

Monitoring, Documentation and Means of Confrontation



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Introduction

Upon the establishment of the Palestinian National Authority, and the various security agencies, part of the work of human rights organizations was dedicated to monitor the human rights situation in the areas controlled by the Palestinian National Authority. Human rights organizations have exerted great efforts in following up and monitoring the performance of the security services with regard to respecting and protecting human rights in general, with greater focus on violations of the right to bodily integrity, as they have developed over time many tools to help monitor and document torture violations committed by the security services of various names. They also pursued these violations by utilizing the available means and focused primarily on communicating with the authorities in charge of these agencies to demand criminal investigations of these violations, in addition to conducting advocacy and lobbying campaigns against torture to halt it in the areas of the Palestinian National Authority.

Palestine's admission as a non-member observer state at the United Nations in 2012 allowed the State of Palestine to accede to many international conventions, including the core human rights conventions, inter alia, the accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in June 2014,, and the Optional Protocol to the Convention against Torture in December 2017 which aimed at establishing a national preventative mechanism against torture. Such accession to the convention and its optional protocol imposed a set of obligations on the executive bodies of the Palestinian Authority that require effective measures to end torture practices and acts that amount to constitutional and penal crimes on the national level and crimes against humanity at the international level.

Perhaps, the most noticeable challenges facing official and non-governmental bodies in Palestine that were reported by the initial official report submitted by the State of Palestine to the Committee against Torture at the United Nations regarding the State of Palestine's fulfillment of one of its international obligations under the accession to the Convention, which is to submit an initial report to address torture within the jurisdiction of the State party, that there are many problems related to the work of official and human rights bodies regarding the methodologies used in following up cases of torture, including: the tools used



to monitor and document cases of torture and ill-treatment, accountability mechanisms, including preventive and pre-emptive monitoring, or subsequent monitoring through receiving and following up complaints inside or outside detention centers, without neglecting the conditions of detention and the medical services provided to detainees, and their effectiveness, in addition to the role of medical staff, whether it was military medical service or doctors of government medical centers.

Establishing effective monitoring and documentation mechanisms for cases of torture and ill-treatment is one of the critical issues that were raised in the initial official report of the State of Palestine, particularly the effectiveness of such mechanisms and their role in demonstrating the practices that victims of torture and ill-treatment are exposed to, which are documented in the affidavits submitted personally by the victims inside or outside detention centers. In addition to the method of preparing affidavits or forms and their suitability for a violation such as torture, there is no standardization of these methodologies among human rights organizations, demonstrating common understanding of torture and illtreatment; their definitions and the difference between them in accordance with the international law. Other complications are related to the different tools of receiving complaints and following up done by the official authorities. All of the aforementioned highlight the importance of developing unified special indicators to monitor and document cases of torture within its legal definition and differentiate it from ill-treatment. This shall contribute to creating a national observatory to document cases of torture and ill-treatment.

It is quite crucial to classify and analyze the documentations of torture. This shall facilitate constructing quantitative and qualitative indicators regarding torture practices, their extent of prevalence, the extent of systematic or non-systematic practice of acts of torture, as well as the measures taken to stop torture and ill-treatment practices at the official level. The classification also mimics the presence of unified or variable methodologies employed for gathering information and their nature, and it also reflects how all parties monitoring and documenting torture and ill-treatment abide by unified concepts and definitions on both levels; official and civil.



Why was this report prepared?

This report has been prepared to examine the process of monitoring and documenting the reality of torture and ill-treatment in the Palestinian Territory by official and non-governmental bodies, the type of tools utilized in their implementation, and their consistency with the relevant international best practices. Thus, adopting unified methodologies among the actors in this field in terms of the tools used, and classifying and analyzing information, will create indicators that can be used to evaluate the extent of commitment expressed by the State of Palestine in regards to its obligations under the Convention against Torture and its optional protocol, to set the foundation for a national observatory for documenting and monitoring torture that maintains information monitored by different human rights organizations adopting unified methodology for documentation and classification. This contributes to confronting torture and ill-treatment practices.

The outcome of this report is an extension of several joint activities undertaken in cooperation between Al-Haq Organization and the Geneva Centre for Security Sector Governance (DCAF). This cooperation aims at contributing to the development of capacity in the prevention of torture in the State of Palestine and to supporting and developing a Palestinian national preventive mechanism for monitoring places of detention, specifically after the State of Palestine's accession to the Convention against Torture and its Additional Optional Protocol, with a view to adopting unified indicators on the monitoring and documentation of torture in detention centers in the Palestinian Territory.

Scope of the Report

The report focuses on analyzing the mechanisms adopted by official and non-governmental organizations in the State of Palestine to monitor and document torture and ill-treatment. This is conducted in accordance with the legal regulations and provisions designed for confronting torture. Such provisions are stipulated in international conventions addressing human rights to which the State of Palestine is a party, the Convention against Torture and its Optional Protocol in particular, as well as the relevant international standards and best practices. This is carried out in parallel with clarifying the legislation shortcomings related to such provisions in the Palestinian legal system.



In spite of the State of Palestine's obligations arising from accession to human rights conventions which demands commitment within the entire territory; the West Bank including East Jerusalem and the Gaza Strip, this report highlights the violations of torture and ill-treatment committed at the detention centers in the West Bank. It also explores the mechanisms designated for monitoring, documenting and following up by the official authorities in the State as well as the involved human rights organizations. Although the timeline for preparing the report was set between September and December of 2020; some of the provided information is derived from the public documentations monitored by human rights organizations and "Al-Haq" in particular, since the State of Palestine's accession to the Convention against Torture up to the time of drafting this report. Thus, the team preparing the report was unable to examine the conditions of detainees, in all detention centers, or to communicate with the authorities in charge of monitoring them. This is due to the restricting instructions and procedures of visits imposed in response to COVID-19 pandemic.

Methodology

The report relied on national legislations and the international obligations arising from the State of Palestine's accession to international conventions against torture while inspecting the indicators and mechanisms of monitoring and documenting torture and ill-treatment. The report conducted the factual assessment of these mechanisms and monitoring based on interviews with official government agencies, or those in charge of detention and arrest centers. This was initiated upon developing customized forms for gathering information. In addition, a meeting entitled "Developing unified indicators to monitor and document torture in the Palestinian territory," was convened engaging human rights organizations involved in monitoring and documenting torture and ill-treatment, fourteen representatives of civil society organizations attended the meeting whereby the adopted monitoring and documentation mechanisms by these organizations regarding torture and ill-treatment were explored, and national guidelines were discussed to develop them. In aims to facilitate such process, a customized form was designed and shared with human right organizations involved in documenting and monitoring torture in Palestine, to be filled out.

Al-Haq also carried out a series of field visits to several detention centers, to examine the conditions of detention of detainees and if they were subjected to

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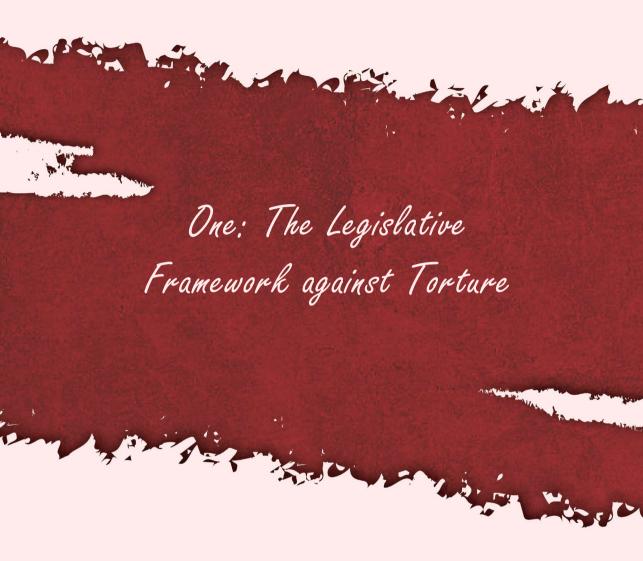
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torture or ill-treatment. Multiple challenges emerged in the process due to the restrictions regarding visits, imposed in response to COVID-19 pandemic. Thus, the visits were limited to specific centers and detainees of the General Intelligence Service and the Preventive Security Service in Tulkarm and Nablus, and the Joint Security Committee in Jericho. The visits were conducted between September and December 2020.

In addition, Al-Haq held many meetings with government and ministerial agencies and human rights units responsible for inspecting and monitoring detention centers, and specialized in monitoring and following up complaints related to violations of torture and ill-treatment, including the Ministry of Justice; the Cabinet; Democracy and Human Rights Unit at the Ministry of Interior; Human Rights Ombudsman Department at the Palestinian Police; and Juvenile Prosecution Office.

Report Structure

In order to reach the main objectives of the report, it was divided into (7) sections, as well as Conclusion and Recommendations: Section one initiated a review of the legislative framework associated with the fight against torture in force in the Palestinian legal system, to identify shortcomings in the legislations, which have a direct impact on limiting the fight against torture. Thus, in section two, the report addressed the accession of the State of Palestine to the Convention against Torture and its Optional Protocol, in terms of context, accession's background and international obligations thereto, without losing sight of its value and hierarchy within the Palestinian legal system. Section three focused on measuring the extent to which the State of Palestine committed to its obligation to respect, protect, fulfil and enforce arising from its accession, on both the legislative and practical levels. Further, section four reviewed torture and ill-treatment practices in detention centers in the West Bank, while section five dealt with monitoring and documentation methodologies for torture and ill-treatment used by official bodies and human rights organizations involved in monitoring and documenting them. Then, section six followed to highlight the efforts of official and nongovernmental organizations to reduce the crime of torture and ill-treatment.





One: The Legislative Framework against Torture

Reviewing the legislative framework related to combating torture in effect in the Palestinian legal system, contributes to determining the deficiency of legislation in all its classifications of laws, regulations and systems in force in combating torture and ill-treatment from the legislative and practical point of view, and even contributes to identifying the issues related to the mechanisms of receiving complaints and holding the perpetrators accountable. Therefore, in the following, we will review the legislative background and context related to confronting torture within the Palestinian legal system, and then the relevant specialized legislation, including: the Palestinian Basic Law, civil and military penal legislations, as well as procedural legislation, as follows:

1. Background and legislative context

1. The evaluation of the procedural and substantive legislative framework governing the fight against torture that is in force in the Palestinian Territory prompts us to review the legal legacy of the successive regimes that governed over Palestine, which in turn adopted many legislations that are still in force in the State of Palestine until now, whereby a structure of complex and confusing legislations remain in force. Starting with the legislations issued by the Ottoman rule in Palestine that spanned over the years from 517-1917, moving to the British Mandate period in the years 1917-1948, and the subsequent Jordanian rule over the West Bank after the Nakba in 1948, whereby the Jordanian legislations were enforced, meanwhile, the Gaza Strip was controlled by the Egyptian administration while maintaining the legal system applied thereat until 1967. Additionally, the Israeli Occupation of the occupied Palestinian land in 1967 and the enforcement of Israeli military orders. Finally, the establishment of the Palestinian National Authority in 1994, which in turn adopted many unified legislations between the West Bank and the Gaza Strip, up to the internal Palestinian political division at the mid of 2007. Bearing in mind, the ongoing implementation of many punitive and procedural legislations issued by the

¹ The Legal System and Legislative Process in Palestine, Institute of Law, Birzeit University, 2008, published on the following website: Legal Status in Palestine (birzeit.edu)



Palestinian Liberation Organization (PLO).2

- 2. Since the Palestinian political division and until now, the work of the Palestinian Legislative Council, which has the original jurisdiction to adopt national legislation in Palestine, has been disrupted, until it was disbanded by a decision issued by the Palestinian Supreme Constitutional Court on December 12, 2018, and thus legislative confusion has continued since the political division. In the West Bank, the Executive Authority is tightening its grip on the legislative role through the Palestinian President's exercise of his role by issuing exceptional legislation in the form of "Laws by Decrees" based on the provisions of Article (43) of the Amended Palestinian Basic Law of 2003, which allows the President to issue decrees that have the force of law in the event that the work of the Legislative Council is suspended.³ Meanwhile, the Palestinian Legislative Council continued to practice its legislative work in the Gaza Strip, without the legislation adopted by each of them being implemented between the two parts of the country.
- 3. The Amended Palestinian Basic Law of 2003 sets at the top of the hierarchy in the Palestinian legal system as it serves as a proposed constitution, whereby the system of governance, and constitutional principles, values and foundations in Palestine were defined, including a set of fundamental rights and freedoms.
- 4. The regular courts in Palestine hold general jurisdiction in terms of matter as well as in terms of persons. They are competent to settle all disputes, whatever they are, except those that are exempted by a special legislative text, and in this regard, Article (2/1) of the Law of the Formation of Regular Courts No. (5) of 2001 and its amendments state: "The regular courts of Palestine handle all disputes and crimes except those that are exempted by a special legislative provision, and exercise judicial authority over all persons." Regular courts are subject to the structure stipulated in the

² For more on the revolutionary penal legislations promulgated by the Palestinian Liberation Organization, see; *Mui'n Barghouti* and *Rashad Tawam*, The Legal System of the Palestinian Liberation Organization: Legislations Regulating Security and Revolutionary Justice, Institute of Law, Birzeit University, 2010, pp. 37-43.

