

Palestinian Authority Political Arrests, Illegal Detainment, and Torture

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I. Introduction

In the last fourteen years, the Palestinians Authority has committed a disturbing trend of human rights violations against the Palestinian People in the Occupied Territories.

Additionally, over the last ten months, there has been an escalation in political arrests, illegal detentions, and torture committed by the Fatah government in the West Bank and the Hamas government in the Gaza Strip. According to the Universal Declaration of Human Rights article 19,

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."¹

In addition, article 5 of the UDHR declares,

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."²

Finally, article 9 of the UDHR states,

"No one shall be subjected to arbitrary arrest, detention or exile."³

As the sovereign body exercising control over the Palestinian population in the Occupied Territories, the Palestinian Authority is expected to uphold basic international human rights standards as outlined by the United Nations and accepted by the international community.⁴ The articles of the UDHR are understood as part of customary international law, and thus the Palestinian Authority and now, the dismissed Hamas government in Gaza must be held accountable for violating its legal obligations.

¹ "Universal Declaration of Human Rights." United Nations Department of Public Information.
<<http://www.unhcr.ch/udhr/lang/eng.htm>.

² "Universal Declaration of Human Rights."

³ "Universal Declaration of Human Rights."

⁴ "Palestinian Authority: Silencing Dissent." Amnesty International. Sept. 2000.
<<http://www.amnesty.org/en/library/asset/MDE21/016/2000/en/MDE210162000en.html>.

Unfortunately, a large segment of the international community has indirectly sanctioned the use of political arrest, particularly by the Palestinian Authority to weaken Hamas, in an effort to eradicate terror. While Hamas has employed terror tactics since its establishment during the first Intifada, political arrest, illegal detention, and torture can not be used as tools for destroying the organization. These practices not only violate international humanitarian law, but also undermine the foundations of democracy.

The following report examines how the Palestinian Authority, under the leadership of Yasir Arafat and Mahmoud Abbas has used political arrests to bolster support from Israel and the West, increase power over the Occupied Territories, and minimize political opposition over the last fourteen years. The majority of recent investigations and reports have concentrated on human rights violations committed by Hamas, however, this research strives to place the practice of political arrest in a historical context. While the report discusses how the Hamas government has used political arrests to strengthen party support and eradicate Fatah strongholds in the Gaza Strip, it also focuses on the history of human rights abuses committed by the Fatah party against the Palestinian People. The Palestinian Human Rights Monitoring has actively monitored and reported on political arrests committed by the Palestinian Authority since 1996, but the practice has continued without major disruption until the present. The report concludes with several recommendations directed toward the Palestinian Authority and the dismissed Hamas government to halt these severe human rights abuses.

II. Political Arrests under the Palestinian National Authority until 2000

Since the establishment of the Palestinian Authority in 1994 and the election of President Yasir Arafat, political arrests, illegal detention, and maltreatment have been continuous

problems throughout the Occupied Palestinian Territories. In attempts to consolidate his power and appease Israeli demands, Yasir Arafat and his administration violated human rights and undermined fundamental democratic values. Between 1994 and 2004, criticism of the government was prohibited and press and media highly censored. Arafat failed to relinquish corrupt PLO supporters from his cabinet, to implement Legislative Council decisions, and to address the basic security and social needs of the Palestinian People.

The increasing strain of the Israeli occupation on Palestinian civilian life in the West Bank, the Gaza Strip, and East Jerusalem put additional pressure on Arafat to improve social services, consolidate security forces, and work towards a more democratic Palestine. However, in Arafat's struggle to sustain control over the Territories, he deviated from a path towards democracy and a respect for human rights. As Palestinian writer Fawaz Turki states:

"All of us Palestinians were wrong about Yasir Arafat and the "National Authority" that he has foisted upon the autonomous zones he now controls in the West Bank and Gaza. . . . The heretical editor was silenced, the human rights activist was hounded, the recalcitrant labor unionist was jailed, and the innovative intellectual was harassed and beaten. . . . Yasir Arafat has unleashed destructive forces, dug up from the depths of the coercive tradition that are destined to stifle our dream for living as free men and women."⁵

The Palestinian Authority under Arafat's leadership was comprised of several institutions including the Legislative Council, the Palestinian National Council, and the PLO Executive Committee. The bodies of the Palestinian Authority were dominated by the Fatah political faction. All parties or individuals that opposed Arafat, Fatah, or the Palestinian Authority formed "the opposition," which included Hamas and Fatah independents. Alternative parties made minimal efforts to unify, and therefore, the

⁵ Leiter, Kenneth C. W. "Life Under the Palestinian Authority." *The Middle East Quarterly* 5.3 (1998). <<http://www.meforum.org/article/406>.

opposition remained fragmented. The only forum in which these parties could voice opinions about issues confronting Palestinian society was in the Legislative Council.⁶

During the first two years of Palestinian Authority governance, over 1,200 opposition members were arrested. Seven opposition detainees were tortured to death while in prison, and 70% reported that they had been systematically tortured. In addition, more than two-thirds of those imprisoned served more than six months in detention centers, usually without charge.

