came and we ended up going to an Israeli court because Palestinian police had come to Jerusalem and we had not reported it.¹⁰⁵

Arrests and Abuse of Journalists

The PA has arrested and detained numerous journalists, often more than once. According to the Committee to Protect Journalists, at least twenty-five journalists were arrested during the first two years of self-rule alone. In one well-known incident on December 24, 1995, Maher Alameh, an editor of *Al-Quds*, received a phone call at midnight, telling him to move an article about Chairman Arafat's meeting with the Greek Orthodox Patriarch from page eight to page one of the Christmas day issue. Alameh refused and was subsequently detained in Jericho for five days by the PSS.¹⁰⁶ Not a single Palestinian newspaper, including *Al-Quds*, reported on his detention.¹⁰⁷

In February 1996, Asad al-Asad, publisher of the Ramallah-based *Al-Bilad*, was summoned by Col. Jibril Rajoub, head of the West Bank PSS, after the newspaper published an article about corruption. The Gaza correspondent of *Al-Bilad* was also detained by the police for two days in July 1996, and had his I.D. confiscated after publishing an article alleging that members of the PA were accepting bribes. According to an editor at *Al-Bilad*:

Muhammad Dahlan [the head of the PSS in Gaza] found out and apologized to us in a letter. We wrote about this on the front page, and stated that we were going to start an investigation. Dahlan wanted us not to write anything else until they had conducted their own investigation.¹⁰⁸

Fayiz Nurraddin, a photographer for Agence France-Presse (AFP), was arrested on May 13, 1996, after he photographed some boys washing a donkey in the sea in Gaza. He was detained for ten hours by the Special Intelligence Service in Gaza, and was beaten, whipped with a belt and accused of having been paid by French intelligence authorities to take the picture. Nurraddin told Human Rights Watch:

I was attacked, saying that I took such a picture in order to harm the image of Palestinians. In the beginning, after I was released, I hesitated when taking pictures because I suffered a lot from the beating. I believe the people who beat me were following orders blindly—they had orders to beat Fayiz, so they did it, without thinking...The Palestinian newspapers dared to write about this because it was already a big story and the AFP was supporting me.¹⁰⁹

¹⁰⁵ Human Rights Watch interview, East Jerusalem, July 18, 1996. The operation of Palestinian police in East Jerusalem is a violation of Article XVII of Oslo II, which limits the jurisdiction of the PA to areas from which the Israeli army has redeployed.

¹⁰⁶ Human Rights Watch interview with Marwan Abu-Zalaf, editor-in-chief of *Al-Quds* newspaper, East Jerusalem, July 18, 1996.

¹⁰⁷ Peace Watch, *Freedom of the Press under the Palestinian Authority*, p. 29.

¹⁰⁸ Human Rights Watch interview, Ramallah, July 18, 1996.

¹⁰⁹ Human Rights Watch interview, Gaza City, July 27, 1996.

On April 14, 1996, Palestinian police confiscated the camera of Khaled Zghari, a photographer for the Associated Press (AP), and beat him. Zghari, who lost consciousness and had to be taken to the hospital, had been photographing a demonstration in Ramallah demanding the release of Hamas prisoners. On April 16, a group of journalists demonstrated in Ramallah, demanding an investigation into the assault. The Palestinian police then apologized to Zghari, telling him the incident would not be repeated if he kept it quiet. Two weeks later, however, while photographing police beating women demonstrators in Nablus, police detained Zghari and several other photographers for about three hours and confiscated their film. Zghari told Human Rights Watch: "All photographers are afraid—they don't want to get involved. Even our news agencies cannot protect us."¹¹⁰

In August 1995, Abd al-Sattar Qasim, a well-known opponent of the Oslo Accords and critic of President Arafat, was shot and wounded by unknown assailants. One month earlier he had published an article in the Islamist newspaper *Al-Watan* in which he characterized President Arafat's rule as dictatorial.¹¹¹ In the course of interrogating Imad Faluji, then editor-in-chief of *Al-Watan*, about the article, the Gaza police allegedly made threats against Qasim.¹¹²

Qasim said he believed his assailants to be members of the PSS, but the PSS West Bank commander, Col. Jibril Rajoub, denied this, stating: "I do not support what happened. My men have nothing to do with the shooting....He is not important enough for us to deal with."¹¹³

Control of Content and Self-Censorship

"There is no censorship, so officially, there is complete freedom," according to Ghassan Khatib, head of the Jerusalem Media and Communications Center (JMCC), which publishes the weekly English-language *Palestine Report*. However, he adds:

Unofficial practices are contrary to that. The problem is that there is no respect for the law and because the judicial system is weak, there is nobody strong enough to challenge these acts. Therefore newspapers are afraid to write anything that might annoy the PA. Instead, they count on Wafa, the official Palestinian news agency, for what they know is okay to print.¹¹⁴

Most journalists interviewed by Human Rights Watch said there are areas that are clearly off limits, such as criticism of President Arafat or of the PA's security policies, while other issues, such as corruption or the PA's handling of economic problems such as unemployment, have often been raised without repercussions. One journalist observed:

We wish the PA would tell us exactly what we can and cannot publish—it would be easier. It seems that it is impossible to talk about the security and intelligence apparatus, or violations related to prisons, torture, trials and the president—the president is sacred. But you can write about anything related to the civilian apparatus of the Authority.¹¹⁵

¹¹⁰ Human Rights Watch telephone interview, East Jerusalem, July 29, 1996.

¹¹¹ "I Won't Shut My Mouth," Interview with Dr. Abdel-Sitar Qassem in *News From Within*, vol. XI, no. 9 (September 1995), p. 22

¹¹² Ibid.

¹¹³ Mary Curtius, "Palestinian Security Unit Accused of Torture," *Los Angeles Times*, August 25, 1996.

¹¹⁴ Human Rights Watch interview, East Jerusalem, July 18, 1996

¹¹⁵ Human Rights Watch interview, Nablus, July 21, 1996.

Rawiya Shawa, a member of the Legislative Council, writes a weekly column in *Al-Quds* called “Citizens’ Corner,” in which she is often quite critical of the PA. In a July 18, 1996 column, for example, she criticized members of the PA for having large numbers of personal guards. According to the JMCC’s Khatib, “This is perceived as a critical column, but it can be tolerated, especially because Shawa comes from a powerful family in Gaza.”¹¹⁶

One publication that has on occasion been quite critical of the PA is *Al-Bilad*, which was founded in late 1995 and reports a circulation of 3,000 to 5,000. Khatib explained why he believes the publication has escaped closure:

Al-Bilad does not have a high circulation so it is not threatening to the PA. Also, it has a reputation for being critical, but the issues they select are minor. What counts is what you say about the president or his policies. Like other third world countries, you can criticize the government, but not the president or the king.¹¹⁷

An editor at *Al-Bilad* observed, “When we criticize, we make sure to criticize constructively. And timing is also important.”¹¹⁸

One journalist said, “There is no formal censorship because the editor-in-chief serves as the censor. Otherwise, he knows there will be problems.”¹¹⁹ Another commented, “The issue is not that Arafat doesn’t want these things to be in the newspaper, but that journalists are afraid that *maybe* he won’t like it—so they just stay quiet.”¹²⁰

Interference with coverage has frustrated Palestinian journalists and made them question the value of their work. One West Bank journalist told Human Rights Watch:

If the Palestinian newspapers are so afraid it would be better to close them. The press should not just be ads and stories from Reuter and Agence France-Presse [news agencies.] There is no point of view expressed. They prefer that we just write against the Israelis—that is what a real press should do. But we can criticize the Israelis and also write what’s happening with the authority.¹²¹

¹¹⁶ Human Rights Watch interview, East Jerusalem, July 18, 1996.

¹¹⁷ Human Rights Watch interview, East Jerusalem, July 18, 1996.

¹¹⁸ Human Rights Watch interview, Ramallah, July 18, 1996.

¹¹⁹ Human Rights Watch interview, Nablus, July 21, 1996.

¹²⁰ Human Rights Watch interview, East Jerusalem, July 18, 1996.

¹²¹ Human Rights Watch interview, East Jerusalem, July 18, 1996.

Efforts to control the written word have not been limited to the press. In August 1996, Palestinian security forces seized books written by Palestinian-American writer Edward Said, a vocal critic of the Oslo accords and of President Arafat, from bookstores in the self-rule areas and in East Jerusalem. It was unclear who had ordered the ban on Said's books, and officials of the Ministry of Information, in whose name the ban had been carried out, denied having ordered it.¹²² Yet, the books were not returned to the shelves of bookstores.