³ Article (43) of the Amended Basic Law of 2003, Al-Waqai' Al-Filistiniyeh, premium issue, on March 19, 2003, p. 5, states: "1- The President of the National Authority shall have the right, in cases of necessity that cannot be delayed, and when the Legislative Council is not in session, to issue decrees that have the power of law. These decrees shall be presented to the Legislative Council in the first session convened after their issuance; otherwise they will cease to have the power of law. If these decrees are presented to the Legislative Council, as mentioned above, but are not approved by the latter, then they shall cease to have the power of law."

⁴ Law of the Formation of Regular Courts No. (5) of 2001, published in Al-Waqai' Al-Filistiniyeb, issue no. 38, on September 5, 2001, p. 279.

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Amended Basic Law of 2003, the Law of Formation of Regular Courts No. (5) of 2001, and the Law of the Judicial Authority No. (1) of 2002. In terms of penal procedures, the Palestinian Penal Procedure Law No. (3) of 2001 is applied, and the Jordanian Penal Code No. 16 of 1960 is enforced in the West Bank, and the Mandatory Penal Law No. 74 of 1936 in the Gaza Strip.

- 5. The military judiciary was established in accordance with the Article (101/2) of the Amended Basic Law, which explicitly indicated that its jurisdiction is limited to matters related to military affairs only, as it stipulated: "Military courts shall be established by special provisions, and these courts have no jurisdiction or mandate outside the scope of military affairs." The military judiciary is governed by the Law by Decree No. (2) of 2018 regarding the jurisdiction of the judicial body regulating the security forces. The military judiciary pursues cases related to military affairs in accordance with the provisions of the Revolutionary Penal Procedures Law of the Palestinian Liberation Organization of 1979 and its amendments, and the Revolutionary Penal Code of the Palestinian Liberation Organization of 1979.
- 6. Legislations in force in the Palestinian legal system at all levels and historical foundations are concerned with regulating some of the procedural or punitive matters related to torture and ill-treatment committed by law enforcement officials, whether those stipulated in the amended Basic Law of 2003, or in the legislations that remain in force from the various historical eras of the legal regimes that ruled Palestine successively, or those issued by the Palestinian Legislative Council after the establishment of the Palestinian National Authority, or those that were adopted after the Palestinian political division, according to laws by decrees issued by the President. We briefly review these legislations below; to define the legislative framework regulating torture and ill-treatment in Palestine, and its compatibility with the international obligations arising from Palestine's accession to international conventions on human rights, specifically those related to combating torture, which in turn constitute the basis to confront and combat torture at the local level.



2. The Palestinian Basic Law

7. The provisions of the Amended Basic Law of 2003 in Chapter Two of its provisions addressed a set of rights and freedoms related to the Palestinian citizens. Torture and ill-treatment are explicitly prohibited in times of ordinary circumstances, with no exceptions, which is referred to in Article (13) that stipulates: "No person shall be subject to any duress or torture. Accused persons and all persons deprived of their freedom shall receive proper treatment." Article (32) of the amended Basic Law considers that any violation of human rights and freedoms guaranteed within its provisions, including "torture and ill-treatment," is a crime not subject to the statute of limitations, without specifying what torture or ill-treatment are or distinguishing between them.

3. Punitive Legislations

8. The punitive legislations in force within the Palestinian legal system punish the perpetrators only and no other active persons- with the penalty of "misdemeanor", whether civil legislations applied to security agencies that have a civilian status, or regulations designated to punish and hold law enforcement officials, perpetrators of the crime of torture or individuals using violence accountable. This is stipulated in the provisions of Article (208) of the Jordanian Penal Code No. 16 of 1960.⁵ Similarly, the penal legislations that apply to security personnel who have a military capacity, in Article (280) of the Revolutionary Penal Code of the PLO of 1979.⁶ The civil or military punitive legislation did not specify

Article (208) of the Jordanian Penal Code No. 16 of 1960 enforced in the West Bank, which was published in issue No. 1487 of the Jordanian Official Gazette on January 5, 1960, p. 374. states that: "1. Whoever harms a person of any kind of violence and intensity that is not permitted by law with the aim of obtaining a declaration of a crime or information about it, she/he shall be punished by imprisonment from three months to three years. Six months to three years unless those actions entail a more severe punishment." Corresponding to it is Article (108) of the Mandatory Penal Code of 1936, which is applied to the Gaza Strip, which states in its criminalization of acts of torture: "Every public servant who exposes another person to the use of force or violence, or ordered the use of force and violence with such person in order to extract from him, or from any member of his family, a confession to a crime or information related to a crime, he is considered to have committed a misdemeanor," where the crime is divided according to its severity into: "1- Felony: it is the most serious crime and is punishable by death, life or temporary hard labor, or imprisonment for a period of no less than three years; 2- Misdemeanor: follows the felony in its importance and is punishable by law with imprisonment for a period not exceeding three years and a fine or either of these two penalties; 3- Violation: it is the simplest and least severe crime and is punishable by law with imprisonment for a period ranging between one day and ten days and a financial fine."

⁶ Article (280) of the Palestinian Liberation Organization Revolutionary Penal Code of 1979 states: "A. Whoever inflicts severe forms of distress that are not permitted by law in order to obtain confessions about a crime or information, or issued an order to do so, shall be punished with imprisonment for at least three months. B. If the acts of violence lead to illness or injury, then imprisonment is at least six months. C. If torture leads to death, the punishment shall be at least five years' hard labor."



the elements of the crime of torture or ill-treatment, considering each of them a separate crime with defined set of elements.

4. Procedural Legislations

- 9. Penal and procedures legislations applied in Palestine included some general procedural or human rights provisions prohibiting torture and illtreatment within its general framework, in addition to some legislative provisions that explicitly prohibited the subjection of some groups addressed under its provisions to torture or ill-treatment; This includes the provisions of Article (7) of the 2016 Law by Decree on Juvenile Protection,⁷ Article (68) of the Palestinian Child Law No. (7) of 2004,⁸ as well as Article (37) of the Law of Correction and Rehabilitation Centers and its Amendments No. (6) of 1998.⁹
- 10. Some legislations considered procedures that may be issued as a result of practicing torture invalid, including Article (13/2) of the amended Basic Law, which states: "Every statement or confession issued in violation of the provisions of the first paragraph of this article shall be considered null and void." Likewise, the provisions of the Palestinian Penal Procedure Law No. (3) of 2001 stipulated that in order for the accused's confession to be valid, it must be made voluntarily without coercion or threat. 10 It considered the statements obtained under torture are null and void, and cannot be relied upon for conviction, even though it is possible to continue arresting the accused or trial despite torture, if there are other evidences, since subsequent procedures to torture are not null and void. 11

⁷ Article (7/1) of the Law by Decree No. (4) of 2016 Regarding the Protection of Juveniles, published in Al-Waqai' Al-Filistiniyel, issue No. 118, on February 28, 2016, p. 8, states that: "Every juvenile has the right to receive treatment in proportion to her/his age and protect her/his honor and dignity and facilitate his integration into society. It is prohibited to subject a juvenile to physical or moral torture, punishment, or treatment that is cruel, degrading or degrading human dignity."

⁸ Article (68) of the Palestinian Child Law of 2004, published in Al-Waqai' Al-Filistiniyeh, issue No. 52, on January 18, 2005, p.13, states that: "No child shall be subjected to physical or mental torture or to any type of punishment or treatment that is cruel, degrading or degrading human dignity."

⁹ Article (37/2) of Law No. (6) of 1998 Regarding Correction and Rehabilitation Centers (Prisons), published in Al-Waqai' Al-Filistiniyel, issue No. 24, on January 7th, 1998, p. 87, states that: "It is forbidden to torture an inmate or the use of distress with her/him."

Article (273/2) of the Palestinian Penal Procedure Law No. (3) of 2001 and its amendments, published in *Al-Waqai' Al-Filistiniyeh*, issue No. 38, on September 5th, 2001, p. 94, states that: "In the event it is established that a statement made by one of the accused or one of the witnesses was obtained by coercion or under threat, such statement is disregarded and not held against her/him." As for Article (214), it stipulates: "For a confession to be valid, it must fulfill the following conditions: 1- It must be made voluntarily and freely, without material or moral pressure or coercion, promise or threat. 2- It must correspond to the circumstances of the incident. 3- It must be an express and conclusive acknowledgment by the accused that he committed the crime."

¹¹ Article (477) of the Palestinian Penal Procedures Law.



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- 11. Palestinian legislative provisions impose some of the legal safeguards related to arrest, detention, investigation and trial, as well as conditions of detention that law enforcement agencies must follow, that prevent torture or ill-treatment and ensure that perpetrators do not enjoy impunity. Among those, Articles (99, 100) of the Palestinian Penal Procedure Law No. (3) of 2001, which require the prosecutor, before interrogating the accused, to inspect her/his body to examine the visible injuries and the reasons for their occurrence, and to order on his/her own initiative the conduct of medical and psychological examinations of the accused by the competent authorities, either sua sponte when prosecutor deems them necessary or at the request of the accused or his/her lawyer. Such provisions did not specifically clarify the procedures to be followed in case it was proven that the accused was subjected to torture and ill-treatment as a result of these examinations. However, the de facto procedures adopted by the Public Prosecution Office entail that in such case the prosecutor prepares a submission of the results of the examinations and inspections and submits them to the Public Prosecutor Office, without any other further procedures.
- 12. Some of the legislations applied in the Palestinian legal system include many guarantees that the competent law enforcement authorities must secure thereof, such as monitoring the health status of the accused, 12 and providing adequate health conditions for detainees, or those that oblige them to respect the rights, freedoms and legal guarantees stipulated in Palestinian laws and international human rights treaties, which include "combating torture," as stated in Article (13) of the General Intelligence Law No.)17(of 2005, 13 and Article (8) of the Law by Decree No.)11(of 2011 Regarding Preventive Security.14

¹² Article (13/1) of Law No. (6) of 1998 AD. Concerning The Reform and Rehabilitation Centers "Prisons" states that: "A clinic shall be set up in every Center and the Medical Services shall provide it with a physician and a number of nurses, necessary equipment and medicines. The physician shall carry out the following functions: Examine every inmate upon his entry into the Center and prior to his release. He shall prepare a report on his health condition showing therein the date and hour of preparation of such a report." Article (22) of the Law by Decree Concerning Juveniles, states: "A juvenile or child at risk of delinquency must be presented immediately upon her/his arrest or detention before an approved medical body to ensure the provision of preventive and curative health care required by her/his physical or mental condition.'

¹³ Article (13) of the General Intelligence Law No. (17) of 2005, published in Al-Waqai' Al-Filistiniyeh, issue No. 60, on November 9, 2005, p. 84, stipulates that: "The intelligence services must observe the rights and guarantees stipulated in Palestinian laws and the

¹⁴ Article (8) of the Law-by-Decree No. (11) of 2007 regarding Preventive Security, published in Al-Waqai' Al-Filistiniyeh, No. 74, on June 9, 2008, p. 6, states that: "The General Administration of Preventive Security must respect the rights and freedoms, and the guarantees stipulated in Palestinian laws, international conventions and treaties."





Two: The Accession of the State of Palestine to the Convention against Torture and the Protocol thereto.

Exploring mechanisms for monitoring and documenting torture and ill-treatment in accordance with the international standards requires reviewing the Convention against Torture and the Protocol thereto, to which the State of Palestine has acceded, in order to study the extent of its respect for the obligations contained therein in both legislative and application terms, and the context that required accession thereto, as follows:

1. Background and context

13. Palestine acceded to many international conventions, specifically the core international human rights conventions, after its recognition as a "non-member observer state in the United Nations" on November 29, 2012; Where it acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on April 1st, 2014 without making any reservations thereat. This was followed by its accession to the Optional Protocol of the same convention on December 28, 2017; the whole aim of which is to establish a preventive system against torture in the territory under the jurisdiction of the State of Palestine. As these agreements impose an obligation on the State of Palestine to respect its provisions, and to take all measures to implement them at the national level, based on two principles mentioned in the Vienna Convention on the Law of Treaties of 1969, the first of which is represented by "assuming good faith", 15 and the second of which is "commitment to the provisions of the convention and its implementation nationally." 16

2. The legal value of the Convention against Torture in the Palestinian legal system

14. The Palestinian legal system is devoid of any rules related to international law, specifically those specialized in international agreements, whether related

¹⁵ See Article (26), Vienna Convention on the Law of Treaties of 1969.

¹⁶ See Article (27), Vienna Convention on the Law of Treaties of 1969.



to the mechanisms for implementing these agreements or their hierarchy within the internal legal system, which creates problems in determining their status and the mechanism for their local enforcement, as Article (10) of the Amended Palestinian Basic Law of 2003 settle for stipulating that: "1. Fundamental human rights and liberties shall be protected and respected. 2. The Palestinian National Authority shall work without delay to become a party to regional and international declarations and covenants that protect human rights." This text sheds light on the importance of Palestine's respect for and accession to international conventions related to human rights, without clarifying its status, or listing any provisions related to its customary or conventional international obligations. Nevertheless, it can be considered that this provision conferred on it a constitutional value; because it explicitly affirmed that human rights and fundamental freedoms are binding and applicable.

