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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by United Nations Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2021]

* Issued as received, in the language(s) of submission only.



Palestinian Authority and Hamas violations of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The State of Palestine will be reviewed by the Committee Against Torture at its July 2021 session. United Nations Watch has documented numerous egregious violations of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the Palestinian Authority (“PA”) and Hamas, including the following:

Torture of political opponents

The PA and Hamas systematically repress dissent, including through arbitrary arrest and torture. In October 2018, Human Rights Watch (“HRW”) published a report exposing 86 cases of arbitrary arrests and torture of peaceful dissenters by both the PA and Hamas¹

Torture included beatings, solitary confinement, feet whipping, threats and taunts, and forcing detainees into various painful positions for extended periods. HRW commented that “the habitual, deliberate, widely known use of torture, using similar tactics over years with no action taken by senior officials in either authority to stop these abuses, make these practices systematic.”² Similarly, in its report on “Human rights in Palestine for 2019”, Amnesty International found that “Palestinian security forces in the West Bank and Gaza routinely used torture and other ill-treatment with impunity” and noted that in 2019 there were 143 allegations of torture in the West Bank and 156 in Gaza.³

In March 2019, the Palestinian Independent Commission for Human Rights documented over 1,000 Hamas arbitrary detentions of “we want to live” protesters who were not charged with any crimes.⁴ Many of them were beaten and tortured.⁵

Torture and summary execution of alleged collaborators

Palestinians accused of “collaborating” with Israel are routinely tortured. In June 2018, an Israeli court ordered the PA to pay \$3.5 million in compensation to 51 victims and family members of Palestinians who were arrested and tortured by the PA between 1990 and 2003 for assisting Israel to prevent terror attacks.⁶ In May 2015, Amnesty International published a report accusing Hamas of summarily executing at least 23 Palestinians and subjecting dozens of others to arrest and torture during the summer 2014 Israel/Gaza conflict.⁷ The report detailed Hamas torture including “severe beatings with truncheons, gun butts, hoses and wire.” Again in April 2017, Hamas summarily executed three men convicted of

¹ Two Authorities, One Way, Zero Dissent: Arbitrary Arrest and Torture under the Palestinian Authority and Hamas, HRW (October 23, 2018), <https://www.hrw.org/report/2018/10/23/two-authorities-one-way-zero-dissent/arbitrary-arrest-and-torture-under>.

² Id.

³ 2019 Report on Human Rights in Palestine, Amnesty International (2019), <https://www.amnesty.org/en/countries/middle-east-and-north-africa/palestine-state-of/report-palestine-state-of/>.

⁴ Id.

⁵ Omar Shakir, Another Brutal Crackdown by Hamas in Gaza: Beatings & Arrests of Rights Defenders, Journalists, Demonstrators Reflect Systematic Practice, HRW (March 20, 2019), <https://www.hrw.org/news/2019/03/20/another-brutal-crackdown-hamas-gaza>.

⁶ PA ordered to pay \$3.5 million compensation to tortured ‘collaborator’ prisoners, Times Of Israel (June 29, 2018), <https://www.timesofisrael.com/pa-ordered-to-pay-3-5-million-compensation-to-tortured-collaborator-prisoners/>.

⁷ Hamas tortured and killed Palestinian ‘collaborators’ during Gaza conflict – new report, Amnesty International (May 27, 2015), <https://www.amnesty.org.uk/press-releases/hamas-tortured-and-killed-palestinian-collaborators-during-gaza-conflict-new-report>.

collaborating with Israel.⁸ In December 2018, a Hamas military court sentenced six Palestinians to death for collaborating with Israel.⁹

Torture of Palestinians who sell land to Jews

Palestinians who sell land to Jews are subjected to torture. In December 2018, the case of American-Palestinian Issam Akel made headlines when he was sentenced to life in prison with hard labor for violating the Palestinian law prohibiting land sales to Israelis.¹⁰ Both Akel's wife and a United States of America (U.S.) official who visited Akel in prison confirmed that he had been put in isolation and tortured.¹¹