Early political arrests and torture cases were partially a result of the massive and disorganized Palestinian Authority security force complex. The Palestinian Authority maintained nine security forces, employing more than 40,000 Palestinians (resulting in one of the highest police-civilian ratios in the world).⁷ The disorderliness of the forces and the large number of detention facilities often resulted in the placement of prisoners in facilities that were not actually controlled by the security force responsible for the arrest. Security forces were unregulated and inconsistent in their application of Palestinian law. They rarely presented arrest warrants and often held detainees under false names.⁸ In addition, prisoners were systematically denied access to legal consultation and subjected to various forms of torture, including whipping, beating, and strangulation. Security forces also refused to release information about imprisoned opposition, and thereby prevented families and friends from locating and visiting detainees.⁹

In addition to the early corruption and disarray of Palestinian Authority security forces, the 1995 Oslo II agreements resulted in the widespread arrests of political

⁶ Susskind, Yifat. "Palestinian Political Prisoners." Middle East Report Online. Fall 1996.
<<http://www.merip.org/mer/mer201/susskind.html>.

⁷ Susskind, Yifat.

⁸ Susskind, Yifat.

⁹ Susskind, Yifat.

opposition in the West Bank and the Gaza Strip. Oslo II explicitly bound Arafat and the Palestinian Authority to the aim of eradicating terrorist activity in Palestinian territory.¹⁰

In trying to meet Israeli demands, an unofficial quota system for arrests was implemented. As one anonymous jail guard explained, “We have to maintain a certain number of detainees for the Israeli press.”¹¹

Israeli pressure drove Arafat to carry out massive arrest campaigns in the Occupied Territories. However, he often used Israeli pressure as a justification for arresting political opposition that threatened the Palestinian Authority. For example, following a terrorist attack on Israel in March 1996, over one thousand Palestinians were arrested, including activists, political opposition, and students. The majority of the detainees were held without charge or trial, some for more than a year. Again, following the Surda attack in Israel on December 11th, 1996, many members of the PFLP (People for the Liberation of Palestine) were arrested for suspected responsibility. On November 27th, 1997, the day of “National Dialogue” was held in Nablus in which the opposing parties demanded the release of imprisoned activists. While the Palestinian Authority granted an initial release, arrest raids following attacks on Israel resulted in the re-arrest of oppositional activists, regardless of whether or not they were involved in the act of terror.

The Palestinian Authority also unfairly targeted Hamas and Islamic Jihad members following attacks on Israel. Hamas members were usually detained and interrogated for several hours. The Palestinian Authority used Hamas arrests as a tool for gathering more information about general Hamas policy and threatening members to

¹⁰ Susskind, Yifat

¹¹ As quoted in Susskind, Yifat.

“behave.”¹² For example, Preventative Security Forces arrested Ghazi Hammad from 1-8 January 1997. Hammad testified that he was treated well by the forces, but was heavily interrogated about Hamas’ political position and policy at the time. Again, following the 11 March 1997 Tel Aviv bombing, the Preventative Security Forces arrested dozens of Hamas supporters who were uninvolved in terrorist activity. They detained Hamas members for several hours on average and questioned them about general Hamas policy.¹³

The Palestinian Authority also rounded up thousands of Islamic Jihad members during “terror sweeps” in their efforts to suppress fanatical Islamic groups. For example, in February 1997, Hussam Arafat and twenty-nine other members tied to Ahmed Jibril's PFLP General Command members were arrested and held in detention without charge. In addition, after the suicide bombings in Kfar Darom and Netzarim on April 1st, 1997, over 200 Jihad members were arrested, including dozens of high school students. The detainees were not charged, and only after the intervention of a coalition of human rights organizations were they released.¹⁴

The high number of illegal political detentions also corresponded with increasing levels of torture and mistreatment. However, in comparison to the torture tactics used on other prisoners in Palestinian detention facilities, fewer political arrest victims claimed that they were subjected to ill treatment. According to testimonies collected by the Palestinian Human Rights Monitoring Group (PHRMG) during the mid-to late-1990s, political prisoners were treated better than other detainees under the jurisdiction of the

¹² “The Status of Political Opposition in Palestine.” The Monitor. May 1997.

<http://www.phrmg.org/monitor1997/may97-9.htm>.

¹³ “The Status of Political Opposition in Palestine.”

¹⁴ “The Status of Political Opposition in Palestine.”

Palestinian Authority. According to a PHRMG report published in May 1997, there was a general understanding among Palestinian Authority officials that maltreatment of political opposition only intensified criticism of the Palestinian Authority.¹⁵

In addition, the Palestinian Authority did not publicly attribute these arrest campaigns to Israeli strain on the government to control terrorist activity because such attribution would have exposed the lack of Palestinian Authority sovereignty over the West Bank and Gaza. Therefore, Palestinian Authority security forces often fabricated the motivations behind the arrest campaigns. The Palestinian Authority claimed that they were in fact protecting oppositional political leaders from the brutal hands of the Israeli Security Forces. According to Bassem Eid, founding director of the PHRMG, the Palestinian Authority usually told political detainees that they had received intelligence implicating their arrests or assassinations by the Israeli forces.¹⁶ Many political detainees were held for months and sometimes years under the assumption that if released, Israeli Security Forces would capture them.