- 15. The problem of the status of international conventions in the Palestinian legal system, including those related to the fight against torture, increases following the decisions of the Supreme Palestinian Constitutional Court related to the same subject, as it decided in the Constitutional Appeal No. (4/2017) of November 19th, 2017, and the constitutional interpretation No. (5/2017) dated March 12th, 2017, with the supremacy of international agreements over national legislation, so that the rules of these agreements acquire a higher power than domestic legislation but in alignment with the national, religious and cultural identity of the Palestinian Arab people. In these decisions, the court provided that international conventions are not considered laws to be applied in Palestine, but rather provisions that must be enforced through applying certain procedures to issue a national law, which makes these conventions, including the Convention against Torture and its Additional Protocol, inoperative in the Palestinian legal system until now, despite the necessity of doing so in accordance with the international obligations imposed by the provisions of these conventions.
- 16. The approach of the Constitutional Court may create some problems in the implementation of Palestine's international obligations. Therefore, human rights committees monitoring the implementation of some

¹⁷ The Amended Palestinian Basic Law of 2003, published in *Al-Waqai' Al-Fillistiniyeh*, Premium Issue, on March 19th, 2003, p.5. Hereinafter referred to as the "Amended Basic Law."



international conventions to which the State of Palestine has acceded have provided recommendations in this regard, specifically the Committee on the Elimination of All Forms of Racial Discrimination, the Committee on the Rights of the Child and the Committee on the Elimination of All Forms of Discrimination Against Women. They affirmed the need to incorporate all provisions of the treaties into Palestinian local laws and ensure their implementation in the Gaza Strip and the West Bank, including East Jerusalem; and ensuring that the interpretation of the Supreme Constitutional Court regarding the status of international conventions does not exempt Palestine from its obligations under the agreements, ¹⁸ which have not been achieved so far.

3. The State of Palestine obligations under the Convention against Torture

- 17. The accession of the State of Palestine to the Convention against Torture sets forth obligations thereon aiming at ensuring the prevention of torture and ill-treatment by law enforcement agencies, as well as punishing the perpetrators, according to which the state's respect and commitment to the provisions of the convention can be measured. These provisions impose an obligation on the state party to align its national legislation with the provisions of the convention, and also to submit reports on progress made to implement it, based on the provisions of the Convention against Torture, and all international conventions, guidelines, principles and international standards related to human rights, which in turn prohibit torture and ill-treatment in all its forms and types.
- 18. Article (2) of the Convention against Torture obliges the states party to it, including the State of Palestine, to take legislative, administrative and judicial measures to implement the provisions stipulated in this convention, which require aligning their national legislation with the provisions of the Convention against Torture. Although the Palestinian legislative regulations on combating torture include a set of provisions relating to torture and its

¹⁸ See; Recommendation No. (7), concluding observations submitted by the Committee on the Rights of the Child on the initial report of the State of Palestine; Recommendation No. (13/b), the concluding observations submitted by the Committee on the Elimination of All Forms of Racial Discrimination regarding the combined first and second reports of the State of Palestine; Recommendation No. (13), the concluding observations submitted by the Committee on the Elimination of All Forms of Discrimination against Women regarding the initial report of the State of Palestine. Have been published on the United Nations website.



criminalization, they overall don't comply with all the provisions of the Convention. This creates a problem in the implementation of the State of Palestine's international obligations, and that legislations applied in the Palestinian legal system do not regulate the provisions of the Convention against Torture, and other legislations do not coincide with the relevant international approaches. Moreover, legislations applied in Palestine do not define the crime of "torture" and "ill-treatment" as stated in Article (1) of the Convention against Torture. In fact, the penal legislation confines itself to criminalizing the perpetrator of the crime of torture with the punishment of "misdemeanor", 19 in violation of the provisions of the Convention against Torture and the relevant guidelines, which state that the punishment for the perpetrator of the crime should be stringent, provided that the criminalization scope extends to include cases of attempt, incitement, participation and complicity. Furthermore, The Palestinian legislative system, contrary to the approaches of the Convention against Torture, did not include any prohibition of torture during the state of emergency.

19. With regard to accountability for perpetrators of torture and ill-treatment, the Palestinian legal system is unable to provide justice and compensation to its victims, as it only guarantees financial compensation to victims of torture, based on the general rules that allow the aggrieved individual the right to demand compensation even if it does not allocate it to acts that constitute a crime in accordance with the specified elements and conditions under Article (1) of the convention. Furthermore, the legislations did not address the guarantees of; rehabilitation, restoration of their rights and reparation for their harm. In addition to the inconsistency of Palestinian legislation and applications of the jurisdiction in dealing with torture crimes; specifically, those related to the military judiciary's mandate to try civilians. Although the provisions of the Amended Basic

¹⁹ See, Article (208), the Jordanian Penal Code of 1960; Article (108) of the Mandatory Penal Code of 1936; as well as Article (280) of the Palestinian Liberation Organization Revolutionary Penal Code of 1979.

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Law of 2003, 20 the Law by Decree concerning the Police No. (23) of 2017, 21 as well as the interpretive constitutional court decision No. (1/2017),²² identified the police as a civilian force whose members are subject to the jurisdiction of regular courts, the Palestinian Supreme Constitutional Court issued an interpretative decision for the purpose of defining the jurisdiction of the military judiciary and the nature of the "Police" law and the concept of "Military Affairs" bearing the number (2/2018) on September 12th, 2018, ²³ according to which it decided that the Palestinian police "is a regular security force of a military nature that is subject to the jurisdiction of the military judiciary" in contradiction to all international human rights standards and international best practices that recognize that the police is a civilian apparatus,²⁴ and acknowledge that all grave violations of human rights committed by the security services are referred to the regular courts and not the military. Additionally, these standards set strict restrictions and controls on defining the concept of military affairs.25

²⁰ The Palestinian Supreme Constitutional Court ruled, in its constitutional interpretation, that some articles - despite their complete compatibility with the Basic Law and international standards related to human rights - contravene its constitutional orientation, and by this bypassing its jurisdiction of interpretation to constitutional oversight contrary to the legal regulation that defines its jurisdiction under the provisions of the Amended Basic Law of 2003, the Constitutional Court Act of 2006, and the Law by Decree amending its provisions.

²¹ The first article of the Law by Decree No. (23) of 2017 regarding the Palestinian Police, defined the police as: "a regular force that exercises civil powers." whereas Article (53) of the same Law by Decree granted the civil judiciary general jurisdiction to hold the criminal police accountable, while the military judiciary is an exceptional jurisdiction limited to military affairs, as it stipulates: "1. Police personnel are subject to criminal accountability before the judiciary in the event that any of them commit a crime punishable in accordance with the laws in force. 2. Notwithstanding what is stated in Paragraph (1) of this Article, and without prejudice to the provisions of Article (54) of the Criminal Procedure Code, members of the police force are subject to criminal accountability before the military court in the event that any of them commits a crime related to the military affairs, in accordance with the relevant legislation and laws in force."

²² The Palestinian Supreme Constitutional Court, according to its interpretative decision No. (1/2017) dated July 12th, 2017, stated that the police are "a force of a special nature that exercises civil powers."

²³ The interpretative decision issued by the Palestinian Supreme Constitutional Court violates all the principles and rules governing the interpretative decisions described under the amended Palestinian Basic Law of 2003, the Supreme Constitutional Court Law No. (3) of 2006 and the Law by Decree amending its provisions, as well as all international standards governing the protection of the police as a civil body, for more on that, see; A legal reading issued by Al-Haq on the interpretive decision of the Supreme Constitutional Court on the military issue and the legal nature of the police and the judiciary competent to try its members, published on August 24th, 2018, on the following website: http://www.alhaq.org/ar/advocacy/2238.html

²⁴ International standards have recognized in a number of locations that the police are a "civil body under the jurisdiction of the Public Prosecution Office as well as the jurisdiction of the civil judiciary," under international Clauses (5) and (13) Concerning Police prepared by the Ministerial Committee of the Council of Europe, which was certified on September 19th, 2001; as well as Paragraph No. (21) of Recommendation No. (19) of 2000 issued by the Ministerial Committee of Member States regarding the role of the Public Prosecution Office in the criminal justice system. As well as Article (82) of the Police Action Manual.

²⁵ The international principles regarding the administration of justice through military courts, adopted by the United Nations Commission on Human Rights in 2006 and adopted on the basis of the report submitted by the Special Rapporteur of the Sub-Commission for the Promotion and Protection of Human Rights, have been stringent in defining the concept of "military affairs" in Document No. (E/CN.4/2006/58).



- 20. The State of Palestine must respect its international obligations and submit an initial official report in accordance with the provisions of Article (19) of the Convention against Torture, in which it reviews, generally and extensively, the national legislative and regulatory provisions imposed in the State of Palestine related to the implementation of the provisions of the Convention, provided that the report includes data, information and statistics related to the consistent improvements made nationally to combat torture, including; cases of torture and ill-treatment, accountability taken against them, and conditions in detention centers, based on the guidelines adopted by the Committee against Torture on the form and content of initial reports of states parties. Palestine submitted its initial report to the Committee against Torture on June 14th, 2019, bearing in mind that it was due in 2015, in the first year of the entry into force of the Convention for the State of Palestine.
- 21. The content of this report helps the Committee Against Torture issue its recommendations and concluding observations to the State of Palestine regarding the implementation and respect of the provisions of the convention, after reviewing the "alternative" reports submitted by civil society and human rights organizations involved in documenting, monitoring and following up on violations related to torture and ill-treatment. In its report, the State of Palestine addressed the substantive articles in the convention and its commitment to enforce it at the legislative, procedural and practical levels, supporting what was officially monitored and documented of violations related to torture and ill-treatment practiced by law enforcement agencies. The content of these reports contributes, in one way or another, to limiting the violations related to torture and ill-treatment in Palestine, by comparing between the related statistics provided by the State of Palestine in its initial report and the alternative reports submitted by human rights organizations, according to its monitoring and documentation mechanisms and provide its concluding observations.
- 22. The State of Palestine must also submit a periodic report every 4 years from the date of accession to the convention, and it must clarify therein all the improvements and measures that have been conducted on the conceptual and practical levels to implement the convention, and the most prominent



obstacles that affect the state's performance and its obligations.²⁶

4. Obligations of the State of Palestine under the accession to the Optional Protocol to the Convention against Torture

- 23. The accession of the State of Palestine to the Optional Protocol to the Convention against Torture places a fundamental obligation thereon to establish a preventive system against torture, the "National Mechanism for the Prevention of Torture," within one year from the date of the Protocol's entry into force, in accordance with the provisions of Article (17) thereof. Despite Palestine's accession to this protocol on December 28, 2017, and its entry into force on the thirtieth day of the same date, the State of Palestine has not established this mechanism until the date of drafting this report.
- 24. The Preventive System seeks to adopt a detailed program to visit "places of deprivation of liberty" in both the West Bank and including Jerusalem and the Gaza Strip, by national and international experts, with the aim of preparing annual and periodic reports on the circumstances and conditions of the detainees, and later publishing them to achieve transparency and community oversight.
- 25. The State of Palestine's respect for its international obligations arising from its accession to the Protocol annexed to the Convention against Torture, by establishing the preventive mechanism to prevent torture, contributes to monitoring and documenting cases of torture and ill-treatment in all detention centers in the Palestinian Territory, as well as following up thereon, holding the perpetrators accountable, and preparing and publishing reports.
- 26. In order to establish the preventive mechanism, the Palestinian governmental team created by a decision of the Council of Ministers completed a Law by Decree draft regulating the national preventative mechanism for torture in 2019, based on international guidelines stating that the regulation of the preventive mechanism is conducted at the constitutional level or according to law. The draft was presented to the national consultations on November 13, 2019, in preparation for the adoption of a law that regulates its

²⁶ See; Article (18) of the "CEDAW" Convention, and Article (19) of the Convention against Torture.

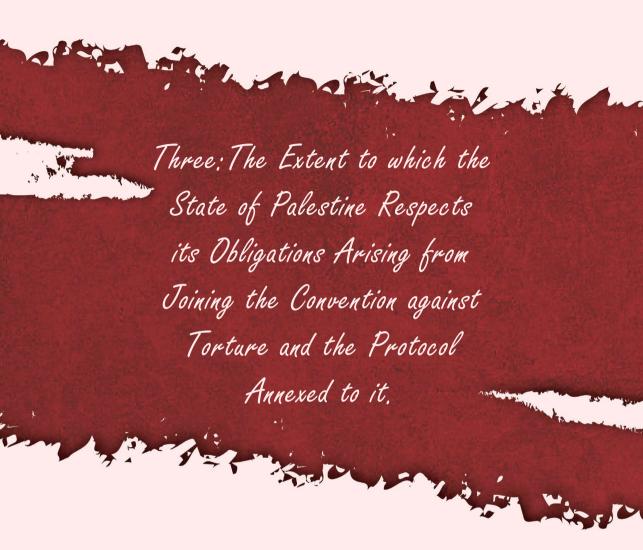


provisions.²⁷ These consultations were led by the Independent Commission for Human Rights in its capacity as an observer of the team, in cooperation with the Palestinian government. Later, a second draft of the law was prepared, in preparation for presenting it to the Council of Ministers and then complete the actions to adopt the law.

27. Al-Haq prepared some observations and recommendations on the first and second draft of the draft law on the preventive mechanism for the prevention of torture in Palestine in addition to the observations of other human rights organizations, basing their analysis and evaluation on the provisions of the Optional Protocol to the Convention against Torture and Ill-Treatment, and international standards and basic rules for establishing and defining the national preventive mechanisms. Then they submitted it to the governmental team responsible for preparing the Law by Decree draft establishing the national preventative mechanism against torture.²⁸

²⁷ The national consultations were limited to the draft Law by Decree of 2019 concerning the establishment of the preventive mechanism to prevent torture in Palestine in the West Bank, excluding the Gaza Strip, in contravention of international guidelines stating that all workers in this field in the West Bank and Gaza Strip must participate in the establishment of a constructive dialogue in order to reach a "national consensus" on this law, including the official bodies and political parties; loyalty and opposition, civil society institutions, experts and specialists, institutions that work in visiting detention centers, academics, human rights defenders, and other relevant bodies of expertise.