PA efforts to control news content have often been ineffective, however. Both the Israeli Hebrew press, accessible to the many Palestinians who understand that language, and the Arabic services of Israeli radio and television, cover the West Bank and Gaza and provide detailed information about many of the issues that the PA has tried to cover up. Still, according to a report issued by Peace Watch, "The Israeli-run stations are somewhat pluralistic but stop far short of allowing for systematic airing of views which challenge the PA or its head, Yasir Arafat."¹²³ Nevertheless, when the Israeli media have provided extensive coverage of a detention or a harsh police response to a demonstration, it has been more difficult for the Palestinian press to ignore the incident altogether. In such cases, Palestinian newspapers have often simply reported that a demonstration took place or that someone was detained, without providing criticism or analysis.

In the case of the detention of psychiatrist Dr. Eyad Sarraj, for example, which received intensive international coverage, Palestinian newspapers printed excerpts from statements by human rights organizations asking for his release. However, according to an East Jerusalem-based journalist:

The statements they printed did not explain what exactly had happened to Sarraj, or criticize the PA for accusing him of being a drug-dealer. When he was released, there were small statements saying that he been released. No Palestinian newspaper even did a small interview with him. *Ha'aretz* [an Israeli daily] and Israeli radio did interview him.¹²⁴

It is often the packaging that counts. One journalist explained to Human Rights Watch:

If there is a demonstration calling for the release of political prisoners, you can write about it as an event of solidarity with prisoners, but not as a demonstration, because a demonstration is against the authority.¹²⁵

Targeting the Islamist Opposition

The PA's repressive policies have been directed at various political opposition groups, but the Islamist opposition has been the most systematically targeted. Although the PA outlawed the military wings of Hamas and Islamic Jihad following the February-March 1996 suicide bombings, it did not outlaw the political wings of these groups.¹²⁶

¹²² Serge Schmemmann, "Palestinian Security Agents Ban Books by a Critic of Arafat," *New York Times*, August 25, 1996.

¹²³ Peace Watch, *Freedom of the Press under the Palestinian Authority*, p. 6.

¹²⁴ Human Rights Watch interview, East Jerusalem, July 18, 1996.

¹²⁵ Human Rights Watch interview, Nablus, July 21, 1996.

¹²⁶ Gaza Center for Rights and Law, press release, ref. no. 19/1996, March 31, 1996.

The vast majority of those detained by the PA have been suspected Islamist activists or sympathizers. At the same time, as described below, the Islamist press was virtually eliminated during 1996 due to harassment and the arrest of its major figures. At the time a Hamas leader in Gaza observed, "The members of Hamas are now afraid; they have [understood] that if they participate in any Hamas activity—including social or political—they will be arrested."¹²⁷ This fear was apparently less pervasive on campuses, where Islamist student groups continued to operate despite the arrests of hundreds of students in early 1996. During the May 8, 1996 student elections at Birzeit University, for example, the Islamist bloc defeated the pro-Fatah Shabiba youth movement. During the election campaign, Islamist students participated in skits mocking Chairman Arafat and the PA, and faced no apparent repercussions.

In 1997, the pressure on Islamist groups has diminished. Most of those arrested in 1996 have been released from detention. Authorities licensed a new Hamas-affiliated weekly in Gaza, *Al-Risala* (The Message), which began publication in February. However, on September 4, the PA reportedly ordered it shut in the wake of suicide bombings in West Jerusalem earlier that day.

The PA, unlike Israeli occupation authorities, initially permitted militant Islamist groups such as Hamas and Islamic Jihad to publish newspapers. But it later harassed and suspended them. In 1995, the PA twice suspended *Al-Watan*, the newspaper of Hamas, for three-month periods, without giving any official reason. The state security court in Gaza also sentenced the newspaper's editor-in-chief, Sayyid Musa Abu Musamah, to two years in prison for "writing inciting articles."¹²⁸ The first suspension began on May 14, 1995 and lasted three months. The paper was suspended for a second time on August 6, 1995. According to a former editor, this occurred after *Al-Watan* published an article, based on a British news report, stating that Chairman Arafat had accepted money for allowing an European news agency to publish a photograph of his infant daughter.¹²⁹ Shortly after its suspension was over, the editors themselves decided to shut the newspaper down. According to a former editor:

Every time we published an issue, the [General Intelligence Service] would come in and question us about everything we wrote. Sometimes they would threaten us and tell us that we were not allowed to write anything critical of Arafat. They consider him as holy and nobody can criticize him.¹³⁰

The PA repeatedly arrested staff members of *Al-Istiqlal* (Independence), the newspaper of the Islamic Jihad, including editor-in-chief Ala Saftawi. The PA also suspended the newspaper at least three times before closing it down permanently in March 1996, following the suicide bombings in Israel, some of which were claimed by the military wing of Islamic Jihad. In an interview following the closure of the paper on February 17, 1996, Hassan al-Kashif, director general of the Palestinian Information Ministry in Gaza, stated flatly that the closure was "a political issue:

It is a natural outcome of the confused relationship between the PNA and Islamic Jihad. Unless the two sides' relationship is not straightened out by a clear political agreement, such incidents will recur. I will not give formal explanations or justifications and say, for example, that...*Al-Istiqlal* has not obtained a license from the Information Ministry.¹³¹

¹²⁷ Human Rights Watch interview, Gaza City, July 24, 1996.

¹²⁸ Abu Musamah was released from prison on December 13, 1995, apparently in order to participate in negotiations between Hamas and the PA.

¹²⁹ Human Rights Watch interview, Gaza City, July 24, 1996, and *Davar* newspaper, August 7, 1995.

¹³⁰ Human Rights Watch interview, Gaza City, July 24, 1996.

¹³¹ "Closure of Islamic Jihad Newspaper Thought Unlikely to Mar Ties with Opposition," Arabic-language Interview with MBC TV (London), as reported by BBC Monitoring Service, 1800 gmt, February 18, 1996.

In the wake of the February and March 1996 suicide bombings, the PA not only carried out mass arrests of suspected Islamists and closed down Islamist newspapers, but also took steps to dismantle charitable, educational and health organizations affiliated with the political wings of Hamas and Islamic Jihad. In Gaza, in particular, Islamic charitable associations had stepped in to fill the huge gaps in the health, education, and welfare sectors. In at least thirty raids carried out in March 1996, the PA entered clinics, schools, welfare and charitable organizations, confiscating computers, printers, fax machines, and even buses used to transport children. Two hundred Palestinian police raided the Islamic University in Gaza on March 6; in a show of force lasting six hours, policemen shot open or broke doors in the presence of television cameras.¹³² The force was unnecessary, university officials stated in a press release, since university guards had offered to open all doors to the security forces. The PA closed down many of the organizations it had raided; others were no longer able to operate due to confiscation of equipment.¹³³

Targeting of Human Rights Activists and Lawyers

The PA has generally not prevented the operation of human rights organizations in the West Bank and Gaza. However, President Arafat has declined to commit himself publicly to guaranteeing their freedom to operate. For example, when Pierre Sané, the secretary general of Amnesty International, sought such assurances during a February 1996 meeting, President Arafat cautioned that no one was “above the law.” And, according to an Amnesty International press release, President Arafat “gave no guarantee ... that the work of human rights groups would not be hindered in [the] future.”¹³⁴ More recently, Maj. Gen. Ghazi al-Jabali, the chief of police, criticized human rights organizations that charged the PA with torture of detainees. He called the charges inaccurate, adding, “There are entities whose role it is to make us look bad, but they are not important.”¹³⁵

Most of the Palestinian human rights groups with whom Human Rights Watch spoke had not experienced any threats as organizations, although some had received phone calls or visits from officials. Far more common has been the targeting by the PA of individual activists, creating fear among others that they could be next. According to a West Bank-based human rights activist:

They act against individuals, not institutions, because so far, PA human rights violations have not been on every organization’s agenda since some have close ties with the PA. Also, some Palestinian organizations have close ties with international organizations and the PA is afraid of that.¹³⁶

Another activist from the same organization told Human Rights Watch that the PA and particularly President Arafat personalize everything:

They assume that if you speak against violations, it is to show your opposition to the peace process. If you criticize a policy, it is to show your opposition to Arafat. In general, if you say that anything bad is due to Arafat, it’s a problem.¹³⁷

The fact that very few human rights activists were willing to speak to Human Rights Watch on the record is evidence of the fear that incidents such as the ones described below have instilled in lawyers and activists. One lawyer told Human Rights Watch:

¹³² “Palestinian Police Raid Islamic University in Gaza,” Reuter, March 6, 1996.

¹³³ Gaza Center for Rights and Law, “The Detention Attack has Caught a Large Number of the ‘Hamas’ and ‘Islamic Jihad’ Supporters in the Governorate of Gaza,” March 31, 1996.

¹³⁴ Amnesty International, “Amnesty International Delegation Discusses Human Rights Issues with President Arafat” (AI Index: MDE 15/10/96), February 8, 1997.