However, Arafat's submission to Israel's demands on terror control and his ultimate aim of bolstering his political power is evident through his refusal to implement High Court decisions regarding political prisoner releases. Between 1997 and 2001, 109 appeals to the Palestinian High Court were made regarding political arrests. Of those 109 cases, Arafat only implemented seven decisions for release (and an additional twelve received presidential pardons).¹⁷ Arafat sometimes fired High Court judges in order to evade the implementation of a particular release decision. For example, when the High

¹⁵ "The Status of Political Opposition in Palestine."

¹⁶ Eid, Bassem. Personal interview. 3 April, 2008.

¹⁷ According to Palestinian Human Rights Monitoring Group High Court Statistics.
<http://www.phrmg.org/phrmg_documents/Courts/High_court/Tables/high_court_decision_english.htm.

Court called for the release of ten Bir-Zeit students that were arrested during the 1996 Hamas bombing campaign, Arafat and his Attorney General, Khalid al-Qidra, fired Judge ‘Abd as-Salam in order to prevent the release.¹⁸ In other cases, the Executive Force failed to implement the release order. Arafat’s refusal to release political detainees was a result of his efforts to solidify control over the Palestinian People as well as Israeli pressure to prosecute terrorists in the Occupied Territories.

III. Political Arrest during the Second Intifada: 2000-2007

In October 2000, a month after the outbreak of the second Intifada, almost all political prisoners being held in Palestinian detention centers were released. About 80 political prisoners were known to be detained in mid-2000.¹⁹ A month after the release, hundreds of accused “collaborators” with Israel were arrested and detained in clandestine centers monitored by the Istikhbarat (Military Intelligence throughout the Palestinian Occupied Territories). During the second Intifada, “security” prisoners, identified as the ultimate betrayers of Palestine, were subjected to illegal arrests, inhuman conditions, and torture through beatings, suspensions, burns, and sleep deprivation. .

“Security” prisoners during the second Intifada were denied the right to trial and the right to representation. This denial of due process can be largely attributed to Article XI(2) of the Oslo II Agreement which stated: "Palestinians who have maintained contact with the Israeli authorities will not be subjected to acts of harassment, violence, retribution or prosecution."²⁰ The Palestinian Authority manipulated the clause in order

¹⁸ Leiter. Kenneth C. W.

¹⁹ “Israel and the Occupied Territories: Broken Lives-a Year of Intifada.” Amnesty International. 13 Nov. 2001: 68.
<[http://asiapacific.amnesty.org/aidoc/ai.nsf/b8977c306ef6ff0380256ef400540ac5/64f59dc0b44c5fef80256aff0058b1b8/\\$FILE/ch5.pdf](http://asiapacific.amnesty.org/aidoc/ai.nsf/b8977c306ef6ff0380256ef400540ac5/64f59dc0b44c5fef80256aff0058b1b8/$FILE/ch5.pdf), 68.

²⁰ As quoted in “Israel and the Occupied Territories: Broken Lives-a Year of Intifada.” 68.

to justify the denial of trials to prisoners suspected of collaboration with Israel. In contrast to the detainment of political prisoners, the large majority of Palestinian civil society supported the arrests of “security” prisoners.

Detainees almost never had an opportunity to address a judge and receive a trial. During the second Intifada, even if “security” prisoners were brought before a court, Palestinian Authority security courts were extremely unjust. Trials at the High State Security Court, established in 1995, were often led by military judges and held at night. “Security” prisoners were assigned military lawyers rather than selecting their own defense. The prosecuted detainees were consistently denied the right to appeal a verdict, which was usually implemented within a few days after the trial. Furthermore, the verdicts were only sanctioned with the consent of Yasir Arafat. Finally, the State Security Court and the Military Court often used the 1979 Revolutionary Penal Code, which is not a part of Palestinian domestic law, but rather was used by the PLO in prosecuting PLO military forces prior to the formation of the Palestinian Authority.²¹

Despite the release of political prisoners in October 2000 and an increasing focus on “security” prisoners, pressure from Israel, the United States, Europe, and Russia to prosecute terrorists drove the Palestinian Authority to execute sporadic political arrests throughout the second Intifada. Due to draining resources and power, Arafat was forced to appease the external demands. Although Palestinians were outraged, Arafat arrested several prominent Israeli-accused terrorists to appease foreign powers in response to escalating violence in the region. During the second Intifada, Arafat’s submission to Israel’s demands dominated his own efforts to solidify power over West Bank and Gaza.

