

Jerusalem, August 1995

NEITHER LAW NOR JUSTICE

**EXTRA-JUDICIAL PUNISHMENT, ABDUCTION,
UNLAWFUL ARREST, AND TORTURE OF
PALESTINIAN RESIDENTS OF THE WEST BANK BY
THE PALESTINIAN PREVENTIVE SECURITY SERVICE**

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**The Israeli Information Center for Human Rights
in the Occupied Territories**



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"When it comes to the issue of human rights, anybody, including the Israelis, have the right to investigate my people. We will never let any mistreatment take place in our prisons."

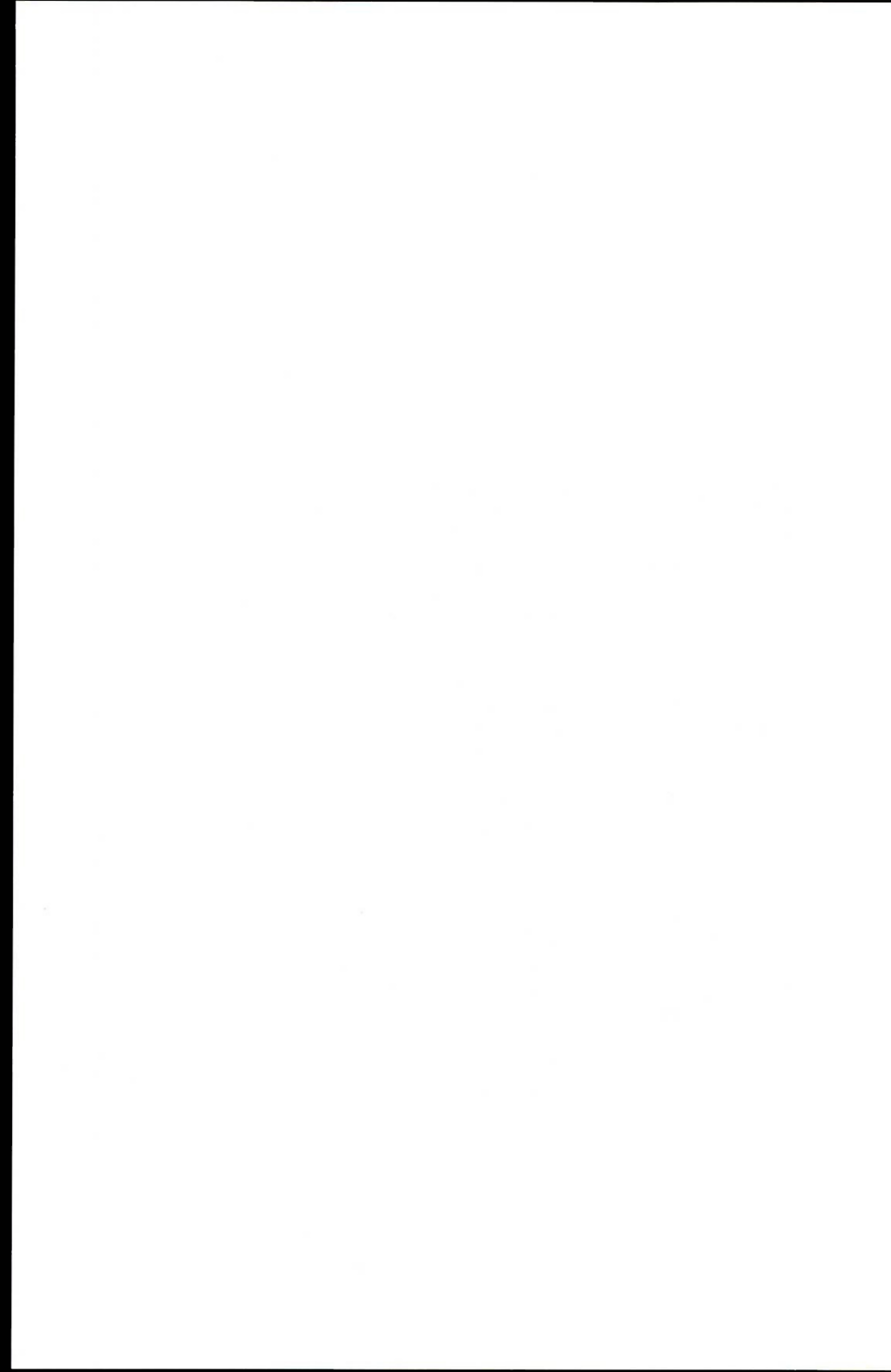
– Col. Gibril Rajoub, *Head of the Palestinian Authority's Preventive Security Service in the West Bank.*
The Jerusalem Post Magazine, 19 May 1995

"If the Palestinians become partner to an agreement, they will manage their internal affairs without a High Court of Justice, without B'Tselem, and without various organizations of mothers and fathers..."

– Yitzhak Rabin, *Prime Minister of Israel.*
Al Hamishmar, 3 September 1993

"I have wanted to commit suicide since then because the interrogation in Jericho complicated things for me in the village. Those who turned me in are spreading rumors that I slept with my sister. I have not spoken with my father-in-law since I returned. A week after my release, he came to my house and took my wife away. I don't see my wife or my son, who is 9 months old. That's my whole story."

– *From the testimony given to **B'Tselem** by M.D., a resident of East Jerusalem, interrogated in Jericho by agents of the Preventive Security Service.*



A. Introduction

The Preventive Security Service (PSS) is an arm of the Palestinian Authority (PA) police force. PSS agents routinely interrogate Palestinian residents throughout the West Bank. The interrogations are often conducted in the area of the residents' homes, and sometimes the residents are summoned, or taken by force, to Jericho, which is under the jurisdiction of the PA. The detainees are most often accused of crimes like drug use or theft, collaboration with the Israeli authorities, and commission of acts the PSS considers immoral, such as prostitution and extra-marital sexual relations.

The PSS currently fills, to a large degree, the vacuum created in the Territories resulting from the virtual absence of criminal law enforcement by the Israeli authorities before and during the Intifada. Since 1967, when Israel occupied the West Bank and Gaza, Israeli security forces have concentrated almost exclusively on dealing with Palestinian opposition to the occupation, and neglected enforcement of the penal law. During the Intifada, this vacuum was partially filled by activists from Palestinian organizations who acted to enforce the moral code and to ensure public order. These activities were frequently accompanied by flagrant human rights violations.¹ Since the Agreement on the Gaza Strip and the Jericho Area, signed by Israel and the PLO in Cairo on 4 May 1994 (hereinafter: the Cairo Agreement), PSS members took responsibility for this area, in addition to its other activities.

PSS agents have no legal authority to police the West Bank outside of Jericho, the Cairo Agreement limiting the PA's internal security powers to the territory within its jurisdiction. The Agreement stipulates that

[The PA's Directorate of Police] will be responsible for public order and internal security **within the jurisdiction of the Palestinian Authority...**²

Although numerous civil powers have been transferred to the PA in the West Bank since the Cairo Agreement, the transfer documents

1. See B'Tselem. **Collaborators in the Occupied Territories: Human Rights Abuses and Violations**. Jerusalem, January, 1994, pp. 29ff.

2. Article 3(1) of Annex I. (Our emphasis) The Agreement also provides, in Article 1(1) of Annex III, that "The criminal jurisdiction of the Palestinian Authority covers all offenses committed **in the areas under its territorial jurisdiction.**" (Our emphasis)

explicitly state that only civil powers are transferred, and that these powers do not include authorization of armed agents to operate in the West Bank.³ At the time of the writing of this report, therefore, Israel still bears full responsibility for internal security throughout the West Bank, except for Jericho.

This report examines the policing activity of the PSS in the West Bank. Testimonies collected by **B'Tselem's** fieldworker, on which this report is based, draw a disturbing picture of human rights violations against West Bank Palestinians whom the PSS suspects of committing crimes outside PA territory. These violations include shootings in the legs, abduction, warrantless detention for extended periods without any judicial scrutiny, and torture, including beatings, painful tying-up, humiliation and insults, sleep deprivation, and refusal to provide medical treatment.

This report contains a chapter on the legality of these acts under international law, which binds the PA, and analyzes the responsibility of PA and Israeli authorities for the acts described in the report.

The terms "detention" and "arrest" are frequently used in this report. In many of the cases presented, the individual accompanied PSS members without being advised he or she was being detained; some were abducted at gun-point. None of them was shown an arrest warrant, and most were not told the reason for their detention. Some were not taken to formal detention facilities. The use of the terms "detention" and "arrest" does not imply the legality of the process, but is used in the absence of a better term.

3. The Agreement on the Transfer of Powers, signed on 28 August 1994, set forth the powers transferred to the PA in the areas of education and culture, health, welfare, tourism, and taxation. According to the agreement:

The Palestinian Authority may empower officials in each of the areas to operate as civilian supervisors and to supervise compliance with the laws and regulations. These monitors are not policemen, and they are not allowed to bear arms, wear uniforms or organize in a centralized unit..."

Foreign Ministry, Jerusalem, **Agreement on the Transfer of Powers - Principles**, document 1153359.

B. The Palestinian Preventive Security Service and its Activities in the West Bank

The PSS is one arm of the Palestinian Directorate of Police Force, whose establishment is provided for in the Cairo Agreement. Article VIII(1) of the Agreement stipulates:

In order to guarantee public order and internal security for the Palestinians of the Gaza Strip and the Jericho area, the Palestinian Authority shall establish a strong police force...

Article 3(2) of Annex I to the Agreement details the functions and duties of the Palestinian police force, which include maintaining internal security and public order, protecting the public and its property, and adopting all measures necessary for preventing crime.

The head of the PSS is Brigadier General Musbach Saqer. Colonel Gibril Rajoub directs PSS operations in Jericho and the West Bank, and Colonel Muhammad Dahlan directs them in Gaza.

The scope of authority of the PSS is unclear because the PA published no directive establishing it. This body operates in a broad range of areas: it conducts intelligence activities, settles disputes among residents, makes arrests, conducts investigations and interrogations, etc.

Under the Cairo Agreement, the PSS is restricted to operating, as mentioned above, in the autonomous territory. Officially, and particularly in their comments in the Israeli media, senior PSS officials deny that they operate in the West Bank, except for Jericho, and regularly contend that the acts carried out in the West Bank are conducted by Fatah members, not PSS personnel. In a letter to **B'Tselem**, Rajoub wrote:

Preventive Security Service forces do not operate outside the territory of the Palestine National Authority. The only presence found in the West Bank, East Jerusalem, or anywhere, is Fatah, the backbone of the PLO, headed by the president, Yasser Arafat...⁴

4. Letter to **B'Tselem** dated 26 July 95. Rajoub made similar comments in an interview with *Yedioth Aharonot*: "... PSS intelligence operates only in Jericho. Fatah, which is active throughout the world, operates in the West Bank and Jerusalem. Fatah made the agreement with Israel, and its activity is legitimate." Roni Shaked, "Rajoub, King of the West Bank", *Yedioth Aharonot*, 23 September 1994. For additional denials by Rajoub that the PSS operates in the West Bank, see *Ma'ariv*, 19 April 1994; *Yerushalayim*, 27 January 1995; and *The Jerusalem Post Magazine*, 19 May 1995.

In an interview with *Ha'aretz*, the PSS spokesperson, Abed Aloon, stated that the PSS does not officially act in the West Bank, "since that would constitute a breach of the Oslo Accords." He added:

I don't deny our presence as "Fatah" in every neighborhood, refugee camp and village, but we cannot be present officially in the West Bank, and we are forbidden to fire even one shot outside Jericho.⁵

Although PSS officials deny that it operates outside the jurisdiction of the autonomous area, it is widely known that the PSS maintains branches in all West Bank cities, including East Jerusalem.

Articles in the Palestinian and Israeli press frequently report PSS actions in the West Bank. For example, *Ha'aretz* of 2 June 1995 reported that PSS agents in the Jenin region arrested two suspects for the murder of a businessman, Khaled Hasan Subah, about a month earlier. The two were taken to Jericho for interrogation, where they confessed to murder. Concerning another incident, *Al-Quds* [East Jerusalem Palestinian newspaper] reported that PSS agents had arrested someone suspected of murdering 'Issam Abu Yasin, whose body was discovered near Jamain village, Nablus District. The article quoted a senior PSS official, who said that PSS personnel had combed the area immediately after being notified of Abu Yasin's disappearance, and had found evidence leading to the murderer a few hours after the murder.

In interviews with the Palestinian press, Rajoub explicitly states that his men operate in the West Bank. In an interview with Kauther Sallam for *Al-Quds*, Rajoub said that

[the Israelis] try to foil our operations in other areas in the West Bank, but despite our limited means, we are able to enforce the authority of the National Authority against any violation of law that harms the population, its dignity and security. In addition, we have succeeded in uncovering and destroying large amounts of drugs.⁶

In follow-up to a report in the Israeli media concerning an IDF search of the PSS office in Hebron,⁷ **B'Tselem** contacted that office. In response **B'Tselem** received a letter signed "Jibril Al-Bakri, Head of Palestinian Preventive Security, Hebron", which was written on official stationery of the PSS in Hebron. This letter further confirms the manifest existence of PSS offices throughout the West Bank (see Appendix No. 5).

