

# AMNESTY INTERNATIONAL BRIEFING



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## **‘SHUT UP WE ARE THE POLICE’: USE OF EXCESSIVE FORCE BY PALESTINIAN AUTHORITY IN THE OCCUPIED WEST BANK**

### **INTRODUCTION**

*“While I was taking pictures of plain-clothes officers violently arresting a demonstrator, I was attacked by four men in civilian clothes... When I yelled for the [uniformed] police to help me, one of [the attackers] said ‘shut up, we are the police’.”*

Mohammad Jaradat, a journalist, describing what happened to him on 30 June 2012

On two successive days in mid-2012, Palestinian Authority (PA) security forces used unwarranted violence to disperse peaceful protesters who had gathered in the West Bank city of Ramallah to express their opposition to a planned meeting between PA President Mahmoud Abbas and Israeli politician Shaul Mofaz. That meeting was to take place at the Palestinian presidential compound, but as the demonstrators moved towards it to voice their protest on 30 June they came under attack, suddenly and without warning, by police and other PA security forces, including some in plain clothes. The brutality that followed was shocking even by the standards of the PA security forces, whose use of excessive force on previous occasions and abuses against detainees had already earned them an unenviable reputation at home and internationally. The next day, 1 July, police and other security forces again attacked demonstrators who gathered to protest against not only the Abbas-Mofaz meeting but the violence to which PA forces had subjected protesters on 30 June. In the face of the ensuing public outcry, President Abbas took the rare step of ordering an inquiry into the actions of the police and other security forces and appointed a three-member Independent Investigative Committee to conduct the inquiry. Meanwhile, the PA Minister of Interior, to whom the police report, established a separate investigation within the Interior Ministry. A third day of demonstrations on 2 July passed off peacefully; police and other security forces were present but this time they took no action against those who had assembled.

More than one year later, the PA continues to use unwarranted force against demonstrators. It has yet to publish the full report of the Independent Investigative Committee, although it has disclosed the investigation’s main findings. The PA has yet to reveal whether any police officers or other members of the security forces have been dismissed, suspended or otherwise disciplined for their actions on those days, although officials from the Ministry of Interior told Amnesty International that disciplinary measures were taken against 12 officers without specifying their ranks or the nature of the disciplinary measure taken.<sup>1</sup> None have faced prosecution although the Independent Investigative Committee concluded, according to the

published executive summary of its report, that the police and other security forces' resort to violence against peaceful demonstrators was "unnecessary", "unjustified" and "disproportionate" and that those responsible should be held to account.<sup>2</sup> The Interior Ministry's own internal investigation is said to have reached similar conclusions, although the Ministry has neither confirmed this nor published its report<sup>3</sup>.

This failure of accountability on the part of the PA would be serious even if the record of the PA police and security forces when faced with peaceful demonstrators had markedly improved since mid-2012. It has not. In recent months, PA police and other security forces have used excessive force against peaceful demonstrators repeatedly – for example, on 28 July 2013 they violently dispersed protesters in Ramallah demonstrating against a resumption in negotiations between Palestinian and Israeli politicians;<sup>4</sup> on 16 August, they assaulted people who had gathered in Hebron to express solidarity with the beleaguered Muslim Brotherhood in Egypt;<sup>5</sup> on 23 August, they beat and punched protesters in Ramallah who had gathered to express solidarity with people in Egypt, and attacked journalists who were present, while breaking or seizing their equipment;<sup>6</sup> and on 28 August police used batons and beat people opposed to the renewal of negotiations between Palestinian and Israeli officials to prevent them from reaching the presidential headquarters.<sup>7</sup>

Most seriously, PA security forces have been responsible for two killings in recent months. On 8 May, **Khaleda Kawazbeh**, 44, died after she was shot by the police during a raid to arrest suspects in the village of Se'ir, near Hebron,<sup>8</sup> in which eight others sustained injuries, sparking protests by hundreds of local people and clashes with security forces. The police announced an investigation into the killing within hours<sup>9</sup> but four months later they had yet to disclose its outcome. The second death occurred on 27 August, during an operation by Preventative Security and other PA security forces at Askar refugee camp in Nablus.<sup>10</sup> One man, **Amjad Odeh**, 37, died after being shot in the head in unclear circumstances while people in the camp were protesting against the security forces' raid. His death provoked further protests by hundreds of people, some of whom damaged public and private property. Lieutenant Adnan Dmeiri, spokesperson for the PA's security forces, announced on the day of the killing that an official investigation would be opened<sup>11</sup> but without divulging details.