¹³⁵ Interviewed in *al-Quds* (Jerusalem) daily, February 2, 1997. As reported by FBIS-NES, February 2, 1997.

¹³⁶ Human Rights Watch interview, West Bank, July 13, 1996.

¹³⁷ Human Rights Watch interview, West Bank, July 13, 1996.

I was a lawyer during the occupation and I gave interviews to journalists and others. I was not afraid to use my name. Now, I ask you not to use my name. I'm not afraid for my position. No, I'm afraid for myself.¹³⁸

Another lawyer observed:

Under the occupation I would give you my name. It could give me problems but I wasn't afraid. Now the situation is different. Today, even personal problems with someone might harm you if he knows people in the authority. So you have to be careful.¹³⁹

Many activists continue their work despite the pressures. Some pointed to regional variations in the degree of intimidation. Shawqi Issa, executive director of the Bethlehem office of LAW, said that while "many people are afraid, it's easier in the West Bank because it's more open to the world; Gaza is totally closed and isolated, and the central leadership [of the PA] is there. So the security forces are more active and their behavior is worse."¹⁴⁰

In addition, activists who are residents of East Jerusalem carry Israeli I.D. cards and are not formally under the PA's jurisdiction; thus, they have in general felt more protected and tended to be more openly critical than residents of the West Bank and Gaza.

Raji Sourani

In February 1995, the PA twice detained Raji Sourani, then-head of the Gaza Center for Rights and Law and a prominent lawyer and critic of the PA's human rights practices. On February 15, Sourani was detained and questioned for about sixteen hours, after the center published a statement condemning the decree establishing the state security courts as "the most serious violation of human rights" since the inception of self-rule in May 1994.¹⁴¹ General al-Qidrah reportedly told Sourani that President Arafat "feels completely offended that you have communicated such incredible insults."¹⁴² Sourani was detained again two days later and reportedly warned to "keep a low profile with the media."¹⁴³

Bassem Eid

¹³⁸ Human Rights Watch interview, Ramallah, July 14, 1996.

¹³⁹ Human Rights Watch interview, West Bank, July 16, 1996.

¹⁴⁰ Human Rights Watch interview, Bethlehem, July 16, 1996.

¹⁴¹ Joel Greenberg, "Arafat Critic is Detained in Gaza," *New York Times*, February 16, 1995.

¹⁴² Barton Gellman, "Arafat Critics Harassed in Gaza Strip," *Washington Post*, April 11, 1995.

¹⁴³ *Ibid.*

In August 1995, the Israeli human rights organization B'Tselem published a report entitled *Neither Law Nor Justice*, which documented a pattern of human rights violations by the Preventive Security Services (PSS) in the West Bank. The head of the PSS, Col. Jibril Rajoub, denounced Bassem 'Eid, the report's chief researcher, as an Israeli agent—a statement that Rajoub never retracted.¹⁴⁴

On January 1, 1996, the PA detained Bassem 'Eid at the headquarters of Force 17, President Arafat's elite guards. When he asked if there was a warrant for his arrest, 'Eid was informed that he had not been arrested, but was there as a "guest." According to 'Eid, who now directs the Palestinian Human Rights Monitoring Group, a PA official named Abu Fuad told him:

"I have some advice for you. Your children and your wife are more important than your work. We are not a democratic government; what goes on in Iraq and Syria will also happen here. Maybe it will be even worse here. We can't take criticism. You have to be careful." I told him: "Are you advising me to stay silent, keep my mouth shut?" He said: "You are the one who said it."¹⁴⁵

Twenty-four hours after being brought in, 'Eid was told that he been held due to a "misunderstanding," and was released from custody.¹⁴⁶

Eyad Sarraj

Eyad Sarraj, a psychiatrist and the commissioner-general of the quasi-official Palestinian Independent Commission for Citizens Rights (PICCR), has been detained on three separate occasions. On December 7, 1995, Sarraj was detained and questioned for approximately eight hours; although not formally charged, he was accused of having "defamed" the PA. The previous day, at a meeting organized by an European organization called Peace Media, Sarraj had remarked that the PICCR had received no responses to the 400 complaints and interventions it had sent to the attorney general's office.¹⁴⁷

Sarraj was arrested again on May 18, 1996, after he was quoted in the *New York Times* as saying:

People [in Gaza] are intimidated. There is an overwhelming sense of fear. The regime is corrupt, dictatorial, oppressive. I say this with sadness, but during the Israeli occupation I was 100 times freer.¹⁴⁸

Attorney General al-Qidrah reportedly said that Sarraj was under investigative detention for slandering the PA, although he was not charged at that time.¹⁴⁹ Sarraj was denied access to a lawyer during the first forty-eight hours of his detention, and his detention was then extended three times by the state security court. The arrest of Sarraj prompted an outpouring of protest. The United States and many European governments that provide economic assistance to the PA expressed concern to President Arafat and his advisors.

¹⁴⁴ Barton Gellman, "Palestinian Secret Police Wield Power in West Bank," *Washington Post*, August 28, 1995.

¹⁴⁵ B'Tselem, "Detention of Bassem 'Eid by "Force 17" agents, 2 January 1996, 11:00 p.m.– 4 January 1996, 12:00 a.m.," Testimony of Bassem 'Eid, B'Tselem field worker, as recorded by him on 7 January 1996."

¹⁴⁶ Ibid.

¹⁴⁷ Al-Haq, "Detention and Interrogation of Dr. Iyad Al-Sarraj," December 11, 1995.

¹⁴⁸ Anthony Lewis, "Darkness in Gaza," *New York Times*, May 6, 1996.

¹⁴⁹ Amnesty International Urgent Action (AI Index: MDE 15/34/96), May 20, 1996.

Press accounts indicated that President Arafat had ordered the arrest of Sarraj after taking personal offense at Sarraj's remarks to the *New York Times*. On May 24, while still in detention, Sarraj sent an open letter addressed to President Arafat and reprinted in many newspapers, including *Al-Quds*. He wrote, "...I have never allowed myself nor will I ever allow myself to personally attack you or to personally attack any of the PNA's leaders."¹⁵⁰ Two days later, Sarraj was released on bail, although he had never been formally charged with an offense.

Sarraj was rearrested on June 10, 1996. In an interview with the press, Attorney General al-Qidrah stated that Sarraj's arrest "is not related to his human rights activities, the work of his association or his freedom of expression."¹⁵¹ Following his arrest, Dr. Sarraj's office at the Gaza Community Mental Health Program was searched by PA officials who announced that they had found hashish. Sarraj was charged with drug possession.

On June 13, Sarraj was brought before the state security court, which extended his detention for fifteen days on charges that he had assaulted a policeman. The basis for bringing such a charge before the state security court was never explained. Moreover, according to Sarraj, it was the policeman who had beaten *him* while in PA custody: "[The policeman] started punching me and calling me dirty names. When I collapsed on the floor, he kicked my back with his boots several times before other officers came in and shouted him away."¹⁵²

Sarraj was also brought before a magistrate court on June 13, on charges of drug possession. That court ordered his release due to a lack of evidence. However, because of the detention order handed down by the state security court, Dr. Sarraj remained in custody.¹⁵³ Seventeen days after his original arrest, Sarraj was released on bail after signing a statement saying he would "abide by the law when it comes to publishing anything to do with the authorities."¹⁵⁴ Moreover, the charges against him were not dropped.

Human Rights Watch believes that the drug charges against Dr. Sarraj were fabricated in order to silence him and other critics of the PA.¹⁵⁵ A West Bank human rights activist told Human Rights Watch: "There were concerns among human rights workers after [what happened to] Sarraj. They will continue to do this work but they know it can happen to them. Sarraj was well-known and nobody believed the drug charges against him. But what might happen to someone who is not known?"¹⁵⁶

Muhammad Dahman

¹⁵⁰ "Sarraj: I Earned the Right to Criticize," *Palestine Report*, May 31, 1996, p. 7.

¹⁵¹ LAW, "Dr. Sarraj Arrested Again," June 12, 1996.

¹⁵² Dr. Eyad Sarraj, "Justice in Heavens," open statement following his third release, July 15, 1996.

¹⁵³ Human Rights Watch telephone interview with Raji Sourani, Dr. Sarraj's attorney, Gaza City, June 13, 1996.

¹⁵⁴ Sarraj, "Justice in Heavens."

¹⁵⁵ See, for example, "Ten U.S. Human Rights Groups Protest Third Arrest of Dr. Sarraj," June 12, 1996.

¹⁵⁶ Human Rights Watch interview, Ramallah, July 17, 1996.

