

State of Palestine
Ministry of Interior
Democracy and Human Rights Unit

4/21/2019

**Dear Mr. Omar Shakir / May God safeguard him
Israel and Palestine Director
Middle East and North Africa Division
Human Rights Watch**

Salute of the homeland,

**Subject: The organisation [HRW]'s letter on information about arrests and treatment of
detainees in the State of Palestine**

Please accept our best greetings from the Democracy and Human Rights Unit at the Ministry of Interior;

In reference to your letter to us on 4/7/2019 requesting support in obtaining information about arrests and the treatment of detainees in the State of Palestine, kindly review the attached report which we prepared based on the questions you included in your mentioned letter.

Please accept our utmost regards

Haitham Arar

Head of the Democracy and Human Rights Unit

Question (1): Do you maintain a record of every detention, from the moment of arrest, including the legal basis for detention, to the date of release?

Security Forces: A record is kept for each detainee from the first moment of his arrest until the date of his release, including all information related to him (medical record, charge, legal basis, personal photo, and record of visits by family, lawyer and human rights organisations).

Public Prosecution: Paper records of files are created as soon as files are received at the public prosecution office, in addition to electronic records using Mezan software. Detainees are also registered at the rehabilitation and detention centers, which are supervised by the Public Prosecution, and there is a dedicated employee for registering cases.

Questions (2) and (3)

Body	Number of Arrests	Social Media	Insulting “higher authorities” or inciting “sectarian strife”	Individuals currently detained	Individuals detained in each facility	Individuals detained in custody of the Governor
Police	Detention Centers: 48,342	167	195	801	Jericho: 56	5
					Nablus: 108	
	Jenin: 35					
	Tulkarem: 45					
	Salfit: 26					
	Ramallah: 90					
	Tubas: 21					
	Jerusalem suburbs: 95					
	Qalqilia: 84					
	Bethlehem: 66					
Hebron: 175						
Rehabilitation and Reform Centers: 5,711						
	Arrests distributed between rehabilitation and detention centers: 54,053					
Preventive Security		7,787	437	1,417	127	General Headquarters (Central, Ramallah, and Jerusalem): 43
	Nablus: 20					
	Hebron: 30					
	Bethlehem: 0					
	Salfit: 3					
	Tulkarem: 2					
	Qalqilia: 13					
	Jericho: 2					
	Tubas: 4					
	Jenin: 10					
General Intelligence	Arrests: 2,454, of which 1,822 are cases of arrest for less than 24 hours	116 including insults to “higher authorities” or inciting sectarian strife		42	Nablus: 10	-----
					Bethlehem: 2	
					Jerusalem: 1	
					Qalqilia: 5	
					Central Investigation: 4	
					Salfit: 1	
					Ramallah: 8	
					Hebron: 6	
					Jenin: 3	
					Tubas: 1	
Tulkarem: 1						
Military Intelligence	Military detention and rehabilitation and reform centers: 650	32	2	125	Military rehabilitation and reform centers: 74	-----
					Detention centers: 51	
Committee of Directors of Central Operations	Detention centers: 471	-----	-----	39	Preventive Security: 22	-----
					General Intelligence: 6	
					Military Intelligence: 11	

Questions (4), (5) and (6)

Body	Q. (4)	Q. (5)	Q. (5a)	Q. (5b)	Q. (5c)	Q. (5d)	Q. (5e)	Q. (6)
Police	251	251	19 claims were verified and the rest of claims were classified as: lack of evidence, correctness of police procedures, positive police procedures, incorrect procedures	19	0	3	16	19 cases, and 22 police officers were punished (disciplinary council, warning, notice, promotion delay)
Preventive Security	28	28	Malicious claims and complaints relating to criminal cases of individuals charged with membership of armed militias, illegal possession of arms, and the provision of financial assistance and smuggling of money to these militias through illegal means; it was also found that the majority of these complaints had typical characteristic features including allegations of torture aimed at harming the State of Palestine and distorting its image before the international and local community		21			
General Intelligence	26	26	24 malicious and nontrue complaints, it was found that 2 complaints involved violations	2	0	0	0	Administrative sanctions for individuals involved in arbitrary arrests or ill-treatment (two cases). There are two cases of individuals claiming two officers of the General Intelligence Service beat [them] during a demonstration.
Military Intelligence	13	13	One case of torture proven for four accused individuals, and the case was referred to the military prosecution	1	5	1	1	4
Committee of Directors of Central Operations	28	28		0	0	0	0	0