²⁸ Al-Haq's observations on the draft resolution of the law establishing the national preventive mechanism for the prevention of torture in Palestine, 2018, published on the following website: https://www.alhaq.org/ar/advocacy/16393.html





Three: The Extent to which the State of Palestine Respects its Obligations Arising from Joining the Convention against Torture and its annexed Protocol.

The Convention against Torture, through its provisions and the general comments of the Committee against Torture at the United Nations, imposed a set of obligations on the states joining the convention and the protocol attached thereto, in a way that contributes to achieving the goal of adopting the convention. The states most prominent obligations in most human rights agreements are represented by three main obligations, which are: respect, protect, fulfilment and enforcement. We will address these obligations, and review the extent of the State of Palestine's compliance thereof.

1. Commitment to respect

- 28. The concept of respect in international human rights law, which is embodied in basic human rights conventions, including the Convention against Torture, means that the state refrains from interfering with or violating human rights. According to this concept, the state must, upon accession to the basic human rights conventions, respect the rights stipulated therein, and not interfere with the enjoyment of these rights. Thus, we find that the Convention Against Torture prohibits many actions by the state agencies, which necessarily entails that the state absolutely prohibits torture and ill-treatment in all detention facilities, and shall not in any case, invoke exceptional circumstances to justify such violations.
- 29. The United Nations Committee against Torture, in its General Comment No. (2),²⁹ notes that states are obligated to adopt effective measures to prevent authorities and persons acting in an official capacity from committing acts of torture, as stated in the Convention. In cases where states look into complaints of torture or learn about acts and practices of torture in one of the centers, or they believe that acts of torture are

²⁹ General Comment No. (2) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on January 24, 2008, pursuant to Resolution No. (CAT/C/GC/2).



committed in one of the centers, and have failed to; prevent, investigate, prosecute and hold perpetrators accountable, in accordance with the provisions of the Convention, such states must bear responsibility for that, and given the failure of the State of Palestine to prevent these acts, this provides a form of encouragement and disrespect for the obligations stipulated in the Convention.

30. Regarding the principle of respect stipulated in the Convention and Palestine's commitment thereto, we find that most of the documentation of human rights organizations, public opinion and a group of citizens, clearly refer to practices and acts of torture and ill-treatment in some detention centers, where some are referred to as "slaughterhouse" reflecting the extent of torture and the cruelty of the acts committed. Although many human rights organizations submitted complaints related to torture and ill-treatment practices at those centers to the competent authorities in the state, yet, the Palestinian government did not react and investigate into these complaints, which encourages the perpetrators of these acts to continue committing such acts, and increase impunity and lack of accountability, which violates the obligations of the State of Palestine.

2. Commitment to protect

- 31. The concept of protection, one of the most prominent obligations of states under the Convention against Torture, indicates that the state shall protect all citizens from being subject to acts that are prohibited under the convention. This protection includes preventing official authorities and law enforcement personnel, especially those in charge of arrest and detention centers, from assaulting any detainee or ill-treating her/him inside or outside the detention centers. The concept of protection also includes the protection of citizens from exposure to any acts prohibited under the convention committed by third parties other than the official employees, especially ill-treatment, or the practice of acts prohibited under the convention on the basis of discrimination, as well as the protection of vulnerable groups and minorities from such acts.
- 32. The United Nations Committee against Torture affirms in its General Comment No. (2), that states bear full responsibility for the actions of their



officials and the others, including private agents and private contractors, and others who act in the name of the state, or according to its directives. The Committee believes that states are obligated to adopt effective measures to prevent public authorities and other persons acting in an official capacity from committing, inciting, urging, encouraging, accepting, participating in or involvement in acts of torture.

33. Inspecting the behavior of the official authorities in the State of Palestine towards the reports and complaints submitted to them, whether to those in charge of the security services or to the bodies entrusted with conducting an investigation according to the law and submitted to both the civil and military attorney generals, we find that what was mentioned in the initial official report of the State of Palestine submitted to the Committee against Torture on the indicators of the perpetrators of torture being held accountable does not commensurate with the human rights organizations' reports regarding the alleged cases of torture, in addition to the lack of measures taken by the official authorities to prevent torture and its practices in arrest and detention centers, which reflects Palestine's failure to commit to protection according to the Convention.

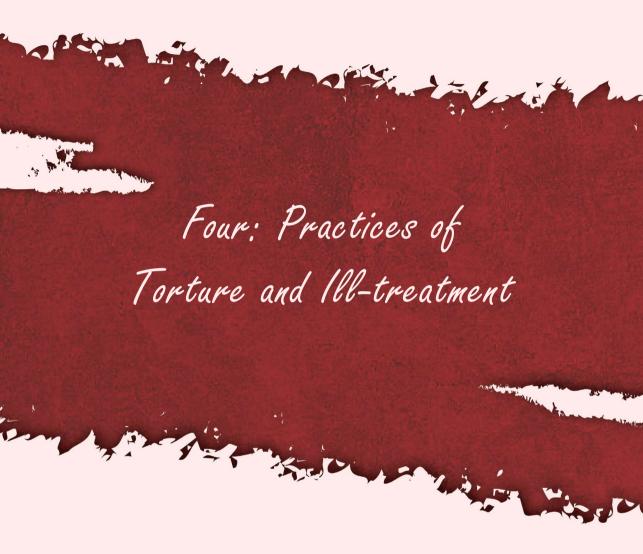
3. Commitment to enforce

- 34. Pursuant to the provisions of the Convention against Torture, the concept of enforcement means that the state shall take all legislative, procedural and practical measures to implement the provisions of the Convention. So that the state is obligated to make legislative amendments aimed at prohibiting torture, and to include in its legislation the definition of the crime of torture and ill-treatment, in line with the provisions of the Convention, as well as to take effective administrative measures such as issuing instructions and circulars to the authorities in charge of detention centers and other detention centers where freedom is muzzled regarding the absolute prohibition of torture ill-treatment, as well as taking judicial measures to hold torture perpetrators accountable for their actions.
- 35. The Committee against Torture at the United Nations considers that all obligations detailed in the Convention that fall within the concept of enforcement and realization are interrelated and indivisible obligations, so



that the obligation to prevent ill-treatment overlaps with the prevention of torture, since the circumstances that lead to ill-treatment facilitate the occurrence of torture at times. Therefore, the measures taken by the states parties to the Convention regarding the prevention of ill-treatment constitute an effective measure to prevent torture as well, as it is not subject to submission to exceptional circumstances or to invoke such circumstance to justify it.

- 36. The concept of enforcement demands providing basic guarantees for all those deprived of their freedom, as the United Nations Committee against Torture calls for the effective implementation of these safeguards without merely stipulating them in legislation or instructions, such as; maintaining an official record of the names of detainees in all detention centers, or preparing an accessible national registry, informing the detainees of the charges against them, providing them with the necessary medical care, services, and legal consultation, to adopt impartial mechanisms for inspection and control of these places, to utilize effective judicial remedies, and to construct a complaints' system concerned with following up the detainees' complaints in case being tortured and ill-treated.
- 37. Scrutinizing these obligations and comparing them with what is imposed on the legislative and implementation levels, as well as the measures taken regarding; monitoring, inspection, following up on complaints and accountability for perpetrators of violations, we conclude that the State of Palestine falls short of committing to its obligations stipulated in the Convention.





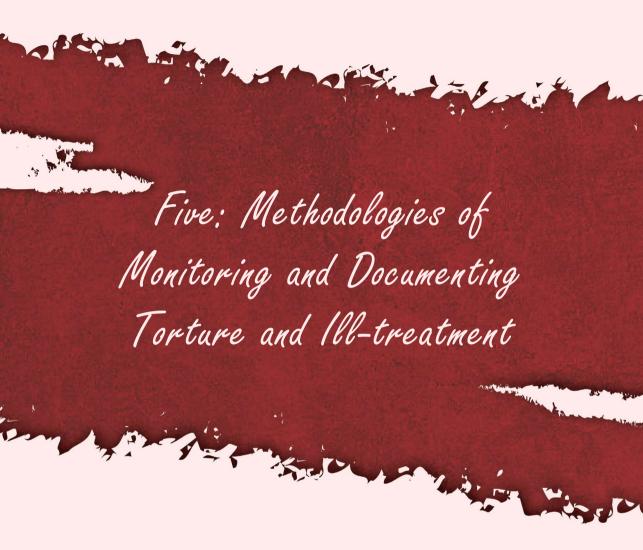
Four: Practices of Torture and Ill-treatment

Al-Haq carried out a series of field visits to several detention centers during the period of preparing this report. However, not all detention and confinement conditions of detainees were visited to examine their subjection to torture or ill-treatment, as the visits were limited to specific centers and specific detainees in response to the spread of the "Corona virus" in Palestine. Nonetheless, relying on the documentations of Al-Haq regarding the violations of torture and ill-treatment, since Palestine's accession to the "Convention against Torture" and up to now, some methods and forms of torture, perpetrating parties and the scope of their practice were identified and summarized as following:

- 38. Law enforcement agencies carried out many forms and practices of torture and physical and psychological ill-treatment that have been monitored and documented since Palestine's accession to the Convention against Torture. These have been monitored and documented by the human rights organizations through sudden visits or the visits done in coordination with the security services, or visits made, or by interviewing detainees who were subjected to torture and ill-treatment, whether while they were in or out of detention centers.
- 39. According to the documentation of Al-Haq and the Palestinian human rights organizations, the forms of physical torture varied, between being hand beatings and kicking on different parts of the body, as well as using a stick to hit different parts of the body, especially on the soles that is known by "falaka", as well as strappado (corda), and being pulled in a way that makes him stand on tip of his toes and throws all the weight of his body on his shoulders. As well as keeping the detainee standing for long hours with his hand raised up and hitting him on his thighs throughout the period of standing. In addition to tying the hands from behind with plastic and iron handcuffs throughout the interrogation period, and the pouring of cold and hot water, as well as hitting the heads of some detainees on the walls of the interrogation rooms, putting out cigarettes by pressing them against the detainees' bodies, as well as directing weapons and threatening to kill them, and being deprived of drinking water and receiving food.



- 40. As for the psychological torture of detainees, it ranged from threatening to inflict physical harm to the detainees or to one of their family members, as well as directing verbal insults degrading human dignity, swearing and insulting the detainee, insulting his family, insulting the women of the family, especially the wife, sister and mother and threatening to arrest them. In addition to prolonged solitary isolation, not allowing visits or communicating with family, denial of access to the bathroom, as well as the deprivation of the senses by covering the head,
- 41. It can be inferred that law enforcement agencies subjected detainees to ill-treatment and torture by placing them in inadequate detention conditions, such as placing detainees in very small solitary cells that often reach one square meter, or they may be detained in detention rooms or a cell "the cupboard," and other overcrowded cells, holding many detainees in unhealthy conditions; such as cells being polluted, have damp walls, damp floors, or contain insects. In some cases, they were held in cells that lacked mattresses and blankets, or being insufficient for holding the numbers of detainees, and many were contaminated, or lacking light or ventilation.
- 42. According to testimonies given to Al-Haq, torture and ill-treatment are carried out during the arrest or apprehension of the accused or in detention centers, the majority of which concentrated in the detention and confinement centers of the Preventive Security Agency; the General Intelligence Service; the Police (General Investigation Department) in the West Bank. Acts of torture and ill-treatment were committed in the detention and confinement centers of these agencies in the cities of Hebron, Bethlehem, Ramallah, Nablus, Jenin, Tulkarm and Qalqilya, and the Central Investigation Center of the General Intelligence Service in Jericho. The Central Investigation Center of the Preventive Security Agency in Jericho is one of the most centers against which complaints have been lodged concerning the commission of acts that may fall within the concept of torture and ill-treatment. It became evident from some of the testimonies that some actors assist in the torture and ill-treatment of the accused, including the military medical staff, which is legally responsible to care for the health conditions of the accused and ensure his safety.





Five: Methodologies of Monitoring and Documenting Torture and Ill-treatment

The monitoring, documentation and follow-up process is based on international standards related to the prohibition of torture and ill-treatment stated in the Convention against Torture, and the Optional Protocol, to which the State of Palestine acceded as well as the best practices and principles governing the behavior of law enforcement officials such as the United Nations Minimum Rules for the Treatment of Prisoners, known as (Nelson Mandela Rules) of 2015; the United Nations Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment known as (Istanbul Protocol of 2000); the United Nations Code of Conduct for Law Enforcement Officials 1997; the United Nations Principles of Medical Ethics relating to the Role of Health Personnel in the Protection of Prisoners and detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1982; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) of 1985; the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment: and many others specialized in protecting some vulnerable or marginalized groups such as women, juveniles or persons with disabilities.

The obligation of the State of Palestine to monitor and document torture aims in its entirety to ensure the fulfillment of its national and international obligations; to prevent torture and ill-treatment, and to apply deterrent policies and penalties against perpetrators. The human rights organizations involved monitor, document and follow up on these violations even if the mechanism of each of these organizations may differ. We shall review these mechanisms as follows, for the purposes of its evaluation for its development and standardization.