5. *Ha'aretz*, 9 April 1995.

6. *Al-Quds*, 10 July 1994. (Translated by **B'Tselem**)

7. See *Ha'aretz*, 27 April 1995.

As regards activity in the West Bank, the distinction between the PSS and Fatah is vague. Part of the reason for this is that PSS agents are acknowledged Fatah operatives, and most PSS offices in West Bank cities are located in Fatah offices. The close relationship between Fatah and the PSS is clear from Rajoub's comments in an interview with *Al-Quds*, in which he stated that the PSS is "the practical expression of Fatah since all its officers and personnel are Fatah members..."⁸

Fatah, a legitimate political movement, frequently acts as a cover for PSS policing of the West Bank, which is conducted without any legal sanction. The result is obfuscation of the boundaries of activity of the two bodies and prevention of a clear chain of command and decision-making, enabling PSS heads to disclaim responsibility for human rights violations committed by its agents in the West Bank.

Israel is well aware of PSS activities in the West Bank; it even accords PSS agents almost total freedom of action throughout the West Bank, excluding East Jerusalem. According to various reports, a secret agreement between Israel and Fatah was reached in Rome in January, 1994. Yaakov Perry, then head of the Israeli General Security Service, and Amnon Shahak, then Deputy IDF Chief of Staff, represented Israel, and Gibril Rajoub and Muhammad Dahlan represented the Palestinians. According to these reports, the agreement provides freedom of action to the PSS throughout the West Bank in all criminal matters, in consideration for which it will cooperate with Israel in opposing the extremist Islamic groups.⁹

If there is a secret agreement that grants a particular entity the power to enforce the law in a certain area, it is certainly invalid so long as the residents in that area are unaware of that entity's authority. There is no inherent wrong in transferring police powers in the West Bank to the PA, provided there is a clear division of powers. The division of powers must also be made public so that residents are informed which are the policing bodies and what their powers are, and the powers must be subject to a detailed, published, and accessible system of laws complying with international law.

8. *Al-Quds*, 2 February 1995.

9. See for example, *Ma'ariv*, 23 September 1994; Steve Rodan and Bill Hutman, "Order in Jericho", *The Jerusalem Post Magazine*, 19 May 1995. On 24 July 1995, in a plenary session of the Knesset, MK Zevulun Hammer spoke about this agreement: "The agreement with him [Gibril Rajoub] was never discussed in the Knesset, and was never presented for confirmation, and the government is obligated to present the document and this Roman agreement to the Knesset." According to a draft of the Peace Watch report on the PSS, Israeli and Palestinian security sources admitted that such an agreement exists.

C. Human Rights Violations by the Preventive Security Service

"The single factor we must obey is law and justice, including the principles of protecting human rights ..."

– Col. Gibril Rajoub, *Head of the Preventive Security Service in the West Bank*¹⁰

B'Tselem research shows that the policing activities of the PSS throughout the West Bank are conducted in a manner that severely violates basic human rights. Residents are arrested without arrest warrants, and some are taken at gun-point. They are held in detention for lengthy periods without an indictment being filed against them, and are tortured during interrogations. The methods of torture used by the PSS include, among others, severe beatings, painful tying-up, sleep deprivation, threats, and humiliation. In several instances, Palestinians were shot in the legs without an attempt being made to detain them or to determine their guilt.

As far as **B'Tselem** knows, the PSS did not initiate legal proceedings against any PSS agents for the human rights violations described above.

The following is a list of the cases, all involving West Bank Palestinians, about which **B'Tselem** took testimonies for this report. The full names of those who testified are on file at **B'Tselem**. Most requested that their names not be published because they fear PSS reaction.

10. *Al-Quds*, 10 July 1994.

	Date of Incident	Name, Age, and Family Status	Location of Incident or Interrogation	Description of Incident	Period of Detention
1	15.3.95	A.P., 27, married	Abducted at his home and taken to a nearby area	Abducted and tortured during interrogation	3 days
2	27.3.95	I.S., 24, single woman	Abducted at the entrance to Ramallah and taken to a nearby area	Abducted and tortured during interrogation	3 days
3	1.4.95 and 2.4.95	Muhammad Nabil Omar Fakher a-Din, 45, married with 5 children	PSS offices in Nablus	Agreed to accompany PSS agents who came to his home in Nablus; tortured during interrogation and released; taken the next day, tortured, and shot in the legs	Several hours
4	5.4.95	3 brothers: I.S., single; D.S., single; A.S., married with one child	Jericho	Agreed to accompany local PSS agents; taken to Jericho and tortured during interrogation	I. 116 days; D. still in detention; A. 116 days (after which he escaped)
5	18.4.95	A.D., 19, single	Abducted from his home and taken to a nearby area	Abducted and tortured during interrogation	Several hours
6	18.4.95	M.T., 51, single	Near his place of work	Accompanied a PSS agent who summoned him to exit his shop; shot in the legs	Not detained
7	7.5.95	S.D., 34, married with six children	Jericho	Summoned at his home to go to the PSS offices in Jericho and went to Jericho voluntarily; detained, and tortured during interrogation	25 days
8	17.5.95	M.Y., 45, married with nine children	Jericho	Surrendered in Jericho after PSS agents came looking for him several times; detained, and tortured during interrogation	43 days

	Date of Incident	Name, Age, and Family Status	Location of Incident or Interrogation	Description of Incident	Period of Detention
9	18.5.95	M.J., 36, married with eight children	Jericho	Agreed to accompany PSS agents who came to his home; taken to Jericho and detained there	Still in detention
10	20.5.95 and 21.5.95	M.D., 25, married with one child	His village and Jericho	Brutally interrogated in his village by PSS agents; the next day, agreed to accompany the agents to Jericho; detained, and tortured during interrogation	8 days
11	23.5.95	Abed a Rahman al-Jarbo'a, 29, married with three children	Town center of his home town	Shot in the legs	Not detained
12	1.6.95	F.D., 27, married with one child	Jericho	Agreed to accompany PSS agents who had come to his home and identified themselves as agents from the local Fatah office; taken to Jericho, detained, and tortured during interrogation	Still in detention
13	9.6.95	I.I., 32, married with six children	Jericho	Summoned to PSS offices in Jericho, and went there voluntarily; detained, and tortured during interrogation	8 days

1. Extra-judicial Punishment¹¹

Testimonies gathered by **B'Tselem** show that PSS agents occasionally shoot the legs of persons suspected of committing various crimes, or beat them.¹² Usually, the persons are suspected of sexual crimes or what the PSS agents consider to be crimes of immorality. The PSS agents act without attempting to arrest the individuals or determine their guilt.

A.J. testified:

On 23 May 1995, about 12:15 p.m., I was on my way home from work. When I approached the movie theater in the center of Jenin, shots were fired at me. The bullets hit my legs – four bullets in the left leg, and three in the right. I fell to the ground. I saw the fellow who shot me. I know him; his name is Muhammad Suleiman Ahmad Tazazah. He lives in Kabatiyah and is a member of the PSS. After I fell down, he kicked and cursed me.

Muhammad Nabil Fakher Omar a-Din, aged 45, a resident of Nablus, testified that PSS agents seized him, and that one of them, Ahmad Tabuk, beat him and shot him in the legs. He stated that

[They] began to beat me with sticks. As they were beating me, I pushed Ahmad Tabuk. He went berserk and screamed at me for pushing him, and he took his pistol and shot me in the knees and feet... I do not remember if he shot six or seven times.¹³

Gibril Rajoub, in a letter to **B'Tselem**, denied that Tabuk is a member of the PSS, and added that "Fatah movement in Nablus now investigated these cases and she will take the necessary steps to eliminate it."¹⁴ Despite Rajoub's contentions, Palestinian residents from Nablus told **B'Tselem** that as a result of this and other cases, Rajoub summoned Tabuk and several of his men to Jericho, but took no measures against them. They were not arrested, and they returned to Nablus about a week later. The residents indicated that Tabuk is currently operating in Nablus as a PSS agent, working out of the same office as previously.¹⁵

11. For an overview of international law on this subject, see below at p. 29.

12. During the Intifada, extra-judicial punishment by shooting a person's legs was one of the methods used by members of Palestinian organizations against individuals suspected of collaboration with the Israeli authorities. See **B'Tselem. Collaborators in the Occupied Territories: Human Rights Abuses and Violations**, pp. 136-138.

13. See his full testimony, Appendix No. 1(1), p. 41.

14. Letter dated 30 May 1995. For the entire letter, see Appendix 2.

15. As regards Israel's handling of the case, see below at p. 33.

2. Abduction, Unlawful Arrest, and Denial of Detainees' Rights¹⁶

B'Tselem's investigation shows that PSS agents detain West Bank Palestinians in violation of their rights. The arrests are made without a warrant, occasionally with force, and without informing the detainees of the allegations against them. In numerous instances, the PSS detains persons for extended periods without bringing them before a judge and without allowing them to meet with an attorney. No legal proceedings have been initiated against any of the persons whose detention is described in this report, and most have been released. This fact reinforces the suspicion that the PSS often acts arbitrarily.

a. The Arrest Procedure

Testimonies given to **B'Tselem** indicate that PSS agents arrest persons without presenting an arrest warrant, identification card, or any other document. In some instances, individuals are forcefully taken from their home to Jericho or another place in the West Bank. In other instances, the PSS informs the persons verbally that they must go to PSS offices in Jericho or to a place near their home. The agents frequently do not inform the victims that they are suspected of having committed a crime, claiming only that they want to clarify something.

Y.D., father of F.D., stated:

On 1 June 1995, six young men arrived in a car with Ramallah license plates. They came to my house and asked about F. I asked them why they want him. They said that they understand he has a house, and that he had an argument with his neighbors about the path leading to it. They said they are from Fatah, and that they want to take him to the office to resolve the problem and help him. I opposed F's going with them to Ramallah, but he came out of the room and said that he would go. I told him not to do it, but he did not listen to me, and he got into the car. He did not return that day.

The following day, 2 June 1995, I went with a few others to the PLO office in Ramallah, where I asked about F. They told me to go to the Preventive Security Service office and ask there. One of the men with me said that he knew the office. We

16. For an overview of the international law on this subject, see below at p. 29.

went there, where I saw several of the fellows who had come to my home and had taken F. I asked them where he was. They answered that he had been sent to Jericho.

In his testimony to **B'Tselem**, A.D. stated:

When I got to the olive fields, about a kilometer from my home, a masked man came out from behind the olive trees, jumped me and grabbed me by the throat. He had a knife in his other hand. He dragged me towards the trees, where two other masked persons were waiting. The two tied my hands behind me with cloth, blindfolded me and pushed a piece of cloth into my mouth.... They said they were from the Preventive Security Service, and accused me of selling drugs and weapons.

M.D. stated in his testimony:

At 5:00 a.m. on 21 May, Muhammad Hussein [a PSS agent] came to my house. He woke me up and told me to get dressed so that I could go with him to Jericho... Muhammad took me ... and put me into my father-in-law's car. My father-in-law was in the car... They drove to Jericho, where they dropped me off at the entrance to the Preventive Security Service building.

b. Prevention of Legal Representation

Testimonies given to **B'Tselem** show that in most cases, the PSS does not allow detainees to meet with an attorney. This refusal severs the detainee's contact with the outside world. Primarily because the PSS in Jericho does not allow proper legal representation for detainees, attorneys in the West Bank refrain from representing West Bank residents detained in Jericho.

M.Y. testified:

In the 43 days I was detained, I did not see any lawyer visit prisoners. I heard from PSS personnel that there is no such thing as retaining an attorney.

Y.D., father of F.D., testified:

F told me not to bring a lawyer since Jericho has no courts, and a lawyer wouldn't, therefore, do him any good. So to this day, I did not get him a lawyer.

Testimony of Attorney N.T., given to B'Tselem fieldworker Bassem 'Eid on 10 August 1995

The relatives of the S. brothers came to my office in Nablus and requested that I represent the brothers because they were accused of murder.

On 26 April 1995, I contacted PSS headquarters in Jericho and requested permission from the prosecutor to meet with my clients, but he refused, stating that since the investigation had not yet been completed, I could not meet them at that time. He told me to contact him again on 1 May.

On 1 May, I contacted him, and he agreed to bring the detainees to his room provided that I only request them to sign a power of attorney and that I don't speak with them at all. I agreed, and the detainees came into the room. I had them sign the power of attorney, and then I asked one of them, the one the family had said limps, how his leg was. The prosecutor immediately stood up and said I was forbidden to ask any questions. He shouted for a soldier, who took the detainees back to the prison.

The family requested that I stop handling the case since I was not allowed to meet with my clients.

c. Lack of Judicial Review

The testimonies gathered by **B'Tselem** indicate that detainees are held in Jericho for extended periods without any judicial scrutiny, and without giving them an opportunity to appeal their arrest or the conditions under which they are being held.¹⁷

Y.D., father of F.D., stated in his testimony:

47 days have already passed since he was arrested, but he has not yet been brought before a judge.

