



Palestinian Centre for Human Rights (PCHR)
المركز الفلسطيني لحقوق الإنسان

Report on Crimes of Torture in Palestinian Prisons and Detention Centers

May 2013 – June 2014

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Introduction

The Palestinian Authority (PA)'s accession in April 2014 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; International Covenant on Civil and Political Rights; and the four Geneva Conventions constitutes an important step to completely end the use of torture in the PA. This Step came to be consistent with PCHR's repeated claims and since the recognition of Palestine as a Non-Member State in the UN to join all human rights conventions and especially the aforementioned ones. According to these conventions, the PA has become internationally and clearly obliged to ban torture and take necessary measures to guarantee this. The PA should work without delay on the integration of its obligations under these conventions into its domestic laws and comply with the rule of law in order to guarantee applying them on the ground regarding the prohibition of torture and cruel, inhuman and degrading treatment.

The use of torture has been commonplace in Palestinian detention facilities in the Gaza Strip and the West Bank for many years. PCHR has received hundreds of complaints in which complainants stated that they had been subjected to different forms of physical and psychological torture, including shackling, beating on the soles of the feet, solitary confinement, sleep deprivation, death threats, and other forms of physical and psychological torture. The crimes of torture in the PA resulted in the death of many detainees in the PA prisons.

The rate of crimes of torture escalated significantly after the Palestinian political split in June 2007, which proves conclusively that torture became systematic rather than an individual behavior in the PA. Dozens of torture cases in PNA prisons were documented in the Gaza Strip and the West Bank, but many victims of torture abstained from giving their affidavits in fear of being harassed by security services. The deaths of 17 detainees under torture in the PA prisons reflect the cruelty employed against detainees and confirms that torture within the PA cannot be tolerated or overlooked, making it a national and human duty to address it, and requires an intensified effort to ensure holding accountable those responsible for the crimes of torture within the PA in the West Bank and the Gaza Strip.

PCHR has paid a particular attention to human rights violations committed by Palestinian security services in the Gaza Strip and the West Bank, and considers torture to be the most serious of these violations against Palestinians in PA prisons and detention centers. Torture is a direct and practical threat to the right to life, as this right is subjected to a maximum level of danger. Torture has two main types, physical and physiological (mental) torture, and they are often combined; in any case they are both equally harmful.

This report is the fourth of its kind, which covers the period between May 2013 and June 2014, has been prepared as PCHR has documented more crimes of torture committed against Palestinians in PA prisons¹.

This report sheds light on “torture” as heinous crime, a serious psychological and mental violation that dozens of detainees were subjected to in PA prisons and detention facilities. It also addresses many cases of torture that abused the detainees’ dignity, through documentation, tackling and following its course with the concerned authorities to hold the perpetrators accountable in order to put an end to it. PCHR documented 5 deaths in PA prisons in the West Bank and the Gaza Strip.

The report concludes that the practice of torture in PA is a systematic method and not a case of individual behavior, as proved by all data that torture is used at times as a tool in political rivalry based on the current political split in the PA. Moreover, torture is linked to a large extent with the political situation in the PA controlled areas, and torture crimes were as well committed away from the political disputes between Fatah and Hamas. Furthermore, the report finds that there are no signs that indicate that the PA has adopted steps to stop the crimes of torture in spite of officials’ statements about monitoring such acts, combatting it and prosecuting those responsible for it.

PCHR had published three former reports on the crimes of torture in PA prisons and detention facilities in the West Bank and the Gaza Strip; the first covered the period between June 2007 – August 2010; the second covered the period from August 2010 – September 2011; and the third covered the period from September 2011- May 2013. Those reports depicted a continued practice of torture, as it seemed as a systematic method adopted by members of security services against political rivals as well as using torture against criminal prisoners in both the Gaza Strip and the West Bank.

1. This report covers the crimes of torture in the official PNA prisons and detention facilities in the West Bank and the Gaza Strip, and does not cover crimes of torture committed by non-official parties, such as armed groups and others.

Part I: Torture in PA Prisons and Detention Centers

The practice of torture within PA prisons has become systematically institutionalized, as PA's methods of torture are characterized by continued development and novelty. This part demonstrates the methods of torture that are practiced against detainees by members of PA security forces. It also addresses a number of torture cases, which were documented by PCHR during the reporting period in West Bank and Gaza prisons.

First: Torture Methods Employed in PNA Prisons and Detention Facilities

PCHR has documented methods of torture, both physical and psychological, employed by the PA security services in prisons and detention facilities in the West Bank and the Gaza Strip. These methods were documented through testimonies given by torture victims, reports of the forensic medicine department and testimonies of the torture victims' families. The most significant physical and psychological torture methods included:

1. **Severe beating:** prisoners are severely beaten using sticks and cables.
2. **Slapping in the face:** prisoners are slapped in the face to cause them harm and to infringe their dignity.
3. **Punching:** prisoners hit with closed fists on the face, teeth and abdomen.
4. **Kicking:** prisoners are kicked in the abdomen and the buttocks and they are violently pushed onto the ground.
5. **Beating prisoners on the soles of their feet:** the feet of prisoners are lifted with a rope and a stick. Sticks or cables are then used to beat the soles of the feet until their feet become swollen and the prisoners cannot walk. According to testimonies that have been collected, the majority of the torture victims were then forced to walk in cold water. This appears to be a method used by the jailers to hide the signs of beating and to prevent swelling.
6. **Shackling "Shabeh":** prisoners are blindfolded and their hands are tied behind their backs. Then they are hanged from the wrists without allowing the feet to touch the ground. In some cases, prisoners are hung from the feet with their head hanging just above the ground. During Shabeh, prisoners are beaten with clubs and insulted.
7. **Solitary confinement:** prisoners are held in narrow cells in an area not exceeding 2 m². The cells have a foul smell and are intentionally kept hot and humid. They lack minimum level of humanitarian needs such as blankets and WCs. Prisoners are totally isolated from the outside world in these cells. In most of cases, cold water is poured on the floor so prisoners cannot sleep.
8. **Insulting prisoners with obscene words:** prisoners are insulted and yelled at in an obscene manner. They are insulted with accusations that they cooperated with the Israeli cooperation. This is the cruelest psychological torture because the majority of prisoners are detained on political grounds and they consider themselves leaders of the national movement.
9. **Practicing torture against a third party:** prisoners are forced to hear the cries of other prisoners while they are being subjected to torture, or they are made to believe that other persons being subjected to torture and they would be the next.

- 10. Repeated summons in cruel conditions based on political grounds:** dozens of civilians reported that they were summoned and as they headed to detention facilities they were forced to stand in the cold weather or under the sun for lengthy periods. They were then released at the end of the day.
- 11. Sleep deprivation:** prisoners are deprived of sleeping for long periods of time during the interrogation period which could continue for days or weeks in some cases.
- 12. Deprivation of healthy nutrition:** prisoners are denied proper meals during interrogations.

It should be noted that the effects of torture affect the entire family. In several cases, civilians were arrested and detained and their families were not informed of their detention places for days and in some cases for weeks. These families remained worried for their sons, subjecting them to psychological torture.

Second: Deaths in Prisons and Detention Centers

During the reporting period, (5) Palestinians died inside prisons and detention facilities of the Palestinian security services; two in the West Bank and 3 in the Gaza Strip. Present data refers to failure and negligence by official bodies to provide necessary medical care for the detainees. The situation is very alarming especially after the two deaths in a detention facility in the Gaza Strip (Beit Lahia Detention Center) within two days and in same circumstances. Moreover, it became more alarming after a PCHR lawyer's visit to a detention center last April when he found that the facility lacks the adequate detention conditions according to the minimal international standards and the Reform and Rehabilitation Centers Law. The lawyer emphasized that the detention facility is a residential apartment comprised of 3 small rooms in a building in the center of a populated area. Around 130 persons were detained in the apartment, so the rooms are overcrowded and the detainees suffer suffocation. Moreover, the detainees were not allowed to take a break and this is in violation of the most basic health requirements for detention facilities. In light of the above, PCHR reiterates its demand to investigate the circumstance of deaths of all these detainees, and to publish the results to the public. PCHR also demands establishing an independent inquiry committee to investigate detention conditions in the aforementioned detention facility and other detention facilities, especially those that belong to the police criminal investigation department, and if they are consistent with the minimal standards stipulated in the relevant conventions, including meeting the requirements of adequate health conditions.

Case (1): Death of Nawwaf Mohammed al-Kawazbah in the Preventive Security Service (PSS) in Bethlehem

On 23 December 2013, Nawwaf Mohammed al-Kawazbah (49) from al-Menia in Bethlehem died in the Preventive Security Service (PSS) detention facility in the city. According to security sources, Kawazbah hanged himself with a blanket when he was in the detention cell. He was then taken to Beit Jala Hospital, where he died. His body was transferred for an autopsy. Kawazbah had been detained since 16 December 2013 on criminal grounds and presented before the Public Prosecution and the Bethlehem Magistrate Court, which exceeded his detention until 31 December 2013.

Case (2): Death of Mohammed 'Abdel Qader Abu 'Amrah in Khan Younis Prison

On 12 March 2014, medical sources in Naser Hospital in Khan Younis in the southern Gaza Strip declared the death of Mohammed 'Abdel Qader Abu 'Amrah (45) directly after arriving at the hospital. On 01 March 2014, Abu 'Amrah had been arrested by the Palestinian police from his house in Deir al-Balah and stayed in Deir al-Balah prison for 12 days without being presented before the Public Prosecution. They also had information about his poor health condition. He was then transferred to Khan Younis prison, and his health condition deteriorated while he was being transferred to another place for fear of bombing the prison. He fainted and died upon arrival at the hospital. It should be mentioned that Abu 'Amrah suffered from chronic diseases such as hypertension, hypertrophic cardiomyopathy and clogging in the coronary artery.

Case (3): Death of Saleh Mesleh 'Atiyah Abu Hashish while held in Beit Lahia detention facility

On 14 May 2014, Saleh Mesleh 'Atiya Abu Hashish (33) died while being held in Beit Lahia detention facility (Abu 'Obaida) due to a heart attack. The family said to a PCHR fieldworker that Abu Hashish, who is a former officer of the National Security Forces, was arrested by the Anti-Drug Service about 27 days earlier and taken to Beit Lahia detention facility. The family added that they visited him the day before in the abovementioned facility and he was fine.

The deceased's family pointed out that they received the corpse from Shifa Hospital without allowing doctors to do the autopsy. Sources at the Forensic Department believed that Abu Hashish died due to a heart attack and that he died at approximately 02:00 on that day, according to external examination.

On its website, the Ministry of Interior in Gaza posted that the detainee, "S. H." (30), died in the morning and that an investigation was initiated. Moreover, the corpse was examined by a coroner who confirmed that he died because of a "heart attack".

Case (4): Death of Walid Soliman in Beit Lahia Detention Facility.

On 16 May 2014, Walid Soliman (28) died in Beit Lahia detention facility. According to investigations conducted by PCHR, at approximately 18:00 on Friday, 16 May 2014, the father of the deceased received a call from police officers in "Abu 'Obaidah" detention facility in Beit Lahia telling him that his son (28) was transferred from the detention facility to Martyr Kamal 'Odwan Hospital and he was in a serious condition. The father said that he and members of the family headed immediately to the hospital, where they were informed that Waleed died upon arrival at the hospital. He said that the doctors told him that there were no signs of torture on the corpse and he died due to a heart attack. The father added that the corpse of his son was transferred to the Forensic Department at Shifa Hospital in Gaza City. Sources at the Forensic Department said that Salman died due to a heart attack.