1. Methodologies used by the official authorities

43. Within the framework of the competent authorities following up on reform and rehabilitation centers and detention centers and examining the conditions of detention; the extent to which detainees enjoy their rights or not, including health and living conditions, their physical safety, and their subjection to torture and ill-treatment, the Minister of Interior,



the Minister of Justice, the Attorney General and court judges are legally entitled to conduct sudden or regular inspection visits thereto, sudden or regular. These authorities send their observations about those visits to the competent authorities to follow up on the violations committed.³⁰ The General Director of Correction and Rehabilitation Centers also carries out such visits to all interrogation centers, in an estimated amount of one time per month, and prepares a report on the conditions of detainees and submits it to the Minister of Interior, to take the relevant measures.³¹ Likewise, the Public Prosecution Office has the right to conduct visits and inspect the conditions of detainees under penalty of accountability.³²

- 44. In any case, the detained inmate has the right to submit a written complaint to the responsible authorities in the detention center in case he/she is subjected to torture and ill-treatment, provided that it is included in a register dedicated to that, and sent to the parties interested in following up the subject of the complaint, 33 or the detainee may deliver it to the Director General of the Correction and Rehabilitation Center when he conducts inspection visits at the center. 34
- 45. The Ministry of Justice receives complaints related to violations of torture and ill-treatment during exercising its powers to visit detainees by examining their conditions, records, personal and living conditions, and interviewing some random cases, after making prior coordination with the detention center, as well as reports and letters submitted by civil society organizations. Although the Ministry of Justice, by virtue of its supervisory powers, conducted inspection tours to detention centers in all areas of the West Bank, at a rate of (9) visits, it did not receive any direct verbal or written complaints from the detainees or the inmates themselves related to physical safety or any related violations of torture or ill-treatment. The year of 2020 the ministry was not able to conduct such visits due to the

³⁰ Article (10) of the Correction and Rehabilitation Centers Law No. (6) of 1998.

³¹ Article (12) of the Correction and Rehabilitation Centers Law No. (6) of 1998.

³² Article (126) of the Criminal Procedure Law No. (3) of 2001, Article (70) of the Judicial Authority Law of 2002, and Article (11) of the Correction and Rehabilitation Centers Law No. (6) of 1998 obliges the Public Prosecution Office to inspect detention and arrest centers to see the conditions of detainees, and to have direct contact with them; to receive their related complaints, under penalty of liability, as they are being prosecuted in case of negligence in accordance with the provisions of Article (354) of the Revolutionary Criminal Procedure Law of 1979.

³³ Article (18) of the Correction and Rehabilitation Centers Law No. (6) of 1998.

³⁴ Article (12) of the Correction and Rehabilitation Centers Law No. (6) of 1998.



measures and protocols imposed to confront the "Corona" virus. In general, the Ministry of Justice follows up on complaints related to torture and ill-treatment, whether those submitted by inmates in detention centers, by preparing an official letter about it and directed to the party responsible for the perpetrator of the violation, to take the necessary legal action and to investigate them. If the source of the complaint is the correspondences and reports submitted by human rights organizations, the Ministry of Justice prepares a legal position about it, and attaches it to the competent authority to conduct investigations. Nonetheless, the Ministry of Justice does not have any database or statistics related to such violations.³⁵

- 46. Regarding the complaints system in the detention and confinement centers, it became clear, during "Al-Haq" conduct of interviews with the responsible authorities in the same detention centers of the Intelligence Service in the cities of *Nablus* and *Tulkarm*, and the Joint Security Committee in Jericho, that there was no special and independent system for receiving and follow-up on complaints related to detainees being tortured or ill-treated inside these centers. If a detainee is subjected to torture or ill-treatment, he can submit a complaint to the Director of the Center, orally or written, who in turn follows up on the matter and takes the necessary measures to investigate.
- 47. We believe that this mechanism does not guarantee transparency in dealing with violations, it also raises concerns and fear among some detainees of being subject to retaliation if they submit such complaints, and it even creates confusion of the party receiving the complaints if the perpetrator is the Director of the center himself.
- 48. In any case, any citizen who has been subjected to torture and ill-treatment has the right to file a complaint to the Complaints General Department in the General Secretariat of the Council of Ministers, complaints units and sections at governmental departments or complaints units in non-ministerial governmental organizations, complaints departments in the governorates, and complaints units in security agencies. Complaints are received from the complainant in person, or through the website, fax, regular mail, or the computerized central government system, according to the procedures and forms specified in Cabinet Resolution No. (8) of 2016 in

³⁵ Interview with Mr. Majdi Al-Hardan, Legal Advisor to the Palestinian Ministry of Justice, Ramallah, on October 21, 2020.



the complaints system and the procedures guide and its forms. The person in charge at the public administration or unit examines the complaint, and if a violation related to physical integrity, including torture and ill-treatment is suspected , a recommendation is then submitted to the Secretary-General of the Council of Ministers, who in turn formally addresses the party that committed the violation to investigate the matter and take the necessary legal action thereof,³⁶ and if necessary, the issue of follow-up is referred to the Prime Minister.³⁷ The complainant must be informed of the outcome of the complaints within a month from the date of their submission. In 2018, the departments received (8998) complaints, including (770) complaints related to violations of the right to life and physical and psychological integrity, which included torture and ill-treatment, and (756) complaints were addressed and followed up.³⁸

49. If the perpetrator of the violation is the Palestinian Police, the victim can submit the complaint to a specialized department called the "Grievances and Human Rights Department". This department receives complaints in the presence of the victim personally coming to the department or submitting them electronically on a specialized website or through e-mail,³⁹ or by phone. The Unit also follows up on complaints and correspondence submitted by human rights organizations, local ministries, the High Commissioner, or relevant specialized human rights bodies. After receiving complaints according to the previous mechanism, a team from the Grievances Department heads to the police station where the crime of torture and ill-treatment was committed, to investigate the complaint and decide on it, and is allowed access to the legal and medical records of the detainees. If it is proven that the detainee has been subjected to torture or ill-treatment, a recommendation is prepared by the Department of Grievances stating that the perpetrator should be referred to an investigation committee, so as to take the necessary legal action thereof; which in turn decides to impose disciplinary punishments if it is proven that he committed the act or he is referred to the military court, according to

³⁶ Cabinet Decision No. (8) of 2016 regarding the complaints system and its procedures guide and forms.

³⁷ An interview with Professor Kamal Rimawi, Head of the Complaints System at the Palestinian Council of Ministers, Ramallah, on October 27, 2020.

³⁸ Sixth annual report on complaints at government departments, issued by the General Secretariat of the Council of Ministers, 2018.

³⁹ An interview with the Human Rights Grievances Department at the Palestinian Police, on October 27, 2020.

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- the act committed. If the incident is not proven through the available files or forensic medicine, it is reported that the act has not been realized.⁴⁰
- 50. If the victim of torture and ill-treatment is a juvenile, the Juvenile Prosecution Office prepares a special report to prove the violation, different and separate from the statement, which is sent to the Director of the Public Prosecution Office for Juveniles, who in turn prepares a report based on the data, and then submits it to the Public Prosecutor. Meanwhile, the responsible party for the perpetrator is addressed to take the legal requirement and hold the perpetrator accountable. Juveniles are provided an adequate treatment; to eliminate the threat. In addition, there is a specialized system for receiving complaints from juveniles regulated by the Children's Complaints Handbook of 2019. It is received through social media or by phone call from the children themselves or their families.⁴¹
- 51. The juvenile shall enjoy special treatment consistent with her/his needs and circumstances in accordance with the national legislations and the international obligations associated with it; she/he is presented to a medical authority before entering the detention center, as well as before the interrogation. She/he is not interrogated except in the presence of the protection counselor, her/his lawyer, and his guardian. Unless her/his interest conflicts with the presence of her/his guardian, then her/his interest shall be weighted. The juvenile shall not be arrested except in rare cases in realization of a public interest, and in centers designated for that. She/he shall also be informed of her/his full rights, including: appointing a lawyer, submitting a complaint if she/he is subjected to any violations, including those related to torture and ill-treatment, and others.
- 52. Although juveniles enjoy most of their rights, detention centers' conditions are sometimes incompatible with national legislative provisions and relevant international obligations. Including: the narrowness of detention rooms; the lack of places for physical and qualification education; the buildings and detention rooms are not ready to meet weather variants, and they are transported to and from the court using military "escorts" vehicles, under the protection of a policeman carrying a weapon.

⁴⁰ Interview with the brigadier-general of Law Rudeina Bani Odeh, Human Rights Ombudsman Department at the Palestinian Police, Ramallah, on October 27, 2020.

⁴¹ An interview with Mr. Thaer Khalil, Head of the Juvenile Prosecution Office, Ramallah, on November 11, 2020.



- 53. The application of complaints systems in government departments, units, detention or arrest centers; faces many challenges, for instance, detainees are not aware of such system that they can if they were subjected to torture and ill-treatment, because they are not informed of it at time of detention. Indeed, many of the complaints are rejected in multiple cases, and these complaints may not receive a response and follow-up from the authorities that commit torture and ill-treatment. Likewise, these official bodies do not have any statistics or data on the violations related to torture and ill-treatment, and their follow-up.
- 54. According to the visits conducted by Al-Haq for this report and other unexpected visits to several detention centers; including police detention cells and detention centers belonging to the security services, it was concluded that there is no effective monitoring system for those centers, especially centers where investigations with detainees take place, as well as the lack of modern technologies usage; such as installing cameras in the investigation's rooms, or conducting periodic visits to detainees to examine their conditions, by the authorities authorized by law to do so, or by the internal supervisory authorities of the same security apparatus.
- 55. It was evident during detainees' interviews that they were routinely referred to the military medical services, without accurately diagnosing their conditions, specifically in cases where the detainee was subjected to torture and ill-treatment.

2. Methodologies used by human rights institution

56. On the Palestinian national level, many human rights organizations are invested in monitoring all violations of citizens' rights and freedoms, and following them up with the competent authorities, in addition to providing legal aid to victims of these violations, which includes what affects the physical integrity of detainees, and the practice of torture and ill-treatment of them. The number of human rights organizations working in this field is (8), according to what their representatives stated during a focus group that was held with the presence of (14) representatives from organizations specialized in monitoring human rights situations and violations affecting them in the Palestinian Territory, to review mechanisms of monitoring



and documenting torture in the Palestinian Territory. The focus group was followed by Al-Haq's preparation of a special form on the follow-up of monitoring and documenting mechanism of torture and ill-treatment by human rights organizations. Xix out of eight organizations have participated in filling out the forms, these are: Al-Haq; the Independent Human Rights Commission; "The Bureau of Grievances;" Human Rights and Democracy Information Center "Shams;" Addameer Association for Prisoner Support and Human Rights; Jerusalem Center for Legal Aid and Human Rights; and the Center for the Defense of Freedoms and Civil Rights "Hurriyat."

- 57. These organizations were able to document and monitor many claims of persons of being subjected to acts of torture and ill-treatment, and these allegations included detainees from the West Bank, from various Palestinian cities. The affidavits were documented by people who were able to reveal that they were subjected to torture or ill-treatment, while others refrain from providing affidavits; fearing reprisals against them and their families in response, or for their lack of confidence in the effectiveness of the criminal and disciplinary accountability for the perpetrators.
- 58. It was found through analyzing the form of monitoring and documenting violations of torture and ill-treatment in Palestine by human rights organizations that all of these organizations mainly receive complaints directly by the victims or their families in person at the organizations' offices, or others received by phone, the institution email, or social media, or submitted to the field researcher as shown in the chart Number 1, page 49.
- 59. Although most organizations rely mainly on victims' complaints regarding torture and ill-treatment, they conduct visits to detention centers and correction and rehabilitation centers, as well as to detention centers designated for females or minor inmates, and interview detainees, whereas, some organizations monitor violations of torture and ill-treatment by monitoring the performance of law enforcement agencies, including the Public Prosecution Office, or the Judiciary during the course of arrest and trial procedures of the accused, including the process of transferring them to and from detention centers and the court, in addition to information on some cases disclosed by the detainees' families to the media or field researchers.



- 60. Human rights organizations depend on a number of methods in their documentation of violations of torture and ill-treatment. In general, these methods are based on the questionnaire and affidavits. Human rights organizations in Palestine depend mainly on affidavits, as they are considered sworn testimonies, in which the details of the violation are documented according to the information provided directly by the victim. In other cases, some organizations, through their employees, record the statement later based on what the violation victim presented. As for the form, the field researcher fills it out for the organization as a document that includes a set of sequential questions that are divided into sections; the first part contains personal information of the victim, and the second part includes details regarding the violation, the tools used, the violating party, the size and nature of harm inflicted on the victim, without clearly identifying the violation of torture and ill-treatment. The affidavit is generally provided upon the detainee release, for fear of retaliation; and because many of them did not want to talk about the abuse during their detention. In addition to the above, some organizations rely on other methods in documenting cases of torture and ill-treatment, such as visual documentation or eyewitness's affidavits. The chart Number 2, page 51 shows the tools used by human rights institutions to monitor ill-treatment and torture.
- 61. Human rights organizations differentiate while monitoring between psychological, physical torture, and ill-treatment. This is not standardized among the organizations, especially data classification, analysis and adaptation according to the definition of torture and ill-treatment contained in the Convention against Torture, which affects the process of monitoring and documenting torture and ill-treatment, and thus leads to different statistics and data issued by each organization.
- 62. Most organizations classify data on torture and ill-treatment, as well as adopting annual reports thereof, supported by statistics and indicators for its documentation, according to the work mechanism of each institution, and while others do not classify it and do not issue any related statistics or reports.
- 63. Documentation carried out by human rights organizations includes many tenors: the various tools used in torture and ill-treatment; descriptions



What is the mechanism for receiving complaints among the human rights organizations? The presence of the 87.5 % complainant in person Field research **50** % Visits to detention **37.5** % centers Social media 25 % Public contact 50 % addresses All of the mentioned 37.5 % above

Chart No. 1



and names of the persons who committed the act and their affiliates; the place where it was committed; used tools; ill-treatment during arrest and transfer to detention centers; conditions of detention; the position of the Public Prosecution Office on inspecting the detainee's body; the role of the judiciary regarding the victim reporting that he was tortured; presenting the victim to a specialized doctor or taking him to a health center; so is the contribution of medical services to the violation. Some organizations are even interested in monitoring cases related to torture, such as death in detention centers, execution, or arbitrary detention in the custody of the Governor. The number of organizations that monitor death in detention center is (4), and those that monitore execution is (3), whereas (5) of them are concerned with monitoring cases of detention in the custody of Governors.