Concerning his sons, who were arrested on 5 April 1995, Y.S. testified:

My son I. was released on 30 July; during the entire period of his incarceration, neither he nor my other sons were brought before a judge for a hearing or to extend the detention.¹⁸

17. In cases where persons are held for extended periods, they are eventually transferred from a PSS detention center to a PA prison in Jericho.

18. See the full testimony in Appendix No. 1(2), p. 45.

d. Prohibition of Periodic Family Visitation

Family visits are one way detainees can maintain contact with the world outside the prison and ensure that someone will act to protect their rights. PSS personnel do not permit periodic family visits to detainees; they do not even notify families that their relatives have been arrested or where they are being held.

Y.D., father of F.D., testified:

Ten days passed and we did not hear anything about him, so I decided to rent a car and go to Jericho with my wife, my children, and F's wife... We rented a car for NIS 100, bought gifts for another NIS 100, took clothes, and went to Jericho. We went to the police station and asked about F. The police asked if he was a criminal or a security detainee. I said that I did not know the charges against him. An officer went with us in our car to the PSS in Jericho and checked if F was there. They said he was. The officer said that his family had arrived for a visit, but he was told that F was not allowed to receive visitors. I got involved and said that the whole family had come to visit, that we had spent lots of money to get there, and that they should at least let us look at him through the bars of his cell. The PSS man refused. We went home without seeing F.

Only on 30 June 1995, a month after his arrest, was F's family allowed to visit him.

S.D. was detained for 24 days. On the fifth day of his detention, his cousin asked the PSS Command in Jericho to allow his family to visit him, but his request was denied. His family was allowed to visit him only 11 days after his arrest.

3. Torture and Ill-Treatment during Interrogation¹⁹

The testimonies given to **B'Tselem** indicate that, when interrogating suspects, PSS personnel use various methods of torture and humiliation. Some of their techniques resemble those used in Israeli General Security Service (GSS) interrogation facilities; like their Israeli counterparts, PSS interrogators beat detainees, bind them painfully for lengthy periods of time, deprive them of sleep, cover their heads with a sack, and insult and threaten them. Some detainees are forced to undress or hang by their feet. I.S., the only woman among those detained who gave testimonies for this report, also mentioned sexual abuse, which included pulling the nipples of her breasts with pincers.

19. For an overview of the international law on this subject, see below at p. 30.

a. Beatings, Tying-up, and other Forms of Physical Abuse

Most of those interviewed reported that during their interrogation, they were severely beaten with sticks and rubber hoses, and were punched and kicked. For some, the beatings lasted for several hours, the interrogators taking turns. In some cases, the interrogators beat detainees after forcing them to undress, and sprayed them with water. Other techniques used included dripping molten plastic on their bodies and forcing them to stand in painful positions.

Most of those giving testimonies indicated that they were tied-up for many hours during the course of the interrogation. Some were tied immediately upon arrival at the PSS detention center in Jericho in the position known as "Shabah".²⁰ Detainees were held in this position for hours and sometimes days, their heads covered with sacks.

I.S. testified:

Abu Amjad tied my hands behind me and sprayed me with tear gas from a canister. I felt burns all over my body. I started to scream in pain. I begged for mercy. He started to melt candles on my body while telling me to confess to the allegations. I said: "I am a collaborator, I committed crimes of immorality, I had sex – just leave me alone." He told me that he wanted me to confess of my own free will, and not because of the torture. I swore by God that none of the allegations was true. That went on until evening. Twice during the interrogation Abu Amjad pulled the nipples of my breasts with pincers.²¹

I.I. testified:

They tied my legs with rope, and tied the rope to a piece of wood on the ceiling, so that I was hanging upside down. They started to beat me on the head with a black wooden stick. That continued from midnight until 4 in the morning...

A.F. testified:

One of the interrogators stood behind me, and the other was in front. The one in the back started to beat me with a rubber hose, and the other punched and kicked me. This lasted until

20. This tying technique is known to human rights organizations from GSS interrogations. The detainee's hands are tied behind him and to a pipe or pole affixed to the wall or ceiling, sometimes very high. The detainee often has difficulty standing on his feet, which are also tied. See **B'Tselem. Interrogation of Palestinians during the Intifada: III-Treatment, "Moderate Physical Pressure" or Torture?**, Jerusalem, March, 1991, pp. 62-67.

21. See the full testimony, Appendix No. 1(3), p. 46.

about 2:00 in the morning. They took turns beating me.... A rubber hose was lying on the ground. They sprayed water on me and beat me with the rubber hose. That lasted about 20 minutes.... They brought bottles of water. One hit me with a rubber hose and the other sprayed me with water. That went on for about an hour.

M.Y. testified:

They told me to stand and spread my legs as far as possible. I spread my legs as much as I could. They brought a piece of wood and placed it lengthwise between my legs. The wood had rope at each end, and they tied the rope to my legs, and left me like that for about an hour. Then they moved the wood, and I stayed there with my hands tied until morning.... The interrogator sat me down on the chair, its back to my side. The others in the room told me to lower my head backwards to the floor. A couple of them pulled my knees downwards so that my back was on the chair and my head lower. One of them sat on my knees and another grabbed my shoulders and pushed my head down hard. That went on for about ten minutes. Then they told me to get up. I said that I couldn't. They grabbed me by the shoulders and took me back to the detention room.

M.D. stated:

He began to beat me with his hands and a stick that was in the room. He beat me mostly on the mouth, the shoulders, and stomach. That lasted from 5:00 p.m. to 4:30 the following morning. The interrogator would come and go. Two others also came in during that time and beat me with their hands. The interrogator who came back later kicked me in the groin. Each of the other two grabbed me with one hand, and with the other punched me in the face.... I sensed that more than one was beating my hands and legs with a stick. I confessed to things I had done and had not done... I confessed to all the crimes that had taken place in the village. When I denied something, they brought plastic cups, took off my shirt, and began to melt the plastic on my body, mostly on my back. They plucked hairs from my chest and my mustache. I began to confess to more and more things. They alleged that I had killed my father, and I confessed.

b. Threats and Insults

All the detainees who were interviewed for this report said that they had been threatened and humiliated during the interrogations. In several cases, the interrogators threatened their, or their relatives', lives. The interrogators threatened to torture the detainees more severely or to extend their detention, and threatened to endanger them by distributing the detainees' confessions, obtained through torture, in their communities if they relate what had taken place during the interrogations.

In many instances, interrogators humiliated detainees by directing sexual insults at them or their relatives. In addition to verbal insults, interrogators used physical humiliation, like forcing the detainees to undress, spitting at them, and in one case, giving the detainee urine to drink.

I.I. related:

Mahmud 'Abasi [one of the interrogators] told me: "We will kill you like we killed your uncle,²² and you will die a month from now".... An interrogator named Jamal Sha'waneh came towards me. He put a pistol to my head and said that he had killed 50 men, and that I would be number 51. Then he fired a shot past my head.... Then a fellow named Abu Al-'Az entered and said to Jamal: "If he dies, throw him behind the wall and say that he committed suicide".... Mahmud Abasi took me, in a white jeep, to the Jericho barricade. Along the way, he told me: "... We'll have your wife working as a prostitute."

S.D. stated that:

Jamal [the interrogator] grabbed the pistol and started to chase me, and said to me: "If you don't tell the truth, I'll empty the magazine into your head".... The jailer returned after a while and told me that I have until 11:00 p.m. to confess. If I do not, he said, they will take me to the room with the electricity. He said: "Ask your friend about that room. If electricity doesn't work, there are other means, like having you sit on bottles."

I.S. stated in her testimony:

About an hour later, Abu Amjad came back. He untied my hands and ordered me to undress. I screamed and refused. He said: "If you don't take your clothes off, we'll do it for you." I took off my pants, blouse, and shoes, and stood there in my

22. His uncle, H.R., was killed in August of 1994 by masked persons on the suspicion that he was a collaborator with Israel.

underwear.... They said: "Why don't you confess? Many have already confessed while sitting on this chair. We are going to go away now, and we'll come back in an hour. We'll bring you a piece of paper, and you'll write your confession. If not, we'll take you to the top of the mountain, and you don't know what will happen to you there. We'll put out a flyer that you are a collaborator and will distribute it where you live."²³

M.Y. stated in his testimony:

Two days before I was released, they interrogated me again... They ordered me to spread my legs, and put a stick between my legs again, for 15 minutes. They told me I was going to be released, but they ordered me not to say anything about the interrogation. They said that if I did, the torture would be even worse the next time.

A.F., who was arrested at night and taken immediately from his home, stated:

They untied my hands and legs and ordered me to drop my pajamas. I was left standing in my underpants.... Then they took me into the room and had me put my pajamas on.... The guy who put the gun to my head came into the room and said: "You don't want to talk, so you can stay here." He started to write something, and then said: "I am writing your confession, and I'll send it to Headquarters." He wrote: "I, A.F. admit that I have been working for the Shabak [GSS] since 1982" (at which time I was 14)... We went into one of the rooms, where they tied me to a window. One of them said: "Here is where we are going to finish you off".... Then they took me to the roof and said: "We are going to throw you over the side."

c. Sleep Deprivation

In some of the cases, PSS interrogators used various means to prevent the detainees from sleeping: painful tying-up night and day, imprisonment in a small cell in which one cannot lie down or sit comfortably, and regular deliberate disturbances by interrogators to prevent the detainee from sleeping. Some of the interrogations lasted several hours, throughout the night and the following day.

23. During the Intifada, many Palestinians were injured by other Palestinians following rumors they had collaborated with the Israeli authorities. See **B'Tselem, Collaborators in the Occupied Territories: Human Rights Abuses and Violations.**

I.I., who was detained for eight days, stated that throughout that period, he was able to sleep only three hours. A.F. was interrogated non-stop for three days.

S.D., who was jailed three days in a bathroom, testified:

[The interrogator] hooded me and ordered me to stand on one leg. This continued for three consecutive days.... Every five minutes the door opened so they could make sure I was standing on one leg.

d. Prevention of Medical Treatment

The testimonies show that detainees who required medical care following brutal interrogation, or for any other reason, remained untreated.

Several persons who testified indicated that the PSS does not allow the Red Cross to meet with, and medically examine, detainees. In cases where meetings with the Red Cross are allowed with detainees who had been injured during interrogation, the detainees are warned not to tell the Red Cross visitors about their health condition.

S.D. stated:

My friends, from a Christian family, requested that the Red Cross visit me, and they came, but before they arrived, Jamal told me Red Cross personnel had come to visit me with a physician, and that I should not say anything about the beatings I had received. When the Red Cross people arrived, I did not let the physician examine me, and I said I was perfectly healthy. The physician saw signs of beatings and swellings on my face, and began to ask questions, but I only cried. I was in a terrible emotional state.

Y.S., father of A.S., said:

A couple of days later my wife went to Jericho to visit my injured son... She requested that the Red Cross give him medical treatment, but the interrogator said: "We don't recognize the Red Cross or human rights organizations."

A.S., who was suffering from a hand wound when arrested, testified:

[The interrogators] pulled me with this hand, which had 11 stitches in it. I also had medications I was taking, but they took them from me when I got to Jericho. Whenever I asked for them, they said: "After you confess."

D. The Law

1. Duty of the Palestinian Authority to Respect Human Rights

"Government will be based on principles of social justice, equality and non-discrimination on grounds of race, religion, color or sex under the aegis of a constitution ensuring the rule of law and an independent judiciary.... The State of Palestine proclaims its commitment to the principles and purposes of the United Nations, and to the Universal Declaration of Human Rights."

– *Palestinian Charter of Independence*²⁴

Since the PA is not a state, it cannot officially be a party to international human rights conventions. Nevertheless, **B'Tselem** shares the view of international human rights organizations that the PA is obligated to act according to the norms of customary international law since the PA has the indubitable markings of a government, such as police force and courts. These norms include universally accepted fundamental principles, and the obligation to comply with them does not depend on being a formal party to an international convention.

PLO leaders, who now head the PA, have frequently proclaimed their commitment to protect basic human rights. On 21 June 1989, the permanent observer of Palestine at the U.N. in Geneva sent a letter to the Swiss government in which "Palestine" requested to become a party to the four Geneva Conventions of 1949 and to their protocols.²⁵ On 13 September 1989, the request was denied on the grounds that the PLO is not a state. The request itself indicates the organization's willingness to undertake to safeguard the humanitarian principles incorporated in the Geneva conventions.²⁶

24. The Palestinian Charter of Independence was proclaimed at the 19th meeting of the Palestinian National Council, which convened in Algeria on 12-15 November 1988.

25. The Swiss government is responsible for the procedure of States Parties signing the Geneva Conventions and their accompanying protocols.

26. The permanent observer of Palestine at the U.N. sent additional letters, on 18 July 1990 and 25 April 1991, to the Swiss government requesting to become a party to the conventions. As before, the requests were denied.