The deceased's father said to a PCHR fieldworker that his son was arrested on 10 March 2014, and was held in a detention facility in Beit Lahia by the Palestinian

police as his detention period was extended on the grounds of a criminal case. He added that his son was in a good health and had never complained of any chronic diseases.

On 16 May 2014, the Ministry of Interior in Gaza published a statement on its website indicating that Eyad al-Buzom, spokesperson of the Ministry of Interior, stated that “the detainee, ‘W. S.’ (28), died in the morning due to a sudden heart attack.” According to the statement, “the corpse was examined by a coroner who confirmed that he died because of dramatic failure of the heart.”

Case (5): Death of Salah Jameel Saradih in Correction and Rehabilitation Center in Jericho

On 22 May 2014, Salah Jamil Mohammed Saradih (28) died of an ailment he sustained while being in the center. He was then taken to Jericho Hospital where he was declared dead. The corpse was transferred to the Forensic Department, but no report was issued. The Police opened an investigation into the incident.

Third: Torture in PNA Prisons in the West Bank and the Gaza Strip

A. Torture in PNA Prisons and Detention Facilities in the Gaza Strip

The reporting period witnessed a continued adoption of torture as a basic method of treatment towards inmates in prisons and detention facilities by security officers. PCHR has gathered numerous affidavits of victims and their families² about being subjected to torture (themselves or a family member) inside the PA prisons and detention facilities in Gaza. Through PCHR’s follow-ups of the crimes of torture in the reporting period, it was found that these crimes were committed against political prisoners by the Internal Security Service (ISS) and prisoners of various criminal charges at security services, especially the General Intelligence Service (GIS).

*** Torture and degrading treatment in Gaza prisons and detention centers**

Many civilians were subjected to torture, cruel and degrading treatment by security service officers in the Gaza Strip, particularly the ISS and the police (criminal prosecution). PCHR has documented and followed up many torture cases of detainees during investigations and interrogations as a tool to coerce confessions on different backgrounds, including criminal, security or political. PCHR has also documented dozens of cases in which political activists, especially those affiliated with Fatah movement, were humiliated through offending and degrading procedures when they were summoned. According to dozens of detainees and prisoners on such grounds, they were detained for lengthy periods of time in cruel and degrading circumstance in an attempt to humiliate them. They were also beaten, shackled, insulted and verbally accused of collaborating with the Israeli forces. PCHR received many complaints and affidavits of persons who confirmed being subjected to torture.

2. PCHR keeps the names of the victims and their family members at the request of a number of victims. They will be referred to by their initials.

The following part demonstrates a number of cases that provide samples of torture methods used by security personnel against detainees and prisoners of various backgrounds. PCHR notes that the cases mentioned here-in are not and are not necessarily the most prominent of cases.

Case (1): (M. H. M. A.) (23) from al-Shija'iyah neighborhood beaten and tortured by Anti-Drug Police. He said:

“At approximately 15:00 on Wednesday, 29 May 2014, (M. B. M.), the police asked me about my brother, Ahmed, (...) so I called for him. He then asked my brother about Tramadol tablets and said give me the Tramadol tablets you had half an hour ago. Ahmed denied that and altercation with him. The police officer insisted that Ahmed had Tramadol and then asked Ahmed to handle him a drug dealer or someone who takes Tramadol. The police officer then made a phone call, and 4 persons; one of whom was R. Z. who threatened to kill Ahmed whenever he sees him. I saw R. Z. chasing my brother, Ahmed, with a weapon, and they fired in the house causing fear among my family. Two officers from the Anti-Drug service caught me and asked me about Ahmed. I told them that I don't know where he went, and in the meanwhile Ahmed fell to the ground and fainted in the house backyard. I ran towards him and picked him up with my cousins. We put him in the police car, but one of the police officers then came and hit me on the back. He asked me to get him out of the car and said that he threw himself. I asked them to resuscitate him, but they refused to. We then took him out of the car, and the police officers drove away firing bullets to fear us. We took a cap and headed to the hospital. While we were carrying Ahmed in front of the hospital entrance to enter him, a police officer R. Z. came and asked me to leave my brother. When I refused so, he slapped me on the face and stunned him with the electric baton, so I left my brother. He then handcuffed my hands and put me in the police car, where there were police officers. They started beating and insulting me. Half an hour later, they took me to al-Sheikh Rodwan police station and then to the second department in the station where they shackled me with my hands tied to the back. They also blindfolded me and severely beat me in addition to insulting me, my mother and wife. When I asked them what they want from me, they asked me to bring the Tramadol tablets which were with my brother, Ahmed. I told him that we don't have any, but he kept beating me insisting on having them. Due to severe beating, I admitted that they were in the house. A police officer then told me if there was no Tramadol in the house, they would bring some Tramadol tablets and say that they found them in the house. I assured them that there were Tramadol tablets, and they told me that they want to close the case. At approximately 14:00 on Thursday, 30 May 2014, al-Shija'ayah and al-Sheikh Rodwan police as well as the prosecution arrived with a senior official and took me with them. They searched the house but found nothing. I went to that official, Abu Belal, to tell him about how I was tortured and insulted. When they searched the house and found nothing, they threatened me and starting beating me. They said that I was lying, and they would torture me. They took me to al-Sheikh Rodwan police station, and when I got out of the police jeep, they started beating me throughout my body and insulting me and my family. I fainted many times while I was being beaten, so they poured water on me and kept severely beating me. R. Z. arrived and asked for my affidavit, in which I must mention that I wanted to run away. He started taking my affidavit, and when he did not like my answers, he started torturing me and stunned me with the electric stick. Therefore, I was changing my answer, so I would not be tortured. I signed on the affidavit and was feeling dizzy. I stayed in al-Sheikh Rodwan prison till 20:00 on Friday, 31 May 2014, and when my father saw me after coming back home, he took me to the hospital to receive medical treatment.”

Case (2): “I was subjected to investigation for two hours, during which the interrogators hit me with their hands on my face and chest while I was blindfolded”

(A. D.) (40) From al-Qal’aaah in Khan Younis was arrested and tortured by the ISS officers after searching his apartment and confiscating some contents and devices. He was taken to the ISS head office. He said to a PCHR fieldworker the following: *“At approximately 00:00 on Monday, 01 September 2013, I woke up to the sound of heaving knocks on my door, so my wife went to open and asked who. They said that they are from the ISS, and she then opened the door. Seven of them entered the house in addition to others waiting outside. Some of them were dressed like civilians and others in black formal wear. They said without identifying themselves: ‘We are from the ISS and have a decision from the Military Prosecution’. They searched the house and confiscated a PC, 2 cell phones, a USB flash drive, my passport and ID. They then said I was under arrest and took me with them to the ISS office overlooking the beach. They took my belongings and detained me in a cell (3x2 meters) for half an hour. They then blindfolded me and took me to interrogation. I was questioned with whom I was affiliated, what I do, Fatah and Tamarod movements and my future plans. I was questioned for about 2 hours, during which interrogators slapped me on the face and hit me on the chest. They hit me while I was blindfolded. I was returned to the cell, but after 15 minutes, I was taken back to be questioned and the same scenario was repeated for an hour and a half. I was then returned to the cell. I was released at approximately 04:30, but they asked me to return to their office at 08:00. I returned at 08:00. They took me to a bigger cell (7x5), in which I was detained for about 3 hours. A person then came and took me to interrogation. He asked me to sit down with my face against the wall. I was not blindfolded, but he warned me not to look back. I was questioned about my connections in the area and who visit me. They used threats during that half an hour of questioning. I was sent back to the cell. I remained there until noon, when they called my name, returned my belongings to me and set me free.”*

Case (3): “My right leg was broken due to harsh beating and I was lashed by a hose”

25-year-old (M. M. L.), from Khan Yunis, was arrested and tortured by the General Intelligence Service in Gaza City because he chanted “Allah Akbar” (God is the greatest) while being at al-Saraya square as Khan Yunis football team won a game. The complainant said:

“At approximately 19:00 on Friday, 13 September 2013, I was with some other members of Khan Yunis football forum trying to help the fans take taxis to Khan Yunis, as their bus broke down. During which, we were chanting “Allah Akbar” celebrating the teams’ winning. In the meantime, I was surprised to see a person in civilian clothing putting his hand on my shoulder. He said, “Come with me.” I asked, “Where to?” He replied, “Now you will know where to.” Other young men, who were with me, noticed what happened. One of whom was Rafi Abu Hadayed, a member of the club. He asked, “Where are you taking him?” The man in civilian clothing said, “He will see.” A civilian vehicle arrived then, in which there was 2 persons and a driver in black. They asked me to get into the car. They took me to the Abbas police station, where I was questioned for half an hour on the reason why I chanted “Allah Akbar”. I replied because the team won the game, however, he asked, “Did not you chant for Tamarod (rebellion) movement. I said, “No.” They then took me to the Intelligence Security Service in Gaza City. Once I entered the office there, I was taken to a room and an officer hit me with his elbow on my shoulders. He asked me to turn my face against the wall

and hit me twice on my left leg. He also threatened me to not turn my face and then lashed me on my back 10 times. He left and returned few minutes later. He asked me to stand against the wall and hit my right leg, due to which, I started screaming. I fell down, so he left again. I asked them later to perform Isha (evening) prayer, but one of them refused to allow me to have ablution. Another officer arrived and allowed me to have ablution and perform the Isha prayer. I told him I was exhausted and felt so much pain as I was beat. They made me a file, took my personal information and took a photo of me with a number. I was asked then to say "Allah Akbar". I did so, but they asked me to climb over the window and say "Allah Akbar" for 15 minutes. After that, I was asked to sign 2 papers I did not know what they were about and they prevented me from reading them. The officer asked me with whom I was affiliated. I answered that I am not affiliated with anybody. Due to which, he beat me throughout my body. I was released on 22:00. I went home then to the hospital where they found a fracture in my right leg and bruises in the fingers. They fixed a splint on my leg."

Case (4): *"About 5 persons alternately hit me with a stick on my bare feet for 2 hours."*

On 19 October 2013, 24-year-old (H. E. H.), from Rafah, said that he was arrested and tortured by police officers in Beit Hanoun police station, because he was accused of being affiliated with Tamarod movement.

In his testimony to PCHR staff:

"...While I was present in the taxi office, in which I have a part-time work, a microbus stopped by and 2 persons in civilian clothing stepped out of it. They asked me about my name and requested me to go with them. I got into the car, thinking they were from the Internal Security Service, as I was arrested several times earlier. They took me to the Criminal Police in Rafah. They asked me about my friends at college and in the Fatah youth movement. I was masked and driven to an unknown destination. I was also handcuffed. They took some friends of mine with me. At the detention facility that we did not know, we were put in a room and were accused of being affiliated with Tamarod movement in Gaza. I denied that, so I was sporadically hit on my bare feet for about 2 hours. My hands were tied to a pipe that was placed under my thighs. Besides, my back was to the ground, so my legs were a little high. About 5 persons alternately hit me with a stick on my bare feet for 2 hours. I saw their faces after I asked them to remove the mask off my face, because I could not breathe well. I also felt so much pain in my wrists and legs. In the evening, after they finished questioning and beating me, I was taken to a 16-square-meter room with a toilet. There were 10 other persons in that room. When I asked them where we were, they said it was Beit Hanoun police station and they were held in detention pending criminal cases. At 08:00 on Sunday, 20 October, I was taken out of that cell to the place where I was tortured. I met 2 other persons, who faced the same accusation.... We were handcuffed and blindfolded when we were taken to al-Jawazat Compound in Gaza. I was put in a 2-square-meter room, in which I stayed until the evening.... After midnight, an officer came and apologized for what had happened. He also asked us to forgive him for he found we were innocent. In the morning, we signed a bond on 21 October to return to al-Jawazat Compound on Tuesday morning, 22 October.... After conducting the CK test, the CK was 1,700, and the normal average varies between 20-50, because I was hit on my feet and suffered muscle laceration."