Palestinian persecution of those attempting to sell land to Jews is not a new phenomenon. In 2016, a group of Palestinian activists, operating with the blessing of senior PA and Hamas officials, undertook a campaign against Palestinians engaged in land sales to Jews.¹² In 2009, a Hebron court sentenced a Palestinian man to death by hanging for selling land near his village in the West Bank to Israelis.¹³ Prior to that, at least eight Palestinians suspected of involvement in property sales to Jews were kidnapped and executed extrajudicially.¹⁴

Torture of lesbian, gay, bisexual, transgender and queer (LGBTQ) Palestinians

LGBTQ persons living under PA and Hamas control suffer severe persecution and ostracism. Many Palestinian homosexuals end up fleeing to Israel.¹⁵

Testimonies from gay Palestinians who managed to escape recount harrowing torture by both family and PA/Hamas security forces, often successful attempts to coerce them to inform on others, forced marriages and death threats, among other things.¹⁶ For example, one gay Gaza Palestinian now living in exile in Turkey described being arrested and tortured by Hamas on suspicion of being gay: "They arrested me, hanged me from the ceiling, beat me up and interrogated me for five days."¹⁷

⁸ Palestine: Hamas executes three civilians in Gaza military courts, Amnesty International (April 6, 2017), <https://www.amnesty.org/en/latest/news/2017/04/palestine-hamas-executes-three-civilians-tried-in-gaza-military-courts/>.

⁹ Hamas court sentences six to death for 'collaborating' with Israel, Arab News (December 3, 2018), <https://www.arabnews.com/node/1414851/middle-east>.

¹⁰ Palestinian court jails U.S.-Palestinian for life for Jerusalem land sale, Reuters (December 31, 2018), <https://www.reuters.com/article/us-israel-palestinians-usa-detainee/palestinian-court-jails-u-s-palestinian-for-life-for-jerusalem-land-sale-idUSKCN1OU0JG>; Khaled Abu Toameh, Palestinian-American Sentenced to Life in Prison by PA for Selling Property to Jews, Jerusalem Post (December 31, 2018), <https://www.jpost.com/Arab-Israeli-Conflict/Palestinian-American-gets-life-in-prison-for-selling-properties-to-Jews-575903>.

¹¹ Shoshana Keats-Jaskoll, This Palestinian Was Tortured. But No One Cares Because It Wasn't By Israel, Forward (December 31, 2018), <https://forward.com/opinion/416801/this-palestinian-was-tortured-but-no-one-cares-because-it-wasnt-by-israel/>.

¹² Id.

¹³ Palestinian handed death sentence, BBC (April 29, 2009), http://news.bbc.co.uk/2/hi/middle_east/8024281.stm.

¹⁴ Khaled Abu Toameh, Selling a House to a Jew is a betrayal of Allah, Gatestone Institute (June 20, 2016), <https://www.gatestoneinstitute.org/8300/palestinians-homes-jews>.

¹⁵ Lee Gancman, High Court ruling ends gay Palestinian's asylum nightmare, Times Of Israel (February 11, 2016), <https://www.timesofisrael.com/high-court-ruling-ends-gay-palestinians-asylum-nightmare/>.

¹⁶ Persecution of the LGBT Community in the Palestinian Authority's Territory, Including the Gaza Strip, Shurat Hadin (2019), <https://www.israellawcenter.org/activity/persecution-of-the-lgbt-community-in-the-palestinian-authoritys-territory-including-the-gaza-strip/>.

¹⁷ Mark Lemant, Pride and Prejudice: The Hellish Life of Gaza's LGBTQ Community, Ha'aretz (June 25, 2019), <https://www.haaretz.com/middle-east-news/palestinians/.premium-pride-and-prejudice-the-hellish-life-of-gaza-s-lgbtq-community-1.7403501>.