On August 12, 1996, the General Intelligence Service arrested Muhammad Dahman, director of the Gaza branch of Addameer, a prisoner support organization. Addameer had issued a public statement calling for an investigation into the suspicious circumstances surrounding the August 7 death in Palestinian custody of twenty-four-year-old Gazan Nahid Dahlan (see above and Appendix A). Dahman was charged with publishing false information. Attorney General al-Qidrah reported that an autopsy had found that Nahid Dahlan had committed suicide and that no marks of torture were found on his body.¹⁵⁷ Three days later, Dahman was brought before the state security court, which extended his detention for fifteen days while police investigated the case. According to the Palestinian Centre for Human Rights:

The press release issued by Addameer contained information the organisation believed to be true. Until the ongoing official investigation is concluded, it cannot be determined whether Addameer published false information concerning Dahlan's case, and there appears to be no basis for Dahman's arrest.¹⁵⁸

Dahman was held until August 27, 1996.

Activists note that fear on the part of the public and noncooperation on the part of the authorities have complicated the task of human rights fieldwork. According to the veteran human rights worker Bassem 'Eid:

During the occupation, everyone liked to give information, everyone was willing to be a witness. Now, the first thing people ask is if I'm not afraid to ask these questions. When you have people warning you against your own authority it is very painful. Today it takes more to persuade people to talk to you, and I understand why people are frightened.¹⁵⁹

Another activist added:

The security people are everywhere, using many ways to gather information from the people. The normal person fears that if he criticizes or requests certain rights, he will be punished....People are unwilling to talk. Victims are watched and they get warning phone calls. Previous cases have been very brutal, so people are afraid.¹⁶⁰

Most activists interviewed by Human Rights Watch said that when they submitted protests or requests for information, the PA rarely responded, and certainly not in writing.¹⁶¹ When authorities did respond, it was usually to disclaim responsibility for the problem. For example, according to Shkirat of LAW:

We wrote a letter to the attorney general about thirty-nine detainees who we were representing, who were being held without charge. He responded that they were not arrested under his authority and we

¹⁵⁷ See Palestinian Centre for Human Rights, "State Security Court extends detention of Mohammed Dahman, Director of Addameer," August 18, 1996, and Amnesty International Urgent Action (AI Index MDE 15/56/96), August 15, 1996.

¹⁵⁸ Palestinian Centre for Human Rights, urgent communiqué, August 18, 1996.

¹⁵⁹ Human Rights Watch interview, West Jerusalem, July 11, 1996.

¹⁶⁰ Human Rights Watch interview, Ramallah, July 13, 1996.

¹⁶¹ One interesting exception is an exchange of letters between Al-Haq and Brig. Gen. Ghazi al-Jabali, chief of the Palestinian Police, on restrictions on the rights to freedom of assembly and expression. These letters are reprinted and analyzed in Al-Haq, *The Right to Freedom of Assembly: An Analysis of the Position of the Palestinian National Authority*, Occasional Paper No. 12, March 1997.

should contact the military authorities. We contacted them and the commander said, I'm not responsible, contact Arafat.¹⁶²

¹⁶² Human Rights Watch interview, East Jerusalem, July 12, 1996.

A West Bank human rights activist cited another common PA response: “When people come to us and complain about human rights violations, we raise this with the PA, but they [dismiss the complaint and] say this person was a collaborator.”¹⁶³

Publicizing human rights abuses and educating the public about their concerns is difficult for human rights groups, since what might have been the primary means available to them—the press—has usually not been accessible. According to Shkirat: “Editors will not publish anything that is critical of the authority. So they will not publish our press releases and reports.”¹⁶⁴ For example, according to LAW, *Al-Quds* newspaper refused to publish, as a paid advertisement, an announcement for a July 6, 1996 meeting organized by LAW and several Legislative Council members to discuss issues of concern to families of detainees being held without charge by the PA.

Human rights activists agreed that the rare cases where the PA has responded to protests have been incidents that had already received public attention, usually via Israeli or other foreign media. Ordinary people are unlikely to obtain redress for alleged abuses at the hands of the PA unless lawyers or human rights organizations intervene on their behalf. A high-ranking member of the PA who spoke on the condition of anonymity told Human Rights Watch:

There is a department of complaints in al-Saraya [the public security headquarters in Gaza] where people are supposed to bring any complaints or questions about the way they have been treated by the security forces. But the people are afraid—they are afraid even to enter al-Saraya—because they have lost faith in the PA. They see by the behavior of the PA that they will not have any protection if they complain.¹⁶⁵

THE PALESTINIAN LEGISLATIVE COUNCIL

On January 20, 1996, an estimated 75 percent of the electorate turned out to elect, pursuant to the Oslo Accords, a president and an eighty-eight member Legislative Council. In a climate where the PA has moved to stifle dissent and human rights criticism in general, the council has emerged as the premier forum for questioning the PA’s policies and human rights practices.

The Election

Local and international election monitors characterized the election as generally free and fair, with some reservations. During the electoral campaign, both Palestinian and Israeli authorities were responsible for incidents in which some candidates and their supporters were detained; Arafat loyalists reportedly pressured some independent candidates to withdraw, and there were also incidents of voter intimidation, particularly by the Israeli authorities in East Jerusalem. Certain candidates for the council were denied equal access to PA-controlled media.¹⁶⁶

¹⁶³ Human Rights Watch interview, West Bank, July 12, 1996.

¹⁶⁴ Human Rights Watch interview, East Jerusalem, July 12, 1996.

¹⁶⁵ Human Rights Watch interview, Gaza City, July 28, 1996.

¹⁶⁶ For an in-depth analysis of the Palestinian elections, including violations carried out during the campaign and on election day, see Al-Haq, Article 19 and the International Commission of Jurists, *Joint Report on the 1996 Palestinian Elections*, May 1997; and Norwegian Institute of Human Rights, *Interim Democracy: Report on the Palestinian Elections January 1996 Human Rights Report no. 7, May 1996* (hereinafter “Norwegian Institute Report”).

Despite these measures and some irregularities reported in the tallying of votes, thirty-five seats went to independents.¹⁶⁷ The winners included Faris Hamid Kadura of Ramallah and Hatem `Eid of Jerusalem, both independent candidates chosen by Fatah in its internal elections but later reportedly vetoed by Chairman Arafat. In Gaza City, Dr. Haidar Abd al-Shafi, known for his criticism of both the Israeli-PLO peace process and of Chairman Arafat, won the most votes.¹⁶⁸ In the end, Fatah candidates backed by Chairman Arafat won only fifty-two seats.¹⁶⁹ Chairman Arafat, running for president, easily defeated his only challenger, social activist Samiha Khalil.

The Legislative Council's Actions

Legislative Council members have often complained that the executive branch of the PA does not take the council seriously. Rafat al-Najjar, a council member from Gaza, told Human Rights Watch:

After the elections, we thought the Legislative Council would go towards building a democratic society and making laws for the civil society. But we have passed seventy-five resolutions and we feel that the authority does not cooperate—the president does not care about the council. The Legislative Council passes resolutions on problems like torture, the prisoners, laws—but the PA does not carry out most of these [resolutions]. The problem is the Legislative Council has no power. It is the same system as the PLO, where the president decides everything and controls everything.¹⁷⁰

President Arafat's goal, according to council member Dr. Haidar Abd al-Shafi, is

to see that the Legislative Council is accountable to the executive committee of the PLO. He has insisted that members of the PLO executive committee [be] present at meetings of the Legislative Council—Arafat wants them to participate and vote. Arafat thinks the council is accountable to the executive committee of the PLO or to the PNC.¹⁷¹ But the council is only accountable to the electorate.¹⁷²

The council, which has a human rights subcommittee, has regularly raised specific abuses and challenged the PA on issues such as accountability. However, most of its initiatives have been ignored. The chair of the subcommittee, Kamal Sharafi, wrote:

The council devoted much of its time defending the Palestinians detained in PA prisons without any legal grounds. This topic kept being raised in all the council's sessions and members kept demanding the release of those who were not proven guilty. They also called for bringing those proven guilty to appear before a court for trial. However, the Executive Authority ignored all related resolutions claiming that political circumstances are not appropriate.¹⁷³

According to council member al-Najjar:

¹⁶⁷ "Complete Election Results and Winners' Biographies," *Palestine Report*, January 24, 1996, p. 13.

¹⁶⁸ Norwegian Institute Report, p. 124.

¹⁶⁹ "Complete Election Results...," *Palestine Report*.

¹⁷⁰ Human Rights Watch interview, Gaza City, July 27, 1996.

¹⁷¹ The Palestinian National Council—the nominal parliament-in-exile of the PLO.

¹⁷² Human Rights Watch interview, Gaza City, July 29, 1996.

¹⁷³ *People's Rights*, March 1997, issue no. 1.