The security services in Gaza launched summonses against members of Fatah movement in late October and early November on the grounds of the so-called Tamarod movement. A number of the released persons, who were detained for that reason, said they were tortured by being hit on their bare feet, beaten throughout the body, shackled (subjected to Shabah) or kept standing up for long hours.

Case (5): “Someone forced me to kneel, tied my hands to the back and another hit me on the belly and chest”

On 09 November 2013, a person said that once he arrived to the Internal Security Service office, he was blindfolded and forced to sit on a very small chair. He added that an officer asked him to kneel and pulled his hands to the back, while another officer appeared and started to question him concerning Tamarod movement and his activity in Fatah movement. That officer hit him on the chest and belly. The same person said that he was taken to a small room with a metal chair and a video camera. They ordered him to stand up and he remained in that position until afternoon the following day.

Case (6): “They tied my hands to a metal stick and hit me on my bare feet (Falaka)”

Another person said to a PCHR fieldworker that he was questioned on his activity in Tamarod movement while being detained with others. He added that he was blindfolded and was hit on his bare feet (*Falaka*). The interrogators tied his hands to a metal stick and placed it horizontally under his knees with his back to the ground. They then started beating him for about 2 hours.

Case (7): “Interrogators beat me on the face and chest”

A third person said that once he arrived at the Internal Security Service office in Khan Yunis, the security officers blindfolded him and took him to the investigation room. He added that he was questioned about his political affiliation, work and Tamarod movement for about 2 hours, during which he was hit on the face and chest by interrogators.

Case (8): “I was beaten on the chest and belly and I was threatened to be fired at.”

On 09 November 2013, Y. H. W., 25, from al-Bureij refugee camp, surrendered to the Internal Security Service in Deir al-Balah, upon a summons. The Internal Security officers raided and searched his house and confiscated a laptop and Palestinian flags.

In his testimony to PCHR staff, Y. H. W. said:

“On Saturday, 09 November 2013, I headed to the Internal Security office in Deir al-Balah upon a previous summons. Once I arrived there and the security officers saw me, they ordered me to go home, wear jeans and a jacket and bring my cell phone. I went back home and did what they asked me to do. I returned to the office, where they put me in a room, blindfolded me and put me on a small chair. Few minutes later, they forced me to kneel, as 2 persons held me. One of them pulled my arms to the back and another held me from the chest and

lifted me up. During which, he was questioning me about Tamarod and my activity in Fatah movement. He also asked me to confess that I was a senior person in Tamarod and asked me who financed me. In addition, they requested my brothers' and my Facebook passwords. He started punching me in the chest and belly. Another officer asked me to offer them information on other persons to set me free. An officer threatened me that I could be released, but I could be shot in a certain incident. I had been questioned for 2 hours. I was then taken to another room, where they removed the bond over my eyes. In the 2-square-meter room, there were a camera and a metal chair. Every time I tired and wanted to sit on the chair, someone came and asked me to stand up. I remained in that room until 14:00. I had a backache and stomachache and felt dizzy, due to which, I asked them many times to bring me a doctor. The doctor transferred me to the hospital. I was accompanied by the Internal Security doctor and 3 officers. After medical examination, the doctor suspected that I had a problem in the vermix, so he admitted me to the hospital. When the security officers knew that, they called my brother Ehab (37) and informed him I was at hospital. My family came. The security officer handed me to my family and said: 'We will leave you now, and you will come back to us later when we tell you....''

Case (9): "The doctor told me I had an injury in the kidney due to harsh beating."

M. Kh. M. S., who was born in 1979, from al-Nusairat refugee camp, said he was arrested, beaten and shackled by the Internal Security officers in Deir al-Balah.

M. Kh. M. S. gave the following testimony to PCHR staff:

"At approximately 13:30 on Saturday, 09 November 2013, 7 armed Internal Security officers in civilian clothing and military uniform arrived. Four of them raided the house after they called my name and I went out. They searched the house and confiscated a PC set, my cell phone, yellow Fatah flags and 5 scarfs without a search warrant. They left and left me a summons to follow them within 10 minutes. Thirty minutes later, I went to the Internal Security office in Deir al-Balah. The guard took me to a room and checked my name. He said to me that I was the leader, tore my t-shirt and turned it over my head. He started to push me forward and put me in a room with a camera. In addition, he ordered me to stand up, put my hands up and not to move because he was watching me by the camera. Every time I was tired and put my hands down, he called me and ordered me to raise them up. Two hours later, I could not keep standing up, so I sat down. As a result, someone came, brought a metal chair and ordered me to stand up and raise the chair. I lifted the chair for 15 minutes and then put it down, so someone came. I told him I want to drink, but he ordered me to lift the chair. I insisted that I want to drink, but he insisted that I lift the chair until he brings me water. I kept lifting and lowering the chair and he kept yelling at me. An hour later, he brought me water, so I drank. He asked me to sit down and removed the t-shirt away from my face. It was sunset time, i.e. 5 hours later, when 3 Internal Security officers came. One of them blindfolded me with a kofia and took me to another room. They started questioning me about names of my colleagues in the Presidential Guard Service and if I had relationship with Tamarod and Fatah movements. He then asked me about personal issues. He asked, 'Do you love your wife? Does your wife love you?' I answered, 'It is personal.' So someone slapped me twice in the face and ordered me to answer the questions. He also asked them why they allowed me to sit on a chair. He pulled me harshly and pushed me to the ground. He then put me again on the chair and removed the kofia. Moreover, he brought me some papers printed out from my Facebook account. The papers included some of my comments and posts. The

officer started asking me about every one of my Facebook friends and my comments on the deposed Egyptian President, Morsi, and the visits of al-Qaradawi and Sheikha Mozah. He was slapping me in the face and hitting my head against the wall. They questioned me for 2 hours. At dawn, he returned me to the cell, brought me a blanket and asked me to sleep. In the morning, I had 3 rounds of investigation on the same issues. In the 3rd round, the officer slapped me several times in the face concerning a video on al-Qaradawi, Sheikha Moza and my comment on al-Bilatji (an Egyptian Muslim Brotherhood leader). I was also questioned on the same topics on Monday, 11 November. On the same day, I was examined by a doctor because I had flu. On Tuesday, 12 November, I was blindfolded and taken out of the cell to the interrogation room. A person seated me on a chair and told me that the interrogator would come. He also asked me to interact positively with the interrogator, because they wanted to transfer me to Gaza. He removed the blindfold, ... and asked me to step on Fatah flag. When I refused to do that, he kicked me in the chest and said, 'Shut up and step on the flag.' I refused too, so he called another huge person and asked him to push me. They punched me in the belly for 2 minutes. I fell down and my head hit the ground, due to which I fainted. They put alcohol in my nose, so I woke up. One of them stepped on my hand to make me wake up as well. I screamed and put my hand over my belly. I was screaming out of pain. They brought a doctor, who asked them to take me to the hospital. One of them blindfolded me and took me to al-Aqsa Martyrs' Hospital in Deir al-Balah. It was 13:00. The doctor examined me and asked me to do some tests as there was blood in urine. After the tests, the doctor said that I had an injury in the kidney and I had to return to the hospital."

Case (10): "They laid me on the desk and put cuffs on my hands and legs. They pushed me to the ground and attacked me with plastic hoses."

T. E. H., 31, from al-Shati refugee camp in Gaza City, said that at approximately 11:30 on Saturday, 19 November 2013, 2 vehicles belonging to the police general investigation service and carrying about 15 officers came to the house and arrested him.

In his statement to PCHR staff, T. E. H., said:

"... After I stepped into the car, I found a number of my friends arrested: (E. M. Sh.), (M. M. Sh.) (E. A.) and (F. M.). They took us to al-Jawazat Compound. Once we arrived there, they handcuffed us and put us in 2 police vehicles. We were taken to Beit Hanoun police station. I was taken to the interrogation room, where someone slapped me in the face and asked me about my role in Tamarod movement and who wrote Tamarod on the walls of the Italian Compound in al-Nasser neighborhood. He also asked me about my relationship with the arrested persons. He accused me that I was their boss and that I had a relationship with Mohammed Dahlan and received funds from abroad. I denied the accusations and explained that I was only affiliated with Fatah youth movement and had no relationship with Tamarod. He said, 'Now, you will confess it.' He laid me down to a desk, put cuffs on my hands and legs and then pushed me to the ground. I was attacked with plastic hoses on my legs and hands. They also verbally insulted me and accused me of collaboration with Israeli forces. One of them put his foot on my back and then placed a metal stick under my leg. They beat for about 15 minutes. ... They removed the cuffs and put me in another room. At approximately 16:30, they took me to the interrogation room to obtain a statement from me. He was asking me questions but not writing down my answers.... We were transferred to different police stations several times.... They then handcuffed us, put sacks over our heads and took us by a

jeep to another place. I realized later that it was al-Jawazat Compound. Every one of us was put in a cell. At approximately 13:00 on Monday, 21 October, I was taken out of the cell and asked to sign a bond to return at 08:00, on 22 October. When I returned on Tuesday, I stayed there until it was 12:00. They then asked me to leave and return on Thursday, 24 November."

Case (11): "I was beat by a hose on the sole of my feet (Falaka) for an hour."

M. M. E., 39, from Rafah, was arrested and tortured by the Anti-drug Police as he was accused of drug trade.

In his statement to PCHR staff, M. M. E., said:

"At approximately 10:30, on 21 November, while I was at my Household Supplies' shop, west of Rafah, police officers arrived and said they were from Rafah and Khan Yunis police – the anti-drug police. One of whom showed a search warrant from the Public Prosecution to search my house. They handcuffed me and put me in the police vehicle. I was exposed to threats and verbal insults all the way to police station if I did not confess what I was accused of although I did not know what they were talking about. Once we arrived at the office in Khan Yunis, a number of anti-drug officers said to me, 'Do you want to be questioned with a pen and a paper or should we hang you (referring to torture)?' I replied that I do not want to be treated violently. The police officers claimed that a person named W. E. F. confessed that he received cannabis from me. I denied that and said that I had a dispute with the aforementioned person's brother for an amount of money.... I kept denying that accusation with the cuffs on my hands. They also blindfolded me, but I told them I had shortness of breath and I had a blood clot in the face earlier, which affected my right eye. They did not care. They laid me down while being handcuffed and blindfolded. They put a stick under my legs to lift them up. I was beaten with a plastic hose on my feet for about an hour and a half. In addition, I was beaten throughout my body and was degradingly treated. I was then beaten with a hose on my palms for an hour. When I could not raise my hands up, I was beaten throughout the body, especially the face. I was forced to raise my hands to be beaten on the palms. After that, they tied my legs and hands to a handrail in the office. My hands were painfully cuffed, during which, I was beaten by hands and legs and verbally insulted for about 3 hours. I was then moved to another room with the cuffs on my hands and legs. They let me stand up on a chair and tied a rope to my handcuffs to the back and tied the other side of the rope to the ceiling. They then removed the chair, so I was hanged in a very painful way that affected my kidneys. I remained in that position for an hour. They brought me down and took me to a small cell with water on the floor (it seemed it used to be a toilet). They left me there without a blanket or a mattress for 3 hours. I felt so much pain and cold throughout my body. They then took me to a bigger cell. At approximately 09:00 on Friday, 22 November, a number of police officers came, took me out of the cell and cuffed my hands to the back. They also tied my hands to a handrail in the same place until the afternoon. After that, they hung me to the ceiling in the same painful way and were insulting me verbally all the time. I was then tied to the handrail at approximately 20:00. They took me later to the cell and stayed there until Saturday morning, 23 November. On Saturday, I was subjected to 3 rounds of torture (Falaka). They were not that harsh compared to torture on Thursday and Friday. However, on Sunday, I was taken from the anti-drug office to the police station.... They questioned me again and took my statement, but I kept denying the accusation. The attorney general ordered releasing me without bail. On Tuesday, 26 November, I headed to the hospital for medical

examination. The doctor prescribed me pain relievers. The signs of handcuffs are still present and the verbal insults have been negatively affecting me."