On 2 October 1993, after the signing of the Declaration of Principles on Interim Self-Government Arrangements (hereinafter: the Oslo Accords), a delegation from Amnesty International met with Yasser Arafat, head of the PLO and today also head of the PA. Arafat declared that the PLO undertakes to honor all the recognized international human rights standards and to incorporate them in Palestinian legislation. Arafat added that he recognizes the central role of Palestinian and international human rights organizations in defending and advancing human rights, and emphasized the PLO's willingness to fully cooperate with these organizations.²⁷

In the Cairo Agreement, the PA undertook to protect basic human rights. Article 14 of the agreement stipulates, inter alia:

Israel and the Palestinian Authority shall exercise their powers and responsibilities pursuant to this agreement with due regard to internationally-accepted norms and principles of human rights and the rule of law.

Article 8(1) of Annex I states:

Subject to the provisions of this Agreement, the security and public order personnel of both sides shall exercise their powers and responsibilities pursuant to this Agreement with due regard to internationally-accepted norms of human rights and the rule of law and shall be guided by the need to protect the public, respect human dignity and avoid harassment.

B'Tselem shares the view of Palestinian and international human rights organizations, which regards the decisions of PLO institutions and declarations of PA leaders to be a commitment to protect basic human rights.

2. International Law

According to the principles of international customary law, all persons are entitled to liberty and security of person. Torture and prolonged arbitrary detention are prohibited.²⁸ Several international conventions

27. Press release of Amnesty International, 5 October 1993: "Chairman Arafat affirms Palestine Liberation Organization Commitment to Human Rights."

28. See, **Restatement of the Foreign Relations Law of the United States** (Third). See also, Theodore Meron, **Human Rights and Humanitarian Norms as Customary Law** (Oxford: Clarendon Press, 1989), p. 23; Nigel Rodley, **The Treatment of Prisoners under International Law** (Oxford: Clarendon Press, 1987), Chap. 2.

stipulate a long list of norms intended to ensure these fundamental rights.

a. Extra-judicial Punishment

The United Nations Universal Declaration of Human Rights (1948) stipulates that "everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial."²⁹ Even in the absence of an established judicial system, the allegations against a person must be scrutinized before a person is punished, the suspect being given the opportunity to defend himself or herself properly.

B'Tselem's investigation shows that PSS agents arbitrarily inflict extra-judicial punishment, and that these actions do not meet minimal international legal standards.

b. Rights of Detainees

Article 9 of the U.N. Universal Declaration of Human Rights stipulates that "No one shall be subjected to arbitrary arrest, detention or exile." The International Covenant on Civil and Political Rights, adopted by the U.N. in 1966, stipulates the minimal rights of every detainee. These rights are intended to ensure, *inter alia*, the rights stipulated in the Universal Declaration.

The Covenant stipulates that everyone shall be informed promptly of the charges against him or her (Article 9(2) and Article 14(3)(a)). Any restriction imposed on the liberty of a person shall be subject to effective supervision by the judiciary. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge to determine whether the denial of the right to liberty of the detainee, who is presumed innocent, is justified on the basis of *prima facie* proofs against him or her (Article 9(3)).

The Covenant provides for the right to legal representation in order to ensure that the detainee's rights are protected. Meeting with an attorney enables detainees to understand the relevant legal aspects of their case and the legal measures available to them. In addition, they can complain to the attorney in the event they are being treated

29. Article 11 of the U.N. Universal Declaration of Human Rights (1948). Article 14 of the United Nations Covenant on Civil and Political Rights (1966) contains a similar provision.

improperly. Detainees also have the right to have an attorney of their choosing to defend them in the legal proceedings (Article 14(3)(b) and (d)).

B'Tselem's research shows that the acts of the PSS do not meet international standards concerning the rights of detainees.

c. Prohibition of Torture

Customary international law unequivocally prohibits torture. Article 5 of the U.N. Universal Declaration of Human Rights stipulates:

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

This prohibition, which appears in numerous international conventions, is absolute, and no limitations are allowed, no matter what the circumstances.

The testimonies given to **B'Tselem** clearly show that the PSS, in total violation of international law, systematically tortures detainees.

3. Jordanian Law

In a letter to **B'Tselem**, Gibril Rajoub wrote that "in civil courts, as regards civil and penal law, the applicable law is the pre-1967 Jordanian law."³⁰

Under Jordanian law, a person may be detained for interrogation for 15 days, the prosecutor having the power to extend the detention repeatedly for additional periods of 15 days. The detainee is allowed to meet with an attorney during the interrogation only with the interrogator's permission, and the interrogator may refuse if he thinks the meeting will harm the interrogation. The public prosecutor may, in special circumstances, totally deny the detainee's right to meet with an attorney.³¹

This law is inconsistent with international law in that it allows a detainee to be held for an extended period of detention without being brought

30. In a letter dated 26 July 1995 (see Appendix No. 4).

31. See par. 63, 66, and 112 of the Courts Law of the Jordanian Penal System, No. 9, 1961.

before a judge. Although Jordanian law recognizes the detainee's right to meet with an attorney and to receive legal counsel, it allows the interrogator or prosecutor broad powers to deny that right since the law does not stipulate the pretexts for denial of that right.

B'Tselem's research shows that PSS agents systematically deny detainees the right to legal counsel.

E. Israel's Responsibility for Human Rights Violations by the Preventive Security Service in the West Bank

"We have no written authorization to operate [in the West Bank], but the Israelis know that we are there, and if they had wanted to stop us, they could have."

– 'Ahmad Ghanem, Senior PSS Officer³²

International humanitarian law requires Israel to ensure the well-being and security of residents of the territories under its control. This principle is incorporated in Article 43 of the Hague Convention:

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.³³

The Oslo Accords and Cairo Agreement restrict Israel's powers in the Territories and reduce Israel's responsibilities in certain areas of activity. In the regions remaining under Israeli control, the IDF retains the responsibility for enforcing the law and ensuring public order. The IDF has the responsibility to arrest, bring to trial, and punish perpetrators of criminal acts, subject to the measures and limitations provided for under international law.

The Israeli authorities ostensibly recognize their responsibility to enforce the law in the territories under their control, and to prohibit any unlawful act committed by the PSS. Police Minister Moshe Shahal was quoted in *Ha'aretz* on 19 September 1994:

The Israel Police Department is the only body responsible for

32. *The Jerusalem Post Magazine*, 19 May 1995.

33. See also Article 27 of the Fourth Geneva Convention.

enforcing the law in the Territories, and whoever violates the law will be arrested, tried, and punished.³⁴

In practice, the policy of the Israeli authorities is to enable PSS personnel to operate in the West Bank. According to media reports, in response to a question by Minister Shimon Shetreet at a Cabinet meeting on 18 September 1994 concerning the activities of the PSS in the West Bank, Prime Minister and Minister of Defense Rabin said that the Israeli GSS and the PSS operate in cooperation with each other, and that the PSS headed by Gibril Rajoub has been given total freedom of action throughout the West Bank. Minister Ephraim Sneh requested clarifications and additional details, but the Prime Minister refused to add anything, responding only that Israel has an interest in maintaining cooperation between the two bodies.³⁵

This policy was implemented in briefings given to IDF officers. For example, *Ma'ariv* reported on 3 October 1994 that officers who recently served in refugee camps in the Tulkarm area stated they had received orders not to stop Rajoub's men from carrying their weapons in the region: "Rajoub's men are friendly forces, and the attitude towards them is determined accordingly."

Israel has almost totally refrained from taking any measures to prevent human rights violations and trying those responsible, even though in most cases the identity of the perpetrator is known. In this regard, Israel's handling of PSS agent Ahmad Tabuk is illuminating.

On 5 April 1995, **B'Tselem** contacted Minister of Defense Rabin, requesting that he apprehend and prosecute those responsible for shooting Muhammad Nabil Omar Fakher a-Din in the legs. On 28 June 1995, Haim Israeli, assistant to the Minister of Defense, wrote in response:

The IDF is aware of its duty to protect the entire population living in Judea and Samaria. Toward this end, the IDF toils around the clock to apprehend the group ostensibly responsible for the acts described in your complaint....³⁶

34. On 22 September 1994, *Ha'aretz* reported that, according to Israel Police Department contentions, the Israel Police Department "... does not recognize Palestinian policemen or Palestinian security personnel acting outside the autonomous areas." The report continued: "All such activity, police officials state, even if it is considered legitimate within the autonomous region, is a criminal violation outside the region. Examples are possession of firearms and other weapons and detaining or abducting individuals and interrogating them."

35. See *Ha'aretz*, *Yedioth Aharonot*, and *Ma'ariv*, 19 September 1994.

36. In his letter of 28 June 1995. The entire letter is presented in Appendix No. 3.

Following the incident, the IDF placed a curfew on Nablus for the stated purpose of arresting Ahmad Tabuk. As noted previously, **B'Tselem** was recently told by Nablus residents that Tabuk and his men remain free, even though they operate openly from an office whose location is well known.

In cases in which the IDF acted against the PSS in the West Bank and arrested its agents, the IDF released the detainees shortly thereafter, and took no further action against them. An illustrative case occurred on 26 April 1995, when Israeli security forces searched the PSS office in Hebron. They confiscated a communications device, a map of Hebron, and a gas mask. Two persons were detained for questioning. However, they were soon released and their equipment was returned to them.³⁷

Israel's disregard of its obligation to protect West Bank Palestinian residents from human rights violations by the PSS is noteworthy in light of the Israeli authorities' rigid opposition to PSS activity in East Jerusalem, as illustrated by *Ha'aretz's* report on 13 January 1995 that "in recent months, more than 20 Palestinian policemen and security service personnel active in East Jerusalem were arrested."

In addition, Anwar 'Awad, one of Gibril Rajoub's bodyguards, was recently sentenced to a year's imprisonment and a conditional sentence of two years for two abductions in East Jerusalem.³⁸ At a cabinet meeting on 18 September 1994, Yitzhak Rabin clarified that the PSS is totally forbidden to act in East Jerusalem.³⁹ Government ministers and senior Israeli police officers allege unequivocally that they do not allow the PSS to conduct policing operations in East Jerusalem.⁴⁰

B'Tselem contends that the difference in Israel's attitude towards activity of the PSS in the West Bank and its activity in East Jerusalem results from Israel's perception of East Jerusalem as part of Israel.⁴¹ Consequently, Israel enforces the law on PSS agents only because their actions challenge Israel's sovereignty, and not because they harm the well-being and security of Palestinian residents, for which Israel is responsible.

37. Letter to **B'Tselem** dated 26 May 1995 from the PSS office in Hebron. See also *Ha'aretz*, 27 April 1995.

38. Crim. File 100/95, 102/95, *State of Israel vs. Anwar 'Awad* (unpublished).

39. See *Ha'aretz*, *Yedioth Aharonot*, and *Ma'ariv*, 19 September 1994.

40. See, for example, the comments of Jerusalem District Commander, Major General Arieh Amit, in *Davar*, 9 April 1995.

41. **B'Tselem** agrees with the international community that East Jerusalem is occupied territory, whose status is the same as other parts of the West Bank. See **B'Tselem. Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem**. Jerusalem, May, 1995.

F. Conclusions

B'Tselem's investigation of the activities of the Preventive Security Service in the West Bank reveals a disturbing picture. PSS agents conduct policing actions without lawful authority, without judicial review, and in gross violation of human rights.

These abuses include extra-judicial punishment, abduction of residents, illegal arrests, prolonged detention without any judicial scrutiny, refusal to allow legal representation, refusal to allow regular family visits, and use of torture techniques such as beatings, painful tying-up, threats, humiliation, sleep deprivation, and withholding of medical treatment. The refusal of most of those who gave testimony to **B'Tselem**, and many others who have been interviewed by the media on these matters, to have their names published indicates that many West Bank residents refrain from publicly criticizing the PSS out of fear of a severe and violent reaction by the PSS.

Some of the shortcomings in the PA's legal system can be attributed to the short period of the PA's existence, which can explain why it has not yet formally regulated the powers of the various bodies involved in security, and why it has not established mechanisms to review and supervise their activities. However, this fact cannot justify arbitrary arrest and systematic violent treatment of detainees.

The acts of PSS agents described in this report are not rare occurrences committed by a few individuals; they result from PA policy. The large number of human rights violations support this conclusion. Another support for this conclusion is that, despite repeated complaints about these acts, not one case exists in which the PA in Jericho took legal measures against any of those responsible.

Senior PA officials repeatedly state that the PA seeks to respect human rights and preserve the rule of law. In keeping with these declarations, and to show that the declarations are not merely lip service, the PA must act immediately to eradicate the practices described in this report.

The failure of Palestinian authorities in Jericho to combat human rights violations committed by its agents is particularly worrisome since the PA will, according to the peace talks currently in process, be given broad powers in the rest of the West Bank, including control over internal security. If the PA does not act to end the present trend of human rights abuses, norms of oppression of its residents' human rights will likely take root.

The Israeli government virtually ignores PSS activities in the West Bank. So long as policing powers in the West Bank have not been transferred to the PA openly and subject to a system of regulations complying with international law, Israel continues to be responsible for the Palestinian population. Israel's disregard of its duty to protect the human rights of West Bank Palestinians indicates its indifference to the residents' well-being and liberty.