The PA receives significant international donor support for its police and security forces, some of it specifically dedicated to enhancing their compliance with human rights standards, including during demonstrations. Yet, as this report shows, their conduct when policing peaceful demonstrations continues to fall woefully short of the standards that international law requires. The events of 30 June and 1 July 2012 exemplified this and Palestinian President Mahmoud Abbas rightly ordered an independent investigation into the conduct of police and security forces on those two days. However, investigations alone are not sufficient. Investigations must be followed up by appropriate action on the part of the responsible authorities, in this case the PA, when they uncover human rights violations or other misconduct by police or other officials. Yet, as far as Amnesty International is aware, the PA has not prosecuted any police officers or other members of the security forces as a result of their unlawful actions on 30 June and 1 July 2012. This, inevitably, sends a signal to police and other security forces that they can take the law into their own hands and abuse people's rights with impunity, as evidenced by the subsequent pattern of abuse by these forces against peaceful demonstrators since mid-2012.

The Palestinian President and PA ministers need urgently to address this pattern of abuse and clean-up their police and security forces. To start with, they should publish in full the reports of the Independent Investigative Committee's inquiry into the violence on 30 June and 1 July

2012, together with internal reports of the Interior Ministry, and they should make clear the steps they have taken, or will now take, to implement the recommendations of these investigations.

Systemic reforms are needed to ensure that the PA's police and security forces at all times abide by the requirements of international human rights law and uphold the human rights of all Palestinians without discrimination on political or other grounds. Until now the PA's leadership has appeared at best complacent in the face of mounting evidence of serious rights abuses by its police and other security forces. At worst, it has appeared acquiescent or even to condone abuses. This must change. The fact – as Amnesty International has reported elsewhere<sup>12</sup> that Hamas security forces continue to commit serious human rights violations in Gaza, including against supporters of Fatah and the PA, provides no excuse or justification for inaction and a failure of accountability on the part of the PA. Nor do the even more severe and widespread violations of Palestinians' rights committed by Israeli forces in the Occupied Palestinian Territories (OPT), without accountability,<sup>13</sup> justify or excuse the abuses of power and the violence against peaceful demonstrators that the PA's police and other security forces continue to commit.

Amnesty International urges the PA to take action without delay to address these problems and ensure that PA police and other security forces fully respect and uphold the human rights of Palestinians in all areas under their jurisdiction and behave at all times in a manner consistent with the PA's obligations under international human rights law. Toward this end, Amnesty International urges the PA authorities to do the following:

- Ensure that all police and security forces involved in policing demonstrations or performing other law enforcement duties are made fully conversant with, and are instructed that they must comply at all times with, the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. They should know that they are not permitted to arbitrarily arrest or detain peaceful protesters or others, and that they must never use torture or otherwise ill-treat individuals in their custody, and that those who do will face criminal prosecution or other appropriate sanctions.
- Ensure that all allegations of excessive or unnecessary use of force against demonstrators or others by PA police or other security forces, and allegations of torture or other ill-treatment, are independently investigated, promptly, thoroughly and impartially, and that the full findings of such investigations are published. Where there is sufficient admissible evidence of abuse by police or other security forces, including senior officers and commanders, they should be held accountable through criminal prosecutions in courts whose proceedings satisfy international standards of fair trial. Victims of such human rights violations should be afforded full reparation, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.
- Commit to greater transparency in the conduct of investigations into alleged human rights violations, including those committed in the course of policing protests or in prisons and detention facilities. As a first step towards this, publish in full the reports into the conduct of police and security personnel at the protests on 30 June and 1 July 2012 by the Independent Investigative Committee and the committee formed by the Ministry of Interior, as well as full details of any officers disciplined or referred to judicial bodies for questioning in relation to violations committed at the protests.