Case (12): "They pulled us and pushed us harshly against the wall. They also denied us water."

A. E. E., 31, from Deir al-Balah, said that police general investigation officers arrested and beat him and others because they organized an activity against Praver Plan in the Unknown Soldier square.

In his testimony to PCHR staff, A. E. E. said:

"On 30 November 2013, I went with Ahmed al-Ghalban, 28, Rami Mohsen, 27, and Ahmed Abu Warda, 26, to the Unknown Soldier square, as we organized an activity against Praver. We organized that activity via social media websites (Facebook and Twitter). We were carrying posters against Praver plan. While being present there, a person in civilian clothes came and asked us to disperse because the activity was cancelled. We tried to discuss it with him and tell him it was a national duty. In the meantime, 2 other persons in civilian clothes too came and had a paper with a list of our names. When they were sure that the list of the names was for the persons present in the activity, they took us to a Magnum jeep that drove us to the police station near Ansar Compound. We went up to the second floor. Everyone was in civilian clothes. We were taken to the interrogation room, where 2 persons were in. One of them asked us about our names. He also pulled each one of us and hit his head against the wall. We were beaten as well. We were accused that we were planning for something and that known persons pushed us to organize such activities. After beating us, they denied us water and we stayed in the office until 17:30. We were obliged to sign a bond that we would commit to the Islamic traditions and customs and not to participate in unlicensed protests. In addition, they took photos of us while holding papers with our names on them and that we participated in unlicensed protests. It should be noted that 72 hours before the activity, we sent a notice to the police chief, Tayseer al-Batsh."

Case (13): "Policemen beat my brother and fired at my other brother."

The victim's sister, M. E., from Abassan village, in Khan Yunis said to PCHR staff that on 24 January 2014, 3 police officers in civilian clothes harshly beat her brother, T. E., 26, with a stick in a street in Bani Suhaila village. It should be noted that he was wanted to the Anti-drug Police 2 months ago. She added that her brothers M. E., 33, and D. E., 31, tried to prevent the police officers from beating their brother, but other police officers in their official uniforms arrived. Some people around threw stones at them, but the police officers threatened that they would open fire. One of them fired at M. E., due to which he sustained a bullet wound to the shoulder. They left him bleeding for half an hour and did not allow paramedics to transport him to the hospital. Half an hour later, he was taken to the European Hospital.

Case (14): "They shackled me on a small chair and tied my hands to the back with

a rope hanging from the ceiling.”

M. M. H., 22, from al-Nusairat refugee camp, said that police general investigation officers arrested him from his house on 08 February 2014 on the grounds of stealing money from his relatives and took him to the police station in al-Nusairat. He stressed that the police officers harshly beat him for 10 minutes once he arrived at the office. They then shackled him on a small chair and tied his hands to the back with a rope hanging from the ceiling. They did it twice to force him to confess that he stole the money. Moreover, they forced him to stand on one leg and every time he puts his other leg down, they beat him harshly. He also added that he was taken to a room, ordered to take his pants off and carry a paper on which his name was written to be photographed. After that, they put him in the interrogation room and poured water on the floor until the following day. On the fourth day, he was handcuffed to the back and was taken to the interrogation room. They tried to shackle him to the ceiling, but when he refused, they beat him with a hose and forcibly hung him. He added that out of pain, he confessed that he stole the money. However, he was released on bail on the same day.

B. Torture in the PA's Prisons in the West Bank

The reporting period witnessed continued practice of torture by security services as basic means in treating detainees and prisoners in detention facilities in the West Bank. All indications show that torture was mainly practiced on the grounds of political affiliation (Hamas and Islamic Jihad movements) although there were official declarations denying this and claiming there were no political arrests and all detainees were arrested for security and criminal reasons. PCHR followed up this file and documented a number of cases in which Palestinian security officers, especially from the General Intelligence Service (GIS) and Preventive Security Service (PSS) noticeably practiced torture against detainees in the PA's prisons and detention facilities in the West Bank. Torture was not only practiced against political activists, but also against persons arrested for criminal reasons as well.

During the reporting period, wide-scale arrests were launched by Palestinian security services against Hamas and Islamic Jihad members in the West Bank in several occasions related mainly to political escalation or in retaliation to arrests against Fatah members in the Gaza Strip. PCHR closely monitored those wide-scale arrest campaigns launched against hundreds of Palestinians. Moreover, PCHR documented arbitrary arrests of civilians and locking them up in inappropriate conditions.

In spite of the positive atmosphere prevailing in the Palestinian territory following the Palestinian reconciliation agreement (al-Shati' Agreement), on 23 April 2014, which folded a 7-year black period of political split between Hamas and Fatah movements and resulted in the formation of a national unity government on 02 June, political arrests in the West Bank against a number of Hamas members continued. PCHR documented detention of a number of political activists by security services and how some of them were tortured and maltreated.

Following is PCHR's documentation of some relevant cases:

Case (1): Beating caused him rupture in the eardrum

Father of (Q. R. Kh) gave a testimony concerning the attack on his son (20) in his house and how he was arrested and tortured by a group of Palestinian security officers in Salfit:

"At approximately 19:15 on Wednesday, 27 November 2013, while we had a guest (pharmacist), who brought medicine to my grand daughter,... we heard hard knocking on the door. My son went to open it. I heard fighting and my son screaming, so I immediately went out and found my wife pushed to the ground. An officer beat my son Qotaiba. Once I reached them, they pushed and attacked me although I had old fractures in my legs. We tried to take Qotaiba from them and there was loud screaming, due to which, the village residents gathered around. They saw all what happened, as 4 officers came in a white Ford car and kept harshly punching him in the head and ears. We discovered later through the medical report that he had a fracture in the skull, confused and poor memory and fear due to the attack. Moreover, he had a rupture in the eardrum because of the harsh beating according to the medical report.

After they finished beating him against the house door and pushing my wife to the ground, they handcuffed him and forced him to get into their car. He was severely punched throughout the way to the Palestinian Intelligence Service's office in Salfit. At approximately 22:30, a relative of us working in a security service told us that we had to go with him and bring our son back.... We took him at 00:00. He was exhausted and could not sleep that night. In the morning, I took him to an ENT doctor and there we found that he had a serious problem".

Case (2): "They took his clothes off in a stormy and snowy day, due to which he urinated on himself out of the cold weather".

On 27 December 2014, PPS officers raided and searched a house in Tawas. They confiscated PC sets, CDs and personal belongings. They handcuffed, blindfolded and took 21-year-old (M. E. A), a university student, to the PSS office in Doura. The complainant was put in a room. In addition, he was kicked and slapped in the face, exposed to verbal insults and then taken to another office in Hebron. He was kept there in a cell, where they took his clothes off in a stormy and snowy day, due to which he urinated on himself out of the cold weather. He was on a hunger strike during interrogation before the court extended his detention period for additional 48 hours to continue the investigation. The complainant confirmed that his detention period was extended by the court to 5 other days, during which he was questioned and kept in a very cold cell for 8 hours. He was then transferred to the interrogation room and was ordered to take his clothes off. Three persons hit him on the face, shoulder, legs and side, while one of whom tried to choke him. The complainant was returned to his cell and was on a hunger strike, during which a person would enter the cell, hit him and yell at him to prevent him from sleeping. The complainant and 2 others facing the same charge appeared before the court that decided to release them on 24 March 2014.

Case (3): "They took blankets out of the cell despite the cold weather".

39-year-old (M. R. S.), from al-Samou' village in Hebron, who runs a car workshop, told a PCHR fieldworker about his detention conditions and torture he was exposed to by the PSS officers. The complainants said that PSS officers in civilian clothing arrested him from his workshop in al-Samou' village at gunpoint on 13 January 2014. Without introducing themselves, they took him by car to Yatta PSS office. They attacked him several times and hit him with a gun butt to the head before taking him to the PSS office in Hebron. The complainant said he was kept in a very narrow cell (2 x 1 square meters) and was questioned for 2 days; 7 hours each, during which he was beaten and insulted. After that, he was returned to the cell, where they took the blankets out and poured water on the ground. He was transferred to the court that extended his detention period for 8 other days, during which he was questioned too. The court finally decided to release him on 26 January 2014.

Case (4): "I was shackled on a small chair for 10 consecutive hours".

A 22-year-old ('E. H. A.) complainant, a university student from Tawas, Doura – Hebron, said to PCHR's fieldworker that he was tortured while being questioned in the GIS offices in Hebron and Jericho.

The complainant said that he turned himself in to Investigation's office in Doura near Hebron upon a summons sent to him by the GIS. He was immediately taken to their office in Hebron. He was detained there for few hours, due to which he started a hunger strike. While being on a hunger strike, he was also questioned for 3 days about students' activities. On 19 January, he was taken to the police general investigation service's office in Jericho. He confirmed that he was tortured there upon his arrival. He was harshly beaten, hit against the walls and verbally insulted. In addition, he was shackled on a small chair for 10 consecutive hours, during which he was attacked by the guards. After being shackled, he was taken to the interrogation room, where the interrogator told him he would be released the following day. He was then taken to a humid cell. On the following day, 20 January, he was taken to Jericho Magistrate Court, where he was told by the Public Prosecution that he posed threat to the security of the Authority by forming "armed cells in violation of the law". His detention period was extended for additional 24 hours, as he was returned to Jericho prison. He was shackled on a chair for 10 consecutive hours. The prison guards took the blankets out of a cell and took him to that cell despite the cruel weather conditions and his continuing hunger strike. On the following day, he was taken to the court, which extended his detention period to 15 days and was returned for investigation. The complainant confirmed that interrogators shackled him this time for 4 hours by tying his hands to the top and his toes could hardly reach the floor. Although he was exhausted, he was then taken to the interrogator's room and was at gunpoint obliged to sign on a paper without knowing its content. He was returned to interrogation for 4 other days until 26 January. He was detained in a room where 12 other detainees were detained. He stopped his hunger strike then and stayed 23 days in that room. During that time, his detention period was extended 3 times before the court decided to release him on 12 February. He was actually released on 19 February 2014 on bail of JD 1,000.