A situation has emerged in which two authorities are enforcing the law in the same area without any clear division of responsibilities among them. With neither authority taking responsibility for protecting the human rights of the Palestinian population, West Bank Palestinians remain exposed to gross human rights violations.

The PA's efforts to combat crime among the Palestinian population and its desire to establish symbols of sovereignty in the West Bank cannot justify the trampling on human rights or excuse acts committed without authority and in violation of the law.

G. Recommendations

1. The Palestinian Authority

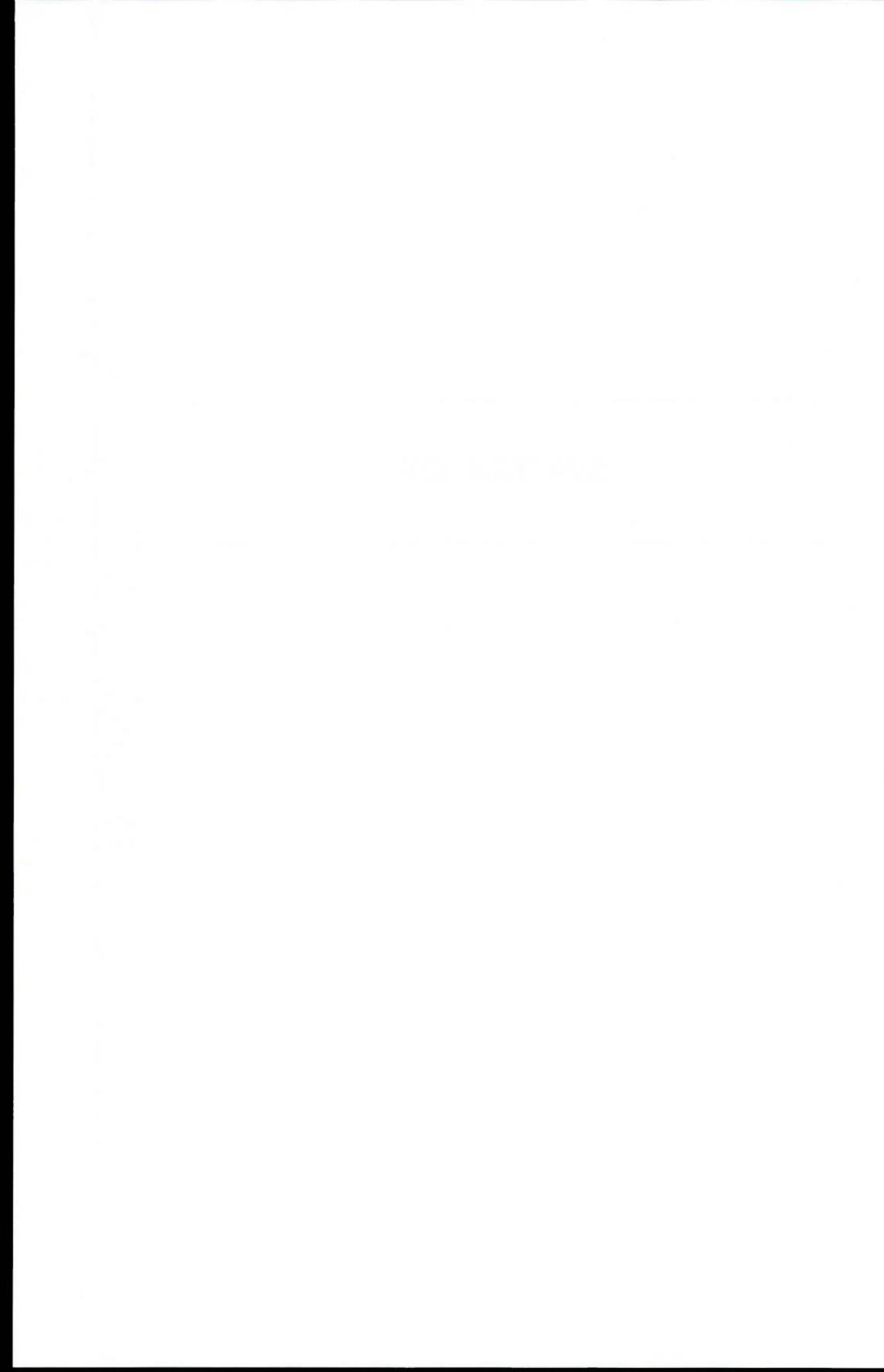
- **Extra-judicial Punishment** – The PSS must immediately cease extra-judicial punishment, and the PA must prosecute any person who commits such acts.
- **Rights of Detainees** – The PA must act to stop arbitrary and unlawful abductions and arrests of West Bank residents. To achieve this, it must publish guidelines concerning arrest procedures that comply with basic principles of international law, and bring them to the attention of PSS agents. These guidelines must include, *inter alia*, enacting rules for effecting an arrest in conformity with the law, advising the detainee, at the time of arrest, of the suspicions against him or her, bringing the detainee, within a short period of time, before a judge for judicial review, providing access to legal counsel and necessary appropriate medical treatment, and allowing family visits.
- **Prohibition of Torture** – Measures must be taken to prevent torture and ill-treatment during interrogations of suspects. These measures must include, *inter alia*, the absolute prohibition of torture, establishment of an independent authority to investigate reports of torture, the inadmissibility of confessions obtained through torture, prosecution of persons suspected of torturing detainees, and compensation and rehabilitative assistance to torture victims. The PA must clearly advise its agents involved in law enforcement and the interrogation of suspects that the use of torture is forbidden under all circumstances, and that violation of this prohibition will subject them to prosecution and harsh punishment.
- **Supervision of Facilities** – PA detention, interrogation and jail facilities must be open to periodic inspection, without prior notice, by external bodies, including human rights organizations, and the interrogation and health of the detainees must be monitored.
- **Prosecuting Human Rights Violators** – PSS agents and other officials who violate human rights must be prosecuted. The PA must publish the results of any legal action taken against them.

The PA must incorporate all these recommendations in legislation shortly after the establishment of a council with legislative powers.

2. Israel

- Israel must comply with its duty under international law to protect the Palestinian population in the territories under its control.
- Israel must investigate each report of the violation of the human rights of the Territories' Palestinian residents committed by the PSS, and when necessary, arrest and prosecute those responsible, while ensuring their rights under the rules of international law.
- Israel must speed the holding of free elections, under international supervision, in the Territories so that a council can convene to enact legislation to establish arrest and interrogation procedures and provide safeguards for detainees' rights, and to prohibit any form of abuse, humiliation, and torture of detainees.

APPENDICES



Appendix No. 1

Testimonies

1. Extra-Judicial Punishment: Beating and Shooting in the Legs of Muhammad Nabil Omar Fakher a-Din

The testimonies were taken by Bassem 'Eid at the Rafidiyah Hospital, in Nablus, on 5 April 1995

Testimony of Muhammad Nabil Omar Fakher a-Din, aged 45, married with five children, resident of Nablus's Casbah

On 1 April 1995, about 8:00 p.m., I was at home with my wife and small children, and a friend, Tarek. Suddenly there were knocks at the gate. I got up and opened the gate. I saw 6 masked young men, who asked me to accompany them. I consented and went with them. We reached the office of members of "Preventive Security", which is located in the Casbah, where they placed me in a room and started to interrogate me about allegations of deviant sexual conduct with young girls. I denied all the charges.

They started to beat me with sticks, which continued until about midnight. Then I told them I'll confess to everything. They gave me a piece of paper – I don't remember what was written on it – and I signed. Then they let me go.

I went home. My wife and friend Tarek cared for me, and then they took me to the other office of "Preventive Security", at the Karsua building in the city, where they showed me to those who were present at the office. They also treated me, and then they brought me home.

About 2:30 p.m. on 2 April 1995 I was at home. A young boy came and told my wife that a guy named Ahmad Tabuk wants me. My wife told me. I refused to go, but my wife convinced me that maybe Ahmad, a person wanted (by the Israelis) whom we know, came to solve the problem. I went outside. Ahmad Tabuk and Sami Tiem, from the Casbah, and another guy were there. I went with them.

They took me to the place where they had beaten me the day before. The three of them began to question me about raping two girls. I told them that I would admit to nothing more. They began to beat me with

sticks. As they were beating me, I pushed Ahmad Tabuk. He went insane and screamed at me for pushing him, and he took his pistol and shot me in the knees and feet. I fell down.

I do not remember if he shot six or seven times. After I fell, he pulled me outside and left me in a garbage heap. He shouted "Here is the rapist of young girls! Kill him!" and left.

Testimony of Nihad Fakher a-Din, aged 32, wife of Muhammad Nabil Omar Fakher a-Din

.... The next day, 2 April 1995, about 2:30 p.m., a young boy came to the house and told my husband that a guy named Ahmad Tabuk wants him.... About fifteen minutes after my husband went with Tabuk. I ran after them. I reached the house they were at, and I heard screams. I knocked on the door. Ahmad Tabuk came out holding a pistol. He told me that if I do not leave, he would shoot me. Frightened, I fled, but after going about 200 meters, I heard a number of shots. I thought they shot my husband, and I returned there immediately. I saw Tabuk drag my wounded husband and dump him on the garbage pile, and heard him yell: "Here is the rapist of young girls! Kill him!"

2. Unlawful Arrest and Torture during Interrogation of Sons of Family S

The testimonies were taken by Bassem 'Eid on 12 August 1995

Testimony of A.S., aged 24, married and father of two children, resident of Nablus

On 5 April 1995, following a killing in Nablus, members of the PSS in Nablus took my brothers, D. and I., and me to Jericho. We reached Jericho at 6 p.m. and were immediately taken to interrogation, each of us into a separate room.

They took us to PSS headquarters, which is located near the 'Akabt Jaber Refugee Camp, where they separated us. I was taken into a room where there were four interrogators and one soldier who was armed. They sat me down on a chair and gave me a cigarette and tea. They said: "You work with us, and we know you well. Who killed F.R.?" I said that I did not know because I had been injured and taken to the hospital in town, and afterwards F's body was brought to the same hospital. The interrogator slapped my ears with both his hands.

Then they turned the chair on which I was sitting; its back was to the side. They told me to sit down and lower my back towards the floor. One of the interrogators stood on my feet, and when I started to lean backwards, another interrogator stepped on my throat with his shoe. They did that several times. Then they stood me up against the wall, where they kicked and punched me. One of them took a black wooden stick and hit me all over my body. That continued from 6 p.m. to 3 in the morning. That was taking place while my left hand was bandaged because of the injury I had sustained in the altercation. They pulled me with that hand, which had 11 stitches. I was also taking medications, but they took them from me when I got to Jericho. Each time I asked for them, they said: "After you confess."

Then they took me to the prison. There were nine others in the room, and all of us were questioned about F's death. The room was 3x3 meters, and it had no mattresses or blankets. We slept on the floor. There was a plastic bottle with water, and a regular bottle for urination.

I slept, waking at 6:30 a.m. We received breakfast – lentil soup and three pita breads for each of us. At 10:00 a.m., they took us to PSS headquarters. They took me into a room with two interrogators. One of them took my brother D's chain out of a drawer and said that my brother D had died, and that this was his chain. He asked if I wanted to see him, and I said yes. He said: "You can see him after you confess." He told me to confess to the killing, but I denied it. He began to beat me with kicks and punches to my stomach, chest and side. That continued until 12 noon.

I.A., who was in the cell with me, told the interrogators that we all took part in the murder. The interrogators took all of us to the room he was in, and he related what happened. I denied everything and said that I was not involved in the incident.

Then they took us to the jail, where they had us undress to our underpants. While some of the guards searched our pockets, others beat us.

The next day they took all of us to the civil prosecutor, Ibrahim Amru, at the Magistrate's Court [this court hears all charges that are not security-related]. The prosecutor began to take our statements. I denied any connection with the incident, and he slapped my face and cursed me.

They took us back to jail about an hour later, where we stayed for 10 days, without mattresses or blankets. They didn't interrogate us at all during this period. There were about 80 detainees in the jail.

Afterwards, they transferred us to the Military Police Wing of the same jail. They took me to the room of the military prosecutor, Muhammad Bashtawi, who is known as Abu Ziad. There were three other persons in the room, one a stenographer, and the other two's task was to beat people. Abu Ziad would stand me up, grab a piece of rubber, and beat me all over my body, saying: "Tell me who killed F." He had me lay down on the floor on my back. He brought a Kaletshnikov [rifle] and tied my legs with the rifle's strap. The other two men lifted the Kaletshnikov, one on each side, so that my legs were in the air. Then Abu Ziad beat my feet with a stick until it broke. When the stick broke, he brought a rubber hose and continued beating me. While he was doing that, he cursed my mother, father and God. After the beating, he told me to stand up and run-in-place so the blood would flow after the beatings. It went on like that for 14 consecutive days. During these two weeks, Abu Ziad also interrogated us after midnight.

Abu Ziad told me that he has been prosecuting in Lebanon for 25 years and that he had killed more than 20 persons. He said that he doesn't care if we die, because he was appointed by Abu Amar [Yasser Arafat].