Several members [of the Legislative Council] have brought victims of torture to council meetings and members saw the results of torture. We have passed several resolutions asking the PA to stop torture. [The PA] has then threatened new detainees that if you talk about your arrest, we will create problems and arrest you again. Now victims are afraid and it is difficult for the Legislative Council to get testimony....At the May 22 and 23 [1996] session of the council in Gaza, we asked the justice minister to bring a list of all prisoners, the place they are being detained and the reason for arrest. The justice minister has still not provided any information.¹⁷⁴

There has been an ongoing power struggle between council members and the president, who, according to Article IV of Oslo II, serves as a member of the council. According to Abd al-Shafi:

Arafat tries to intimidate and sometimes he is very insulting. The speaker [of the council] could control this if he wanted—this is his function. But he wants to accommodate Arafat. Arafat is very accustomed to such conduct. He's been engaged in this for thirty years in the PNC and I can see how it is difficult to depart from such conduct.¹⁷⁵

One of the most heated debates in the council has been over drafting the Basic Law, or constitution, for the transitional period. The draft favored by the Legislative Council, which would strengthen the position of the council vis-à-vis the executive, had dominated discussions at four council meetings. Then, during the July 23, 1996 session, President Arafat said that the law could not be considered by the council until it had been finalized by the executive committee of the PLO.¹⁷⁶ A Palestinian journalist who covered this council meeting recalled:

What happened was a scandal. The members were very angry that Arafat wouldn't let them discuss the Basic Law. Arafat was very rude and there was a lot of shouting. Arafat finally stormed out. This should have been a big story in the papers, but it was only a small story saying the discussion had been postponed. They just wrote what Arafat had said, not how the council members had responded.¹⁷⁷

According to council member al-Najjar, the council's effectiveness is diminished by the failure of the Palestinian media to cover its meetings accurately or in detail:

¹⁷⁴ Human Rights Watch interview, Gaza City, July 27, 1996.

¹⁷⁵ Human Rights Watch interview, Gaza City, July 29, 1996.

¹⁷⁶ Human Rights Watch interview, Gaza City, July 29, 1996.

¹⁷⁷ Human Rights Watch interview, East Jerusalem, July 18, 1996.

There was a decision at the [council's] meeting in Rafah City in Gaza on May 8 and 9 [1996] that the council meetings are free and open for all media and journalists, and we asked that all votes and decisions be covered live and all decisions printed in all media, especially radio and T.V.¹⁷⁸ This never happened. When they [the official broadcasting stations] cover the council, they cover small things, and only when the president is talking. Several journalists have interviewed members of the council who are critical, but they were afraid to publish the interviews. I invited a group of journalists to the council when we brought victims of torture. We asked victims to expose their torture effects to the meeting. The journalists were afraid to take pictures or cover this in the press. This has happened several times, including at a meeting a few weeks ago.¹⁷⁹

This view was echoed by council member Rawiya Shawa:

People don't know what's happening in the council, but not because the press is not present. All the journalists are at the meetings. But there is self-censorship, and the owners of the papers want to avoid fights with the authority.¹⁸⁰

In 1997, the independent Al-Quds Educational Television launched an ambitious program to provide extensive, unedited television coverage of the Legislative Council sessions. These broadcasts proved very popular with Palestinian viewers, who watched as the legislators challenged the PA executive over human rights abuses, corruption and other issues of public concern. In June, the PA began jamming these broadcasts, and detained Al-Quds director Daoud Kuttab for one week (see Summary of this report). As this report went to press, the PA had not authorized a resumption of television broadcasts of the full council sessions.

INDEPENDENCE OF THE JUDICIARY

The PA has interfered with the judicial branch of government and undermined or refused to enforce decisions taken by the courts. Although a thorough examination of the judicial system is beyond the scope of this report, a few examples illustrate the control that the PA has sought to exercise over the judiciary.

On June 13, 1996, Raji Sourani and Khader Shkirat, attorneys for detained human rights activist Eyad Sarraj, filed a petition with the High Court, asking it to rule on the legality of Dr. Sarraj's arrest and detention. Specific issues raised included the denial of access to a lawyer and the fact that a drug possession case had been brought, without explanation, before the state security court instead of a criminal court. On June 16, the High Court gave the PA five days to respond to this petition. The PA never responded, thereby showing disrespect for judicial orders. A hearing was set for July 1 and then rescheduled for July 14. When the hearing was finally held, the attorney general still had not submitted a response. The court decided to dismiss the petition challenging Sarraj's arrest. By that time, he had already been released, but the charges were still pending against him. The case never went to trial.

¹⁷⁸ Resolution 1-4-21, May 8, 1996.

¹⁷⁹ Human Rights Watch interview, Gaza City, July 27, 1996.

¹⁸⁰ Human Rights Watch interview, Gaza City, July 27, 1996; see also the interview with Shawa in *People's Rights* magazine, published by LAW: The Palestinian Society for the Protection of Human Rights and the Environment, March 1997, issue no. 1.

On August 18, 1996, the Palestinian High Court ordered the PA to release ten Birzeit University students who had been detained for almost six months without charge or trial. The court ruling came in response to a petition filed on June 26, 1996, by a group of five Palestinian lawyers, in cooperation with the Human Rights Action Program at Birzeit. The lawyers viewed this petition as a test case on behalf of ten out of the hundreds of detainees who had been arrested without warrants and held for one hundred days or longer, without charge or trial.¹⁸¹ Despite the court's ruling, the attorney general told one of the lawyers that he refused to release the students until he conferred with President Arafat.¹⁸² Five of the students were held until the end of month, and the remaining five were released between mid-November and mid-January. None of the students was charged or tried.

In an apparent retaliatory move, the PA forced the resignation of the judge who had ordered the students' release. On August 27, one week after ruling in the case, Chief Justice Amin Abd al-Salam received a resignation order signed by the head of the PA employment bureau. He responded that retiring a High Court judge was outside the mandate of the employment bureau. The bureau referred the matter to the PA cabinet, which upheld the decision.¹⁸³

The failure to enforce judicial decisions is also evident in ordinary civil and criminal cases. For example, Khader Shkirat, general director of LAW, described the following case to Human Rights Watch:

Someone was killed during the intifada [years]—a homicide. When the PA police came to Hebron [the areas around the city which were designated Area B under Oslo II] they arrested [the suspected perpetrator]. They didn't follow legal procedures, didn't charge him—and they also imprisoned seven members of his family. On June 25, 1996, the High Court ruled these detainees should be released because they had been illegally arrested. But the police refused to release them. They just ignored the order and the judge can't do anything.¹⁸⁴

A judge from the West Bank, who spoke on the condition of anonymity, told Human Rights Watch:

The PA does not respect and does not want to respect the decisions of the courts if they are against the authority or any person related to them. The decision-makers in the PA think they are a higher authority than the judiciary. The authority doesn't need to threaten judges, because all they have to do is ignore the decision. They don't respect our decisions and they don't respect the people, because they interfere in and influence even civil cases and disputes between people.¹⁸⁵

THE RESPONSE OF THE INTERNATIONAL COMMUNITY

Pressure by the United States and Israel

The PA's human rights violations stem in part from PA intolerance for criticism and dissent. Another contributing factor has been the enormous pressure exerted by Israel and the United States on President Arafat to prevent and punish anti-Israeli violence by militant groups.

¹⁸¹ See Birzeit University Human Rights Project, "Due Process Petition Filed in Ramallah High Court," June 26, 1996.

¹⁸² LAW, "Appeal to Palestinian Authority to Release Birzeit Students," August 20, 1996. See also Roni Ben Efrat, "Between High Hopes and Disappointment," *Challenge*, vol. VII, no. 40 (November-December 1996), p. 6.

¹⁸³ LAW, "Supreme Court Justice Forced to Resign: Judicial Independence Violated," September 2, 1996.

¹⁸⁴ High Court of Justice case 15-96. Human Rights Watch interview, East Jerusalem, July 12, 1996.

¹⁸⁵ Human Rights Watch interview, Ramallah, July 14, 1996.

Israeli officials have shown no inclination in their public statements to demand that the PA respect human rights in its treatment of Palestinians. Just prior to signing the Declaration of Principles, then-Prime Minister Yitzhak Rabin stated:

The Palestinians will be better at [establishing internal security] than we were, because they will allow no appeals to the Supreme Court and will prevent [groups like] the Association for Civil Rights in Israel from criticizing the conditions there....They will rule by their own methods, freeing, and this is most important, the Israeli soldiers from having to do what they will do.¹⁸⁶

In response to the February and March 1996 suicide bombings, Israel made it clear that responsibility for preventing anti-Israeli violence lay with the Palestinians.¹⁸⁷ Then, in June 1996, when the PA faced pressure from the population and the Legislative Council to release detainees held without charges, the PA pledged to release detainees. Once the releases started, however, newly-elected Israeli Prime Minister Binyamin Netanyahu stated that a halt to the releases was one of Israel's conditions for continuing the peace negotiations. Israeli officials expressed no interest, at least publicly, in whether those being held were charged or put on trial; they simply urged that the releases stop.¹⁸⁸ The Netanyahu government also conditioned the easing of the closure of the West Bank and Gaza Strip on a halt in prisoner releases by the PA.