Case (5): "I was shackled and hit in the chest. Someone put out a cigarette in my hand"

A 29-year-old (A. N. Sh.) complainant, from Doura near Hebron, who works in the Nour Energy Company in al-Daheriya, said that on 29 January 2014, he was summoned by the police general investigation service via his cell phone. He surrendered to them on the same day in their office in Hebron. He added that he was questioned in the office. During the interrogation, he was harshly tortured, including beating and kicking throughout the body, especially the chest. He was also shackled on a small chair. *"They started harshly beating and kicking me throughout my body for 10 minutes. They then loosened the plastic wire around my hands, which were tied to the front, and tied them to the back. They hit me, so I fell onto the ground. An officer put his foot on my neck and threatened that he would hurt my sister. In addition, he put a cigarette out in my hand, shackled me on a small chair and photographed me with a mobile phone..."* The complainant confirmed that he was severely tortured later for few days before being released. When released, he was taken to Palestine Medical Complex in Ramallah on 07 February 2014 to receive the necessary medical treatment. The preliminary medical report showed that there was severe pain in the right shoulder, in addition to scratches, bleeding under the skin, injuries and bruises in the left hand, signs of burns in the skin and left ankle, wound and 2 fractures in the rib cage.

The complainant filed a complaint to the Police in Ramallah after he was released regarding torture. As a result, the Police opened an investigation and clarified in a statement on 13 April 2014 that, *“(A. Sh.) was maltreated by the GIS officers during interrogation. Due to their encroachments, they were referred by the Police Chief Hazem Attallah to the military prosecutor to take the necessary legal measures against them.”*

Case (6): “They attacked him in front of his pregnant wife, due to which she broke down”.

A father of a victim, (N. A. M.), said that security officers raided his house in Beit Luqia, west of Ramallah, on 09 February 2014. They had a search warrant from the Public Prosecution. They searched the house and damaged its contents, looking for the abovementioned person. The security officers tried to open the door of the apartment in which his wanted son and his 9-month pregnant wife were living. The father tried to prevent the officers from doing so, but they broke the door and found the wanted son. They harshly beat him in front of his wife and then arrested him. As a result, the wife broke down and was taken to the hospital.

Case (7): “Someone hit me on the back of my head several times, while others kicked me throughout my body”.

A 26-year-old (A. E. B.) complainant from al-Fawar refugee camp in Hebron, who is a taxi driver, said that he was arrested on 20 May 2014 by PSS officers from his taxi in Doura. They covered his head with a black sack and pulled him out of the taxi. They harshly beat him and then took him to the PSS office in Doura. The complainant added that he was tortured in that office. “... they asked me to kneel and untie my shoes. Once I kneeled, someone hit me on the back of my head several times, while others kicked me throughout my body....” The complainant stressed that he was kicked and beaten again in the office until he lost consciousness, as he was hit on his head. He taken then to a cell and questioned, during which he was tortured as well. He said that due to torture he was taken to a doctor, who transferred him to Hebron Hospital. At the hospital, the PSS officers told the doctor in charge that he sustained bruises because he fell over the stairs, not because he was beaten. After the doctor examined him on 23 May, he was returned to the PSS office in Hebron, where he was questioned and beaten. The day after, he was brought before the court that decided to release him.

Case (8): “They severely beat him before taking him to Junaid Prison”.

The mother of 22-year-old (H. M. N.), a university student, said that her son was accidentally present near a set-in tent established at al-Shuhada intersection in Nablus, on 09 June 2014, when security officers attacked and arrested persons in the tent, of whom was her son (H. M. N.). The mother said the officers severely beat her son before arresting him and taking him to Junaid central prison in Nablus. He was then brought before the Public Prosecution that extended his detention period for another day. On 11 June, he appeared before the court that decided detain him for 15 days pending investigation done by Nablus police, however, the GIS did not abide by the decision and transferred him to Junaid prison on the charge of attacking the

security officers.

PCHR obtained a medical report from the forensic medicine in Nablus on the health condition of the detainee, (H. M. N.). The report revealed that the aforementioned person was beaten, due to which he sustained scratches and bruises throughout his body.

Case (9): My 3 sons were severely beat in front of me

A 66-year-old complainant, (N. M. Sh.) from Qufor Saba in Qalqilya said that on 27 May 2014, his 3 sons were sitting in front of their house when a Palestinian security patrol stopped by. Officers stepped out of their vehicles and called for back-up forces. They headed towards the 3 sons and claimed that one of them had sworn at the patrol. The officers pulled one of his sons (M. Sh.) and tried to arrest him while beating him, but he fled. In the meantime, Palestinian police arrived and arrested (M. Sh.). They beat him and stabbed him in the leg while everybody was watching. When his brother saw what happened, he tried to defend his brother and brought a knife from their house. He pointed the knife at the security officers, who attacked his 2 brothers, and then fled. The 2 brothers were handcuffed and taken to the police station. In addition, they were kicked and beaten with sticks on their backs and faces. The security officers ordered them to take their clothes off as well and detained them. The complainant said that his sons were tortured while being detained as he saw traces of torture on their bodies.

Part II: Legal Analysis

In April 2014, the State of Palestine acceded to the 1984 Convention against Torture and the 1966 International Covenant on Civil and Political Rights, in which Article 7 prohibits torture. Palestine's accession to these conventions constitutes a significant step towards the establishment of the State of Palestine free from torture provided that obligations stipulated in these conventions be integrated in the domestic law and the principle of the rule of law be complied with.

The report addressed a number of torture cases in the PA prisons by law enforcement officials that are affiliated with both governments in the West Bank and the Gaza Strip, which included numerous criminal acts, such as beating and other physical harm, threats of death, torture and imprisonment, insulting, sleep deprivation, deprivation of healthy food and drinking, and repetitive summoning to security offices. The objective of these acts is usually to obtain information, or suppress and terrorize a political rival.

The crime of torture is not subject to any statute of limitations both domestically and internationally, as Article 32 of the Palestinian Basic Law provides that violations of any freedoms or liberties that have been guaranteed by law or by this Basic Law shall be considered a crime and may not be subject to any statute of limitations. This concept has been confirmed by numerous international courts and those of universal jurisdiction.

The Palestinian law prohibits torture according to the two penal codes applied in the PA territories and in the PLO Revolutionary Law 1979. However, these laws dramatically underestimate the seriousness of the crime of torture. Punishments for the crime of torture vary from one week to 5 years of imprisonment even if torture causes the death of the victim. In addition to the weakness of the legal text, the PA has never brought anybody to justice for the commission of torture since it was established. In fact, the PA is internationally obliged not to employ torture and to criminalize it according to the customary international law. Therefore, the competent authorities in the PA have to highlight legal texts criminalizing torture. What is more important is to hold the perpetrators accountable and bring them to justice according to those legal texts.

This part of the report addresses the legal analysis of acts committed by law enforcement officials, and categorizes them according to domestic and international laws. It also demonstrates the employment of the principle of universal jurisdiction against the perpetrators and those responsible for the crimes of torture, and illustrates the criminal responsibility for the crimes of torture committed within the PNA.

First: Domestic Law

The term "torture" is not mentioned in the two penal codes applied in the West Bank and Gaza Strip and even the PLO Revolutionary Law 1979, but the Palestinian Basic Law mentioned "Torture" in article 13. However, the Palestinian law includes

articles criminalizing acts that constitute a crime of torture as defined in article 1 of the Convention against Torture. The articles are article 108 of the Penal Code applied in the Gaza Strip, article 208 of the Penal Code 1960 applied in the West Bank and article 280 of the PLO Revolutionary Law 1979. This part of the report clarifies the view on confessions obtained under torture, crimes documented by PCHR some of which constitute crimes according to both Penal Codes enforced in the Gaza Strip and the West Bank, and the efficiency of these articles to eradicate the crime of torture of the PA bodies.

A. Confessions under Torture

Article 13 of The Palestinian Basic Law stipulates the invalidity of confessions under torture, as well as article 114 of the Criminal Procedure Code. Thus, all rulings convicting suspects based on these confessions are null, as codified in article 477 of the Criminal Procedure Code that procedures subsequent to a void procedure shall be considered void if they are based on such void procedure. These articles are in coherence with article 15 of the International Convention against Torture, *“Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.”*

B. Criminalization of Torture in the Palestinian Law

The Penal Codes applied in the PA territories incriminate torture, but not all forms of torture, only torture resulting in obtaining confessions or information. The above-mentioned codes do not address torture as a punishment or means of intimidation. Moreover, they do not include provisions criminalizing torture by psychological methods. Following is the explanation and analysis of provisions criminalizing torture in Penal Codes applied in the PA:

1. The Penal Code No. 74 of 1936:

This Penal Code No. 74 of 1936 is applied in the Gaza Strip. Some articles in the Penal Code No. 74 of 1936 criminalize acts constituting a torture crime as defined in article 1 of the Convention against Torture. However, the Code does not use the word “torture”. Article 108 criminalizes torture although it does not use the word “torture”. It only mentions the use of violence or force. In addition, torture is criminalized in case of using violence or force to obtain confessions or information. The above-mentioned article states that *“Each public servant who exposes a person to use force or violence or orders him to use force or violence against a third person to obtain from him or from his family confessions on an offense or information related to an offense is considered committing an offense”*.

The above-mentioned article criminalizes torture, but considers it as an offense³. This gives the judge the authority to reduce the punishment to one week of imprisonment or even impose a fine. In fact, this punishment does not match

3. According to article 5 of the Penal Code 1936, the punishment for an offence ranges between a week to 3 years.

the gravity of the crime of torture, besides, that punishment is not deterrent. Moreover, the PA has failed to prosecute the perpetrators. We can notice that the above-mentioned article criminalizes torture in its narrowest meanings, as the article mentions only torture by violence or force without pointing out other forms of torture like threats, verbal insults, denial of sleeping or food or water, and other forms of inhuman and degrading treatment. The article also limits criminalization to the torture practiced in order to obtain information or confessions. Thus, all torture acts committed for other purposes, such as punishment or intimidation, are not within the scope of the criminalization mentioned in this article.

PCHR emphasizes that the above-mentioned article is inadequate to deal with the crime of torture in the Gaza Strip as it does criminalize many forms of torture as explained. In light of the flaws found in the aforementioned article, it is possible to use other articles from the 1936 Penal Code that criminalize other acts, which fall under the international concept of crime of torture. The most significant articles are as follows:

- A. Articles that can be used to cover some torture cases, which are not practiced to obtain information or confession:

Article 238 stipulates that “Any individual who illegally inflicts harm on another person is considered to have committed a felony punishable by imprisonment for a term of 7 years”. Article 5 of the same Law identifies harm as “that which endangers the human life;” thus, any torture incident causing severe injuries that may jeopardize the life of the victim subjects its perpetrator to 7 years of imprisonment.

Article 250 states that “Any individual who has attacked another and caused him/her physical harm is considered to have committed a felony,” as article 5 stipulates that “Any physical harm, disease or mutilation, whether permanent or temporary”. Thus, any acts of torture that do not fall under severe harm still criminalize their perpetrators and hold them accountable under these articles and so they are considered as criminals, punishable by imprisonment or fine, as determined by a judge.

Article 241 states that anyone who “Cut another illegally, is considered to have committed a felony”. The law defines a cut as “Any cut that causes a tear in any of the body’s external membranes, in illustration, a membrane is considered external if it is touchable without cutting through any other membrane.” Thus, any form of torture that results in a cut makes its perpetrator accountable for committing a felony, punishable by imprisonment ranging from a week to three years or a fine, as determined by the judge.