Question (7)**Security Forces Judicial Authority: Cases registered under the charge of forceful confessions and torture for the period 1/1/2018 – 3/31/2019**

	Prosecution Authority	File #	Charge	File Status
1	Military Prosecution Jenin	16/2018	Obtaining confession by force	Referred to Court
2	Military Prosecution Tulkarem	112/2018	Obtaining confession by force	Dismissed
3	Military Prosecution Tulkarem	26/2019	Obtaining confession by force	Under investigation
4	Military Prosecution Tulkarem	106/2019	Torture to obtain information and confessions about a crime	Referred to Court
5	Military Prosecution Hebron	270/2018	Torture to obtain information and confessions about a crime	Under investigation
6	Military Prosecution Hebron	355/2018	Torture to obtain information and confessions about a crime	Dismissed
7	Military Prosecution Hebron	438/2018	Torture to obtain information and confessions about a crime	Dismissed
8	Military Prosecution Ramallah	81/2019	Torture to obtain information and confessions about a crime	Under investigation

	Court	File #	Charge	File Status	Comments
1	Permanent Court Hebron	40/2018	Torture to obtain information and confessions about a crime	Postponed	-
2	Special Court	18/2018	Torture to obtain information and confessions about a crime	Postponed	-
3	Military Court of Appeals	95/2018	Torture to obtain information and confessions about a crime	Needs ratification	Innocence for lack of evidence
4	Permanent Court Tulkarem	1/2019	Torture to obtain information and confessions about a crime	Postponed	-
5	Permanent Court Jenin	5/2018	Obtaining confession by force	Ratified	Innocence for lack of evidence
6	Permanent Court Jenin	19/2018	Obtaining confession by force	Needs ratification	Seven months of prison
7	Permanent Court Jenin	27/2018	Obtaining confession by force	Needs ratification	Innocence for lack of evidence
8	Permanent Court Jenin	43/2018	Obtaining confession by force	Needs ratification	Innocence for lack of evidence
9	Military Court of Appeals	168/2018	Obtaining confession by force	Postponed	-
10	Military Court of Appeals	10/2019	Obtaining confession by force	Postponed	-

Intelligence: Referral of members of the agency to the military judiciary with charges of assaulting citizens during a demonstration. The judiciary ruled one member was innocent and the other guilty and sentenced him for 10 days of prison.

Preventive Security: No member of the agency was sent to trial because of an involvement in arbitrary arrest, ill-treatment, or torture over last year (2018) and this year (2019).

Public Prosecution: Regarding the number of cases of incitement through social media posts, insulting “high authorities,” and inciting sectarianism, below is a table indicating the number of cases registered during 2018 according to the legal adaptation of the charge under the cybercrime law.

Number of cases involving electronic crimes according to the legal adaptation of the charge under the cybercrime law:

Charge	Number of cases
Extortion using the electronic web [internet]	62
Dissemination of information with intent of defamation, insult, slander, and libel against others through the electronic web	151
Threat of committing a felony using the electronic web	3
Offences against religious beliefs using the electronic web	3
Promoting news that infringe on the internal and external safety of the state and public order	15
Dissemination of information on the electronic web for the purpose of disrupting public order and endangering the safety and security of the community and aim to damage national unity	2
Establishing a website to publish news on the electronic web that endanger or threaten the safety of the state	5
Developing an electronic application to threaten a person through the electronic web	1
Dissemination of information that incites racism through the electronic web or by any means of information technology	3
Use of the electronic web or means of information technology to threaten another person or blackmail him to carry out an act or refrain from it, even if such an act or refrainment was legal	113
Inciting conflict among sects and various local sectors of the nation using the electronic web	3
Issuing threats using the electronic web	192
Use of the electronic web or a means of information technology in threatening to commit a felony or by raising issues that harm honor or status	86
Insult through social media sites	21
Slander in contravention of the provisions of Articles (188) and (358) of the penal code No. (16) of 1960 under Article (45) of Law No. 15 of 2018 on Electronic [crimes]	170
Dissemination of information on the electronic web or any means of information technology that would incite racial or religious hatred or racial discrimination against a particular group because of its ethnic, sectarian or racial identity or its color or appearance	2
Inciting [or] threatening to commit a felony using the electronic web	1