Amnesty International also urges other governments and international organizations that provide assistance to the PA,<sup>14</sup> particularly those that have already provided training or other assistance to the PA's police and other security forces, to make clear to the Palestinian

President and the PA administration that such assistance may be suspended or withdrawn if the PA fails to ensure accountability for human rights violations committed by its police or other security forces.

## **BACKGROUND**

The PA came into being as a result of the Oslo Accords agreed between Israel and the Palestine Liberation Organization (PLO) in 1994. These provided for a degree of Palestinian self-rule in parts of the West Bank, including East Jerusalem, and the Gaza Strip – the OPT that have been under Israeli control since Israeli forces occupied them in 1967.<sup>15</sup> The establishment of the PA in 1994 and the recognition of Palestine as a non-member observer state at the UN General Assembly in 2012 did not change the status of the OPT under international law; they remain territories under Israeli military occupation and over which Israel maintains effective control, including control of their population, their natural resources and, with the exception of Gaza's short southern border with Egypt, their land and sea borders and airspace.

Within the West Bank, the Oslo Accords gave the PA jurisdiction for civil affairs (such as health, education and internal security) over approximately 40 per cent of the land area, comprising several hundred separate enclaves each surrounded by other areas of the West Bank that include illegal Israeli settlements and which remain under full Israeli military administration.

The Gaza Strip was surrounded by a fence, restricting movement to and from the West Bank and making any such movement dependent on Israel's permission to transit Israel.<sup>16</sup>

Within Gaza, armed clashes between security forces and militias loyal to Fatah, the dominant Palestinian political party in the PA government, and its main rival Hamas, escalated in the first half of 2007 and resulted in Hamas seizing control over PA institutions in the Gaza Strip and installing a de facto administration that has remained in power there since June 2007.<sup>17</sup> East Jerusalem, meanwhile, although it still has the status of an occupied territory under international law, was annexed by Israel following its occupation in 1967 and is administered under Israeli civil law.<sup>18</sup> The rest of the West Bank, however, including the portion under PA jurisdiction, is administered by Israel using Israeli military law.

All three authorities – Israel, the PA, the Hamas de facto administration in Gaza – have responsibilities to respect international human rights law, while Israel, as the occupying power, also has obligations under international humanitarian law. In practice, however, the Israeli military authorities severely restrict the rights of Palestinians in the OPT, including their rights to freedom of movement, expression and assembly, and they frequently violate Palestinians' rights to freedom from arbitrary arrest and detention, protection against torture or other ill-treatment, and their right to life.<sup>19</sup>

In the area of the West Bank over which it exercises jurisdiction, the PA also has frequently violated the rights to freedom of expression, association and assembly of real or suspected political opponents, critics, journalists, human rights activists and others, particularly supporters of Hamas, and used torture and other ill-treatment against detainees. In the Gaza Strip, the Hamas de facto administration in power since June 2007 has severely restricted freedoms of expression, association and assembly and subjected opposition supporters and others to torture and other ill-treatment. It has also executed people without giving them fair

trials, and allowed Palestinian armed groups to fire indiscriminate rockets into Israel in breach of international law.<sup>20</sup>

### **THE PA AND INTERNATIONAL HUMAN RIGHTS LAW**

Palestine was admitted into the United Nations General Assembly as a non-member observer state on 29 November 2012. The United Nations Educational, Scientific and Cultural Organization (UNESCO), a UN specialized agency, accorded Palestine full membership status by a large majority on 31 October 2011.<sup>21</sup>

PA officials have repeatedly committed to respect and promote international human rights law and standards and to incorporate them into Palestinian national legislation. These commitments accord with Article 10 of the Amended Basic Law of 2003, which requires the PA to “work without delay to become a party to regional and international declarations and covenants that protect human rights.” The late Yasser Arafat, the leader of the Palestine Liberation Organization (PLO) who became the first elected president of the PA, earlier expressed similar explicit commitments to respect human rights in meetings with Amnesty International representatives on 2 October 1993 and on 7 February 1996. PA officials have made similar pledges on many occasions since then.

