

# Summary

In the 25 years since Palestinians gained a degree of self-rule over the West Bank and the Gaza Strip, their authorities have established machineries of repression to crush dissent, including through the use of torture.

Both the Fatah-dominated Palestinian Authority (PA) in the West Bank and the Islamic Resistance Movement ( Hamas) in Gaza have in recent years carried out scores of arbitrary arrests for peaceful criticism of the authorities, particularly on social media, among independent journalists, on university campuses, and at demonstrations. As the Fatah-Hamas feud deepened despite attempts at reconciliation, PA security services have targeted supporters of Hamas and vice versa. Relying primarily on overly broad laws that criminalize activity such as causing “sectarian strife” or insulting “higher authorities,” the PA and Hamas use detention to punish critics and deter them and others from further activism. In detention, security forces routinely taunt, threaten, beat, and force detainees into painful stress positions for hours at a time.

This report is the result of a two-year investigation by Human Rights Watch into patterns of arrest and detention conditions. It draws on 86 cases in the West Bank and Gaza, which show that Palestinian authorities routinely arrest people whose peaceful speech displeases them and torture those in their custody. These findings emerge from interviews with 147 persons, most of them ex-detainees, but also family members, lawyers, NGO representatives, and a doctor; and a review of photographic and video evidence, medical reports, and court documents.

Human Rights Watch also wrote to the main implicated security agencies and government authorities in both the West Bank and Gaza and received substantive responses from each, which are reflected in the report and reprinted in full at the end of this report. They all denied that abuses amount to more than isolated cases that are investigated when brought to the attention of authorities, who hold perpetrators to account. The evidence gathered by Human Rights Watch and presented in this report contradicts these claims.

The arrests for nonviolent speech acts constitute serious violations of international human rights law, in contravention of legal obligations imposed through Palestine’s accession to

major international human rights treaties over the last five years. The torture as practiced by both the PA and Hamas may amount to a crime against humanity, given its systematic practice over many years.

The primary security agencies implicated in the abuses documented in this report include Hamas' Internal Security and the PA's Preventive Security, Intelligence Services, and Joint Security Committee. PA security forces operate with significant support from the United States and Europe and in coordination with the Israeli army. Hamas receives financial aid from Iran, Qatar, and Turkey.

Both authorities have mechanisms in place to receive complaints from citizens and concerned organizations and investigate potential wrongdoing by security forces, but, according to information provided by the security agencies to Human Rights Watch, these rarely lead to a finding of wrongdoing, much less disciplinary measures or prosecutions for serious abuses.

## **Arbitrary Arrests**

The PA and Hamas have both clamped down on the major outlets for dissent available to Palestinians in the West Bank and Gaza. Both authorities categorically deny carrying out arbitrary arrests, insisting they act in accordance with the law. However, Human Rights Watch's documentation shows that they regularly detain critics without a reasonable basis to suspect they committed a cognizable offense and rely on dubious or broadly worded charges to justify detaining them and to pressure them to stop their activities. While the specifics differ between the West Bank and Gaza, the result in both places is shrinking space for free speech, association, and assembly.

### *Political Opposition*

The Fatah-controlled PA has methodically arrested activists and supporters of Hamas or Hamas-aligned groups solely because of their political affiliation or expression, with Hamas carrying out similar abuses against partisans of Fatah or officials who served in the PA-led government, including in the security services, before the 2007 Hamas takeover.

In the West Bank, for example, PA forces detained 38-year-old Osama al-Nabrisi at least 15 times since he finished serving a 12-year prison sentence in Israel in October 2014,

including just two days after his release, apparently because of his involvement with the Hamas political bloc while in Israeli prison. They held him pursuant to orders by local officials under a form of administrative detention increasingly used in recent years and not subject to the legal procedures set out under the Palestinian Criminal Procedures law.

In Gaza, Hamas authorities arrested Abdel Basset Amoom, an ex-PA Preventive Security employee, in January 2017 for his involvement in a protest about electricity cuts. An interrogator told Amoom, “You Fatah members want to make anarchy and chaos, you want to destabilize security,” but provided no specific accusations of unlawful activity beyond demonstrating without a permit.

### *Social Media*

Palestinian authorities have carried out dozens of arrests for critical posts on social media platforms, which Palestinians increasingly rely on to share their views, connect with one another, and organize activities.

In the West Bank, for example, PA security forces dispatched 10 officers to the house of activist Issa Amro in Hebron in September 2017, one hour after he criticized on Facebook the detention of a journalist and called on the PA to respect free expression. They detained Amro for a week, accusing him of wanting to lead a coup, and charging him on the basis of his post with, among other things, creating “sectarian strife,” insulting “higher authorities,” and endangering “the public order of the state.” In May 2016, Hamza Zbeidat, who works for a development NGO, said officers held him for two days and questioned him about a post calling for Palestinians to “struggle against the PA like we struggle against the occupation” and asked why he criticizes the PA and not Hamas.