²¹ “Israel and the Occupied Territories: Broken Lives-a Year of Intifada.” 71

Most Palestinians strongly disagreed with arrests in the wake of Israel's increasing sanctions on the Territories and the complete halt of peace negotiations.²²

At times, the political arrests during the second Intifada led directly to violence between Palestinians. For example, the arrest of Mahmoud Nurasi Tawalbi, a popular Islamic Jihad leader, in November 2001 resulted in the widespread protests and violence against the Preventive Security Forces in the West Bank.²³ Over three thousand Palestinians demonstrated against the arrest after sunset prayer. Additionally, hundreds of protesters encircled the Preventative Security compound in Jenin and threw explosives and rocks at the facility. Jihad, Hamas, and Fatah members were involved in the demonstrations. The violence was a reaction not only to the arrest, but also to Arafat's compliance with United States demands.²⁴ In appeasing American requests during the peak of Intifada activity, Arafat lost legitimacy in the eyes of Palestinians living in the Occupied Territories and the West Bank. Palestinian violence in response to political arrests during the early years of the Intifada also reflected increasing support for oppositional parties to the PLO.

Arafat's house arrest in March 2002 marked another turning point in Palestinian political history as well as the history of political arrests under the Palestinian Authority. Upon the start of virtual imprisonment in his Ramallah compound, Arafat called for the immediate release of all political prisoners. He no longer made any effort to protect Israel from Islamic Jihad and Hamas militants. This bold move represented a flagrant disregard for U.S. demands and was widely embraced by the Palestinians in the Occupied

²² Bennet, James. "Palestinian Authority Arrests Jihad Leader, Causing Riot." The New York Times. 15 Nov. 2001.
<<http://query.nytimes.com/gst/fullpage.html?res=9C07E4DD163BF936A25752C1A9679C8B63>.

²³ Bennet, James.

²⁴ Bennet, James.

Territories. Until his death in 2004, Arafat refused to arrest suspected terrorists and cooperate with Israel.

While Arafat died in 2004, the practice of political arrests in the Palestinian Occupied Territories continued to be employed by President Mahmoud Abbas. The Palestinian Authority arrests under Abbas during the Intifada years were largely an attempt to appease Israel and hold ceasefire violators accountable. For example, on 2 May 2005, Abbas security forces arrested a Hamas affiliate found with a rocket launcher in his car. However, the suspect was released the following day due to mounting pressure from factions of Palestinian society as well as Egypt. The short arrest reflects the difficulty Abbas faced in responding to Israeli demands and upholding the ceasefire. Even the militant wing of Fatah, al Aqsa Martyrs' Brigades threatened to resume terrorist activity against Israel after the 2005 truce. Such militants demanded amnesty and employment in the Palestinian Authority in exchange for respecting the ceasefire.²⁵ As seen during Arafat's reign, Mahmoud Abbas was also greatly strained by mounting pressure from Israel to crack down on Islamic militants and the outrage of factions within Palestinian society due to his appeasing efforts.

In January 2006, a year after President Mahmoud Abbas won the Palestinian elections, Hamas achieved an overwhelming victory in the legislative elections. The radical Islamic political party won 76 out of 132 Legislative Council seats. Abbas' Fatah party (which had dominated the Council since its establishment in 1994) only won a total

²⁵ "Despite Vow, Palestinian Police Free Hamas Rocket Squad Member." USA Today. 5 March 2005. <http://www.usatoday.com/news/world/2005-05-03-palestinian_x.htm.

of 42 seats.²⁶ Hamas' victory was primarily in response to heightened Israeli restrictions (particularly on movement and employment) and increasing discontent with Fatah corruption. The division of power hindered Fatah's reconciliatory efforts with Israel and quickly resulted in a new wave of internal Palestinian violence.

Following Hamas' victory in the PLC election in January 2006, however, political arrests were primarily carried out by Israelis during mass campaigns throughout the West Bank. Israel no longer trusted Abbas to detain suspected militants and ensure a working ceasefire. Israel arrested dozens of prominent Hamas and al-Aqsa Martyrs' Brigades members, including then Palestinian minister of education, Nasser Addin Ash-Sha'er, and former minister of public works, Abdur-Rahman Zeidan. In addition, during a campaign in May 2006, over 33 Hamas affiliates, including democratically elected PLC members and city mayors in the West Bank.²⁷ Ultimately Israeli and Fatah efforts to disable fanatical opposition failed. Hamas support soared, particularly in the Gaza Strip where the party seized control in June 2007.

IV. Political Arrests under Fatah Controlled West Bank

In June 2007, Hamas' military seizure of the Gaza Strip, the effective closure of the area, and Abbas' dismissal of the Hamas-led government led to a barrage of political arrests and torture in both territories. The Israeli military forces were no longer the sole threat to Palestinian political leaders and civil society. Both Fatah and Hamas have been

²⁶ Wilson, Scott. "Hamas Sweeps Palestinian Elections, Complicating Peace Efforts in the MidEast." The Washington Post, 27 Jan. 2006. <<http://www.washingtonpost.com/wp-dyn/content/article/2006/01/26/AR2006012600372.html>.