- B. Articles that can be used to cover some torture crimes, which are not based on physical violence:

Article 242 stipulates that “Anyone whose duty is to provide the necessities

of life for another person and fails to do so without a legitimate excuse, endangering the life of that person or allowing the possibility of it, or causing permanent damage to their health or allowing the possibility of it, is considered to have committed a crime.” Thus, those responsible for depriving prisoners from healthy meals is considered to have committed a crime punishable by imprisonment ranging from a month to three years or a fine, as decided by a judge.

Article 244 stipulates that “Any individual that acts illegally or fails to act as required from them, causing by this action or failure of acting to harm to another, is considered to have committed a felony and is punishable by imprisonment for 6 months or a fine of £50 Pounds, or both.” This article criminalizes any action which inflicts harm on another; thus, this article is applicable to all forms of torture that do not fall under other articles.

C. Articles can be used to cover some cases of psychological torture:

Article 100 states that any individual who “Threatens another with the intent to harm them, their reputation, money or a person affiliated with them in order to force them to do something they are not legally obliged to or to neglect doing something in their legal capacity, is considered to have committed a felony.” Psychologically threatening inmates with the actions mentioned in this article to force them to do or to confess to something is considered a felony under this article. According to article 217, the prisoner has the right to be silent, as it states “The prisoner has the right to remain silent; their silent or refusal of answering is not considered a confession”. Therefore, the law does not regard confessions as a necessity.

2. The Penal Code No. 74 of 1960:

The 1960 Penal Code applied only in the West Bank does not mention the term “torture”. However, some articles criminalize acts that represent the crime of torture as defined in article (1) of the Convention against Torture. Of those articles is Article (1) that stipulates:

“1. Anyone who subjects a person to any form of violence or coercion prohibited by law with a view to obtaining a confession to a crime, or information relating thereto, shall be punished by imprisonment for three months to three years. 2. If such acts of violence or coercion lead to sickness or injury, the penalty shall be imprisonment for six months to three years, unless such acts call for a more severe penalty.”

What imperfects this article is that it narrowly criminalizes torture as it does not criminalize psychological torture and inhuman and degrading treatment. It does not either criminalize the torture acts, whose purpose is not for obtaining information or confessions. Moreover, this article leaves the door open for the use of forms of torture if the law permits them when it uses the phrase “prohibited by law.” The aforementioned article also comes with a

punishment that is not commensurate with the seriousness of the crime of torture and does not deter perpetrators as the minimum punishment is 3 to 6 months if torture caused wounds or disease.

PCHR believes that the aforementioned article gives the perpetrators of the torture crime the opportunity to impunity in addition to PA's failure to prosecute the crime of torture. However, other articles from the 1960 Penal Code can be used to prosecute acts that constitute torture such as Articles (333), (351) and (354).

- A. Articles that cover torture incidents that is not practiced to obtain information or confession:

According to article 333 of the Penal Code, "Any individual who willfully beats, cuts or harms another with any means of violence; and as a result of the assault, the victim suffered of a sickness or an inability to work for more than 20 days, is punishable by imprisonment ranging between 3 months and 3 years." Thus, any form of torture that includes beating, cutting or harming the victim to the extent that they are not able to work for 20 days, convicts the aggressor of committing a felony and is punishable by imprisonment ranging between 3 months and 3 years. Moreover, Any person who causes, as a result of the commission of a violent act, the victim a permanent disability or the abortion of a woman he knows to be pregnant shall be sentenced, as provided in articles 235 and 236 of the same Code, to temporary hard labor for a period not exceeding ten (10) years. However, if the victim is only held from work for less than 20 days or has not suffered any disabilities, the aggressor shall be sentenced with imprisonment for a year or fine, noting that in case the disablement is for less than 10 days, the case cannot be enforced against the aggressor unless by an official complaint filed by the victim.

- B. Articles that can be used to cover cases of psychological torture:

Article 153 provides that "Any individual, who verbally threatens another with a crime punishable with the death penalty or with hard labor for life, is considered to have committed a felony punishable with imprisonment ranging between a month and two years. Accordingly, threatening prisoners with death or any other offense that is punishable with hard labor for a period amounting to 15 years in order to get confessions from them is considered a crime punishable in accordance with the aforementioned article.

Article 354, which covers all threatening cases that are not previously mentioned in the Code, states that "Any individual that threatens of harming another illegally, whether verbally or in any of the means codified in article 73, which resulted in severe psychological damage to the victim, is punishable with imprisonment for a week or a fine not exceeding 5 Jordanian Dinars." Article 73 covers the means of threatening, such as signals, pictures or writing. Thus, the methods of threat used against

prisoners whether with writing, signals or verbal insults are considered violations as codified in this article and are punishable with imprisonment for a period not exceeding a week or a fine.

3. The 1979 PLO Revolutionary Law

This law has been applied in the West Bank and Gaza Strip on military personnel or crimes committed in military zones. Article (280) of this law provides that:

“A person who subjects another person into forms of torture not allowed by the law in order to obtain confessions or information on a crime shall be sentenced to at least 3-month imprisonment. If violence leads to an illness or injury, sentence will be at least 6-month imprisonment. If torture leads to death, punishment will be at least 5 years of hard labor.”

It is clear in the aforementioned article that it criminalizes only one form of torture, which is using it in order to obtain information or confessions. Thus, torture that is not intended to obtain information is not part of the criminalization mentioned in the aforementioned article. What makes it worse is that the nature of punishments imposed on this serious crime as these punishments starts from three months up to six months in case of causing an illness or injury in addition to five years in case the victim of torture died. These punishments underestimate the seriousness of torture crime and victims’ sufferings and do not contribute to achieving the appropriate deterrence to eliminate this crime. It is also obvious that this article is better than the other two articles in the previous penal codes when it used the “A person who subjects another person into forms of torture” sentence which is subject to interpretation. Thus, it concludes that other forms of torture such as deprivation of sleep and food or use of threat.

Second: International Law

The prohibition of the crime of torture is codified in various parts of international law, as it is considered as a violation of human rights, a war crime and, in certain cases, a crime against humanity. This section discusses the basis of the PA’s adherence to international law related to the prohibition and criminalization of torture, and the legal characterization of the crimes of torture committed in both the Gaza Strip and the West Bank from the view of international human rights and humanitarian laws.

A. Basis of PA’s adherence to international law related to the crime of torture

1. The 1984 Convention against Torture acceded to by the PA in April 2014;
2. The 1966 International Covenant on Civil and Political Rights acceded to by the PA in April 2014;
3. The four Geneva Conventions of 1949, and signed by the PA in April 2014; and
4. The Customary international law that incriminates torture in times of war and peace.

B. Criminalization of torture is an international obligation on the PNA

The PA acceded to the 1984 Convention against Torture and the 1966 International Covenant on Civil and Political Rights, in which article 7 stipulates the prohibition of torture. These conventions obliges the PA to prohibit torture and take all necessary measures to guarantee that, including integration of these obligations into domestic laws. Moreover, they confirm that prohibition of torture is a peremptory norm and not an exception, and nothing may be invoked as a justification of torture. Article (2) of the Convention against Torture provides that:

- "1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.*
- 2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.*
- 3. An order from a superior officer or a public authority may not be invoked as a justification of torture."*

Article (4) also provides that:

- "1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.*
- 2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature."*

Article (2) of the International Covenant on Civil and Political Rights provides that all obligations mentioned therein shall be respected including of course article (7) that prohibits torture and cruel and inhuman treatment. Article (4) of the same covenant considers article (7) as one of the articles that cannot be derogated from in time of emergency.

Thus, the PA is obliged by the two present covenants and the customary international law to abstain from committing acts of torture and punish such act. It also obliges the PA to submit reports to the treaty bodies. These bodies includes the Committee against Torture set up by the Convention against Torture and the Human Rights Committee set up by the International Covenant on Civil and Political Rights. The PA must mention in these reports the measures it has taken to give effect to its undertakings under the Convention as stipulated in Article (19) of the Convention against Torture and Article (40) of the International Covenant on Civil and Political Rights. According to Article (19), the PA is bound to submit a report within a year and then to submit a periodic report every four years. According to Article (40), the PA must submit a preliminary report within a year of the PA's accession to the Covenant and whenever the Human Rights Committee asks for.

C. The legal characterization of crimes of torture committed against Palestinian prisoners in PNA facilities under international law

Article 1 of the Convention against Torture defines torture and set 3 elements that gives rise to the crime of torture:

1. Severe pain or suffering, whether physical or psychological, intentionally inflicted on a person. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
2. It is for purposes such as obtaining information or a confession, punishment or for any reason based on discrimination of any kind
3. When such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Upon studying the cases of assaults inside PNA prisons and detention centers, it was found that assaults with beating, shackling, insults and threats against prisoners caused them severe psychological and physical harm. Furthermore, these assaults were in violation of multiple provisions of the Palestinian law as illustrated above. The objective of torture was to obtain information from detainees, and in other times it was used as a form of punishment or coercion because they are affiliated with a different political party. These attacks were also committed by law enforcement officials in prisons and detention facilities; therefore, the attacks committed inside the PA's prisons and detention facilities in the West Bank and the Gaza Strip are explicit crimes of torture which proves that the PA commits a clear violation of the customary and official international human rights law.

Part III: Acts of Torture within the PA Are Subject to Universal Jurisdiction

The principal of universal jurisdiction is a step towards the elimination of the impunity of perpetrators of international crimes. The basis of the listing of the crime of torture under universal jurisdiction lies under international obligations under the Geneva Conventions, and the international Convention against Torture of 1984. As Article 1, common to the four Geneva Conventions, stipulates: “The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances”. It was confirmed by the ICRC that the High Contracting Parties are bound to take all necessary measures to ensure the implementation of the provisions of the Convention worldwide.

Article 5 (2) of the Convention against Torture obliges each State Party to take necessary measures to establish its jurisdiction over offences in cases where the alleged offender is present in any territory under its jurisdiction, or hand them to their State to be tried. Paragraph 1 of Article 6 of the Convention against Torture stated that:

“Any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present, shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be institute.”

The afore-mentioned Article 4 stipulates that torture must be criminalized, as well as attempts to commit torture and any act by any person which constitutes complicity or participation in torture; thus, State Parties are obliged to hand the perpetrator of torture to be tried or prosecute him before its courts. None of the afore-mentioned articles sets it as a condition that the perpetrator of the crime of torture must be subject to a State Party or that the crime must be committed against a subject to a State Party of the Convention. Therefore, the presence of a perpetrator of a crime of torture within the territory of a State Party to the Convention against Torture is sufficient for it to assume its responsibility to prosecute the perpetrators or extradite them to another State.

Many States rely on Article 1 of the Fourth Geneva Convention to exercise their jurisdiction against crimes which constitute “grave breaches” of the Geneva Conventions, including the crime of torture. They also employ Paragraph 1 of Article 6 of the Convention against Torture in order to extend their jurisdiction to crimes of torture perpetrated out of its original jurisdiction. Paragraph 3 of Article 5 asserts States’ right to exercise their jurisdiction on a wider scope than provided under the Geneva Conventions:

“This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.”

Therefore, we conclude that crimes of torture perpetrated under the PA are, like all other crimes of torture throughout the world, are subject to the universal jurisdiction of States that granted its judiciaries the right to address such crimes even if they do not occur under their jurisdiction, such as the United State of America, the United Kingdom, the Netherlands, Switzerland and a number of other States. Consequently, victims of torture are allowed to resort to these States to receive remedy and compensation, provided that domestic remedies are exhausted or proven to be futile or absent.