Yet the PA has not sought to accede to any international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) or the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The accession provisions of both the ICCPR and the ICESCR open them for signature, ratification and accession by “any State Member of the United Nations or member of any of its specialized agencies.”<sup>22</sup> Consequently, since Palestine’s recognition as a non-member observer state at the UN and as a full member of UNESCO, the PLO, as the recognized sole representative of the Palestinian people at the UN, is able to sign, ratify and accede to international human rights treaties.

Even before Palestine becomes party to international human rights treaties, it has human rights obligations under customary international law that it is bound to uphold. These include the rights to freedom of expression, association and assembly, the obligation not to resort to excessive or unlawful force when policing demonstrations or to use torture or other ill-treatment or to subject individuals to arbitrary arrest or detention or enforced disappearance.

In addition to these obligations under customary international law, the PA has human rights obligations under the Arab Charter on Human Rights. Palestine became party to this regional human rights treaty in 2007, prior to its entry into force in March 2008.<sup>23</sup> Article 24 of the Charter explicitly recognizes the right of all persons to “Freedom of political activity” and “Freedom of peaceful assembly and association”, while Article 30 guarantees the right of every person to “freedom of thought, belief and religion.” Article 30 states: “The present Charter shall ensure the right to information, freedom of opinion and freedom of expression, freedom to seek, receive and impart information by all means, regardless of frontiers”, and that such “rights and freedoms” are “exercised in the framework of society’s fundamental principles and shall only be subjected to restrictions necessary for the respect of the rights or reputation of others and for the protection of national security or of public order, health or morals.” The Charter’s Article 8, from which state parties may not derogate even when they have declared a state of emergency, prohibits all “physical or mental torture” and “cruel, inhuman or degrading treatment or punishment”, and specifically requires the governments of all state parties to “protect every person in their territory” from these abuses, take “effective measures” to prevent them, and regard the practice of, or participation in, such acts “a punishable offence, while recognizing the rights of victims to “compensation and rehabilitation”.

### **PA LEGISLATION**

The Amended Basic Law of 2003,<sup>24</sup> effectively the Palestinian constitution, includes important

provisions protecting the rights to freedom of expression (Article 19), including the rights of journalists to carry out their work freely (Article 27(2)), to association (Article 26), and to assembly (Article 26(5)).

Freedom of assembly is further guaranteed under Article 2 of the Law on Public Assemblies, No. 12 of 1998,<sup>25</sup> which states that citizens are freely entitled to hold public meetings, assemblies and demonstrations, and prohibits any restriction of the right to freedom of assembly other than as provided for by law. In exercising this right, citizens are required to inform the PA authorities in advance of such public events but there is no requirement that they obtain the PA's permission in advance for the event to be legal. Organizers of public meetings or demonstrations must submit a notice with details of the event to the Governor or the Director of the Police at least 48 hours before it is to take place. The Governor or Director of Police may restrict the duration or route of the assembly in order to facilitate the movement of traffic, provided that they inform the organizers of these restrictions.

Article 9 states that organizers of public meetings or demonstrations must abide by Presidential Decree No. 3 of 1998 concerning the Strengthening of National Unity and the Prohibition of Incitement.<sup>26</sup> This decree defines incitement extremely broadly and criminalizes actions, such as those deemed to promote *fitna* (strife or disunity, not further defined in the decree) and agitating against agreements between the PLO and foreign states. Amnesty International has previously raised concerns about the decree and called on the PA to review it and repeal provisions contravening international standards on freedom of expression.<sup>27</sup>

Following its establishment, the PA welded together existing Palestinian security organs in 2005 into three separate branches – National Security, Internal Security and General Intelligence – each of which comprises several component forces,<sup>28</sup> with Internal Security, for example, comprising the police, Preventative Security and Civil Defence forces, all reporting to the Minister of Interior.<sup>29</sup> The police, in turn, comprise a range of units each with separate functions,<sup>30</sup> most of which are not mandated to deal with public assemblies or protests. Several of these security forces stand accused of committing human rights violations, including violations of the right to peaceful assembly, carrying out arbitrary detentions and torturing detainees or subjecting them to other forms of ill-treatment.