- 64. Despite the efforts exerted by the organizations to access all the information on torture and ill-treatment that detainees are subjected to, it was evident that there are differences in the use of tools, methodologies and classifications, which adversely affects the methodology of analysis, and the legal analysis and law characterization between ill-treatment and torture, and thus the inaccuracy and lack of unity of indicators.
- 65. The process of documenting and monitoring torture in the Palestinian Territory faces many challenges and obstacles. In many cases visiting prisons and detention centers and meeting detainees and those arrested is not possible. This is due to the measures imposed by local authorities or security agencies, specifically in during the spread of the "Corona" virus, where it is not possible to visit detention centers without a medical examination proving that the visitor from human rights organizations does not carry the virus, within (3) days of examination, and others utterly reject visitors, specifically the correction and rehabilitation centers, and detention centers female and juveniles inmates; so as preserve the detainees' safety. Nevertheless, human rights organizations try to follow all efforts and endeavors to control these violations and follow them up with the competent authorities using all means available.



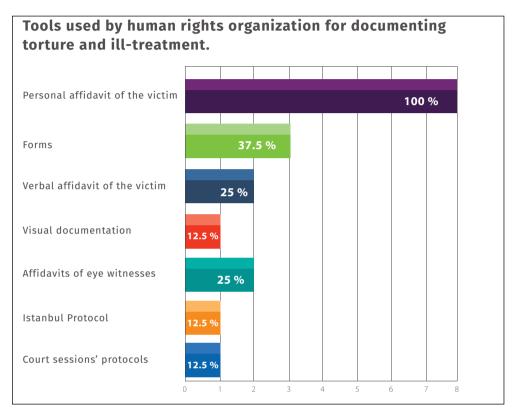


Chart No. 2





Six: Efforts exerted to stop the crimes of torture and ill-treatment

Efforts of official and civil organizations in combating and stopping torture must be referred to whilst examining their mechanisms of monitoring and documentation, given that each of them bears specific obligations, which we review as follows:

1. Efforts exerted by human rights organizations

- 66. All human rights organizations follow up on complaints received from the victims of and their families, by sending legal correspondence to the party responsible for the violations, which includes, they documented information regarding the type and background of the violation, and these correspondences recommend verifying the validity of the violations contained in the correspondences and request the opening of a serious and prompt investigation thereof, and holding those responsible for such violations accountable and justice for its victims. In some cases, the role of human rights organizations in following up on complaints emerges through submitting criminal reports to the civil and military Public Prosecution Offices on these violations, as is the practice at Al-Hag and The Jerusalem Legal Aid Center. In specific and rare cases, compensation cases are brought before the courts. Whereas, the National Authority for the Independence of the Judiciary and the Rule of Law ("Independence") stated during the focus group meeting that it is pursuing a compensation case for a victim of torture and ill-treatment that is pending before Nablus First Instance Court.
- 67. Human rights organizations face challenges regarding following up on legal correspondence and memoranda on violations of torture and ill-treatment. Al-Haq experience affirms this, where it received variable responses by official agencies responsible for following up violations of torture and ill-treatment. Responses ranged from, the agencies opening investigations depending of such allegations where disciplinary measures of verbal warning were imposed, in other cases, investigations were opened by the military prosecution where they state that the allegations are false. In most of the responses, information was not insufficient to determine the needed measures, the investigation mechanism, and the formation of committees,



- the number of personnel who were interrogated, or the number of officers who were referred to the judiciary. At other times Al-Haq did not receive any response regarding such violations.
- 68. The follow-up of human rights organizations to some of torture and ill-treatment victims' positions indicates that many of the victims refrain from submitting complaints to the Public Prosecution Office and the Military Prosecution Office, especially since these authorities require their personal presence at the Prosecution Offices buildings to submit written affidavits, which terrifies them. In some cases, they are threatened by the perpetrators of torture or ill-treatment that they must withdraw their complaints to the Military Prosecution Office, which indicates the absence of a special system and clear mechanisms for protecting victims in the event of complaints, as well as the absence of a protection system for witnesses and those reporting cases of torture.
- 69. Human rights organizations work towards imposing a state of prior and subsequent preventive control to limit the practices of acts of torture and ill-treatment, by conducting visits to the detention centers of the General Intelligence Service, Preventive Security and Military Intelligence, correction and rehabilitation centers, juvenile care homes and police station. As the procedures for the visit varied among the organizations, in terms of centers visited and in terms of the periodicity of visits, where the Independent Commission carries out these visits in a coordinated manner in advance, the Hurriyet Foundation also conducts visits through prior coordination as well, while Addameer is still not conducting visits because it is not allowed to do so by the concerned agencies, and Al-Haq conducts sudden irregular visits to the detention centers of the General Intelligence and Preventive Security, and visits police stations, correction and rehabilitation centers in coordination with the Attorney General's Office, other visits are conducting in accordance with a schedule prepared by the Independent Commission. the This discrepancy reflects the differences of the type of information documented by all organizations. In some cases, a detainee is visited by from several organizations, while others are not, which affirms the need for coordination among human rights organizations to develop indicators to monitor and document torture and ill-treatment in Palestine, and to ensure their effectiveness. The chart next page shows the discrepancy between institutions regarding visits to detention centers.



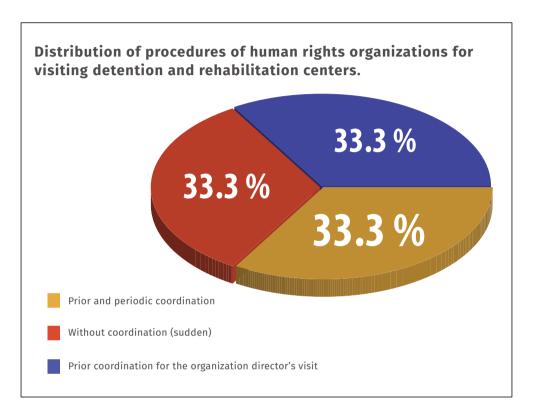


Chart No. 3



and Means of Confrontation

70. Aiming to stop torture and ill-treatment practices, organizations prepare annual reports, in addition to special "Shadow" reports submitted to the Committee against Torture at the United Nations, in order to expose the gaps between the official report and the reality of torture and illtreatment practices, allowing the Anti-torture Committee to offer their concluding observations to the state party regarding the implementation of its obligations under the Convention, and publishing its annual reports to the public to pressure the competent authorities and decision-makers to take effective measures to combat torture practices. However, preparing "Shadow" reports on the Convention against Torture exposed many challenges regarding evidence and information classification and adopting unified indicators of torture and ill-treatment practices, which requires taking action to confront such challenges.

2. Efforts exerted by official authorities to stop torture and ill-treatment.

- 71. The official authorities in the state are responsible for stopping all practices of torture and ill-treatment, based on its national legislation regulating its provisions, or its international obligations resulting from its accession to the Convention against Torture and the optional protocol, all international human rights conventions and international standards, principles and foundations against torture.
- 72. The official authorities in the State of Palestine aim towards establishing the national preventative mechanism of torture in realization of their obligations resulting from joining the optional protocol to the Convention against Torture, through the formation of the governmental team to prepare a Law by Decree draft on the national preventative mechanism of torture, which in turn prepared the first and second draft of the Law by Decree, In preparation for its approval and endorsement by the competent authorities, as the establishment of this mechanism contributes to terminate all practices of torture and ill-treatment in Palestine, on the civil and official levels.
- 73. Official authorities seek, through some mechanisms, to review relevant legislations against torture to align them with the Convention and Protocol,



helping to strengthen official efforts against torture and ill-treatment. However, the adaptation process is not integrated and comprehensive, and true intentions by the responsible parties, particularly in the absence of a legislative council.

74. Some security agencies resort to issue some instructions and publish them at the arrest and detention centers regarding the prohibition of torture and ill-treatment under penalty of disciplinary and criminal accountability, some of which are apparent such as placing these instructions on panels visible in a prominent place, in addition to notices placed prominently on the rights of detainees, which contributes to the efforts to curb torture and ill-treatment.





Seven: Holding perpetrators of torture and illtreatment accountable

Ensuring accountability for perpetrators of torture and ill-treatment and compensation and rehabilitation of its victims is Palestine's international obligation that contributes to end such crimes. Examining how the legislative and application system applied in Palestine abide by the provisions of disciplinary and penal accountability, compensation for victims and reparation for their harm, we shall review these as follows:

1. Disciplinary accountability

- 75. Legislations in force in the Palestinian legal system has not explicitly regulated the disciplinary accountability of law enforcement officials and perpetrators of an act that constitutes torture or cruel or degrading treatment; therefore, the regulation of this matter is subject to the general rules applicable to administrative and legal accountability. The national legislations in its entirety have differentiated between the mechanism for holding members of the Public Prosecution Office accountable and other employees. A member of the Public Prosecution Office is subject to the provisions of the Palestinian Judicial Authority Law No. (1) of 2002, and disciplinary action against such member will be taken only after an investigation is conducted with him/her by a judge of the Supreme Court. After exhausting all disciplinary measures such as warning. In any case, this disciplinary action against a member of the Public Prosecution Office may lapse in the event of his resignation or transfer to the pension, 42 while the Palestinian Criminal Procedures Law No. (3) of 2001 is applied to the rest of the employees who are not members of the Public Prosecution Office, 43 as well as the Law of Service in the Palestinian Security Forces No. (8) of 2005.44
- 76. Some law enforcement agencies that were interviewed reported that many disciplinary penalties were issued against perpetrators of torture

⁴² See; Articles (47-59), Palestinian Judicial Authority Law No. (1) of 2002.

⁴³ See; Article (20), Criminal Procedure Law No. (3) of 2001.

⁴⁴ See; Article (173) and Article (218), Law of Service in the Palestinian Security Forces No. (8) of 2005.



and ill-treatment, without specifying the type of the disciplinary penalties inflicted on them, or the number of cases. The State of Palestine's initial report submitted to the Committee against Torture also lacked any statistics showing the number of cases related to disciplinary accountability for torture and ill-treatment, or the punishment that was inflicted, as well as who committed the act or the party that took the penalty, affirms the lack of disciplinary accountability for perpetrators of torture, and its lack of clarity, regardless of the gravity of the acts of torture committed.

2. Criminal accountability

- 77. The Security Forces Justice Commission is competent to initiate criminal proceedings against members of the security forces based on a Law by Decree concerning the Security Forces Justice Commission. The military courts rely on the Palestinian Revolutionary Penal Code of 1979 and the Revolutionary Criminal Procedure Law of 1979 regarding the criminal prosecution of perpetrators of torture and ill-treatment in the Palestinian case.
- 78. Article No. 43 of the initial report submitted by the State of Palestine to the Committee against Torture states that the military courts have examined some cases related to the abuse committed against the detainees, including ill-treatment. The Article reviewed the sentences issued by the military courts during the year 2015 without going beyond those sentences to mention other years, or to accurately refer to any statistics about the number of law enforcement officials who were prosecuted under the penal and disciplinary legislations in force in Palestine as a result of committing one of the acts constituting torture or cruel or degrading treatment.
- 79. Additionally, the Palestinian legal system is unable to provide justice and compensation for victims of torture and ill-treatment crimes, as Palestinian legislations suffices to guarantee some form of redress for those subjected to an act of torture with material compensation only in accordance with what is stated in the Amended Palestinian Basic Law of 2003, based on the general rules which gives the injured individual the right to claim compensation, even if it does not allocate it to acts that constitute a crime in accordance with the elements and conditions specified under Article 1 of



the Convention against Torture. Likewise, the legal texts did not include the rest of the guarantees represented in the rehabilitation, restitution, and redress for victims of torture and ill-treatment. The official initial report also did not include the extent to which the victims' right to a remedy, compensation or reparation was guaranteed, in contravention of the provisions of the Convention against Torture, specifically Article 14 thereof, and General Comment No. (3) of 2012 associated with it, which obliges the state to compensate victims of torture, rehabilitate them, and provide reparation.