Question (8)

The investigation did not include any of those mentioned in the report, fearing that speaking to them might be interpreted negatively as being the result of their complaints, but the ministry is ready to receive them through you and investigate the complaints.

Questions (9) and (10)

- The State of Palestine signed the Convention against Torture on 4/1/2014. The Ministry of Interior is the competent authority to implement the obligations of the State of Palestine with respect to the Convention, hence, the Ministry has formed a governmental team comprising the Ministries of Interior, Foreign Affairs, Justice, Health, and Social Development, in addition to the Public Prosecution and the High Judicial Council to draft the report. Then the draft

report was presented to civil society organizations through national consultations in Ramallah and Gaza. The Committee used the recommendations of the consultations and amended the report on the basis of observations received from both meetings as well as from the Office of the [United Nations] High Commissioner for Human Rights. The Ministry completed the first draft of the report and submitted it to the Ministry of Foreign Affairs in December 2018, and is in the process of completing the formal review of the report for submission to the convention committee in Geneva.

- The State of Palestine acceded to the Optional Protocol to the Convention against Torture on December 28, 2017. The Ministry of Interior has initiated national consultations on the establishment of a national mechanism for the prevention of torture with all government partners and civil society institutions, as well as meetings with the Subcommittee on Prevention of Torture in Geneva. As a result of these activities, it was agreed that it was necessary to develop a reference document for the establishment of the mechanism, which was approved by the Council of Ministers in November 2018. A governmental team was set up to complete the establishment of the mechanism, including a law establishing the mechanism, a presidential decree for members of the mechanism for the first time, and the budget of establishment since the mechanism is a constitutional state institution. These steps are expected to be part of the Eighteenth Government's Action Plan, (100) days.
- The Ministry has completed all preparations for the visit of the Sub-Committee to the State of Palestine, which was scheduled to take place between April 4-12, 2018, but was canceled because of procedures by [Israeli] Occupation [authorities], which did not issue required visas for members of the Subcommittee.
- The Ministry of Interior shall provide necessary technical and vocational training to ensure the implementation of the Convention against Torture in the institutions of the State of Palestine by signing a memorandum of cooperation with An-Najah National University through a capacity building program based on the reports of the Istanbul Protocol: "Development of the National Mechanism for Protection, Documentation and Treatment". It is expected to be implemented in the coming months, including capacity building and training for law enforcement officials on the implementation of the Convention based on the Istanbul Protocol, as well as the establishment of a national mechanism and an integrated work methodology, and the formation of a national committee capable of monitoring and evaluating national performance and ending with raising the level of national performance in dealing with international human rights reports, especially the Convention against Torture.
- The Ministry is currently developing training materials in cooperation with Muwatin Institute for Democracy and Human Rights at Birzeit University and through an advisory committee comprising governmental institutions and civil society organizations on the most important issues that law enforcement officials should take into consideration during their work. These issues include implementing superiors' orders, prohibiting torture, the right to peaceful assembly, freedom of speech and expression, in addition to the economic, social and cultural rights of inmates. It is expected that the preparation of the materials will be completed within the next two months, followed by a training of trainers from all the security services on the manual, and disseminating it to all those concerned with law enforcement.
- In cooperation with the Office of the [United Nations] High Commissioner for Human Rights, the Ministry is training law enforcement staff and leaders on the Convention against Torture, the optional protocol [to the convention], the national mechanism to prevent torture, and the Subcommittee on Prevention of Torture.