The PA has not enacted any comprehensive law to regulate the mandate and actions of the Palestinian police, and the different divisions within it.<sup>31</sup> Consequently, those provisions of the Jordanian Public Security Law, No. 38 of 1965<sup>32</sup> that do not contradict subsequent legislation, such as the Law of Penal Procedure, remain in effect and regulate the actions of the police, including those prescribing disciplinary and judicial penalties for violations. The legal framework for the different security forces, including the police, is far from clear to experts and is completely unknown to many citizens.

In the first months of 2011, as uprisings spread across the Middle East and North Africa, Palestinians in the OPT organized their own demonstrations. These were generally peaceful. They aimed both to express solidarity with those calling for change elsewhere in the region and to demand that the Fatah-led PA in the West Bank and the Hamas de facto administration in the Gaza Strip bury their differences and forge a united front to advocate for Palestinian statehood, Palestinian rights and an end to Israeli occupation. In response, PA security forces in the West Bank beat and arbitrarily detained protesters, and targeted journalists who attended to report on the protests and the protesters' demands and local human rights monitors.<sup>33</sup> In Gaza, the Hamas de facto administration and its security forces were similarly intolerant of protests organized by Fatah supporters and sympathizers and others there.<sup>34</sup>

In the West Bank, the area under PA administration saw further mass protests in November 2012 when Israeli military forces engaged in an eight-day military offensive against Palestinian armed groups in the Gaza Strip, and in early 2013 in support of Palestinian

prisoners and detainees on hunger strike in Israeli prisons.<sup>35</sup> Other protests by Palestinians in the area of the West Bank under PA administration have reflected deteriorating economic conditions, rising living costs and concerns related to equal opportunities at work

All too often, PA police and other security forces have resorted to excessive force to disperse these protests, beating and arresting demonstrators and seizing or destroying the equipment of journalists covering the protests. Sometimes, under pressure from human rights groups, the PA has ordered investigations into the conduct of police and other security officials when confronting protests, but Amnesty International is not aware of any occasion when the PA has disclosed the full report of such an investigation or prosecuted any police officer or other member of the security forces for using violence against protesters. In practice, the PA has failed to ensure that its police and other security forces are held accountable for using excessive force or for committing other human rights violations against Palestinians who engage in protests or express opposition. The events in Ramallah on 30 June and 1 July 2012 show that even on rare occasions when independent investigations happen, this does not guarantee accountability. Continued violations against freedom of expression and assembly show the extent to which the PA is permitting a climate of impunity to prevail in the West Bank which it needs urgently to address and remedy

Meanwhile Palestinian journalists and human rights defenders also still face harassment, physical attacks and detention by PA forces for carrying out their lawful activities. Both Hamas<sup>36</sup> and the Israeli authorities<sup>37</sup> also target journalists and human rights defenders in the course of their work of reporting on demonstrations.

Palestinian human rights organizations have repeatedly expressed concern about PA harassment and intimidation of media workers by security forces. Journalists have been detained, stopped from travelling abroad, prevented from publishing particular information, and called in by the security forces and told to reveal their sources. The PA has also ordered internet service providers to block particular news websites.<sup>38</sup>

## **PROTESTS ON JUNE 30-1 JULY 2012: UNLAWFUL USE OF FORCE, TORTURE AND OTHER ILL-TREATMENT**

*"I was standing with a group of women when I was hit with batons by policemen in uniform. Police in civilian clothing were hitting people from the beginning, trying to provoke us."*  
L.A., a protester and blogger who participated in the demonstration on 30 June 2012 in Ramallah.