²⁷ "Israeli Forces Arrest Palestinian of Education, Former Minister of Public Works , Mayors, and PLC members." Global Research, 25 May 2007. <<http://globalresearch.ca/index.php?context=va&aid=5755>.

responsible for executing dozens of political arrests in their efforts to strengthen their power over the Palestinian population and enfeeble the opposing party.

The Fatah government, under the leadership of Mahmoud Abbas, has aggressively targeted pro-Hamas media outlets and organizations as well as Hamas party leaders and supporters. Hundreds of Palestinians residing in the West Bank have been illegally detained, tortured, or killed as result of their affiliation with Hamas. In attempts to completely annihilate Hamas infrastructure in the West Bank, Palestinian Authority Preventative Security Forces carried out more than 250 arrests of Hamas supporters during the first month following the party's seizure of Gaza.²⁸ The arrests have been primarily executed in Nablus, where Palestinian Authority forces partially control security, and Hebron, where there is a high level of Hamas support.²⁹ Israel's internal security service puts out a weekly report entitled, "Tracking the Performance of Palestinian Security Forces," that is presented to key policy makers and political leaders in Israel. According to past reports, Abbas' Preventative Security Apparatus arrested individuals that were not related to Hamas' military wing. Some leaders of charity organizations affiliated with Hamas were also arrested in recent months.³⁰

The Palestinian Authority Security Force publicly announced its arrest campaigns targeting Hamas supporters, but also claimed that most detainees are released upon surrendering their weapons (general Palestinian Authority policy).³¹ However, numerous testimonies and human rights investigations and reports have demonstrated that this policy is not carried out in the West Bank. The mass number of political arrests has also

²⁸ Issacharoff, Avi and Ravid, Barak. "Shin Bet: PA Has Arrested 250 Hamas Men Over Past Month." Ha'aretz. 7 Jan. 2008. <<http://www.haaretz.com/hasen/spages/942128.html>.

²⁹ Issacharoff, Avi and Ravid, Barak.

³⁰ Issacharoff, Avi and Ravid, Barak.

³¹ Issacharoff, Avi and Ravid, Barak.

been informally sanctioned by both Israel and the West due to the fact that few nations or international organizations have protested the campaign. In addition, the Palestinian Authority's policy of political arrest is often coupled with torture and maltreatment of detainees and their families. Few measures have been taken in the last ten months to halt the use of political arrest and torture to terrorize Hamas affiliates as seen through the high number of testimonies collected by Palestinian, Israeli, and international human rights organizations.

Below is a summary of some of the political arrest cases, as documented by the Palestinian Center for Human Rights.³² The silence of victims due to Palestinian Authority threats renders it impossible to document all of the human rights violations, particularly political arrests, committed by the Palestinian Authority in the Occupied Territories. Personal details are omitted from the documentation of certain cases because many victims fail to release their names to avoid confrontation with the Palestinian Authority.

13-18 June 2007. The Preventative Security Forces destroyed the offices of Hamas supported media organizations and attacked and arrested Hamas affiliated employees. Attacked offices included: Mass Press, Siraj al-Aqsa Television, an-Najjah press office belonging to Fareed Abu Zhuhair, al-Rowad press office belonging to Suhail Khalaf, Sana Television, al-Salam radio station, al-Israa' Press, belonging to Ibrahim Sa'abna, al-Ayyam Press, and Palestine Media Center, an independent media center that is part of the Palestinian Telecommunication Group.

18 August 2007. Ayman Ramez Fayez al-Sa'eh from Nablus was arrested by the Preventative Security Forces for political reasons and transferred to the PSS headquarters in Ramallah the following day. His family paid \$14,000 for his release (the PSS set bail) and allowed them to hold al-Sa'eh's passport, but the PPS refused to release the detainee.

21 August 2007. The Preventative Security Apparatus assaulted the family of Ahmad Taher Ahmad Mohsin (92) during attempts to arrest his son, Mohammad Ali (30), in the

³² Palestinian Center for Human Rights. 2007-2008.
<<http://www.pchrgaza.org/files/PressR/English/2008/press2008.html>.

family's house in El-Naqoura village northwest of Nablus. The attack was part of a large campaign launched against Hamas supporters following the party's seizure of the Gaza Strip. The security forces terrorized the family by rattling the home with gunfire, beating several women, and destroying furniture.

23 August 2007. Preventative Security Forces tortured Omar Mahmoud Omar Ahmad from Far'oun south of Tulkarm over his association with Hamas. He was confined in a small space, beaten on the head, and subjected to various other forms of torture by investigators. Following his detainment, he was sent to Tulkarm Hospital to be treated.

28 August 2007. Members of the Preventative Security Apparatus attacked the family of Fawwaz Hisham Hussein El-Tarada in Taffouh west of Hebron during his arrest. They suffered from bruises and cuts. Additionally, El-Tarada claimed that he was tortured during the investigation regarding his connections to Hamas and the Executive Force. He stated that he also heard screams from nearby cells.