PCHR emphasizes that the fact that no one has been brought to trial for a crime of torture, even those that resulted in death, proves that the PA is unwilling to hold the perpetrators accountable. Therefore, the victims are entitled to resort to judicial authorities of universal jurisdiction throughout the world in order to prosecute those responsible for torture in the PA prisons in the West Bank and the Gaza Strip, including the leadership of the PA and security services who are responsible for torture according to the principle of command responsibility. In this context, PCHR emphasizes that it reserves its right to resort to universal jurisdiction on behalf of victims in order to hold accountable those responsible for crimes of torture in the PA in the West Bank and the Gaza Strip, noting that it has abstained from taking this step is to give the PNA another opportunity to review its policies and for the Palestinian judiciary to assume its role in protecting Palestinians from oppression of the executive authority.

Part IV: Persons Responsible for Torture in the PNA

The issue of criminal liability for the crimes of torture is often brought to focus, especially identifying those responsible for these acts. The criminal responsibility for the crimes of torture falls on four parties: The perpetrators of torture; those who ordered it; the commander who knows or is supposed to have knows of the occurrence of torture; and partners or accomplices in the crime of torture, including international donors to the PA security establishment.

1. The perpetrators of torture:

A direct perpetrator of torture is responsible for committing the crime and may be prosecuted nationally and internationally. The perpetrators of torture may not use the pretext of receiving orders from their superiors, as confirmed in article 61 of the Jordanian Penal Code of 1960 which denied the absence of criminal responsibility of a subordinate in case an illegal order is issued. Article 74 of the Civil Service Law stated that:

“No employee is excused from the disciplinary penalty under the pretext of receiving an order from their superior, unless it is proven that the violation was in execution of a written order issued by their superior, after having pointed out the violation of such conduct in writing.”

Therefore, the perpetrators of torture, under an order issued by a superior, is of full criminal responsibility for their actions even if it was in execution of an order.

Furthermore, international courts and courts that have the powers of universal jurisdiction support the principle of not accepting receiving an order from a superior as a pretext for committing crimes of torture or other crimes that constitute grave breaches of the Geneva Conventions, as Article 2 of the Convention against Torture of 1984 stated:

“An order from a superior officer or a public authority may not be invoked as a justification of torture.”

2. Those who issue orders to use torture

The person responsible for issuing the order is considered, in accordance with article 80 of the Jordanian Penal Code which is enforced in the West Bank, the instigator of the crime; article 81 also state that they shall be sentenced with a lesser penalty than the direct perpetrator. It is codified in the first paragraph of the article:

“An instigator of a crime is that who pushed another to commit a crime by bribing them whether with money or presents, threatening them, trickery or abuse of their stature.”

On the other hand, the British Penal Code of 1936, which is enforced in the Gaza Strip, considers the commander and the perpetrator to be equal in the crime as codified in paragraph 4 of article 23:

“Everyone who orders another one to commit or abstain from carrying out an act that is considered as a crime if he commits it himself, shall be considered as an original perpetrator and shall be subject to the same penalty prescribed for a perpetrator of such act or abstention, and he may be charged of committing such act or abstaining.”

Therefore, anyone who issues an order to commit torture is considered an instigator or a partner in the crime depending on the circumstances of each incident, and shall be subjected to the same disciplinary penalty designated for the actual perpetrator in accordance with the 1936 Penal Code, or with a lesser penalty in accordance with the 1960 Penal Code.

Under international law and universal jurisdiction, the person issuing the order of torture is considered primarily responsible for the crime even if no actual act of torture was carried out, as confirmed by various decisions of international courts and courts with the powers of universal jurisdiction.⁴

3. The superior who is aware or is supposed to know of his subordinates' use of torture and has not stopped it

The responsibility of these persons falls under the principle of command responsibility, which may reach – according to the circumstances of each incident – the heads of security services, ministers of interior affairs, the Prime Minister and even the President in some cases, which confirms the superior's responsibility towards his/her subordinates' violations of the law, if he was aware of it or was supposed to and did not make all his efforts to stop it. This is to be decided by a judge according to evidence and data presented. It should be mentioned that the Palestinian law does not include any reference of the principle of command responsibility; however, this does not eliminate their judicial responsibility for the crimes of torture before the courts operating under the principle of universal jurisdiction. PCHR asserts that crimes of torture in the PA are conducted not only with the knowledge of the leadership, but sometimes with its encouragement.⁵

4. The partner or accomplice in the crime of torture

It is sufficient for a person, to be judicially responsible nationally and internationally, to contribute to the act of torture knowingly. Therefore, providing the setting or the tools for torture, contributing to hiding the traces of torture or transporting the prisoners to a location known to be used for torture is considered as a partnering role in the crime, as provided in paragraph 1 of article 4 of the UN Convention against Torture:

“Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.”

In this regard, PCHR emphasizes that donor countries that train and promote Palestinian security forces are complicit partners in the crime of torture, as they are, or supposed to be, aware through reports issued by various human rights organizations that trainings and potentials given to the PA are employed in torture; therefore, these States are obliged to make the continuity of its support for the PA conditioned the cessation of torture, or else they become partners in the crime of torture. PCHR preserves the right to follow legal measures both internationally and domestically against these States to stop supporting torture in PA prisons.

4. PCHR, *The Principle and Practice of Universal Jurisdiction* (2010) P. 22, 23.

5. *Ibid.*

Conclusion

The report has highlighted torture as a heinous crime and an extremely dangerous physical and psychological violation committed against dozens of detainees in the PA prisons and detention facilities. It has also addressed extreme cases of torture that violated the dignity of the detainees in the PA prisons and detention facilities during the reporting period (May 2013 – June 2014) by documenting them, raising the issue and attempting to follow it up with the concerned authorities to prosecute perpetrators of these crimes in order to put an end to its practice.

The report concludes by reiterating the following facts:

1. Torture continues to be systematically practiced in prisons and detention facilities in the West Bank and the Gaza Strip.
2. PCHR concludes that there is no evidence that measures taken to put an end to the practice of torture have been sincere in the Gaza and Ramallah governments, in spite of officials' statements assuring that these acts are being monitored, fought and its perpetrators are held accountable, in addition to the Presidential Decree issued in 14 May 2014 on prevention of all torture forms in the PA and holding the perpetrators accountable.
3. During the preparation of this report, it has been observed that law enforcement officials have failed to open investigations or prosecute perpetrators of torture in the Gaza Strip and the West Bank. PCHR notes that none of the cases investigated have resulted in bringing the perpetrators of torture acts to trial. PCHR has submitted many complaints to concerned authorities calling upon them to open necessary investigations into different incidents of torture committed against detainees. PCHR has not received any responses to such complaints.

Recommendations:

In view of what has been reported herein and through monitoring, documenting and following up this serious crime (torture) in the PA prisons and detention facilities in the West Bank and the Gaza Strip in addition to monitoring, documenting and following up the PA's performance in holding law enforcement officials who commit the crimes of torture accountable, PCHR recommends the following:

1. PCHR calls upon the PA to put an immediate and final end to the practice of torture in PA prisons and detention facilities in the West Bank and the Gaza Strip as this crime constitutes attacks on human beings' physical and psychological safety;
2. PCHR calls upon the PA to strictly comply with the Convention against Torture and International Covenant on Civil and Political Rights and work without delay on incorporating in the Palestinian laws all obligations necessary to guarantee compliance, criminalize torture and impose punishments as a deterrent against the perpetrators;
3. PCHR calls upon Attorney-General to open genuine investigations and prosecute all the security members who are suspected to have engaged, or been involved in, acts of torture, publish results of these investigations to the public, and ensure that those found guilty would be prosecuted without lenience. PCHR notes that crimes of torture are not subject to a statute of limitations, thus perpetrators of torture crimes cannot escape justice;
4. PCHR calls upon the PA to repair prisons and detention facilities to be brought in line with international standards required to maintain the safety and dignity of prisoners.
5. PCHR calls upon the PA to opening the prisons and detention facilities to human rights organizations and allow them to visit prisoners and to ensure that they are not subjected to torture.
6. PCHR calls upon law enforcement bodies to comply with legal procedures relating to arrests, and confirms that arrests are the responsibility of judicial officers, represented in the civil police, who are subject to the Attorney-General's control and supervision.
7. PCHR calls upon law enforcement bodies to organize training courses for security officers and law enforcement officials in order to raise their professional awareness on how to deal with prisoners and how to conduct investigations in a proper and professional way instead of using means of torture as primary means to obtain information.
8. PCHR calls upon human rights organizations to intensify their efforts along with civil society organizations and the media to monitor these crimes, expose those responsible for them and bring them to justice.

9. PCHR calls upon human rights organizations to raise civilians' awareness of preliminary legal procedures that protect their rights if they are subjected to torture or other cruel or degrading treatment, and to organize training courses and workshops for this purpose.
10. PCHR calls upon the Palestinian Legislative Council (PLC) – when it convenes – to promulgate a special law that criminalizes all forms of torture and inhumane treatment according to international standards.
11. PCHR calls upon the PLC – when it convenes – to form a special committee to follow up cases of torture in PA prisons and detention facilities.

Annexes

Annex 1:

Deaths from torture in the prisons of the Palestinian Authority from June 2007 to June 2014

No	Name	Age	Place of residency	Date of death	Place of detention	Responsible part	Cause of Death
1	Fadel Muhammad Salim Duhmush	31	Al Birka, Deir al Balah	10 July 2007	Gaza Central Prison, al-Saraya		He was arrested by al-Quds Brides, the military wing of the Islamic Jihad movement, as he was suspected of collaborating with the Israeli occupation. He was released on 05 July. Torture marks appeared all over his body. He was also arrested by Gaza government's executive force. He was subjected to torture and it appeared on his dead body which arrived at al-Shifa hospital
2	Walid Sulaiman Abu Dhalifa	45	Al-Naser, Gaza City	15 July 2007	Al-Mashtal, north of al-Shati refugee camp	Internal Security	His dead body arrived at al-Shifa hospital due to torture
3	Rami Muhammad-Khalifa	26	Rafah	13 December 2007	Gaza Central Prison, al-Saraya	The Palestinian Police	His dead body arrived at al-Shifa hospital due to stomach ulcers according to medical staffs. His parents stated that their son had no diseases before his arrest
4	Muhammad Abdul Aziz al-Barghouti	44	Kuber, Ramallah	22 February 2008	Intelligence Headquarters, Ramallah	The General Intelligence	He was subjected to severe torture and died in prison a week after his arrest
5	Taleb Muhammad Abu Sitta	72	Al-Zawaida, the Central Gaza Strip	July 27 2008	Deir al-Balah Police Center	The Palestinian Police	His dead body arrived at Shuhada al-Aqsa hospital after he was subjected to torture
6	Shadi Muhammad Shahin	27	Al-Bireh	Sep- 29 September 2008	The Reform and Rehabilitation Center, Jericho	The General Intelligence	He was in the General Intelligence custody from 15 March to 15 June 2006. Then he was transferred to the Reform and Rehabilitation Center till his death
7	Jamil Shafiq Shaqoura	51	Khan Younis Refugee Camp	06 February 2009	Khan Younis Services Club	The Internal Security	He arrived at Naser hospital in Khan Younis with a brain stroke due to torture. Then the Internal Security arrested him again, tortured him, then sent him back to hospital. He stayed in the extensive care unit for one day then died
8	Muhammad Jamil al-Haj	39	Jalqamous, Jenin	08 February 2009	The Preventive Security Headquarter, Jenin	The Preventive Security	The security forces spokesman claimed that he committed suicide in his cell