At about 5pm on the evening of 30 June 2012, some 200 Palestinians gathered in al-Manara Square in Ramallah to protest against a meeting due to be held the next day between Palestinian President Mahmoud Abbas and Shaul Mofaz, then Israel's Vice Prime Minister, to discuss the possible re-opening of political negotiations between Israel and the PA. The demonstrators planned to march peacefully towards the presidential compound, which is surrounded by a high wall, and chanted slogans. As they did so, riot police in uniform and other police and security officials in plain clothes blocked their way and began to assault demonstrators in full view of journalists and others, who captured the violence on camera, and human rights activists observing the protest.

The police detained five demonstrators, who they took to Ramallah's main police station and held for about two hours before releasing them uncharged. Some of the five said police ill-

treated them in detention. Police in plain clothes assaulted **Mohammad Jaradat**, 35 years old, one of the reporters covering the protest, and then dragged him away to the main police station where, he alleges, police tortured him by beating him with a baton and partially strangling him. Police also assaulted other journalists and photographers covering the protest and beat demonstrators, around 10 of whom required medical treatment at the Palestine Medical Complex, Ramallah's main hospital, for the injuries they sustained.

Amnesty International interviewed Mohammad Jaradat following his release as he lay in a hospital bed recovering from his injuries. He said:<sup>39</sup>

*"I am an independent journalist. I was trying to cover the demonstration that day. When I tried to take pictures of police in civilian clothes attacking one of the demonstrators, one of the policemen attacked me, punching and kicking me. Then four other officers in civilian clothes began beating, punching, and kicking me, throwing me on the ground. When I yelled for the [uniformed] police to help me, one of [the attackers] said 'shut up, we are the police'.*

*"I was then dragged to the main Ramallah police station, where I was hit, beaten and strangled by another group of four officers in civilian clothes while officers in uniform watched but did not intervene. I was then taken to a room on the upper floor of the police station, where five demonstrators who had been arrested were lined up facing the wall. When I tried to show my journalist's card, I was tackled and thrown down on the floor by two officers in civilian clothes. One of them held me down while the other officer used a baton to beat me all over my body for at least 10 minutes. I was subsequently released after a police officer who knew me intervened. I was taken by police officers in a police car to the entrance of the main Ramallah hospital. I admitted myself to the hospital."*

Mohammad Jaradat spent two days in hospital. According to his medical report, he had sustained serious injuries to his head, chest, back and legs as a result of beatings. Amnesty International considers that the ill-treatment to which police subjected him in custody amounted to torture and that the officers responsible should be identified and face criminal prosecution.

**Zeid Shuaibi**, 25 years old, one of the protesters who participated in the 30 June demonstration also spoke to Amnesty international as he continued to receive hospital treatment for injuries that he said he suffered when plain-clothes and uniformed police attacked him on three separate occasions:<sup>40</sup>

*"Soon after the demonstration started to move towards al-Muqata'a [the presidential compound] it was blocked by policemen in uniform and others in civilian clothing. I saw many of the men in civilian clothes armed with pistols. I was at the front of the demonstration and saw the police pushing demonstrators and then using more violence. I saw some of the demonstrators being beaten with sticks and the radio devices held by the police officers in civilian clothes. I, along with another group of demonstrators, was able to go around the police cordon and walk a few more metres, where we were faced with another row of police who stopped our movement.*

*"I was first attacked when I approached a number of police officers in civilian clothes who were attacking one of the demonstrators with punches and kicks. One of the attackers broke off and attacked me, hitting me on the head three times with a radio device. I was then attacked again after I managed to run away from the first attack, when I approached the Deputy Director of the Ramallah District Police and Director of the Ramallah City Police Station, Mohammad Abu Bakr, who kicked me on the legs and insulted me. I was also pushed*



by the Director of the Ramallah District Police, Abd al-Latif al-Qaddoumi, when I tried to approach him to complain about the violence. I saw the two officials attack a number of other protesters.

*“The third attack against me happened when I approached another group of police in civilian clothes attacking another demonstrator in order to try to protect him, and was attacked by at least five police in civilian clothes who brought me down to the ground and kicked me on the head and other parts of his body. I was rescued by a number of protesters who pulled me away from the attackers.”*

Zeid Shuaibi said that police in plain clothes who had been among those who had earlier attacked demonstrators threatened him when he went to Ramallah’s main hospital to seek medical treatment for his injuries.