In Gaza, Hamas police detained a 28-year-old social worker in April 2017, after he posted on Facebook an excerpt from a book by Palestinian author Ghassan Kanafani. The police interrogated him about what other books he had read, charged him with “offending religious feelings,” among other things, and released him only after he signed a commitment not to “misuse social media.” Officers also held journalist Amer Balousha for fifteen days in July 2017 after a Facebook post that asked, “do your children [referring to Hamas leaders] sleep on the floor like ours do,” calling him a “source of sedition,” and

allegedly telling him “it’s forbidden to write against Hamas, we will shoot you,” and charging him with “misuse of technology.”

### *Journalists*

The Fatah-controlled PA and Hamas have also targeted journalists, both those affiliated with the rival camp and unaffiliated ones who produce reports critical of their policies.

In 2017, PA forces arrested one journalist, Jihad Barakat, who snapped photos of Prime Minister Rami Hamdallah at an Israeli checkpoint, and a second, Sami As-Sai, who shared a list of Palestinians in Israeli prisons with a Hamas member in Gaza. In Gaza, Hamas police detained in September 2016 one journalist, Muhammad Othman, for publishing a leaked document showing how a former prime minister of the Gaza authority was continuing to make government decisions and charged another, Hajar Harb, in August 2016 with “slander” and “lack of precision” in relation to an investigative piece she wrote alleging corruption in the Hamas-run Health Ministry in Gaza.

Hamas forces in June 2017 detained Palestinian Broadcasting Corporation reporter Fouad Jarada and questioned him about a string of critical news reports and a Facebook post critical of Qatar, then an ally of Hamas. They later arrested his cousin Ashraf at around the same time and held them both for over two months and charged them in military court with “harming revolutionary unity.” Not long afterward, in August 2017, PA forces arrested five journalists in the West Bank considered sympathetic to Hamas. Prosecutors told one of them, Bethlehem-based Mamdouh Hamamra, that his fate was linked to that of Jarada. Hamas released Jarada on August 13, 2017, and the PA released the five journalists the next day.

### *Demonstrations*

Palestinians also have limited freedom to participate in anti-government political demonstrations in both the West Bank and Gaza. In the West Bank, PA forces arrested dozens of members of the Islamist al-Tahrir Party in relation to peaceful protests the party had organized in February 2017 against the sale of *Waqf*, or Islamic trust, land in Hebron.

In Gaza, Hamas police detained hundreds of demonstrators who took to the streets in January 2017 to protest the electricity crisis, including Muhammad Lafi, a 25-year-old

activist who had also released a music video the day before demonstrations calling for people to rise up. Authorities charged Lafi with “inciting against the government, damaging public property, and calling for riots,” based on his involvement in the demonstrations, releasing him only after he signed a pledge not to “participate in any unauthorized demonstrations.” Hamas police weeks later detained Fatah activist Yaser Weshah for seven days and questioned him about an action he had taken in solidarity with detained electricity protesters in which he held a sign on a major road saying, “No to political arrests. No to gag orders.”

### *On University Campuses*

Palestinian authorities closely monitor criticism of the PA at universities. In January 2017, PA forces detained Fares Jbour, an electrical engineering student in Hebron, and questioned him about his participation in a book drive organized by the Hamas-affiliated Islamic Bloc on campus. Jbour told Human Rights Watch that PA forces had arrested him five previous times over his peaceful activities with the bloc, and said that prosecutors charged him with “weapons possession,” “forming militias,” “heading an armed gang,” and “money laundering,” but released him without referring him to court. In February 2017, Hamas police held Youssef Omar, who teaches history at Al-Aqsa University in Gaza, along with four other professors, apparently over their activism with the union of university employees, which opposed Hamas’ attempt to appoint a new university president without consulting the PA.

### *Opposition Strongholds*

Palestinian police have most aggressively policed areas in the West Bank and Gaza seen as hotbeds of political opposition. In the West Bank, the harshest reprisals have targeted the Nablus area, in particular the Balata Refugee Camp, seen as a base of support for Palestinian President Mahmoud Abbas’ rival Muhammad Dahlan, and the Old City of Nablus, where tensions have flared in recent years between supporters and critics of the PA. In Gaza, the crackdown around the January 2017 electricity protests focused on the refugee camps, particularly al-Bureij and Jabalia, where much of the organizing took place.<sup>5</sup>

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<sup>5</sup> In his music video ahead of electricity demonstrations, Muhammad Lafi in fact proclaimed, “a revolution from the camps.” See “Mhammedlafi – Your Right,” video clip, YouTube, January 11, 2017, <https://www.youtube.com/watch?v=qeGo7GVfhPE> (accessed August 30, 2018).