Eight: Conclusions

- 1. According to the two decisions of the Palestinian Supreme Constitutional Court, the "Convention against Torture" takes precedence over Palestinian national legislation, after its publication in the Official Gazette and its inclusion in the national legal system, but require its provisions to be compatible with the national and cultural identity of the Palestinian people. Accordingly, the Convention against Torture and the Protocol attached thereto are not enforceable in the Palestinian legal system. They have not been published in the Official Gazette, nor have they been issued under any national legislation.
- 2. The State of Palestine has not abided by its international obligations arising from its accession to the Optional Protocol to the Convention against Torture, which entails establishing a preventive system for torture within a year from the date of entry into force, which leads to a deterioration in monitoring and following-up the conditions of detainees in detention centers, and thus the perpetrators of torture and ill-treatment enjoy impunity.
- 3. The non-publication of the Convention against Torture and its Optional Protocol within the Palestinian legal system; contradicts with Palestine's international obligations of enforcing the convention nationally, and also opposes the concluding observations made by some the committees of the international conventions that Palestine has acceded to, and their reports were discussed. This indicates the competent government agencies reluctance to pursue perpetrators of torture and ill-treatment and to limit the associated violations; thus prolonging such violations nationally.
- 4. The legislations applied in the Palestinian legal system regarding torture are not standardized among the West Bank and the Gaza Strip. Some of these legislations are in effect as a result of the ruling regimes that Palestine has historically witnessed, and some were adopted after the Palestinian political division.
- 5. Legislations for combating torture in the Palestinian legal system are not in conformity with the provisions of the Convention against Torture, due to



its inconsistency with such provisions. Palestinian legislations punish the perpetrator of torture with the penalty of "misdemeanor", and does not guarantee compensation for torture victims, redress and rehabilitation. Other provisions are devoid of their regulation, including the texts that define the elements of the crime of torture or ill-treatment, considering each of them a separate independent crime with specific elements.

- 6. The commitment of the State of Palestine to align national legislations with the Convention against Torture and the Protocol thereto, and all relevant specialized conventions Palestine acceded thereto, as well as submitting initial and periodic reports to the special committees for their receipt, contributes to monitoring and documenting torture and ill-treatment in the Palestinian Territory, through the issuance by the competent committees of their final recommendations that aim in its entirety to reduce violations of torture and ill-treatment, after its comparison with alternative reports submitted by human rights organizations. Which will contribute in the future to determine the responsiveness of statistics to the indicators to be adopted as well as their development.
- 7. There is no clear policy at the official state apparatus to adopt national legislation that is consistent with the provisions of the Convention against Torture and its Optional Protocol to which the State of Palestine acceded thereto. Despite the Palestinian President exercising of his authority to issue decisions that tantamount to laws, in the absence of the Legislative Council, none of these decisions entailed amending the imposed legislations in the Palestinian legal system to comply with the provisions of the Convention against Torture or III-Treatment.
- 8. The official authorities in the state receive complaints related to torture and ill-treatment from the detainees or their families, during the inspection tours conducted by regulators to detention or arrest centers or through human rights units the ministries or governmental or non-governmental departments, or through human rights organizations. The follow-up mechanism is limited to correspondence with the bodies responsible for the violation to take the necessary disciplinary or penal action against the perpetrator, as the matter is handled by each party separately.
- 9. Government agencies and human rights organizations have an effective



role in taking the necessary measures to prevent torture and ill-treatment at the detention centers, by providing legal advice and notes on draft laws related to human rights, based on the national legislative regulation and the relevant international regulation.

- 10. Despite the establishment of human rights units at the ministries, government departments, and some organizations and security agencies, there is no special and independent complaints system at the detention centers that allows them to submit complaints in the event they were subjected to torture or ill-treatment.
- 11. Governmental or ministerial agencies responsible for monitoring and inspecting detention centers do not rely on any database or statistics on torture and ill-treatment; the committing party, following-up mechanisms, and the decisions taken.
- 12. The responses of the authorities responsible for following up on violations related to torture and ill-treatment to the correspondences and legal memoranda issued by human rights organizations were sometimes not of a serious nature, when they reported conducting investigations of the complaints submitted and it was proven that the alleged violation was not realized, and when others did not receive a response, which prevents holding those responsible for the violations accountable and provide redress for their victims.
- 13. Statistics and indicators of torture and ill-treatment vary among human rights organizations interested in monitoring them in the Palestinian Territory. This is due to the different mechanism of monitoring and documentation at each one of these institutions.
- 14. There is no clear policy in place on the mechanism for dealing with the competent authorities at the detention centers with visits made by human rights organizations to detainees, as it is often necessary to conduct prior coordination between them. This weakens the supervisory role of these organizations for the violations that the detainee may be exposed thereto.





Nine: Recommendations

To ensure combating and confronting torture and ill-treatment in the Palestinian Territory, the parties interested in monitoring and follow-up thereof must respect the national legislations that prohibits them, and abide by all international agreements and instruments that prohibit the practice of torture and ill-treatment to which the State of Palestine is a party, as well as the best practices and principles that govern it, and even coordinate the efforts between all official and non-official bodies in the country. Therefore, we present some recommendations, including those related to the Palestinian legislative system, and others related to government agencies, as well as human rights organizations specialized in monitoring and documenting torture, as follows:

First: A Palestinian legislative system capable of confronting torture and prosecuting its perpetrators

- 1. The necessity for the State of Palestine to adhere without delay to the realization of the "Convention against Torture" and other basic international conventions on human rights and freedoms and the inclusion of all their provisions within its legal system, by publishing these in the Official Gazette, and by ensuring their supremacy on national legislations, without linking this to the restriction stated by the Palestinian Constitutional Court that they should conform to the national, religious and cultural identity of the Palestinian people.
- 2. The need to align Palestinian legislations with the Convention against Torture to which the State of Palestine is a party, by prohibiting torture absolutely in all legislations enforced in the Palestinian Territory, and adopting a definition of torture consistent with all the elements included in the provisions of the Convention. And that the punishment for the perpetrator is aggravated in proportion to the gravity of the acts committed, provided that the criminalization scope extends to include cases of attempt, incitement, participation and complicity in committing acts of torture, and that it is not subject to the provisions of general or special amnesty or statutes of limitation. As well as ensuring compensation for its victims in a way that guarantees reparation for the harm suffered, rehabilitating them,



and restoring their rights.

- 3. To ensure the prevention of torture in the Palestinian Territory, all national legislation related to the subject of torture must be adopted, specifically those related to combating human trafficking, and related to the protection of women and children from violence, while ensuring their consistency with the legal provisions contained in the convention.
- 4. The State of Palestine must issue the Declaration stipulated in Article (22) of the Convention on Torture, and to recognize thereby the competence of the Committee to receive communication from individuals subject to its juridical jurisdiction and to look into them, to ensure that those responsible are held accountable and not escape punishment.
- 5. Establish the preventive mechanism to prevent torture; to ensure the creation of a monitoring mechanism over detention centers, that has real powers to visit detainees, monitor their circumstances, and the violations related human rights.

2. Second: Official efforts by the State of Palestine to confront torture and ill-treatment

The commitment of the State of Palestine to combating torture and ill-treatment, and providing redress for its victims in accordance with national legislation and international obligations, leads to taking some procedural matters, including:

- Establishing impartial and independent mechanisms to receive and follow-up complaints related to torture and ill-treatment, and facilitate access mechanisms thereto, that are capable of providing redress to their victims, as the available complaints mechanisms are not associated with acts of torture or inhuman treatment. With an emphasis on the necessity to stop the perpetrators suspected of practicing acts of torture and ill-treatment from their works until the end of the investigation and bringing them to justice.
- Facilitating mechanisms for accessing complaints, including persons deprived of their freedoms if they are in detention that ensure their confidentiality, as well as adapting such mechanisms to the needs of individuals with limited communication capabilities.



- Inform the detainee of all his rights, the legal guarantees available to her/ him, and the mechanism for submitting a complaint and following it up in case they were subjected to torture or ill-treatment, or for any other violations.
- 4. The competent authorities in the state are to conduct prompt, effective and impartial investigations and inquiries into all allegations of torture and ill-treatment, and ensure victims' redress by restoring their rights, compensation and rehabilitation, and ensuring that such violations are not repeated, taking into account the specificity and circumstances of each case.
- 5. Ensure that complaints submitted by detainees or their families are followed up and informed of the action taken in dealing with such complaints, and the penalty incurred by the perpetrators.
- 6. Protect witnesses and victims of torture and ill-treatment, and provide them with appropriate legal and judicial assistance.
- 7. Allocating an adequate budget from the State's Budget, to adopt programs for the psychological and physical rehabilitation of victims of torture and ill-treatment, and their reintegration into society. As well as establishing a National Fund for compensation and redress for victims of torture and ill-treatment.
- 8. The need to adopt extensive training programs for law enforcement and workers in the field of health, medical and psychological services, as well as the judiciary, in the field of human rights and combating torture and ill-treatment, and legal and substantive procedures controls in dealing with detainees, including the specific needs of marginalized and vulnerable groups.
- 9. The need to adopt a National Registry of Torture Cases in Palestine, to ensure transparency and integrity in following up such cases, so that it monitors cases of torture and degrading treatment in Palestine, disaggregated by gender and age, in addition to including information on complaints related to cases of torture and ill-treatment, administrative detention, human trafficking, domestic and sexual violence, the perpetrator of cases of torture, and methods followed, as well as justice and accountability mechanisms.



Third: Standardized methodologies for human rights organizations capable of monitoring and documenting torture and ill-treatment

- The need to adopt unified mechanisms for all human rights organizations to monitor and document torture, to approve statistics and data based on the same standards in line with relevant international trends. This will contribute to pressure the official authorities to deal with violations seriously and effectively.
- 2. Raising the competence of field researchers at human rights organizations concerned with monitoring and documenting torture and ill-treatment, on the provisions of the Convention Against Torture and the Protocol attached thereto, all relevant international conventions to which Palestine has acceded, and the relevant international principles and standards and best practices, specifically those that determine the standard separating torture and abuse, conditions and rights of detainees, and follow-up and accountability mechanisms.
- The need to conclude a memorandum of understanding between government agencies concerned with following-up detention centers and human rights organizations to facilitate the process of visiting detainees, periodically and suddenly so as to ensure that detainees' conditions and rights are monitored.
- 4. Coordination between all human rights organizations in the Palestinian Territory so as they follow all means to hold accountable and punish the perpetrators of the crime of torture and ill-treatment, through the use of international mechanisms, especially the United Nations mechanisms, whether the conventional through the submission of alternative reports related to the international conventions to which the State of Palestine has acceded, specifically the Convention Against Torture and other Cruel, inhuman or degrading treatment or punishment. Or through the use of non-conventional mechanisms such as the Human Rights Council, the Special Rapporteur, and others.
- 5. Concluding memoranda of understanding between competent government agencies and human rights organizations to train law enforcement



personnel, health and judicial sectors; on human rights and freedoms based on the principles, foundations and standards regulating its provisions in Palestinian legislations, and the relevant international agreements Palestine acceded thereto.

- 6. Take all means to raise awareness of the Palestinian local community, specifically vulnerable groups, and marginalized areas, on their rights, and the mechanisms and remedies available to them nationally and internationally in cases of violations of such rights.
- 7. Unifying methodologies of monitoring and documenting torture among human rights organizations; This includes developing forms for detention centers in accordance with international standards and practices that includes all fields relating to guarantees of arrest, detention and fair trial, in addition to fields that include violations of ill-treatment and torture, in order to arrive to unified and even indicators of torture and ill-treatment.
- 8. Building, developing and standardizing the reporting structure for documenting torture and ill-treatment, including adopting a unified methodology regarding the mechanism for recording the statement. Also, to unify all information and demographic data it contains, so as to include children, women, juveniles and persons with disabilities. In addition to defining general frameworks for documenting torture and ill-treatment, including, for example, the location of the violation, the persons who committed the violation, their descriptions, and their personal information, if available.
- 9. Unifying and developing the evidences of torture and ill-treatment, including the classification forms, the processes for entering information into those forms, and the ease of analyzing those data and information and extracting qualitative and quantitative indicators on torture and ill-treatment.
- 10. Unify the concepts and terminology of torture and ill-treatment, as well as create a common understanding of the differences between these terms.





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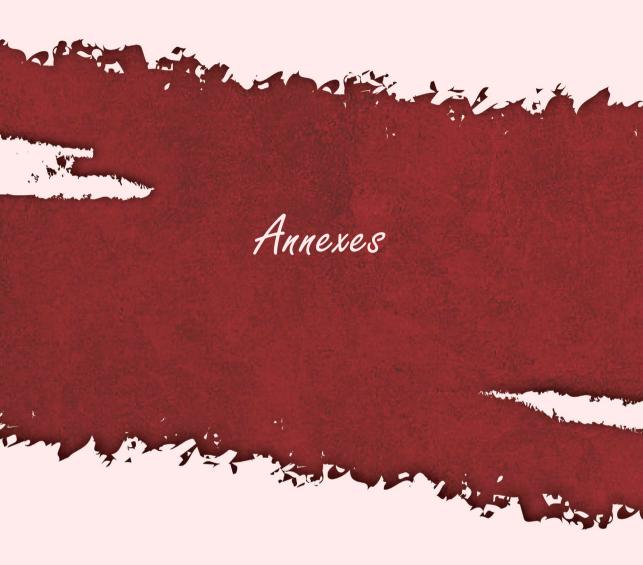
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- Interview with the brigadier-general of Law *Rudeina Bani Odeh*, Human Rights Ombudsman Department at the Palestinian Police, Ramallah, on October 27, 2020.
- Interview with Professor *Kamal Rimawi*, Head of the Complaints System at the Palestinian Council of Ministers, Ramallah, on October 27, 2020.
- Interview with Ms. Haitham Arar, Director of the Democracy and Human Rights Unit at the Ministry of Interior, Ramallah, on October 27, 2020.
- Interview with Mr. *Thaer Khalil*, Head of the Juvenile Prosecution Office, Ramallah, on November 11, 2020.