5 September 2007. PA General Security Intelligence took four school principals from Nablus to J'neid Prison with black sacks over their heads. They were detained for eight days and forced to sign contracts to resign from their positions.

14 September 2007. PA General Security Intelligence arrested three men (affiliated with Hamas) from Nablus. They were beaten, threatened with guns, and forced to stand in painful positions.

17 September 2007. Five teachers from Nablus were traveling to school when they were stopped by PA Security Forces at a checkpoint erected specifically for the teachers. They were taken to the local police compound and then moved to J'neid Prison. Three of the teachers were released that evening, but two remained in detention.

17 September 2007. M.K. from Nablus was arrested by officers who introduced themselves as members of the Preventative Security Force. He was taken to a local security headquarters where he was tortured about his ties to Hamas. He was beaten with hands, shoes, hoses, and sticks. He was later transferred to J'neid Prison where he was tortured again during investigations. He was not released until October 11th.

26 September 2007. The Military Intelligence Service detained Rasem Khattab Hasan Mostafa, a Hamas activist who had been previously deported to Gaza during the second Intifada. Gunmen raided Andaleeb Nursing School in the Women's Union Hospital in Nablus and arrested Rasem. One gunman shot several bullets into the air to disperse students when some attempts were made to halt the arrest. Rasem was transferred to Rafedia hospital several days later, and his mother claimed that there were visible signs of torture on his body.

18 October 2007. The Palestinian Security Services in Hebron arrested Abdul Fattah Ahmed al-Shawabka from al-Fawar Refugee Camp as he was exiting the Hebron University campus. The arrest was politically motivated. On 21 October, a judge set bail

at \$700, which his family paid. However, the PSS chief in Hebron refused to implement the judicial decision and release al-Shawabka.

7 November 2007. Two journalists, 'Alaa' al-Titi and Asyad 'Amarna, were arrested by the PSS in Hebron. The families were not notified about the arrests by the PSS. The two journalists worked for al-Aqsa Television, a media outlet affiliated with Hamas that was closed directly following Hamas' seizure of Gaza. They then became freelance reporters.

14 February, 2008. Sheikh Majd 'Abdul 'Aziz Mustafa al-Barghouthi was arrested by the General Intelligence Forces in Koubar Village northwest of Ramallah. He was first transferred to the GSI headquarters in al-Bireh where he was denied visitors. On 22 February, al-Barghouthi's corpse was transferred to Khaled hospital in Ramallah. An autopsy revealed that al-Barghouthi died from heart inflammation and failure. A detainee who had been held at the same time as al-Barghouthi in al-Bireh claimed that he heard the Imam being questioned about his connections to the Executive Force. The witness also claimed that he heard screams in response to torture that he witnessed including suspensions and beating, and the use of chains.

Since the Hamas takeover of Gaza, Fatah has attempted to crush Hamas popularity in the West Bank by illegally detaining and torturing politicians, journalists, business men, and clerics affiliated with the party. The Palestinian Authority has violated international humanitarian law and Palestinian Basic law in its attempts to solidify power and annihilate political opposition. The Palestinian Authority has limited the right to assembly, the right to freedom of expression, the right to due process, and the right to not be tortured in the West Bank.

V. Political Arrests in Hamas-Controlled Gaza

After Hamas seized control over the Gaza Strip, the party launched an aggressive arrest campaign targeted not only at Fatah affiliates, but also members of other oppositional political parties including Islamic Jihad. Similarly to Fatah leadership in the West Bank, the dismissed government in Gaza made every effort to eliminate oppositional party strongholds throughout the territory. The Executive Force has arrested hundreds of

men and women in the last ten months in an effort to uproot Fatah members and strengthen Hamas support throughout Gaza. In addition to crossing closures and fuel and electricity cutbacks by Israel (in response to Qassam rocket attacks), Gazans have suffered from violent inter-factional fighting and the threat of arbitrary arrest and torture.

The following is a sample of Executive Force political arrest cases in the Gaza Strip from over the past ten months, as documented by the Palestine Center for Human Rights and other international news sources.³³ As in the political arrest cases in the West Bank, many victims have failed to release their names for fear of being further persecuted by Hamas.

23 July 2007. Executive Force members used batons and fired gunshots into the air in order to disperse a demonstration comprised of hundreds of Fatah members near the CARE Vocational Training Institute in Rafah. The demonstration was in response to the attack on Fatah PLC member, Ashraf Jum'a. One participant, Mohammad Kamel El-Sekhrit, was arrested later that day on his way home from work and was taken to the old National Security Forces headquarters where he was blindfolded, beaten with sticks and subjected to electrocution (of the hand) once. The EF released him the following day when he signed a statement claiming that he would no longer break the law.