After the July 30, 1997 suicide bombing in Jerusalem, Prime Minister Netanyahu again demanded mass arrests, his government reportedly providing to the PA a list of 200 Islamists whose arrest it sought. Again, there was no Israeli suggestion that safeguards such as fair trials be respected.

Ironically, Israel, in a report published in October 1996 on PA violations of the Oslo Accords, criticized the PA's "abuse of human rights and the rule of law," citing violations including arbitrary arrests, detention and torture.¹⁸⁹ This criticism ignores the relentless demands that Israel had made on the PA to prevent attacks against Israelis without reference to the means employed.

In 1996 and before, the Clinton administration demanded that Arafat act more decisively to prevent anti-Israel violence, but made no reference to the need for due process, even as the massive, arbitrary round-ups were taking place. Martin Indyk, then-U.S. Ambassador to Israel, said on February 26, 1996:

We want more stick and less carrot from Arafat. The process of coopting [Hamas] has failed. What Arafat does now will affect the very future of the peace process.¹⁹⁰

As President Arafat cracked down on the opposition, particularly Islamist groups, by carrying out arbitrary arrests, detaining people without charge, and practicing torture, Israel and the U.S. praised the crackdown while remaining largely silent on the tactics used. After hundreds of suspects had been rounded up, often arbitrarily, and

¹⁸⁶ *Yediot Ahronot* (Tel Aviv), September 7, 1993, as cited by Graham Usher, "The Politics of Internal Security: The PA's New Intelligence Services," *Journal of Palestine Studies*, vol. XXV, no. 2 (Winter 1996), p. 28.

¹⁸⁷ See, for example, Derek Brown, "Arrests Spark New Bomb Threats," *Guardian*, March 11, 1996.

¹⁸⁸ Associated Press, July 15, 1996; see also Israel TV Channel 2, as reported by BBC Monitoring Service, July 11, 1996, 1700 gm.

¹⁸⁹ Government Press Office, State of Israel, Major PLO Violations of the Oslo Accords, October 25, 1996.

¹⁹⁰ Graham Usher, "The Month that Was—The PA and Hamas after the Bombings," *Middle East International*, March 11, 1996.

many had been subjected to torture during interrogation, then-U.S. Secretary of State Warren Christopher announced, "We are getting 100 percent cooperation from Arafat."¹⁹¹

In a May 3, 1996, meeting with representatives of Human Rights Watch, Dennis Ross, the U.S. Special Middle East Coordinator conceded the tension between the two different messages that the United States was giving President Arafat—to stop terrorism and to respect due process: "No one here wants to see an absence of due process. But the other side [Hamas and Islamic Jihad] does not observe the niceties or a code of conduct." Ross also emphasized that the PA's institutions had "started out at nothing," adding, "We've had these conversations with them....It's going to take time to see what we'd like to see."

¹⁹¹ Graham Usher, "Burning the Haystack," *Middle East International*, March 11, 1996.

Other U.S. actions have also indicated minimal regard for the human rights consequences of the PA's security policies. For example, despite clear evidence of the systematically unfair practices of the state security courts, neither Vice-President Al Gore nor any other U.S. official has publicly retracted the praise for their creation that Gore offered both during his visit to Jericho on March 24, 1995 and two weeks later in Washington, where he stated, "I know there has been some controversy over the Palestinian security courts, but I personally believe that the accusations are misplaced and that they are doing the right thing in progressing with prosecutions."¹⁹²

The U.S. administration, while supporting Israeli demands after the July 30, 1997 bombing that the PA engage in an all-out battle against terror, showed more caution in its public statements than it had in 1996 concerning the measures it urged President Arafat to take. While Israel demanded a round-up of suspected militants, Secretary Albright said, for example, that the focus must include "bringing to justice those responsible for this act."¹⁹³ Other statements from Washington avoided any suggestion that the crackdown should be executed in a manner that disregarded the rights of suspects.

Although the Clinton administration crafted its public statements more carefully in 1997, it also imposed on itself a heavier duty to oppose Palestinian abuses when it agreed, in August, to sit in on discussions between top Israeli and Palestinian security officials. According to press reports, the Tel Aviv station chief of the U.S. Central Intelligence Agency began attending such meetings and would assess whether President Arafat was giving his full cooperation against armed attacks on Israel.¹⁹⁴ Details of the new arrangement were not disclosed. However, should the PA proceed to violate human rights in the name of preventing terrorism, as happened on a massive scale during the round-ups of 1996, the U.S. presence at these security meetings — where Israel is undoubtedly demanding stronger measures by the PA — will make the U.S. appear deeply complicit unless it speaks out against the abuses that occur.

The U.S. is a major participant in the international donor effort in the West Bank and Gaza, having pledged \$500 million over five years to the West Bank and Gaza Strip following the signing of the Israeli-PLO Declaration of Principles in September 1993. The figure included \$375 million in resources administered by the Agency for International Development (USAID) and \$125 million in Overseas Private Investment Corporation (OPIC) programs.

¹⁹² "America and the Middle East," Proceedings of the Washington Institute on Near East Policy's Soref Symposium, April 4-5, 1996, p. 13.

¹⁹³ "World leaders denounce Jerusalem bombings," Agence France-Presse, July 30, 1997.

¹⁹⁴ See, for example, Douglas Jehl, "Israelis and Palestinians Agree to U.S. Role in Attack Inquiry," *New York Times*, August 13, 1997.

Between September 1993 and September 1996, the U.S. had obligated \$225 million in assistance managed by USAID, more than half of which had been disbursed by the end of fiscal year 1996. According to an agency program overview, "USAID supports activities to help build democracy by increasing citizen participation, expanding institutions of civil society, increasing the flow and diversity of information to citizens, and strengthening selected democratic institutions."¹⁹⁵ USAID funds have also gone toward start-up costs and the payroll of the PA, including police salaries. According to one study, the U.S. disbursed \$44.9 million to the PA and the police between September 1993 and 1995.¹⁹⁶

The U.S. has documented PA abuses in detail in the State Department's *Country Reports on Human Rights Practices* for 1995 and 1996, and the Consul General in Jerusalem has raised human rights concerns with top PA officials on a regular basis. In its public dealings with the PA, however, the U.S. has focused not on patterns of abuse but rather on selected individual cases, and in particular on those cases where the victims were not members of groups opposed to the peace process. For example, the U.S. took a strong stance following the repeated arrests of human rights activist Dr. Eyad Sarraj and the detention in June 1997 of journalist Daoud Kuttab, a U.S. citizen who directs the independent Al-Quds Educational Television. Then-U.S. Consul General in Jerusalem Edward Abington met twice with President Arafat to urge Sarraj's release, and an officer from the U.S. embassy in Tel Aviv met with Sarraj in prison. Consul Abington also traveled to Ramallah to visit Kuttab in prison, and the White House demanded his release from detention. Abington also sharply criticized PA interference with Kuttab's live broadcasts of sessions of the Legislative Council, a project for which the U.S. Agency for International Development had provided a pilot grant. "Arafat must have been uncomfortable with what people were saying there," Abington said. "It's really remarkable."¹⁹⁷

According to State Department officials, the U.S. also raised with the PA the August 30, 1996 death in custody of Mahmud Jumayal. And in an unusually strong expression of dismay following the death in detention of Yusif al-Baba (see above), Consul Abington declared:

Too many Palestinians have died while in [PA] custody. Palestinians must not suffer at the hands of other Palestinians. Those who break the law must be held accountable...Courts have not been enforced,

¹⁹⁵ "West Bank and Gaza: Program Overview," USAID West Bank and Gaza Mission, Tel Aviv, January 1997.

¹⁹⁶ Sara Roy, "U.S. Economic Aid to the West Bank and Gaza Strip: The Politics of Peace," *Middle East Policy*, vol. IV, no. 4 (October 1996), p. 69.

¹⁹⁷ Quoted in Barton Gellman, "Palestinian Legislators' Telecasts Caught in a Jam," *Washington Post*, May 21, 1997.

undermining trust in the rule of law. Faith in government is eroded by rumors of bribery and corruption that go uninvestigated.¹⁹⁸

That same day, he told the Reuter news service that, "Security is important but it can't come at the cost of human rights."¹⁹⁹

Senior officials in the Clinton administration and the state department have disappointingly failed to echo this sentiment in their public comments. This failure is regrettable, especially at those moments when the U.S. is widely seen to be endorsing Israel's demands, which are generally issued without any public concern for the rights of suspects, for an "anti-terror" crackdown by the PA.

Legislative councilmember Dr. Haidar Abd al-Shafi remarked on the responsibility of the international donor community:

¹⁹⁸ "US Diplomat calls on Arafat to put an end to rights abuses," Agence France-Presse, February 4, 1997. He made the comments when signing an agreement to provide \$6 million in U.S. aid to the Legislative Council.