In February 2016, Hamas commander Mahmoud Ishtiwi was executed by his former comrades for embezzlement and “crimes against morality,” i.e., homosexuality.¹⁸ He had been subjected to severe torture while in Hamas custody for over a year, including beatings, hanging from the ceiling for long hours and sleep deprivation.¹⁹ In a note sneaked out by one of his wives, he wrote: “They nearly killed me, I confessed to things I have never done in my life.”²⁰

Honour killings and gender-based violence

Violence against women in the West Bank and Gaza Strip is widespread. United Nations Special Rapporteur on violence against women, its causes and consequences Dubravka Šimonović reported in 2016 that Palestinian women “suffer under a system of violence emanating from the tradition and culture, with embedded patriarchal social norms and multiple outdated legal frameworks.”²¹ She expressed specific concern about honour killings, domestic violence and sexual violence.

Regarding honour killings, Šimonović noted that “femicide exists and threatens Palestinian women’s right to life.”²² The issue made headlines in 2019 when 21-year Israa Ghayeb was pushed out a window and then beaten to death in the hospital by family members incensed by a photo of herself with a man that Ghayeb had shared on Instagram.²³ Palestinian women’s rights groups documented 11 killings of women in the first four months of 2020 alone.²⁴ However, there are no reliable statistics on gendered violence due to underreporting. Thus, the numbers are likely higher.²⁵

A survey by the Palestinian Bureau of Statistics from 2019 found that nearly 30% of Palestinian women reported at least one incident of psychological, physical, sexual, social or economic violence by their husbands in the preceding year.²⁶ Another study found that the rates of physical intimate partner violence among Palestinian women in 2019 was 24%.²⁷ Statistics published by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) indicate that 50% of Palestinian women and 63% of Palestinian men agree that women should tolerate violence to keep the family together.²⁸

¹⁸ Diaa Hadid and Majd Al Waheidi, Hamas Commander, Accused of Theft and Gay Sex, Is Killed by His Own, *New York Times* (March 1, 2016), <https://www.nytimes.com/2016/03/02/world/middleeast/hamas-commander-mahmoud-ishtiwi-killed-palestine.html>.

¹⁹ Persecution of the LGBT Community in the Palestinian Authority’s Territory, *supra* note 16.

²⁰ Hamas Commander, Accused of Theft and Gay Sex, Is Killed by His Own, *supra* note 18.

²¹ Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to the Occupied Palestinian Territory/State of Palestine, United Nations Document A/HRC/35/30/Add.2, at 23 (June 2017).

²² *Id.* at 25.

²³ Kersten Knipp and Dina Elbasnaly, Palestinian ‘honor killing’ sparks outrage, calls for women’s protection, *Deutsche Welle* (September 2, 2019), <https://www.dw.com/en/palestinian-honor-killing-sparks-outrage-calls-for-womens-protection/a-50265088>.

²⁴ Farah Najjar, Domestic abuse against Palestinian women soars, *Al Jazeera* (April 20, 2020), <https://www.aljazeera.com/news/2020/04/domestic-abuse-palestinian-women-soars-200420175924348.html>.

²⁵ Maja Sojref, No to femicide in Palestine!, *International Politics And Society* (November 6, 2019), <https://www.ips-journal.eu/regions/middle-east/article/show/no-to-femicide-in-palestine-3844/>.

²⁶ Almost one in three Palestinian women reported violence by their husbands in 2018-2019, United Nations Office for the Coordination of Humanitarian Affairs in the occupied Palestinian territory (December 18, 2019), <https://www.ochaopt.org/content/almost-one-three-palestinian-women-reported-violence-their-husbands-2018-2019>.

²⁷ Elghossain, T., Bott, S., Akik, C. et al. Prevalence of intimate partner violence against women in the Arab world: a systematic review, *BMC International Health and Human Rights* 19, 29 (2019), <https://bmcinthealthumrights.biomedcentral.com/articles/10.1186/s12914-019-0215-5>.

²⁸ Facts and Figures: Ending Violence against Women, UN-Women Palestine Country Office (last visited January 27, 2021), <https://palestine.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.

Conclusion

United Nations Watch is deeply concerned about pervasive torture by the PA and Hamas. We call on the Human Rights Council, as well as United Nations human rights experts including Special Rapporteur Nils Melzer and Special Rapporteur Michael Lynk, to condemn PA and Hamas torture.