10 August 2007. The Executive Force arrested four high ranking Fatah officials from Beit Hanoun, Faris Nai'm Maher Abu Harbid, Issa Al Mughrabi, and Shihdeh Abu Zreiq, headmaster of Hail Abdul Hamid Secondary School. In reaction to the arrests, civilians from the town assembled and marched toward the police station. The EF disbanded the group, beating many participants and firing gunshots into the air.³⁴

23 August 2007. Another Preventative Security Force officer, Mo'min Sobhi Awad, was summoned (after ignoring to prior summons) by the Executive Force at the El-Bureij refugee camp. He was released three hours later after being tortured and forced to sign a commitment halting his participation in anti-Hamas activities. Emad Amir El-Bardawil turned himself in after receiving notice from the EF and was interrogated about his participation in the previous Friday's confrontation following prayer. He was released after being severely beaten and forced to sign a commitment that he was not allowed to read. Ahmad Jihad Zoghbor and two other Fatah activists were also detained, tortured,

³³ Palestinian Center for Human Rights.

³⁴ "Hamas Force Condemned for Political Arrests, Press Restrictions." The Electric Intifada. 13 Aug. 2007. <<http://electronicintifada.net/v2/article8939.shtml>>

and forced to sign a statement that prohibited their participation in Fatah activities under the penalty of 4,000 Jordanian Dinars.

28 August 2007. Hisham Ramadan El-Ojob, a Preventive Security officer, was interrogated by the EF in the Rafah compound. He was questioned about his involvement with the Preventative Security Force over the previous three years. According to El-Ojob's testimony, he was hung from the ceiling by his hands, suffocated, beaten, and terrorized during the interrogation. He was dismissed two days later after signing two commitment letters, one forcing him to halt the printing and photocopying of illegal leaflets, and the second committing him to report to the Criminal Investigation Compound daily from 9:00 – 15:00, or depending upon request.

29 August 2007. The Executive Force arrested Ala Mohammad Hasan Ayyad, who works for the Presidential guard in Nuseirat refugee camp. When Ayyad and other community members responded by throwing stones at the EF, the Force used gunfire. The EF returned later that day to arrest Ayyad in addition to Bassam El-Anani, the Fatah Secretary-General in the area, and arrested an additional 22 residents of the camp for throwing stones, the majority of which were Fatah supporters. Most of the detainees were released once they signed an agreement stating that they would no longer participate in Fatah party activities under the penalty of a fine. Detainees claimed that they were subjected to beating and torture with plastic hoses and sticks.

31 August 2007. Following hostile encounters after Friday prayer in Kateeba, Hamas' Executive Force arrested eighteen Fatah affiliates in northern Gaza. Mamdouh Izzat Abu Rokba, Wa'el Ismail Abu Zeid, and Hilal Yusef El-Fasis, all from Jabalia refugee camp, testified that they were beaten, tortured with various instruments, and blindfolded. Zeid and Rokba were forced to sign agreements that prohibited their participation in Fatah activities and incitement against Hamas.

11 September 2007. Khaled Ismail Mughari from Deir El-Balah refugee camp was an officer in the Preventative Security Apparatus. He reported to the Executive Force after being summoned. Upon arrival, the Force placed a plastic sack over his head and beat him severely until his leg was broken.

12 November 2007. Following the widespread participation of Fatah activists in a ceremony in Gaza City commemorating the third anniversary of Yasir Arafat's death, the Executive Force launched a massive arrest campaign. Several activists gave detailed testimonies after they were released discussing the beatings and torture to which they were subjected. Some declared that they were assaulted with plastic hoses and sticks, covered, tied, and shaved. Some participants also claimed that they were forced to sign agreements that they would no longer participate in activities organized by the Fatah political party.

16 November 2007. Mahmoud Hijazi, representative of the National Struggle Front, and Mohammad Al Zamily, representative of the Palestinian People Party, were arrested by the Executive Force. Hamas provided no explanation for the arrests despite widespread opposition throughout the Gaza Strip. The National Action Committee in Rafah declared

that Hijazi and Al Zamily were tortured during interrogations and were suffering from health problems. Hamas leadership ignored Islamic Jiha'd's demands for their release.³⁵

24 November 2007. Wa'el Ahmed al-Salmi, a member of the Palestinian General Intelligence from al-Shati refugee camp was detained by two militants who introduced themselves as members of the Internal Security Services. In response to the arrest, about fifty civilians from al-Shati camp organized a peaceful demonstration marching towards the dismissed Prime Minister Ismail Haniyeh's house. When they arrived, outside guards violently dispersed the gathering. The police retaliated with an arrest campaign near the al-Shati Sporting Club, where many of the protest participants were arrested, including a fourteen-year-old boy. The child testified that he was blindfolded with a Kafiah, forced to stand on one leg, and beaten with sticks. The spokesmen of the Ministry of Interior announced the child was held for additional (but unnamed) security threats.

