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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.

[19 August 2021]

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



Report on Arbitrary Detentions by the Palestinian Authority and Hamas

United Nations Watch submits the following report which documents alarming abuses of arbitrary detention and torture by the Palestinian Authority (“PA”) in the West Bank, and by Hamas in Gaza, in violation of international law. We call on the Human Rights Council and all United Nations stakeholders to take immediate action to protect Palestinians from these gross and systematic abuses.

The Universal Declaration of Human Rights provides that “no one shall be subjected to arbitrary arrest, detention or exile.”¹ Arbitrary deprivation of liberty is defined in the International Covenant on Civil and Political Rights as any deprivation of liberty “except on such grounds and in accordance with such procedures as are established by law.”² Principle 2 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment further states that “arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of law.”³

Arbitrary detentions by the PA and Hamas are well documented. In May 2020, Amnesty International found that both were committing “violations of the right to freedom of expression, in particular arbitrary detentions.”⁴ Similarly, a year prior, in May 2019, Human Rights Watch reported that between January 2018 and March 2019, the PA had detained more than 1,600 people based on their peaceful expression, and that in March 2019 alone, Hamas had detained 1,000 protesters.⁵

Recent Palestinian Authority Crackdown

In May 2021, PA security forces commenced a crackdown in which they arrested dozens of activists and students considered critical of the PA.⁶ Many of the detainees were taken to the infamous Jericho prison known as the “slaughterhouse,” where they were subjected to torture and other forms of abuse. They were accused of “stirring up sectarian and racial strife,” understood to mean “insulting the PA.”⁷ This is a clear violation of their rights to freedom of expression and freedom of association.

The June 24, 2021 death in PA custody of prominent PA critic and activist Nizar Banat sparked a further wave of protests in the West Bank.⁸ Banat had been beaten to death by more than 20 PA officers who raided his home to arrest him. The PA police responded to the protests by arresting and beating the protesters, along with journalists, civil society activists and lawyers.⁹ PA radio journalist Akil Awadah, who was beaten and detained on July 5 with

¹ Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810, at art. 9 (1948).

² G.A. Res 2200A (XXI), 21 U.N. GAOR Supp. (No. 16), at 52, U.N. Doc. A/6316 (1966).

³ Body of Principles for the Protection of Persons under Any Form of Detention or Imprisonment, Principle 2, G.A. Res. 47/173, Principle 2, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988).

⁴ Palestine: End arbitrary detention of critics in West Bank and Gaza, AMNESTY (May 7, 2020), <https://www.amnesty.org/en/latest/news/2020/05/palestine-end-arbitrary-detention-of-critics-in-west-bank-and-gaza/>.

⁵ Palestine: No Letup in Arbitrary Arrests, Torture, HRW (May 29, 2019), <https://www.hrw.org/news/2019/05/29/palestine-no-letup-arbitrary-arrests-torture>.

⁶ Lina Alsaafin, Why is the Palestinian Authority arresting West Bank activists? AL JAZEERA (May 28, 2021), <https://www.aljazeera.com/news/2021/5/28/why-is-palestinian-authority-arresting-activists-in-west-bank>.

⁷ Id.

⁸ Khaled Abu Toameh, Palestinian Authority facing unprecedented wave of protests, JERUSALEM POST (July 8, 2021), <https://www.jpost.com/middle-east/palestinian-authority-facing-unprecedented-wave-of-protests-673315>; Jack Jeffrey, Imad Isseid, Family: Palestinian Authority covering up critic’s death, ASSOCIATED PRESS (July 17, 2021), <https://apnews.com/article/middle-east-5787544397ee67fa5ba9b97a59de5927>.

⁹ Palestinian security forces escalate brutal campaign of repression, AMNESTY (July 7, 2021), <https://www.amnesty.org/en/latest/news/2021/07/palestinian-security-forces-escalate-brutal-campaign-of-repression/>.

several other protesters described the violence by PA police: “Never in my life have I seen such brutality. The sounds of people screaming inside the police station, to this day I still hear it.”¹⁰

Amnesty International quoted lawyer Diala Ayash who attended the July 5 protest. “When they found me,” she said, “I was violently dragged towards the police station by male officers, one of whom was sexually harassing me by grabbing and hitting me on my bottom and chest.”¹¹ She and other witnesses also said that inside the police station, the police officers had beaten the protesters with batons on their heads and bodies. “Now I fully understand how Nizar Banat was killed,” said Hind Shrayadeh, another witness.¹²

These are not isolated incidents, but part of a pattern and practice of repression by both the PA and Hamas.

Hamis Crackdowns

Indeed, in March 2019, hundreds of Gazans took to the streets to protest poor living conditions in the Gaza Strip under Hamas rule. Protest leader Amin Abed insisted there was no “political agenda,” explaining “we just ask Hamas to ease the economic hardships and tax burdens.”¹³ Yet Hamas responded by arresting and torturing hundreds of economic protesters. Human rights groups said that 1,000 protesters were arrested in total, including journalists.¹⁴

More recently, following its May 2021 military confrontation with Israel, Hamas reportedly arrested 43 Gazans on charges of spying for Israel—so-called collaborators—who will be tried in military court and likely executed.¹⁵ In the past, human rights groups sharply criticized Hamas violations against suspected collaborators, including torture, other due process violations and summary executions.¹⁶ In addition, Hamas recently arrested 20-year-old Mustafa Asfour after he criticized Hamas for storing weapons in residential areas—a war crime.¹⁷

Arbitrary Arrests for “Normalization” With Israelis

United Nations Watch is particularly concerned about arbitrary arrests of Palestinians for so-called “normalization” activities, i.e., peace and coexistence activities between Palestinians and Israelis. This self-defeating tactic undermines peace by punishing those who genuinely seek to improve relationships between Israelis and Palestinians in hopes of a better future.