.No	Name	Age	Place of residency	Date of death	Place of detention	Responsible part	Cause of Death
9	Nihad Said al-Dabbaka	47	Al-Maghazi refugee camp	09 February 2009	Al-Maghazi Services Club	The Palestinian Police	His dead body arrived at Shuhada al-Aqsa hospital after he was subjected to .severe torture
10	Zaid 'Aish Mabrouk Jaradat	40	Al-Shouka, Rafah	Marsh 16 2009	Rafah Police Station	The Palestinian Police	His dead body arrived at al-Shifa hospital
11	Jamil Naser Assaf	20	Gaza City	March 24 2009	Al-Tufah Police Station	The Palestinian Police	He was transferred to al-Shifa hospital on 13 March after his kidneys failed due to torture. He was admitted to the extensive care unit till .he died
12	Haitham Abdullah Amro'	33	Beit al-Rosh al-Foqa, Hebron	June 15 2009	The General Intelligence headquarter, Hebron	The General Intelligence	He was taken to Hebron Governmental hospital on 15 June and died in the morning
13	Kamal 'Amer Abu Tima	44	Al-Fawwar Refugee Camp	04 August 2009	The Preventive Security Headquarters	The Preventive Security	He was arrested on 15 August 2008 and was subjected to torture. His health deteriorated and the High Court issued a decision by which he was to be transferred to Hebron Governmental Hospital after he suffered a stroke. The Preventive Security had to release him on 31 May 2009. He was taken to a Jordanian hospital for treatment and died there
14	Fadi Muh-sen Hamdana	27	North 'Asira, Nablus	10 August 2009	General Intelligence, Nablus	General Intelligence	The security forces' spokesman claimed that Hamdana committed suicide in his cell as he hanged himself with .one of the sheets
15	Adel Saleh Rezeq Rezeq	56	'Amer Project, Beit Lahia	19 April 2011	Ansar Compound, west of Gaza	The Internal Security	Bruises and beating traces on the face, legs, and back, in addition to wounds under the foot
16	Hassan Muhammad al-Hamidi	24	Wadi al-Salqa, Deir al-Balah	10 June 2011	Deir al-Balah Police Station	The Palestinian Police, Drug Control Unit	He died in al-Shifa hospital in Gaza City after he was transferred from Shuhada al-Aqsa hospital. He had been subjected to torture by the officers of the Drug Control .Unit
17	Ibrahim Akram al-Araj	45	Al-Zaitoun neighborhood, Gaza City	June 25 2011	Abu Oreiban Police Station, Nuseirat	The Palestinian Police, Drug Control Unit	He died in Shuhada al-Aqsa hospital after he was subjected to sever torture by the officers in Abu Oreiban Police .Station

Annex 2:

Arrest and detention centers of the security services in the Palestinian Authority

The Gaza Strip				
.No	Name	Responsible party	Province	Notes
1	Beit Hanoun Police Station	Police	The Northern Gaza Strip	
2	Sheikh Zayed Police Station (Beit Lahiya	Police	The Northern Gaza Strip	
3	Beit Lahiya Police Station	Police	The Northern Gaza Strip	
4	Jabalia refugee camp Police Station	Police	The Northern Gaza Strip	
5	Jabalia Police Station	Police	The Northern Gaza Strip	
6	Jabalia refugee camp prison (Abu Hatim al-Sisi Building	Police	The Northern Gaza Strip	
7	Abu Ubaidah prison – Beit Lahiya	Police	The Northern Gaza Strip	
8	The Headquarters of the Internal Security Agency Jabalia (Detention Center	Internal Security	The Northern Gaza Strip	
9	Al-Shati Police Station	Police	Gaza City	
10	Sheikh Radwan Police Station	Police	Gaza City	
11	Al-Abbas Police Station, al-Rimal	Police	Gaza City	
12	Shujia Police Station	Police	Gaza City	
13	Al-Zaitoun Police Station	Police	Gaza City	
14	Al-Daraj and al-Tufah Police Station	Police	Gaza City	
15	Internal Security Agency Headquarters (Ansar) detention center	Internal Security	Gaza City	
16	(Gaza Central Prison (al-Katiba	Police	Gaza City	
17	Gaza prison, Ansar	Police	Gaza City	
18	Zahra Police Station	Police	Gaza City	
19	Deir al-Balah Police Station	Police	The Central Gaza Strip	
20	Camps Police Station, Abu Maddein	Police	The Central Gaza Strip	
21	Abu Oreiban Police Station, Nuseirat	Police	The Central Gaza Strip	

The Gaza Strip				
No	Name	Responsible party	Province	Notes
22	Internal security Headquarters in Deir al-Balah	Internal Security	The Central Gaza Strip	
23	Khan Younis central prison, in what used to be "Ganei Tal" settlement	Police	Khan Younis	The Prison of the Southern Provinces
24	Detention Facility of Khan Younis police	Police	Khan Younis	Inside the main Police Headquarters
25	Detention Facility of al-Sharqiah Police Station, Bani Suhaila	Police	Khan Younis	Inside the Headquarters of al-Sharqiah Police Station
26	Detention Facility of al-Qararah Police Station	Police	Khan Younis	Inside the Headquarters of al-Qararah Police Station
27	Detention Facility of the Internal Security in Khan Younis	Internal Security	Khan Younis	
28	Internal Security Headquarters in Khan Younis	Internal Security	Khan Younis	Part of the former building of Khan Younis Municipality
29	Al-Balad Police Station, the Security services Complex in Rafah	Police	Rafah	
30	Tal Sultan Police Station	Police	Rafah	
31	Drug Control Administration Headquarters	Police	Rafah	
32	General Criminal Investigation Department	Police	Rafah	
33	The Headquarters of the Internal Security Agency-Tel Sultan	Internal Security	Rafah	

The West Bank				
.No	Name	Responsible part	Province	Notes
1	The Military Intelligence Investigation and Arrest Center	Military Intelligence	Qalqilya	
2	The Military Intelligence Investigation and Arrest Center	Intelligence	Jenin	
3	The Military Intelligence Investigation and Arrest Center	Military Intelligence	Nablus	
4	The Military Intelligence Investigation and Arrest Center	Military Intelligence	Tulkarm	
5	The Military Intelligence Investigation and Arrest Center	Military Intelligence	Bethlehem	
6	The Military Intelligence Investigation and Arrest Center	Military Intelligence	Salfit	
7	The Military Intelligence Investigation and Arrest Center	Military Intelligence	Hebron	
8	The Military Intelligence Investigation and Arrest Center	Military Intelligence	Ramallah-transmission	
9	The Military Intelligence Investigation and Arrest Center	Military Intelligence	Jericho	
10	The Military Intelligence Investigation and Arrest Center	Military Intelligence	Tubas	
11	Investigation and Arrest Center of Jericho	General Intelligence	Jericho	
12	The Central Center of Investigation and Arrest	General Intelligence	Jericho	
13	Investigation and Arrest Center of Ramallah	General Intelligence	Ramallah	
14	Investigation and Arrest of Center Jerusalem	General Intelligence	Jerusalem	
15	Investigation and Arrest Center of Hebron	General Intelligence	Hebron	
16	Investigation and Arrest Center of Tulkarm	General Intelligence	Tulkarm	
17	Investigation and Arrest Center of Qalqilya	General Intelligence	Qalqilya	
18	Investigation and Arrest Center of Bethlehem	General Intelligence	Bethlehem	
19	Investigation and Arrest Center of Nablus	General Intelligence	Nablus	
20	Investigation and Arrest Center of Tubas	General Intelligence	Tubas	
21	The Headquarters of the General Intelligence Services - Tubas	General Intelligence	Tubas	
22	Investigation and Arrest Center of Jenin	General Intelligence	Jenin	
23	Investigation and Arrest Center of Salfit	General Intelligence	Salfit	
24	Investigation and Arrest Center of Hebron	Preventive Security	Hebron	

The West Bank				
No	Name	Responsible part	Province	Notes
25	Investigation and Arrest Center of Bethlehem	Preventive Security	Bethlehem	
26	Investigation and Arrest Center of al-Dhahrya	Preventive Security	Hebron	
27	Ramallah Investigation and Arrest Center, General Headquarters	Preventive Security	Ramallah	
28	Investigation and arrest Center Ramallah Directorate	Preventive Security	Ramallah	
29	Central Prison - Ramallah	Preventive Security	Ramallah	
30	Investigation and arrest Center of Jerusalem Directorate	Preventive Security	Jerusalem	
31	Investigation and Arrest Center of Jericho	Preventive Security	Jericho	
32	Investigation and Arrest Center of Jenin	Preventive Security	Jenin	
33	Investigation and Arrest Center of Tubas	Preventive Security	Tubas	
34	Investigation and Arrest Center of Qalqilya	Preventive Security	Qalqilya	
35	Investigation and Center arrest of Tulkarm	Preventive Security	Tulkarm	
36	Investigation and Arrest Center of Salfit	Preventive Security	Salfit	
37	Investigation and Arrest Center of Nablus	Preventive Security	Nablus	
38	The Headquarters of the Preventive Security Service in Nablus	Preventive Security	Nablus	
39	Detention Facility of Ramallah Police Station	Police	Ramallah	
40	Detention Facility of Beirzeit Police Station	Police	Ramallah	
41	Detention Facility of the General Investigation Service	Police	Ramallah	
42	Detention Facility of the suburban police	Police	Ramallah	
43	Detention Facility of the General Investigation Service, Jericho	Police	Jericho	
44	Detention Facility of Jericho police	Police	Jericho	
45	Police Directorate -Bethlehem	Police	Bethlehem	
46	Detention Facility of the Juvenile police	Police	Hebron	
47	Detention Facility of Al-Qal'a Police Station	Police	Hebron	
48	Detention Facility of the Criminal Police Station	Police	Hebron	

The West Bank				
.No	Name	Responsible part	Province	Notes
49	Detention Facility of Qalqilya Police Station	Police	Qalqilya	
50	Detention Facility of Tammoun Police Station	Police	Jenin	
51	Detention Facility of Tubas Police Station	Police	Tubas	
52	Detention Facility of Salfit Police Station	Police	Salfit	
53	Detention Facility of Tulkarm police		Tulkarm	
54	Detention Facility of Nablus Police Station	Police	Nablus	
55	Detention Facility of Jenin Police Station	Police	Jenin	
56	Jericho Reform and Rehabilitation Center	Police	Jericho	
57	Ramallah Reform and Rehabilitation Center	Police	Ramallah	
58	Al-Dhahrya Reform and Rehabilitation Center	Police	Hebron	
59	Jenin Reform and Rehabilitation Center	Police	Jenin	
60	Nablus Reform and Rehabilitation Center	Police	Nablus	
61	Bethlehem Reform and Rehabilitation of Center	Police	Bethlehem	
62	Tulkarm Reform and Rehabilitation Center	Police	Tulkarm	
63	Azoun Police Station	Police	Qalqilya	
64	Kafra-Thulth Police Station	Police	Qalqilya	
65	KafrZibad Police Station	Police	Qalqilya	
66	Bedia Police Station	Police	Salfit	



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