¹⁹⁹ "U.S. Diplomat Criticizes Palestinians for Torture." Reuter, February 4, 1997.

In my opinion, there is no excuse for the illegal actions of the authority. Of course, it is under pressure from Israel and the U.S. to crack down on terrorists and, in the process, it is cracking down on everybody. It is a case of moral laxity on the part of those conferring money. They could at least exercise pressure to see that things are done better. The violations are no longer a secret. But they are more interested in seeing that the process goes on rather than raising questions and problems.²⁰⁰

European Policy

European governments have been less vocal than the U.S. in demanding a tough PA response to anti-Israel violence. However, they also have been unwilling to make human rights protection a priority in their respective policies. This is particularly troublesome with respect to abuses carried out by the security forces, since these forces are at least partially funded and trained by European countries (see the section on training, below).

The high level of assistance that they grant to the PA provides European governments with considerable leverage. They have provided economic assistance to the PA through the European Union (EU), World Bank-administered multilateral aid program, and bilateral agreements. The EU has been the largest single donor to the PA, with U.S.\$404 million in assistance between 1993 and 1996 and a commitment to provide an additional \$63 million annually until 1998.

Despite their significant financial commitment, however, European governments have appeared fearful of disrupting the Israeli-PLO peace process and have not acted determinedly to stem abuses. Like the United States, European governments and the EU have privately criticized human rights violations by the PA but have generally shied away from public pronouncements. The exceptions have involved prominent individual cases, rather than wide-scale abuses where the victims have been less well-known and were arrested during crackdowns on purported militant opponents of the Israeli-PLO peace process. Norway, among others, has publicly condemned abuses in high-profile cases such as the arrest of Eyad Sarraj and the death in custody of Mahmud Jumayal.

The prospect of a EU-PA agreement on trade and cooperation gives the EU an opportunity to increase its human rights advocacy. The European Union raised human rights with President Arafat when he came to Brussels on February 25, 1997 to sign an interim trade and cooperation agreement. Emerging from a meeting with Belgian Foreign Minister Erik Derycke, Arafat told the press, "We are the people who have suffered. We don't accept anything against human rights," He stated that policemen who breached human rights had been and would continue to be punished.²⁰¹ But he had been cautioned during his meetings that the accord was based on mutual respect of international human rights standards and could be suspended over abuses. In April, the European Parliament approved the interim association agreement, setting the stage for it to be taken up by the parliaments of the member nations.

The Need for Training

The desirability of human rights training and education at all levels of the Authority and its security forces has been widely recognized. The EU launched a US\$10 million program in 1996 for the promotion of human rights, democracy and civil society. During 1996, Denmark, Great Britain, Sweden and the Netherlands participated in training the Palestinian police in various skills and subjects, including human rights. Denmark, Sweden and the Netherlands have pledged U.S.\$6 million toward building a police academy in Jericho, and Germany has pledged U.S.\$2 million to equip it. One European-funded training program enabled the West Bank-based Mandela Institute, an independent human rights organization that focuses on prisoners' issues, to train law enforcement officers and print manuals on human rights, the rule of law and applicable international standards. The U.S. Agency for International Development (AID) has included in its annual budget of \$75 million for the West Bank and Gaza Strip projects intended to promote more responsive and accountable governance.

²⁰⁰ Human Rights Watch interview, Gaza City, July 29, 1996.

²⁰¹ "Arafat responds to human rights criticism," AFP, February 25, 1997.

Such training and governance programs, however desirable, cannot curb abuses unless they are accompanied by a political will at the highest levels of the Palestinian leadership to root out abuses and hold abusers accountable for their actions.

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APPENDIX A: SUSPICIOUS DEATHS IN DETENTION

Note: The information in this chart comes from press accounts and reports by Palestinian and international human rights organizations. To date, the authorities have ignored numerous invitations by Human Rights Watch to provide more information on cases of death in detention.

<i>Name and Age</i>	<i>Date of Arrest (m/d/y)</i>	<i>Place of Detention</i>	<i>Date of Death (m/d/y)</i>	<i>Reported Charges, or Apparent Basis for Detention</i>	<i>Circumstances Surrounding Death</i>	<i>Official Response/ Investigation Proceedings</i>
Sami Ali Muhammed Rabbo, age 40	2/15/97	Saraya Prison, held by the General Intelligence authorities	6/30/97	He was held without charge or trial. He had previously been arrested twice by Palestinian security forces.	Family sources said they were told he had died of a stroke. The Gaza-based Palestinian Center for Human Rights has demanded an autopsy, and protested that only two family members were allowed to attend the burial.	There has been no official response to the PCHR intervention.
Nasser Abed Radwan, age 28	6/23/97	Arrested from home by two members of Force 17, the presidential guards,	6/30/97	The security forces did not give a reason for his arrest. The Jerusalem-based Palestinian Human Rights	Nasser Radwan was moved to Shifa Hospital in Gaza a day after his arrest. Doctors told his family he had a fractured skull and was brain dead from a blow to the	A Palestinian military court tried officer Fathi Freihat and seven Force 17 bodyguards on July 1, the day after Radwan died, on charges of torturing Nasser Radwan to death. That day the court convicted three defendants, including Col.

<i>Name and Age</i>	<i>Date of Arrest (m/d/y)</i>	<i>Place of Detention</i>	<i>Date of Death (m/d/y)</i>	<i>Reported Charges, or Apparent Basis for Detention</i>	<i>Circumstances Surrounding Death</i>	<i>Official Response/ Investigation Proceedings</i>
		and reportedly held at a Force 17 detention center		Monitoring Group said he was arrested because of a personal conflict with a bodyguard of a Force 17 commander, Colonel Fathi Ibrahim Freihat.	head. Officers from Force 17 told the family he was injured after banging his head on the wall. He died a week later and a medical examination substantiated allegations he had been tortured to death.	Fathi Freihat, of causing his death and of harming the prestige of the Palestinian Authority by inciting hatred toward it, and sentenced them to death. It sentenced three others to prison terms ranging from six months to five years for manslaughter. Two defendants were acquitted.
Hakam Qamhawi, age 57	6/1/97	Jericho Inter-rogation Center, in custody of General Intelligence	6/16/97	Reportedly suspected of selling land to Israelis in 1988. His death followed the killing by unknown gunmen of three Palestinians reportedly suspected of having sold land to	Palestinian authorities said he had committed suicide and died on the way to hospital. His family told human rights groups that he died of a heart attack. His wife said he had been tortured in Palestinian custody and told the Associated Press his body showed	The human rights organization LAW said an official PA forensic expert stated he had died of a heart attack. There was no autopsy carried out on the body.

Name and Age	Date of Arrest (m/d/y)	Place of Detention	Date of Death (m/d/y)	Reported Charges, or Apparent Basis for Detention	Circumstances Surrounding Death	Official Response/ Investigation Proceedings
Yusif al-Baba, age 31	1/3/97	Nablus Prison, in custody of Military Intelligence	2/1/97	Summoned without warrant or official authorization to governorate headquarters for questioning in connection with property dispute. Subsequently held without charge.	signs of torture. PA officials confirmed that he was "subject to extreme torture which led to his death." Lawyer who examined body found cigarette burns on right shoulder, rope marks around hands and feet, and contusions from blows to the head. Hospitalized three weeks before death but returned to detention for interrogation.	Justice Minister Abu Meidein called on President Arafat to stop security forces from obstructing investigation, and called the case "a decisive point in the future of personal and human freedoms in our nation." He also said that results of the official autopsy conducted on 2/2/97 were stolen. The Palestinian press later reported that police had arrested the chief of Military Intelligence in Nablus, two local government officials, a doctor in the military service and nurses working in the hospital where al-Baba died. To date, no one has been charged or tried.