Last April, Hamas arrested Gaza peace activist Rami Aman along with six others for conducting a Zoom video call with Israeli and Gaza peace activists as part of a series of meetings titled “Skype With Your Enemy,” that had been taking place for five years. Hamas Interior Ministry spokesman Iyad El-Bozom accused the activists of “holding a normalization

¹⁰ PA crackdown shakes Palestinians but fails to halt protests, ARAB WEEKLY (July 17, 2021), <https://the arabweekly.com/pa-crackdown-shakes-palestinians-fails-halt-protests>.

¹¹ Palestinian security forces escalate brutal campaign of repression, *supra* note 9.

¹² *Id.*

¹³ Fares Akram, Rare protests erupt against Hamas’ 12-year rule over Gaza, ASSOCIATED PRESS (March 19, 2019), <https://apnews.com/article/blockades-gaza-strip-israel-middle-east-arrests-8fdc192372ed472d8043498f077d1dc0>.

¹⁴ *Id.*

¹⁵ Hamas to try collaborators in military courts, AL-MONITOR (May 27, 2021), <https://www.al-monitor.com/originals/2021/05/hamas-try-collaborators-military-courts-claiming-legality>.

¹⁶ Gaza: ‘Collaborator’ Murders Go Unpunished, HRW (April 11, 2013), <https://www.hrw.org/news/2013/04/11/gaza-collaborator-murders-go-unpunished>; Palestine: Hamas executes three civilians tried in Gaza military courts, AMNESTY (April 6, 2017), <https://www.amnesty.org/en/latest/news/2017/04/palestine-hamas-executes-three-civilians-tried-in-gaza-military-courts/>.

¹⁷ @KhaledAbuToameh, TWITTER (Aug. 8, 2021, 11:07 PM), <https://twitter.com/KhaledAbuToameh/status/1424462364657737728>.

activity with the Israeli occupation.”¹⁸ “Holding any activity or any contact with the Israeli occupation under any cover is a crime punishable by law,” said the Hamas official, “and is treason to our people and their sacrifices.”¹⁹ Hamas cited Article 153 of the PLO Revolutionary Penal Code of 1979, which provides that “anyone who incites individuals to join the enemy...or recruits themselves or others for the benefit of the enemy,” can be punished by “death or hard labor for life.”²⁰

At the time, the PA—which also considers “normalization” to be treason—supported the arrest of Rami Aman, as reflected in a statement by PA Minister of Women’s Affairs Amal Hamad that resisting “normalization” is important at all times. By its nature, “normalization” implicates the rights to freedom of expression and association. Hamas held Aman in arbitrary detention for more than seven months on account of his peaceful political expression and in violation of his due process rights. At the end of October, a Hamas military court convicted Aman of “weakening revolutionary spirit” and then released him.²¹

Likewise, this past July, the PA arrested a Palestinian singer for “normalization.” The singer had performed at a party held by an Israeli factory for its Palestinian employees in the Ariel Industrial Park. Although the singer had only performed for the Palestinian employees, PA Salfit District Governor Abdullah Kmeil accused him of performing in front of “settlers and prostitutes.”²²

Aside from violating international law, such arbitrary arrests raise serious questions about the commitment of the current Palestinian leadership to a peaceful two-state solution.

In 2014, after gaining non-member observer state status at the UN, the State of Palestine issued a standing invitation to all thematic special procedures.²³ Accordingly, United Nations Watch calls on the Working Group on Arbitrary Detention, and all other relevant UN human rights mandate-holders, to request a visit to the West Bank and Gaza to investigate arbitrary detentions by both the PA and Hamas.

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- ¹⁸ Iyad El-Bozom Facebook Post (April 9, 2020), <https://www.facebook.com/Iyadbozom/posts/2941453539263767>; Fares Akram, Hamas arrests Gaza activists after Zoom call with Israelis, ASSOCIATED PRESS (April 9, 2020), <https://apnews.com/18e66308fc566e5fd3739a3bc10d9944>.
- ¹⁹ Nidal al-Mughrabi, Hamas arrests Palestinians in Gaza for Zoom video chat with Israelis, REUTERS (April 9, 2020), <https://www.reuters.com/article/us-israel-palestinians-arrests/hamas-arrests-palestinians-in-gaza-for-zoom-video-chat-with-israelis-idUSKCN21R34F>.
- ²⁰ Maha Hussaini, Arrest of Palestinian in Gaza renews controversy over normalization with Israel, MIDDLE EAST EYE (April 15, 2020), <https://www.middleeasteye.net/news/normalisation-gaza-arrest-palestinian-controversy-israel>.
- ²¹ Aaron Boxerman, Hamas convicts, but then frees activists who held Zoom conference with Israelis, TIMES OF ISRAEL (Oct. 26, 2020), <https://www.timesofisrael.com/hamas-convicts-releases-activists-who-held-zoom-conference-with-israelis/>.
- ²² Khaled Abu Toameh, Palestinian Authority arrests singer for performing in settlement, JERUSALEM POST (July 19, 2021), <https://www.jpost.com/israel-news/palestinian-authority-arrests-singer-for-performing-in-settlement-674285>.
- ²³ Standing Invitations, OHCHR (last visited Aug. 3, 2021), <https://spinternet.ohchr.org/StandingInvitations.aspx?lang=en>.