The prosecutor, Abu Ziad, beat us in the presence of F's family. They used to come to the jail at the invitation of the prosecutor, who wanted to show them the resoluteness of the Authority [PA] in meting out punishment. The interrogators also put us in a line-up, and F's family came to identify the murderer, but they didn't point me out at all.

They demanded that I clean the toilets twice while I was in detention. I refused, and they beat me and placed me in a tiny cell for two days as punishment.

A couple of months after I was arrested, an attorney named A.N., from Nablus, came to see me. My parents sent him, and he met with us and the prosecutor. The prosecutor refused to give the attorney any investigation material and said that the investigation had not been completed. He did not let the attorney meet with us. He [the attorney] went away and did not come back.

It was only a month after I was arrested that they let my family visit me. I was in jail until 30 July, and at no time did they take me before a judge. On 30 July, I escaped from jail after I had made some good contacts with a few of the military policemen.

Most of the interrogators had been released from Israeli prisons after the signing of the Cairo Agreement.

A delegation of human rights activists visited the jail once. Abu Ziad called for us after they left, and he beat us. He did that, he said, because our families had contacted human rights organizations.

Red Cross personnel came twice. Before they arrived, the soldiers told us to clean the jail and not to complain to the Red Cross about anything. The PSS concealed those of us who had marks from beatings, and did not let the Red Cross see them.

The first time, a woman from the Red Cross came. We complained to her about the methods of interrogation used by the PSS, and she contacted Gibril [Rajoub] and related our complaints. After she left, Gibril came to the jail and said: "What good is the Red Cross if you complain? We don't care what anybody says." The second time she came, I told her that Gibril cursed us because she told him that we had complained. She said that she regrets having told him.

They took me several times to the doctor because of the cuts in my hand resulting from the altercation. He told me that everything was all right, and that I had nothing to worry about. He didn't treat me at all.

In jail with me was a fellow from A-Tel village, Nablus District, who was suspected of doing an "isqat" on a young woman.⁴² I saw policemen grab him by the legs and lower his head into the sewage hole several times. A few times I saw them fill a bucket with sewage-water and pour it on his head. He has been in jail in total isolation for three months.

Testimony of Y.S., aged 51, married and father of 11 children

On 5 April 1995, the A family's sons and some other fellows went to where three of my sons work, the purpose being to settle the dispute with the R family. The A and R families started to quarrel at Nablus Square. They used daggers, and one of the R's, F.R., was killed in the fracas. An artery in my son's (A.S.) arm was slashed, and he was taken to the hospital. The body of F.R. was brought to the hospital afterwards. A.S. asked to be taken to another hospital in the city.

A rumor started to circulate that my son, A.S., killed F.R.. In order to prevent further bloodshed, I decided to turn my three sons over to the PSS in Jericho. I went to the PSS office in Nablus, which is headed by 'Issam Abu Bakar. He sent his men with an auto, and they took my three sons to Jericho.

That evening Israeli soldiers and policemen came to my home and asked about my children. I said they were not at home. They said: "We know they are in Jericho." They requested photographs of my children. I gave them the photos. They never came back.

42. "Isqat" literally means "knocking down," in the sense of tripping someone up or causing his moral deterioration. In this context, it refers to extortion or exerting pressure, usually through sexual means, in order to recruit collaborators.

A few days after they were arrested, I heard from some members of the Palestinian Military Police that my children had been severely tortured by the PSS. A couple of days later my wife went to Jericho to visit my injured son, A.S.. They took her inside so that she could see him, but they didn't let her speak with him. After five minutes, they told her to leave. She requested that the Red Cross come to give him medical treatment, but the interrogator said: "We don't recognize the Red Cross or human rights organizations." My wife asked the prosecutor to appoint an attorney for A., but he refused. They told my wife that on Al-Adha (The Great Feast), visits will be permitted, and that she return then. We visited him on 12 May 1995.

In our first visit with our sons, they told us about the interrogations and torture they had undergone.

My son I. was released on 30 July; during the entire period of his incarceration, neither he nor my other sons were brought before a judge for a hearing or to extend the detention. My son A. is married and has two children. On the night of 30 July, he escaped from prison because he was angry that they had not released him along with his brother.

Since then, we have not been able to visit our third son, D., who is still in prison in Jericho. Each time we tried, the PSS members said: "Turn over A. and we'll let you visit D."

No attorney in Nablus was willing to represent my sons. We approached the offices of attorneys A.N. and N.T. to represent them, but they did not succeed in meeting and speaking with our sons, and we told the attorneys to forget about the matter.

3. Abduction and Torture during Interrogation of I.S.

Testimony of I.S., female, aged 24, resident of Ramallah, employed by the Beit El Civil Administration personnel department

Testimony given to Bassem 'Eid at her home, in Ramallah, on 9 July 1995

On 27 March 1995, at about 4:30 p.m., I was travelling home in my car from Beit El, where I work. With me in the car was a co-worker, N.N., who is 25. Before we reached Ramallah - we were coming from the north - about 3 kilometers from the Civil Administration

building, a new model silver-colored Subaru station wagon passed me, blocked the road and crashed into my car. The license plate number was written on cardboard [the metal license plates had apparently not yet been issued].

Five young men, aged 22-30, got out of the Subaru. Two of them, who were armed, stood by the front windshield. One of them stood by me and hit me in the head with a pistol. They ordered us to get out of the car. My girlfriend got out and got into the Subaru. I refused. The one who stood alongside me began to yell and pulled me out. He dragged me to the Subaru and shoved me inside the car. Passersby who wanted to respond to my shouts did not dare to approach because the fellows threatened them with guns and shouted that they were from the Palestine Preventive Security Service (PSS).

After they got me into the car, we drove towards Jerusalem, three of them getting out along the way. As we drove, they told us to keep our heads down so that we would not know where we were. We reached a hilly area with almond trees, but no houses. One of the men took us out and sat us on the ground. A few minutes later, they separated us. Then we walked until we reached an abandoned dwelling. They took us inside, each to a separate room. They let my friend go, but not me.

Then they took me to the woods and sat me down under an olive tree. It was then that a third fellow came – he called himself "Abu Amjad". He started to interrogate me: "What time do you go to work?, What roads do you take on the way to work? When do you finish work?" and other similar questions. I asked him: "Why am I here?" He said: "I'm the one asking questions, not you."

He asked me if I wanted to go home, and I said that I did. He said to me: "Cooperate, so we can finish quickly. If not, you'll be here forever." Suddenly I heard the siren of a passing army vehicle. Abu Amjad said: "You already managed to notify the entire army. Now they are looking for you." And then he asked me when my connection with the Shabak [Israel's General Security Service] began. I responded: "What kind of question is that?" He slapped me in the face and said: "So you won't dream about going home."

The two fellows who were involved at the beginning, who had left when Amjad interrogated me, returned with a bottle of water and a jacket. They ordered me to get up. We walked for some 20 minutes into the fields, where we reached a two-story house under construction. They took me to the first floor. Abu Amjad left, and three others arrived. They talked with the two who were guarding me. One of those who had just arrived came over to me and told me to confess quickly. He added: "These are fellows who can guard you for a long

time." Then they ate, and when they invited me to join them, I refused. Afterwards, three more came, so that made a total of eight. Abu Amjad also returned.

They took me up to the second floor. Abu Amjad asked me if I am guilty or not, and when I first started with the Shabak. I refused to answer. He started to slap my face, and yelled at me for not confessing. He told the others to take me into the corridor on the second floor. He ordered me to raise my hands and place them on the wall and to stand on one foot. I stood like that for about half-an-hour. Then they brought plastic rope and tied my hands behind me, and they tied one end of the rope to the metal part of one of the corridor's windows and pulled the rope downwards, so that my hands, which were tied, were raised upwards. That really hurt. For an hour or so they questioned me again about when I first became connected to the Shabak. Then they left me and went downstairs; from time-to-time, one of them would come upstairs to see if I was standing in the same position.

About an hour later, Abu Amjad came back. He untied my hands and ordered me to undress. I screamed and refused. He said: "If you don't take your clothes off, we'll do it for you." I took off my pants, blouse, and shoes, and stood there in my underwear. It was really cold that day. One of the fellows tied my hands in front of me, tying the end to a piece of steel on the ceiling. He started to pull the rope until my feet were about 5 cm. off the floor. I was hanging in the air. They began to spray me with water from the bottles they had brought. Two started to hit me with sticks, and another hit me all over my body with a rubber hose. That lasted for four to five hours, until the muezzin announced morning prayers. They lowered me and ordered me to get dressed.

They took me outside, my hands still tied in front. We walked about 10 minutes. We came to a house, and they took me inside, sat me down on a chair in the kitchen, my face to the wall, and tied my legs to the legs of the chair. They did not let me sleep. Each time I closed my eyes, one of them would slap me to wake me up. Some time during the morning, another person arrived, and he asked me the same questions. I don't know who he was because I was facing the wall, and he stood behind me. He told me that I had collaborated with the undercover units, had committed crimes of immorality, and had slept with men. I told him to write everything down on paper and that I would sign it just to have them stop the torture. He refused, and continued to interrogate me, during which he hit me from time-to-time with a wooden stick. That lasted until the afternoon; I heard the muezzin call afternoon prayers.

Abu Amjad arrived, and he took me to another room, where he tied my hands behind me and sprayed me with tear gas. I felt burns all over my body. I started to scream in pain. I begged for mercy. He started to melt candles on my body while telling me to confess to the allegations. I said: "I am a collaborator, I committed crimes of immorality, I had sex – just leave me alone." He told me that he wanted me to confess of my own free will, and not because of the torture. I swore by God that none of the allegations was true.

That went on until evening. Twice during the interrogation Abu Amjad pulled the nipples of my breasts with pincers. He mentioned the names of two fellows with whom he said I have sex, and that they stated I am a collaborator, and that they had sex with me. I said that I wanted a doctor to examine me to determine if I am still a virgin, but they refused. Then Abu Amjad told me to remove the communication device that connects me to the army. He started to check under my skin and in my hair to see if I had such a device on me. He continued melting the candles on my body until nighttime.

Then they took me out of the house and towards a wadi. When we got there, some of the guys, including Abu Amjad, began to interrogate me, asking the same questions. They asked me to take my clothes off, except for my underwear. I undressed. They tied my hand and one leg with rope and hung me on the tree. They began to beat me all over my body with a stick and rubber hoses. That lasted until the early morning hours.

They took me down from the tree and told me to get dressed. They blindfolded me, took me back to the house, and sat me down on a chair in the kitchen. They said: "Why don't you confess? Lots of guys already confessed while sitting on this chair. We are going to go away now, and we'll come back in an hour. We'll bring you a piece of paper, and you'll write your confession. If not, we'll take you to the top of the mountain, and you don't know what will happen to you there. We'll put out an announcement that you are a collaborator and will distribute it where you live." They left. I stood by the window and saw people passing by. I called to them and asked them to call the police, for them to help me. But none of them did.

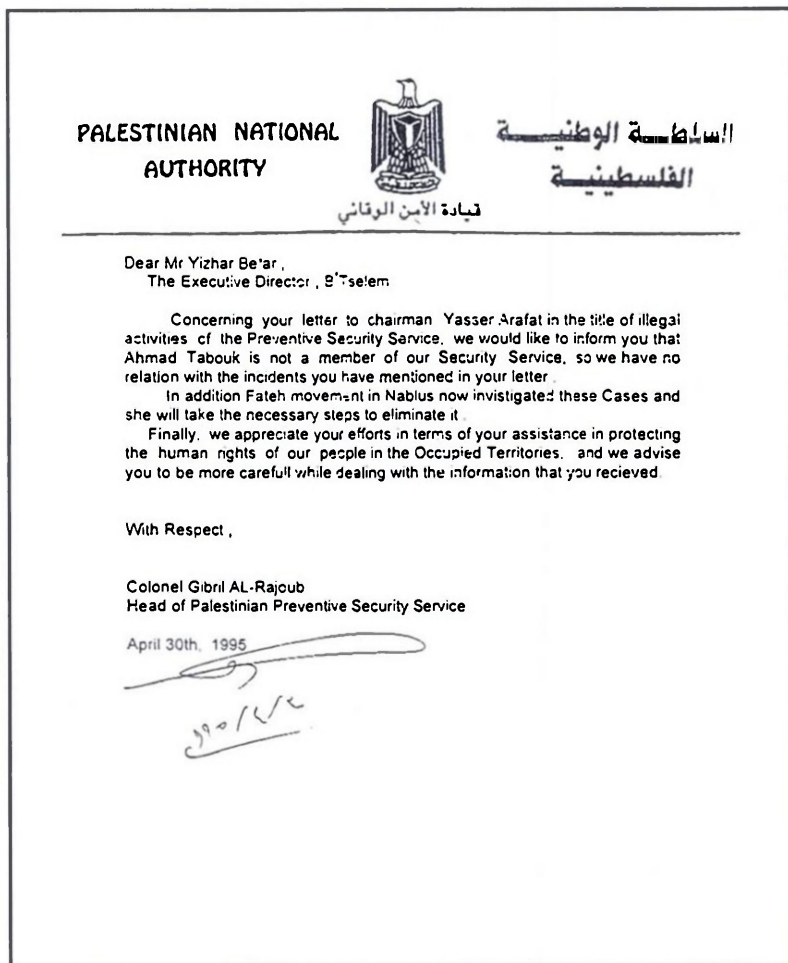
Afterwards, three fellows came and yelled at the one who was guarding me, who was sitting in the adjoining room. They said: "We were looking for you for three days. An order has been given to release the girl." I asked one of those who was yelling who they were. They said they were from the PSS, and that they had come to release me.