Annexes

Form No. (1) Detention Conditions and Centers

Name of Detention Center
Area
Receiving Party
Date of Visit
Visiting Team
1. What are the security and safety measures taken to ensure the safety and security of inmates?
2. Is there preferential treatment for some detainees over others, and if it exists, what are the considerations?
3. There are some groups that need positive discrimination, such as persons with disabilities. Are there special procedures for such groups in case they enter detention centers? If any, what are these procedures?
4. Are inmates and detainees placed in solitary confinement, and if so, what are the cases in which isolation is decided? How? What are the places that the isolated are kept in?
5. Is there a system for complaints on ill-treatment and torture, and if there is one, what are the procedures taken to follow up the complaint?
6. How are emergency cases handled?
7. What are the available health services? Is there an integrated health services department with all specialties?
8. Are detainees informed of their right to file a complaint? And who is the competent authority to receive such complaints?
9. Are complaints followed up? Have relevant judgments been issued?



10. How are detainees transported? Are there instructions regarding detained ill-treatment during transportation?	ees not be	ing subject to
11. Are law enforcement personnel being trained on the codes and rules of co	nduct that	govern their work?
12. Is there any inspection carried out by higher authorities inside detention	centers?	Who are they?
13. Are there external inspection bodies? What are these?		
14. Are there any restrictions on lawyers> visits?		
15. Do they have access to legal aid?		
16. Is there an opportunity to bring the detainee before a specialized private	doctor?	
17. Are the convicted and the non-convicted inmates separated?	○ No	Yes
18. Are adults and children separated?	○ No	Yes
19. Are female and male inmates separated?	○No	Yes
20. Are the weather considerations taken into account regarding the inmates	s' rooms?	Yes
21. Are there medical files that include the medical history of each inmate?	○ No	Yes
22. Were doctors involved in providing assistance during torture?	○No	○Yes
23. Can a detainee meet with her/his lawyer in order to prepare her/his defe	ense? O	lo OYes
24. Can the lawyer attend the interrogation?	\bigcirc No	○ Yes
25. Are the accused rights read to him/her?	○ No	Yes
26. Are detainees handcuffed inside the detention centers?	○No	Yes
27. Are the detainees' rights read them?	○No	Yes
28. Is a list of detainees> rights being placed inside the center that they can	see?	lo Yes
General comments or additional inquiries		



Form No. (2) Medical Services in Detention Centers

Nam	e of Detention Center			
Area				
Rece	iving Party			
Date	of Visit			
Visit	ing Team			
1. mea:	In the cases where the doctor e sures taken?	xamines the signs of torture	on the det	ainees, what are the
2.	What health services do militar	ry medical services provide t	o detainee	es?
3.	Do doctors advise investigators	s on methods of torture?	○ No	Yes
4.	Do doctors give advice on conc	realing traces of torture?	○ No	Yes
5.	Are there any reports introduce	ed on the detainee>s vulnera	bility to to	orture? Yes
Gen	eral comments or additional in	nquiries		



Form No. (3)

Juveniles' Detention Centers and Conditions

Name of Detention Center	
Area	
Receiving Party	
Date of Visit	
Visiting Team	
1. What are the juveniles' deteninformed of the detention order	tion conditions? Are her/his family and the protection advisor ?
2. Is legal advice provided to th regarding places of detention p	e juvenile? Are all the rules, instructions, rights and freedoms resented?
•	nile regulated? Is she/he brought before a medical authority? Are being provided to the juvenile during her/his detention?
The state of the s	r/his rights and freedoms inside the detention when she/he is submitting complaints and petitions and the competent follow-
5. Is juvenile protection available	inside and outside detention centers?
6. How is juvenile detainees trans	sporting carried out?
7. Do staff at the detention center. When do they resort to restraining	ers carry any weapons? How is the juvenile movement handled? g them using force?
8. Do staff working in the detention	n centers receive any training related to juvenile rights and freedoms?
9. What are the cases of juvenile so children recorded? How were they	olitary confinement? Have there been any cases of torture against handled?



10. Are juveniles separated from adults?	○ No	○ Yes
11. Is a juvenile detained before her/his trial?	○ No	○ Yes
12. Is the convicted juvenile separated from the accused one?	○ No	○ Yes
13. Is the juvenile being questioned or interrogated in the presence of the proteins guardian and lawyer?	ection adv	isor, her/ Yes
14. Are law enforcement officials obligated to take into account the juvenile's pri the publication of any personal information about her/him, such as her/his pid matters related to the case for which she/he is arrested, including the facts of the trial or their summary?	cture, nam	e, or any
15. Are juveniles and adults from the same family detained in the same room?	○No	○ Yes
16. Are there specialized bodies that follow up on inspection?	○No	Yes
17. Is the juvenile allowed to communicate with her/his family and friend organizations?	ls and an	y competent Yes
18. Does the juvenile enjoy an environment and living conditions that pre livelihood, and privacy (food; water; sleeping places; a safe environment against hygiene and health considerations)?		
19. Can the juvenile have the possibility to engage in recreational activities ar and therapeutic programs?	nd implem	ent physical Yes
20. Is there an educational system, vocational and practical training available her/his detention to ensure her/his continuation after her/his release from the school supplies provided?		
21. Is the juvenile subject to any rehabilitation and psychological care programs	?ONo	Yes
22. Are there any rehabilitation programs for juveniles and specialized preventing juveniles from delinquency?	ve progran	ns to protect Yes



Form No. (4)

Female Inmates Detention Centers and Conditions

Name of Detention Center	
Area	
Receiving Party	
Date of Visit	
Visiting Team	
1. Are there any non-custodial measures applied to pregnant female inmates and nursing mothers or those who are the sole responsible for caring for their children?	
2. How are breastfeeding, pregnant and mothers' inmates treated?	
3. Is legal advice provided to them? Are they provided with information regarding prison rules and regulations? Are they allowed to communicate with a lawyer, and with their parents, and consult them on the individuals allowed to visit them?	
4. Do they have the necessary resources and facilities to fulfil their needs?	
5. Are they fully examined before entering custody? Are the provided with primary health care? And is there a medical record made by the competent authority to follow up the health status of inmates of every inmate? Are women medical staff available?	
6. Are female inmates body searched? Who is authorized party to do so? What are the cases that require this?	
7. How are female inmates' suicide attempts dealt with?	
8. Are there competent authorities to inspect female inmates> detention centers? Who are these?	
9. Are female inmates' capacities built during detention? Are there attempts to integrate them into society?	



10. Are programs adopted to educate female inmates on their own health care? Are there treatment courses delivered to victims of domestic violence and sexual assault and provision of treatment thereof?				
11. D	oes the prison system and facilities meet the needs of pregnant inmate	s and nurs	ing mothers?	
12. V	What are the cases where the movement and freedom of female inmates	are restri	cted?	
13. V	Who runs the female inmates> detention centers?			
14. ŀ	How are minor female inmates treated?			
15.	Are female inmates' privacy, dignity and confidentiality considered?	○No	Yes	
16.	Does the detention center have any female inmates with their children	?○No	Yes	
17.	Are they allowed to contact their parents?	○No	Yes	
18. they	Is the proximity between the female inmate homes and detention or re are kept taken into consideration?	habilitatio No	n center where Yes	
19. the o	Are female inmates being provided any health, mental and psychologica differences between them?	l care that No	takes into account Yes	
20. A cent	re female inmates provided with protection against their parents while ther?	ney are in t	he detention Yes	
21.	Has there been any case of physical, psychological or sexual assault on a le the center?	any of the f	female inmates Yes	
22. of fe	Do prison officials receive training programs on their behaviors in relemate inmates?	vance with	the special rights Yes	
23. for a	Do minor female inmates have the same opportunity for education and t dult ones?	training th	at are available Yes	
24.	Are they allowed to do sports and implement recreational programs?	○ No	○ Yes	
Gen	eral comments or additional inquiries			



and Means of Confrontation

Form No. (5) **Civil Society Organizations**

Part One: General information about t	the organization				
Organization's Name					
Organization Specialty					
Contact and Communication					
Part Two: Questions related to compla	aints				
1. What kind of complaints does	the organization receive?				
Complaints of all human rights violations	Violations of civil and political rights	Violations of economic and social rights			
Violations of media freedoms and journalism	Violations of torture and ill-treatment	Other Violations			
2. What is the organization's me	2. What is the organization's mechanism for receiving a complaint?				
The complainant arrival to the institution	Through field research	By visiting detention centers			
Social media	Via phone, email, and social media	All of the above			
Please answer the following questions, if the organization documents cases of torture and ill-treatment					
1. What is the tool for document	ting complaints related to torture ar	nd ill-treatment?			
A private affidavit by the person alleging torture and ill-treatment	A form to be filled out by the organization's researcher	A verbal affidavit followed by its written documentation of the organization's employee			
Visual documentation	Eyewitness statements	Other			
2. Is there a distinction between do	ocumenting complaints of torture ar	nd ill-treatment?			
3. Does the organization document	torture? Palestinian Authority	Occupation Both			
4. Is torture documented?	Physical	Psychological Both			



5. What are the mechanisms for following up complaints of torture and ill-treatment?				
Correspondence with the competent authorities only Submit criminal reports to the Civil and Military Public Prosecution Offices				
Filing compensation cases before the courts	Other			
6. Are data on torture classified? No	Yes , if the answer is yes, please explain			
7. Are there statistics or indicators for documenting	torture and ill-treatment?			
8. Does the organization issue annual reports on ca	ses of torture and ill-treatment? No Yes			
9. What centers does the documentation cover?				
Police detention centers (holding cell)	Preventive Security detention centers			
General Intelligence detention centers	Correction and rehabilitation centers			
Juvenile care homes	All of the above			
10. How are centers' visits conducted?				
Periodically and in advance coordination Suddenly and without coordination				
Other				
11. What does the documentation of torture carried	out by your organization include?			
Forms of torture and ill-treatment during visits in detention centers	Descriptions and names of the perpetrators of torture and ill-treatment			
The agency perpetrating acts of torture and ill-treatment	The place where the torture and ill-treatment took place			
Tools used in torture	The role military medical services in detention centers play in practicing torture, if any			
Bringing torture victims before the resident doctor	Transferring torture victims to hospital			
Bringing torture victims before a private doctor	Ill-treatment during arrest and transfer to detention centers or court			
Conditions of detention	Bringing the victim before the Public Prosecution and the role of the Public Prosecution in inspecting the victim's body			
Appearing before the court, the victim stating on her/his torture before a judge, and the judge's decision				



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12. Does your organization document issue pertinent to the following topics?			
Deaths at detention centers	Death sentences and their execution	Governor's order detention	
13. What are the most prominent re	esults of the organization follow-ups	regarding torture cases?	
14. Does your organization follow up at the international level, especially those of the United Nations mechanisms?			
	ties your organization needs to evolv ns of human, financial and knowledge		



Form No. (6)

Following up on Detention Centers with Government Agencies

Part One: General Information on the governmental Institution
Name of institution
Area
Receiving Party
Date of Visit
Visiting Team
Part Two: Information on the governmental institution's follow-up on detention centers
1. Does the Ministry monitor detention centers? Are there external parties assisting with this?
2. Does the Ministry receive any complaints regarding violations related to the detainees> physical integrity?
3. Is there an independent system for receiving complaints related to torture and ill-treatment of detainees?
4. What are the measures taken to follow up complaints related to torture and ill-treatment?
5. Does the Ministry have any data or statistics pertinent to cases of torture and ill-treatment committed in detention centers?
6. What is the ministry's role in the measures taken to prevent torture and ill-treatment in detention centers?
7. Are there training programs adopted to raise awareness for law enforcement on the prohibition of torture and ill-treatment?
General comments or additional inquiries



Form No. (7)

Public Prosecution's follow-up of cases of torture

Part One: General information on the receiving party
Name of institution
Area
Receiving Party
Date of Visit
Visiting Team
Part Two: Information on the Public Prosecution's follow-up on detention centers
1. Has the Public Prosecution Office documented any cases of torture and ill-treatment committed by its employees?
2. What are the actions taken in case the accused was tortured before the Public Prosecution?
3. How is the validity of statements extracted under torture dealt with?
4. Is there a specific entity at the Public Prosecution that receives complaints related to torture and ill-treatment committed by its staff members? What are the procedures taken to follow up on complaints?
5. Do you have any data or statistics related to cases of torture and ill-treatment committed by the Public Prosecution staff members?
6. Is there a specific mechanism for dealing with marginalized and vulnerable groups, specifically women, juveniles, persons with disabilities, and persons with homosexual orientations?
7. Have any rulings been issued against a member of the Public Prosecution Office for committing the crime of torture or ill-treatment against a detainee?
8. Are there procedures, policies, or legislations taken by the Public Prosecution to prevent torture and ill-treatment, or approved programs to raise awareness of its staff members?



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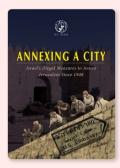
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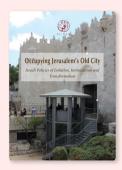
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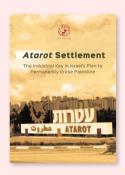
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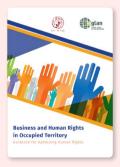
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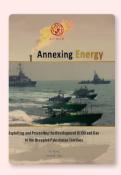
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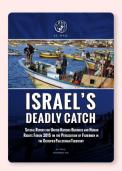
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Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah, West Bank. Established in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory. Al-Haq has special consultative status with the United Nations Economic and Social Council, is a member of the Euro-Mediterranean Human Rights Network (EMHRN), the World Organisation Against Torture (OMCT) and Habitat International Coalition (HIC). Al-Haq is an affiliate of the International Commission of Jurists and a member of the Palestinian NGO Network (PNGO).



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