Following the violence on 30 June 2012, demonstrators again gathered in al-Manara Square at around 5pm on 1 July to continue their opposition to negotiations between Palestinian and Israeli officials and protest against the unnecessary and excessive force that the police and other security forces had used the previous day. However, as the demonstrators again tried to stage a peaceful march along Irsal Street to the presidential compound, they were met with renewed violence on the part of the police and other security forces. Amnesty International researchers who were present saw police wearing both plain clothes and uniforms carry out unprovoked physical assaults on many demonstrators, beating them with fists and batons, and kicking, pushing and verbally abusing them.<sup>41</sup> Police also attacked several journalists who were present to report on the protest, seizing or damaging their cameras and other equipment. At least five demonstrators needed hospital treatment for injuries they sustained as a result of the police action. One, a woman aged 23,<sup>42</sup> who spoke to Amnesty International while she remained in hospital, said:

*“I participated in the demonstration that took place on 1 July. At around 5:30pm I was attacked by a police officer in civilian clothes who grabbed me, scratched my arm with his nails, and kicked me on my legs. I was able to get away from the attacker and get back into the middle of the demonstration. I was then attacked by a police officer in uniform who beat me with a baton on the head which made me fall on the ground. I was then rescued by another of the demonstrators and taken to the hospital by an ambulance.”*

**Anan Quzmar**, 29 years old, and his brother **Kifah**, aged 24, also spoke to Amnesty International at Ramallah’s main hospital where they were being treated for injuries they received at the hands of the police. Anan Quzmar<sup>43</sup> said that he joined the protest at around 5pm and was present when police stopped and attacked the demonstrators as they moved towards the presidential compound, punching and kicking them and hitting them with batons. When police started assaulting his brother, Kifah, Anan said he went to his aid and pulled him away, but the police pursued them so they ran in different directions. He told Amnesty International:

*“I was caught by a police officer in civilian clothing who grabbed me by the neck and threw me on the ground, where a group of five officers, two of them in uniform with batons and three in civilian clothing, began to beat me. I managed to protect my head but was beaten with batons and kicked all over my body. One officer in civilian clothing stopped the attack and made me sit on the ground, and then someone pulled me up by the neck and took me beyond the police line. At this point I was able to see my brother being beaten and then also taken beyond the police line.”*

*“I was handed to another police officer who ordered me to sit and stand up repeatedly for a period of 10 minutes. I was then taken by another police officer and made to run towards the presidential headquarters where a number of police vans were parked. I was forced to run by being pushed by the neck and then, while running, another police officer joined and began to hit me on the head and body. I was then made to sit in one of the police vans. The police officer who arrested me came into the police van and threatened to beat me until death. While in the police van I saw a police officer order a journalist to take out the memory card from his camera and hand it over. When the journalist gave the police officer the memory card, the latter broke it into two pieces and threw it away.”*

Police took him in the van to al-Bireh police station, where he said three uniformed officers punched and kicked him before taking him to a room where they demanded that he hand over his phone, belt, and wallet. They released him 30 minutes later. He then went to the hospital.

**Kifah Quzmar**<sup>44</sup> told Amnesty International that two police officers – one in uniform and the other in plain clothes – attacked him and beat him with a baton on his head and shoulders until a third police officer stopped them and he tried to run away, only to be caught by another police officer who took him to where a number of police vans were parked.