The three took me by car to another house. When we got there, they told me to wash my face and straighten out my hair. They called Gibril Rajoub and reported that they had found me. Abu Amjad, who was with us, tried to abduct me from those fellows, but he failed. Then Hussein Al-Shiek, head of PSS in Ramallah, arrived with a guy named Ibrahim Al-Katri. They took me by car to PSS offices in Ramallah, where they took my statement as to what had been done to me. Then they took me home.

Two days later I gave a statement to Hanan Ashrawi [head of the Independent Palestinian Committee for Human Rights]. Because they had found my damaged car in the middle of the road, the Israel Police summoned me to [their station in] Ramallah. I also told them what had happened. I did not want to give a statement to the police, but they told me that if I didn't come, they would bring me in. I did not tell the police the names of the persons who interrogated me, and I did not describe the places where they had taken me. I haven't heard anything about the people who did all that to me.

Appendix No. 2

Response of Colonel Gibril Rajoub, Head of the Preventive Security Service in the West Bank, to B'Tselem's Inquiry concerning Muhammad Nabil Omar Fakher a-Din



Appendix No. 3

Response of Haim Israeli, Assistant to the Minister of Defense, to B'Tselem's Inquiry concerning Muhammed Nabil Omar Fakher a-Din⁴³

Ministry of Defense

Office of the Minister of Defense

28 June 1995

Mr. Yizhar Be'er, Executive Director
B'Tselem
43 Emek Refaim Street, 2nd Floor
Jerusalem 93141

Dear Sir:

I acknowledge receipt of your letter, S.M. 4639, dated 5 April 1995, to the Prime Minister and Minister of Defense concerning the wounding of a Nablus resident by members of Preventive Security.

The IDF's response is as follows:

The IDF is aware of its duty to protect the entire population in Judea and Samaria. Toward this end, the IDF toils around the clock to apprehend the group ostensibly responsible for the acts described in your complaint.

It should be noted, since it is also apparent from your comments, that the head of the group is "wanted".


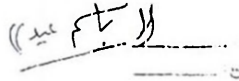
In light of the above, your comments suggesting that the security forces overlook the operations of the group are inaccurate.

Sincerely,
s/
H. Israeli

43. Translated by B'Tselem.

Appendix No. 4

Response of Colonel Gibril Rajoub, Head of the Preventive Security Service in the West Bank, to B'Tselem's Questions

Palestinian National Authority Preventive Security H.Q.		سلطة الوطنية الفلسطينية تيساده الأمن الوقائي
Date: _____		
No * _____		
بسم الله الرحمن الرحيم		
التاريخ: ١٩٩٥/٧/٢٦ م		
السيد مدير مركز بيسام لحقوق الإنسان ، تحية وبعد		
حول الاستفسارات التي تقدمت بها ، ته آنتم بما يلي :-		
<ol style="list-style-type: none">١- لا يوجد أي تواجد لقوات الأمن الوقائي خارج نطاق السلطة الوطنية .٢- ما هو موجود في اتجاه الضفة الغربية وشرقي القدس واي مخزن هو تواجد حركة فتح والهود الفكري له أنظمة التحرير ،تنسطينية برئاسة الأخ الوندس . باسم عرفات .٣- من الطبيعي أن يتصان تنظيم فتح لحل المشاكل الاجتماعية والتنموية والأمنية لأبناء الشعب ، إنما يتبادر .٤- العواتين المصنفة في مناطق الحكم الذاتي هي مجموعة تشريعات الجزائية المدنية التحرير الفلسطينية ١٩٧٩ ، حول الأمور الأمنية والعسكرية أما أمام المحاكم المدنية الخاصة بالأمور المدنية والجنائية لقوانين الدولة هي القانون الأردني قبل عام ١٩٦٧ م .٥- إن مراكز التحقيق والإعتقال لدى جهاز الأمن الوقائي في أريحا ولدى كافة السلطة الوطنية هي مراكز خاضعة لإشراف ومراقبة وحرس التظاهرات المدنية لكافة المنظمات حقوق الإنسان والصلب الأحمر والهلال الأحمر .٦- إن عناصر حركة فتح لكافة أنحاء الضفة الغربية تنفذ عملياتها وفق توجيهات من رئيسها ورمزها الرئيس باسم عرفات وليس حركة فتح / نولة المواطنين .		
العقيد جبريل الرجوب مدير الأمن الوقائي في الضفة الغربية		

Translation of Appendix No. 4⁴⁴

Palestinian National Authority Preventive Security H.Q.

26 July 1995

Executive Director
B'Tselem Human Rights Organization

Dear Sir,

Concerning the matter you wish explained, the clarifications follow:

1. Preventive Security Service forces do not operate outside the territory of the Palestinian National Authority.
2. The only presence found in the West Bank, East Jerusalem, and any place, is that of Fatah, the backbone of the PLO, headed by the president, Yasser Arafat.
3. The involvement of Fatah, wherever it is located, in addressing social, political, and security problems of our people is extremely natural.
4. The applicable law in the area of the autonomy is the PLO Compiled Penal Statutes of 1979 in military and security matters. In civil courts, as regards civil and penal law, the applicable law is the Jordanian law prior to 1967.
5. The interrogation and detention centers of the Preventive Security Service in Jericho, and of the National Authority in general, are subject to supervision and monitoring, and even visits, by all human rights organizations, the Red Cross and the Red Crescent.
6. Fatah officials throughout the West Bank draw their authority and force from their president and leader, Yasser Arafat, head of Fatah-State of Palestine.

s/ Colonel Gibril Al-Rajoub
Head of Palestinian Preventive
Security Service in the West
Bank

44. Translated by B'Tselem.

Appendix No. 5

Letter dated 26 May 1995 from the head of the Preventive Security Service office in Hebron, Gibril al-Bakri, typed on official stationery of the Preventive Security Service Command - Hebron Branch

بسم الله الرحمن الرحيم

PALESTINIAN NATIONAL AUTHORITY

سلطة الوطنية الفلسطينية

قيادة الامن الوقائي - دائرة الخليل

١٩٩٥/٥/٢٦

الاذن مدير دائرة الامن الوقائي الخليل
شعبة ريبند
الموضوع ... تقرير حول انتقام الجيش هذا اليوم لقتل جهاز لاسم
الذات في تاريخ ١٩٩٥/٥/٢٦

في حوالي الساعة العاشرة عشر من هذا اليوم اعلنت
السلطات ايسريلية استهداف المبنى الجواز لاسم من حجج كدمات
رفعت رصود ابي ستمين الى المتربع تم تامة جردته
باقتحام الجواز واخضعت جميع الاضواء المتواجده بالجواز راندا
بعمليات تفحصت داخل الجواز راندا بمحاورة اعضاء الكتلاني
وخرطولة لعديته الخليل راندا بتدمير اذيت الجواز رعدده
اعضاض الجواز المتواجده بالمكان ريبند زلات راندا باخذ عدد
سه انوار الجواز الى مقر اقدم العسكري رعدده من الخليل
الفلسطينيه بالقرية من الخليل تم عاودا المكان ريبند
جهدته اخرى ايضا باقتحام الجواز راندا باضمار جميع المتواجده
فانذرا الخليل ... بينه ان ستمين الخليل تم اذنتهم الى مقر
الاجهتري الخليل حاتم الخليل رعدده راندا رعدده الفعليه بالقرية
من الجواز رعدده راندا راندا راندا راندا راندا
الى سياساتهم كما تم راندا الخليل الى نظمتها حاتم العسكري
كولده الاذن فانه القواس رعدده راندا الفاده الخليل راندا
المتنشيت رعدده راندا

الارزاق للسلطات

سلطة الوطنية الفلسطينية
قيادة الامن الوقائي
فرع الخليل

Responses

Response of the Preventive Security Service Command

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

PALESTINIAN NATIONAL
AUTHORITY

السلطة الوطنية
الفلسطينية

قيادة الامن الوقائي

التاريخ :- ٢٢ / ٨ / ١٩٩٥

السيد باسم عبد الباقث الميداني لمركز التعليم
تجديّة طيبة وبعد

نقد تلقينا مسودة التقرير الذي أعده مركز وسليم والذي حمل عنوان "اختطاف" استقال
غير قانوني وتعذيب الفلسطينيين سكان الضفة الغربية عبر ايدى الأمن الوقائي الفلسطيني .
ونحن إذ نسمى نوضح الأمور في سياقها تصحيح بعدا عن الإفتراءات والامهالطات التي
تضعها التقرير ، والذي يبدو ان معدوه استفوا معنوساتهم من مصادر غير موضوعية ،
وخصوصا ان الحديث يدور بمعظمه سن حالات ذات ماضي جنائي واجرامي ، تجار مخدرات،
لصوص ، ومنحرفين وطنياً وأخلاقياً .

مهما يكن من أمر ... فالمسألة التي تعيننا هي تأكيد الذبهبها التالية :-
أولا / قوات الأمن الوقائي الفلسطيني تتواجد بصورة أساسية في مناطق السلطة الفلسطينية
وكافة النشاطات التي يقوم بها الأمن الوقائي كذراع من أزرع السلطة الفلسطينية :-
أساسا في المنطقة الخاضعة لسيادة الفلساوية ، وأي ظهور أو امتداد للأمن الوقائي في
الضفة الغربية لا يعدو عن كونه تعبيراً عن التشابك الدقيق الذي يصل أحيانا لدرجة التعقود
ما بين حركة فتح ومن جهاز الأمن الوقائي الذي يتبر بجوهره تعسيرا وطنيا وأخلاقيا
وامتدادا طويها الشعب الفلسطيني التي تعدد حرة رادة نضاله ، وقد حدث في بعض
الأحيان أن يقوم جهاز الأمن الوقائي بمد يد العون والمساعدة للتأظيم حركة فتح بهدف حل
بعض المشاكل السياسية والإجتماعية والأمنية لأبناء شعبنا ... ولكن هذا الأمر وفي حالة
حدوته لا يتم بصورة رسمية ، وإنما في اطار التسيق والتعاون والله هي المشترك لخدمة
الوطن وتموضن ومكافحة الجريمة وتحقيق التضمينية والأمن والأمان لأبناء شعبنا .

ثانيا / لا علاقة للأمن الوقائي بكل ما نسب اليه المدعو أحمد شوبق من ممارسات خاطئة
وتجاوزات مرفوضة ، لا سيما وأن أحمد طوبوق لم يكن في يوم من الأيام ولن يكون عضوا
في جهاز الأمن الوقائي ... وقد عبر جهاز الأمن الوقائي في أكثر من مناسبة عن رفضه
الشديد لمسلوكيات الطوبوق المشاهة .

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

PALESTINIAN NATIONAL
AUTHORITY



قيادة الأمن الوطني

السلطة الوطنية
الفلسطينية

ثالثاً / كافة نشاطات جهاز الأمن الوطني في مختلف ميادين العمل تستند أساساً الى مجموعة التشريعات الجزائية 'منظمة التحرير الفلسطينية' لعام ١٩٧٩ فيما يتعلق بالأمور الأمنية والسفوية . والى القوانين الأردنية قبل عام ١٩٦٧ فيما يتعلق بالأمور المدنية والجنائية . وهي في جميع الأحوال تعبر عن رغبة وسمو أخلاق الشعب الفلسطيني وطلبيته المناهضة وعن تسامح اتجاهه وتضامته العلمية الإنسانية وتحضارية .

رابعاً / مراكز التحقيق والإعتقال لدى جهاز الأمن الوطني في أريحا خاضعة تماماً لإشراف ومراقبة كافة منظمات حقوق الإنسان والمنسب الأحمر والهلال الأحمر ، وهناك زيارات ميدانية دورية لتلك المنظمات .. ولا يوجد لدينا أي متاع من الضمان مركز في أي من تلك المنظمات للوقوف على مستوى التعامل الإنساني والأخلاقي والحضاري الذي يحييه بمراكز التحقيق والإعتقال حتى لا يبقى مركزهم بتسليد فريسة سهلة لإدعاءات وأباطيل وأراخيف المفرضين .

خامساً / لا يتم توقيع أي مشهود من قبل جهاز الأمن الوطني إلا بقرار اعتقال قانوني ، وعملية الإعتقال تتم بصورة إنسانية وحضارية ويتبع المعتقل بكافة الحقوق الإنسانية ولقاً للمواثيق الدولية ، ويسمح لهم بتوكيل محامي وزيارة ذويهم ، وينتج منها باتا إساءة معاملة المعتقلين أو تهديدهم أو التعرض لكل ما من شأنه المس بكرامتهم .