15 December 2007. Omar al-Ghoul, an aid to Abbas' appointed Prime Minister, Salam Fayyad, was arrested by Hamas police when he returned from Ramallah to Gaza for his mother-in-laws' funeral. Ihab al-Ghussain, a spokesman for the Hamas Interior Ministry refused to detail the charges behind the arrest. Fatah leaders believed the arrest may be partly attributed to statements made by al-Ghoul two weeks earlier conveying that Hamas was no longer part of the Palestinian People due to its military takeover of Gaza. In addition, officials in Ramallah claimed that Hamas detained al-Ghoul in order to question him about Fayyad's policy and personnel. Al-Ghoul was not released until 1 February, 2008.³⁶

30 December-1 January, 2008. The day before the anniversary of the Fatah movement's birth, Hamas' Executive Force waged a massive arrest campaign against party activists in the Gaza Strip. The campaign was accompanied by a government ban on all celebratory Fatah activities, issued in response to a similar ban imposed by the Fatah government on Hamas anniversary activities in the West Bank two weeks earlier. Bloody clashes ensued, leading to the deaths of several Fatah supporters and others including, Ibrahim Mohammad Abu Delakh, Mahmoud Shaker Abu Taha, twelve-year-old Mohammad Ayman Abu El-Wafa, Omar Abd El-Hakim Asfour, and Thabet Baker Hilles. Dozens more were injured during the clashes.

VI. Conclusions

Since its inception in 1994, the Palestinian Authority has consistently violated international humanitarian law through the political arrest, illegal detention, and torture

³⁵ Farraj, Najeeb. "Islamic Jihad Demands Hamas to Halt All Political Arrests." International Middle East Media Center. 24 Nov. 2007. <<http://www.imemc.org/article/51690>.

³⁶ Erlanger, Steven. "Hamas Police Arrest Political Aid." The New York Times. 15 Dec. 2007. <<http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2007/12/15/MN2ATUEIS.DTL&type=printable>.

of Palestinians throughout the Occupied Territories. Through changing administrations and political power struggles, Palestinian leadership has continued to use political arrests as a means of appeasing Israel, consolidating power, and disempowering opposing parties.

Before the Intifada, the Palestinian Authority was forced to crack down on suspected terrorists in response to Israeli and international demands. However, Yasir Arafat sometimes arrested political opposition during “terrorist sweeps” in his efforts to weaken Hamas and the Popular Front for the Liberation of Palestine. During the Intifada, however, Arafat used political arrests as a tool for both resistance and cooperation with Israel. When Arafat appeased Israeli demands, he would execute arrest campaigns, despite the outrage of the Palestinian People. However, when he went into virtual house arrest two years before his death, Arafat called for the release of all political prisoners, disregarding the security threat for Israel.

Mahmoud Abbas also launched arrest campaigns against Fatah’s armed wing and Hamas in order to silence Israeli and Western pressure. But, the new president was often condemned by large segments of Palestinian society in addition to parts of the Arab World. When the Abbas administration failed to meet Israeli demands for controlling terror, Israel executed its own arrest campaigns throughout the Territories. However, in June 2007, when Hamas seized control over the Gaza Strip, a new era of inter-factional Palestinian violence, political arrests, illegal detentions, and torture commenced. Hamas has committed extensive human rights violations through limiting the right to free speech, the right to non-violent expression of political beliefs, the right to assembly, and the right to due process. However, while Fatah has dismissed the Hamas government on

the grounds that it is an undemocratic governing force, it has also systematically undermined democratic principles in trying to sustain control over the Occupied Territories.

The Palestinian Human Rights Monitoring Calls on the Palestinian Authority and the dismissed Hamas government to halt these illegal practices in their efforts to solidify control over the Palestinian Territories. Despite the economic, political, and social repercussions of Israeli military occupation, the international community must hold Palestinian leadership accountable for protecting the human rights of the Palestinian People. While this reality is complicated by the West's "war on terror" and its silent sanction of the use of political arrest and torture on "suspected" terrorists, all political parties in the region must uphold the key principles of democracy, including the freedom of speech, freedom of press, due process, and equality before the law. Not only does the West's silence undermine democracy inside the Occupied Territories, but it also challenges democratic principles inside these Western nations. The PHRMG calls on the West to recommit itself to upholding democracy inside its borders as well as within the Occupied Palestinian Territories. Furthermore, the PHRMG recommends that the Palestinian Authority and the dismissed Hamas government in the Gaza Strip pursue the following:

- Uphold all articles in the internationally accepted Universal Declaration of Human Rights, including the right to freedom of expression and the prohibition of torture and arbitrary arrest.
- Immediately release all political prisoners on both sides who are being held without charges or trials.
- Ensure that individuals who are detained are immediately informed about the charges against them and given access to legal representation.

- Ensure that detainees are brought before a judicial authority within 48 hours of the arrest.
- Notify the families of detainees upon their arrests and enable detainees to communicate with their relatives while being held.
- Provide proper training and education for all members of the security forces prohibiting the use of unnecessary force, maltreatment, and torture of detainees. Develop a system in which security forces are brought before fair trials for violating human rights.
- Facilitate a culture of political diversity and tolerance through education. Children should learn to appreciate the spectrum of political thought from an early age so as to prevent hostilities between members of opposing political parties in high schools and universities

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