<i>Name and Age</i>	<i>Date of Arrest</i>	<i>Place of Detention</i>	<i>Date of Death</i>	<i>Reported Charges, or Apparent Basis for Detention</i>	<i>Circumstances Surrounding Death</i>	<i>Official Response/ Investigation Proceedings</i>
Fayez Hama Yaqub al-Qumsieh, age 53	3/7/96	Bethlehem District Prison, first in custody of PSS and then transferred to Military Intelligence	1/17/97	Held without charge or trial but confessed under torture to the murder of a suspected collaborator in 1981.	PA first stated that he hanged himself, but doctors representing his relatives who observed the official autopsy told them that he died of a heart attack. A photograph of his face showed bruising, according to the Palestinian Human Rights Monitoring Group. Family reported that other parts of his body also showed signs of violence.	Preliminary results of the official autopsy reportedly showed a broken arm and signs of beating on the neck and forehead, though final results not published. President Arafat ordered investigation, but the results were not published.
Rashid Daoud Rashid al-Fityani, age 25	1/15/95	Jericho District Prison	12/3/96	Arrested, along with brother-in-law Salman Jalayta (see below), on suspicion of collaborating in murdering a Hamas member in	Police stated that a guard shot Fityani after being attacked by him during an argument. According to hospital sources, he was shot thirteen times at close range. Amnesty International	PA and Legislative Council announced investigations. The next day, PA apologized for the "tragic accident" and acknowledged that the number of bullets used suggested excessive use of force. On 12/6, a military court sentenced the guard, Assa Jalaitah,

<i>Name and Age</i>	<i>Date of Arrest</i>	<i>Place of Detention</i>	<i>Date of Death</i>	<i>Reported Charges, or Apparent Basis for Detention</i>	<i>Circumstances Surrounding Death</i>	<i>Official Response/ Investigation Proceedings</i>
				12/94. His trial before a military court had been repeatedly postponed.	previously reported that he and Jalayta had been tortured by electric shocks and beaten with cables. Fityani reportedly had signs of violence on his body when his family visited him in 2/95.	to life in prison and hard labor.
Khaled Isa Habal, age 66	8/10/96	PSS head-quarters, Ramallah	8/11/06	Summoned for questioning in connection with death of a villager killed during a land dispute.	PA stated that he hanged himself. Family members initially reported signs of beating on legs, back, and genitals.	According to an unconfirmed report, two police officers and an interrogator were suspended pending investigation. In accordance with an agreement between the Palestinian and Israeli health ministries, the PA did not release autopsy results conducted at Abu Kabir, the Israeli forensic institute.
Mahmud Jumayal, age 26	mid-December 1995	Jneid Prison, in Nablus, in custody of Coastal	7/31/96	Held without charge, but questioned about alleged involvement	According to lawyer who visited him in detention, his body showed signs of his having been	Three named officers were convicted of the beatings and sentenced in a two-hour trial by Jericho military court, two

<i>Name and Age</i>	<i>Date of Arrest</i>	<i>Place of Detention</i>	<i>Date of Death</i>	<i>Reported Charges, or Apparent Basis for Detention</i>	<i>Circumstances Surrounding Death</i>	<i>Official Response/ Investigation Proceedings</i>
		Police. Transferred there on 7/26 from Jericho, where he was held by PSS.		with Fatah Eagles.	suspended by the feet, beaten with cables, and branded with a hot iron; hospital staff reported that he had extensive burns, multiple lacerations, a fractured skull, and internal bleeding in his brain.	to fifteen years plus hard labor, and one to ten years plus hard labor.
Azzam Muhammad Ibrahim Muslih, age 52 (U.S. citizen)	9/27/95	Jericho detention center, transferred from PSS to General Intelligence Service	9/28/95	Held without charge, but police told the press that he had been questioned in connection with two old murder cases.	Family reported signs of beating and cigarette burns on his body. Muslih had a history of heart trouble, and the PA initially claimed that he died of a heart attack. Later, following US pressure, his body was exhumed and the Israeli forensic laboratory at Abu Kabir conducted an autopsy, in the presence of a family representative. It revealed three	Following the investigation, the PA announced that three officers had been tried and sentenced—two to one year and one to seven years—for their roles in unintentionally causing Muslih's death.

<i>Name and Age</i>	<i>Date of Arrest</i>	<i>Place of Detention</i>	<i>Date of Death</i>	<i>Reported Charges, or Apparent Basis for Detention</i>	<i>Circumstances Surrounding Death</i>	<i>Official Response/ Investigation Proceedings</i>
Tawfiq Sawarqa, age 36	Unknown	Gaza Central Prison, Gaza City	8/27/95	Reportedly arrested for "security reasons."	broken ribs but was inconclusive on the cause of death. PA initially claimed that he died of a heart attack.	President Arafat reportedly ordered an investigation and announced that two interrogators had been questioned and suspended. To date, no one is known to have been charged, and no autopsy known to have been conducted.
Muhammad Atwa al-Majid al-Umour, age 50	4/24/95	Rafah, Gaza Strip, in custody of PSS; transferred to Shifa hospital on 6/19	6/21/95	Unknown	Family reported burns and signs of beating on the body.	Autopsy conducted and commission of inquiry reportedly established, but no results published to date.
Yusif Mahmud Sharawi, age 21	5/23/95	Nuseirat detention center, in custody of General Intelligence	5/23/95	Unknown	Police and security officials announced that he died from injuries sustained after being accidentally shot by	Attorney General al-Qidrah stated that Sharawi's interrogator would be tried. However, no results of any inquiry were published, and no

<i>Name and Age</i>	<i>Date of Arrest</i>	<i>Place of Detention</i>	<i>Date of Death</i>	<i>Reported Charges, or Apparent Basis for Detention</i>	<i>Circumstances Surrounding Death</i>	<i>Official Response/ Investigation Proceedings</i>
		e Service, Gaza			live ammunition in the detention center.	information has become available to indicate that an autopsy was performed or a trial held.
Salman Atta Qreishi Jalayta, age 44	1/15/95	Jericho detention center, in custody of PSS	1/18/95	Arrested with his brother-in-law Rashid Daoud Rashid al-Fityani (see above). Held without charge.	PSS chief Col. Rajoub stated that he died after being transferred to hospital for treatment for low blood pressure. Family and journalists who saw the corpse reported signs of beating.	Results of the autopsy and PSS internal investigation not disclosed. Following separate investigations, the Palestinian Independent Commission for Citizens Rights concluded that Jalayta died due to heart failure under the pressure of the interrogation and "not as a result of deliberate killing," but it suggested that "irregular...detention procedures and conditions...may have contributed to his death as a result of negligence."
Farid Hashim Jarbu, age 28	6/25/94	Gaza Central Prison, Gaza City, in custody of PSS	7/6/94	Held without charge, but reportedly accused of drug dealing and collaboration.	PA announced that he died as a result of violence. Family reported wounds on forehead, shoulders, wrists and abdomen that indicated severe	Three police officers initially suspended, but no further disciplinary measures confirmed; results of autopsy not revealed.

<i>Name and Age</i>	<i>Date of Arrest</i>	<i>Place of Detention</i>	<i>Date of Death</i>	<i>Reported Charges, or Apparent Basis for Detention</i>	<i>Circumstances Surrounding Death</i>	<i>Official Response/ Investigation Proceedings</i>
					beating.	

SUSPICIOUS DEATHS AFTER RELEASE FROM DETENTION

<i>Name</i>	<i>Date of Arrest</i>	<i>Place of Detention</i>	<i>Date of Death</i>	<i>Reported Charges, or Apparent Basis for Detention</i>	<i>Circumstances Surrounding Death</i>	<i>Official Response/ Investigation Proceedings</i>
Nahid Mujahid Dahlan, age 24	7/27/96-8/7/96, summoned daily	Special Apparatus of General Intelligence Service in al-Qarara village, Khan	8/7/96, died hours after being found badly injured near his home.	No charges known to have been brought against him.	PA announced that autopsy revealed that he had committed suicide by swallowing insecticide. Family reported that body had scars and bruising on abdomen, arms, and legs.	No investigation conducted, and autopsy results not provided to family. Muhammad Dahman, director of the rights organization Addameer, was detained for fifteen days after calling for an investigation into his death. Attorney General al-Qidrah stated that he was charged with

<i>Name</i>	<i>Date of Arrest</i>	<i>Place of Detention</i>	<i>Date of Death</i>	<i>Reported Charges, or Apparent Basis for Detention</i>	<i>Circumstances Surrounding Death</i>	<i>Official Response/ Investigation Proceedings</i>
Muhammad Hussein al-Jundi, age 32	1/5/95	Yunis, Gaza Strip Gaza Central Prison, Gaza City	4/1/95	Charged with collaborating with an Israeli undercover unit in the 1994 murder of six members of the Fatah Hawks, the armed wing of Fatah.	General Intelligence officers stated that he was shot while trying to escape from prison. Eyewitnesses reported that al-Jundi had been taken from prison to the al-Qatatwa area of Jabalia refugee camp (site of the 1994 murder), where four armed men in civilian clothes shot him in the head at close range. One man allegedly announced al-Jundi's assassination as revenge for the 1994 killings. Family members reported traces of torture after visiting him in detention one month before his death. At that time he informed them that he had been subjected to electric shocks.	"publishing false information and issuing it in a press release." PA launched an internal investigation. Four days later, Justice Minister Abu Medein announced that five intelligence officers had been detained in connection with his death, would be tried before a military court and "punished very severely." However, the PA did not publish the names of anyone detained in connection with al-Jundi's death, and no judicial follow-up has been confirmed.
Allam Hattat, age unknown	Unknown	Gaza	1/23/95	Unknown	Found strangled two days after he was released without charge.	Unknown