مع التحية

قيادة الأمن الوطني اللواء . هادي / المفوض العام

Translation of Response of Preventive Security Service Command⁴⁵

PALESTINIAN NATIONAL AUTHORITY Preventive Security H.Q.

22 August 1995

Mr. Bassem 'Eid – B'Tselem fieldworker

Dear Sir,

We received a draft of B'Tselem's report: "**Abduction, Unlawful Arrest and Torture of Palestinian Residents of the West Bank by the Palestinian Preventive Security Service.**"

We wish to place matters in correct perspective, which differs greatly from the false charges and inaccuracies included in the report, based apparently on information from nonobjective sources. This is clear since most of the discussion relates to persons with criminal backgrounds, criminals, drug dealers, thieves, and perverts in the national and moral sense.

In any event, we want to emphasize the following obvious points:

- A. The Palestine Preventive Security forces operate primarily in the area of the Palestinian Authority, and all actions of the Preventive Security Service performed as an organ of the Palestinian Authority take place essentially in Palestinian sovereign territory. The presence or circulation of Preventive Security agents in the West Bank is only an expression of a loose connection, strengthened upon occasion, between Fatah and the PSS, which reflects national and moral attitudes, and is a natural extension of the Palestinian people, for whom Fatah leads the struggle. In some instances, Preventive Security may have provided support and assistance to Fatah in solving our people's political, social and security problems. When this happens, however, it is not provided officially, but rather in a framework of coordination, cooperation and joint effort to serve the homeland and the citizen, to combat crime and ensure tranquility, calm, and security for our people.

45. Translated by B'Tselem.

- B. There is no connection between the Preventive Security Service and actions attributed to Ahmad Tabuk, which constitute crimes and irregularities that must be condemned. Ahmad Tabuk never was, and will never be, a member of the Preventive Security Service. The Preventive Security Service has frequently expressed its vehement abhorrence of Tabuk's deviant behavior.
- C. All acts of the Preventive Security Service in the various areas are based on the PLO's Compiled Penal Statutes of 1979 in all security and military matters, and on Jordanian law prior to 1967 in civil and criminal matters. In each case, these acts express the lofty moral behavior of the Palestinian people, its vanguard warrior force, the tolerance of the Service, and its humane and civilized values, which are inherent in the spirit of the law.
- D. The Preventive Security Service in Jericho's detention and interrogation centers are completely open to monitoring and supervision of all human rights organizations, of the Red Cross and the Red Crescent, and they conduct periodic visits. We do not at all oppose B'Tselem's joining these organizations to see from up close the humane, moral and civilized manner in which detainees are treated in these centers, so that B'Tselem will not be vulnerable to false and groundless allegations.
- E. The Preventive Security Service does not arrest any suspect except pursuant to a lawful arrest warrant. Arrests are made in a humane and civilized way, and the detainee benefits from all human rights under international conventions. An accused has the right to retain an attorney and to receive family visits, and it is absolutely forbidden to mistreat detainees, torture them, or harm their dignity in any way.

Sincerely,
Preventive Security Service
Command/ General Staff

Response of the Israeli Authorities

B'Tselem forwarded this report to the Prime Minister's Office for a response after being informed by the IDF Spokesperson that the Prime Minister's Office handles the matter.

By telephone, the Spokesperson of the Prime Minister's Office, Ms. Aliza Goren, informed **B'Tselem** that the Prime Minister's Office did not intend to respond.

B'Tselem Publications

Monthly Information Bulletins

July 1995	Incidents of Death and Injury Resulting from Exploding Munitions' Remnants
November 1994	Torture during Interrogations: Testimony of Palestinian Detainees Testimony of the Interrogators
September 1994	Bureaucratic Harassment; Abuse and Maltreatment during Operational Activities in the West Bank in the First Year of the Declaration of Principles
February 1994	Firing at Vehicles by Security Forces in the Occupied Territories
June 1993	The Killing of Palestinian Children and the Open-fire Regulations
May 1993	House Demolition during Operations Against Wanted Persons
April 1993	The Closure of the West Bank and Gaza Strip: Human Rights Violations against Residents of the Occupied Territories
January 1992	Limitations on the Right to Demonstrate and Protest in the Territories
September-October 1991	Renewal of Deportation of Women and Children from the West Bank on Account of "Illegal Residency"
Update June 1991	The Death of a Youth: Mahmud 'Alayan; Maltreatment by an Income Tax Clerk; Pressure on Families of Wanted Persons
January-February 1991	Human Rights in the Occupied Territories during the War in the Persian Gulf
November 1990	House Sealing and Demolition as a Means of Punishment
October 1990	Loss of Control: The Temple Mount Events Preliminary Investigation
September-October 1990	Closure of Schools and Other Setbacks to the Education System in the Occupied Territories

August 1990	Limitations on Residential Building on the West Bank
May 1990	The Military Judicial System in the West Bank, Follow-up Report Update, June-July 1990 – Violence Against Minors in Police Detention
April 1990	IDF Posts on Private Homes, Purimshpiel in 'Abud, Follow-up Investigation: The Death of Rafaida Abu Laban
February-March 1990	Censorship of the Palestinian Press in East Jerusalem
January 1990	Cases of Death and Injury of Children
November 1989	Soldiers' Trials and Restrictions on Foreign Travel
October 1989	Banned Books and Authors
September 1989	Death Cases, Administrative Detention
August 1989	Detention Facilities
July 1989	Death Cases, Settlers, Deportations
June 1989	Plastic Bullets, Curfew, Settlers, House Demolitions
May 1989	Data, Confiscation of ID Cards, Death Cases

Comprehensive Studies

August 1995	Neither Law Nor Justice: Extra-judicial Punishment, Abduction, Unlawful Arrest, and Torture of West Bank Palestinian Residents by the Palestinian Preventive Security Service
May 1994	Law Enforcement vis-a-vis Israeli Civilians in the Occupied Territories
January 1994	Collaborators in the Occupied Territories: Human Rights Abuses and Violations
January 1994	Bi-Annual Report 1992-1993, Violations of Human Rights in the Occupied Territories
June 1993	Deportation of Palestinians from the Occupied Territories and the Mass Deportation of December 1992

October 1992	Detained Without Trial: Administrative Detention in the Occupied Territories since the Beginning of the Intifada
May 1992	Activity of Undercover Units in the Occupied Territories
March 1992	The Interrogation of Palestinians during the Intifada: Follow-up to March 1991 B'Tselem Report of March, 1991
January 1992	Bi-Annual Report 1990-1991, Violations of Human Rights in the Occupied Territories
March 1991	The Interrogation of Palestinians during the Intifada: Ill-Treatment, "Moderate Physical Pressure" or Torture?
November 1990	Collective Punishment in the West Bank and the Gaza Strip
July 1990	The Use of Firearms by the Security Forces in the Occupied Territories
February 1990	The System of Taxation in the West Bank and Gaza Strip as an Instrument for the Enforcement of Authority during the Uprising
December 1989	Annual Report 1989 Violations of Human Rights in the Occupied Territories
November 1989	The Military Judicial System in the West Bank
September 1989	Demolition and Sealing of Houses in the West Bank and the Gaza Strip as a Punitive Measure During the Intifada

Case Studies

June 1995	Detention and Interrogation of Salem and Hanan 'Ali, Husband and Wife, Residents of Bani Na'im Village
April 1994	Summary Execution: Jabalya Refugee Camp, March 28, 1994 (Joint report with the Palestinian Lawyers for Human Rights)

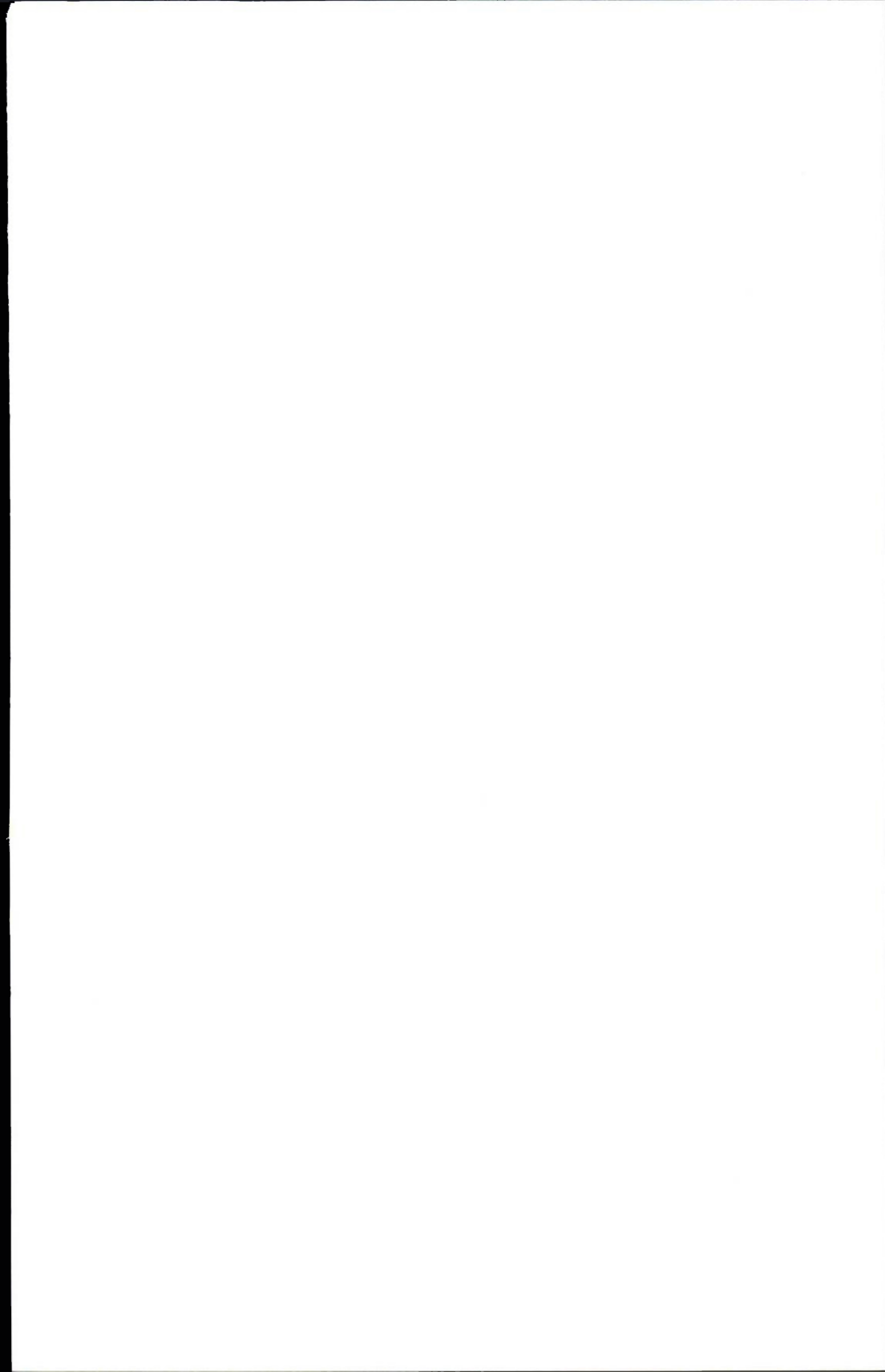
March 1994	Lethal Gunfire and Collective Punishment in the Wake of the Massacre at the Cave of the Patriarchs
November 1993	The "New Procedure" in GSS Interrogation: The Case of 'Abd A-Nasser 'Ubeid
January 1993	Khan Yunis, December 1992
September 1992	The Death of Mustafa Barakat in the Interrogation Wing of the Tulkarm Prison

THE B'TSELEM HUMAN RIGHTS REPORT

Spring 1995	Volume 3, Issue 1
Spring 1994	Volume 2, Issue 1
Summer 1993	Volume 1, Issue 1

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B'TSELEM - The Israeli Center for Human Rights in the Occupied Territories, was established in 1989 by a group of prominent academics, attorneys, journalists, public figures and Knesset members. It endeavors to educate the Israeli public about international human rights standards and norms, to foster public debate within Israel on human rights violations in the Occupied Territories, and to press for policy changes in human rights issues.

The reports, information sheets, case studies, and other informational literature published by B'TSELEM are thoroughly researched by its staff. Fieldwork data and findings are cross-checked with relevant sources, including official government agencies and Israel Defense Forces offices, and other Israeli and Palestinian human rights organizations. Drafts of the reports are forwarded to the relevant governmental authorities for their response, which are published in their entirety as an appendix to the report.

B'TSELEM opposes human rights abuses committed by any party, whether in Israel, the Territories, or abroad. Its mandate is limited, however, to documenting and responding to human rights violations in the Occupied Territories. Despite the potential offered by the signing of the Declaration of Principles in 1993, the necessity of safeguarding human rights remains. As the peace process proceeds, B'TSELEM will continue its activities to help ensure that human rights are not violated.