*“While there I was attacked by a number of police officers. One police officer pushed me down on the ground and began to kick me on the face and head with other officers who joined in the attack. I tried to ask for help from the uniformed police who were watching the attack. The beating stopped and I managed to get up but was attacked again with punches and kicks. The second attack stopped and I tried to approach the Director of the Ramallah District Police, who pushed me away and threatened to ‘break’ my head. I was finally allowed to go and was taken to the hospital by my friends.”*

**L.A.**, a blogger and activist, told Amnesty International that she joined the demonstrations on 30 June and 1 July and was beaten by police on both days. She said:<sup>45</sup>

*“Yesterday [30 June] I was in a group of women trying to protect the men from getting arrested, but despite this, five men were arrested. I was standing with a group of women when I was hit with batons by policemen in uniform. Police in civilian clothing were hitting people from the beginning, trying to provoke us. Today, I was kicked by police in uniform on my legs and feet so badly that I was bleeding. There was a lot of verbal abuse. A plain-clothes officer from the Preventative Security slapped me hard in the face. Eventually, I was taken to the back of the demonstration by friends, and then to an ambulance, where medics treated the bleeding on my leg. I came to the hospital to see friends who had been beaten and taken here.”*

**Tareq Bilal Khamees**, a 25-year-old journalist and photographer, was present to cover the demonstrations on both days but was attacked and prevented from carrying out his work by PA security forces. He told Amnesty International:<sup>46</sup>

*“On Saturday [30 June], I was there from the beginning. Around 5pm I was holding up my iPhone camera and taking pictures. There was violence from the beginning. A man in civilian clothing approached me and pushed me, I identified myself as a journalist, and he started kicking and tried to take the camera. I ran away.*

*“On Sunday [1 July], I was also there from the beginning and had a regular camera with me. When the police started beating demonstrators with batons, I took a picture of a policeman hitting a young woman. Another policeman in uniform with a baton came to take the camera*

*from me, two others in uniform joined him, and they threatened to beat me to a pulp. I retreated and continued trying to take pictures.*

*"I am continuously harassed by the security agencies for my journalistic work. In a year-and-a-half I have been summoned at least six times. Each time they ask about my work, my writing, my Facebook activity and question me about any words that oppose the Palestinian Authority. I have never written a word of libel."<sup>47</sup>*

Following the violence on 30 June and 1 July, at least 37 demonstrators submitted formal – complaints to the Independent Commission for Human Rights (ICHR) alleging ill-treatment by police and other security forces. The ICHR<sup>48</sup> is the body charged with monitoring human rights and performing an ombudsman role in relation to alleged abuses by the Palestinian authorities or officials. The ICHR told Amnesty International that it submitted the 37 complaints to the PA, including to the police and other security forces.

### **THE INTERNATIONAL PROHIBITION OF TORTURE AND OTHER ILL-TREATMENT**

One rule of customary international law binding on the PA is the prohibition on torture or other ill-treatment, codified in the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Universal Declaration of Human Rights (UDHR).<sup>49</sup> The CAT requires that all persons responsible for acts of torture, attempted torture, or complicity or participation in torture be brought to justice for their crimes in fair trial proceedings,<sup>50</sup> while the ICCPR requires the same regarding acts of similar cruel, inhuman or degrading treatment.<sup>51</sup> Both treaties require a prompt and impartial investigation of all allegations of torture or other ill-treatment.<sup>52</sup> Both also stress that neither superior orders nor exceptional circumstances or any other public emergency can be invoked as a justification for torture.<sup>53</sup> Finally, the CAT requires state parties to ensure that victims of torture obtain redress and have an enforceable right to compensation. The ICCPR also requires the provision of effective remedies for those who have suffered violations, including ill-treatment.<sup>54</sup>

Amnesty International representatives who observed the 1 July 2012 demonstration noted that the police present included the then Director of the Ramallah District Police, Lieutenant-Colonel Abd al-Latif al-Qaddoumi, and the officer then in charge of Ramallah City Police Station, Major Mohammed Abu Bakr. Both appeared to be helping to direct operations and, according to activists, journalists, and representatives of human rights organizations who were present, were heard ordering the police and other security forces under their command to use force against the demonstrators.

The Amnesty International representatives observing the demonstration, like other human rights monitors who were present, did not see any protesters behave other than peacefully before the police resorted to using force against them. The demonstrators posed no danger to the police or to members of the public and caused no damage to property. As the independent committee appointed by President Abbas to investigate the police and security forces' action subsequently concluded, correctly, the police and other security officials used force against the demonstrators unnecessarily and without justification. In doing so, they violated the PA's own law and international human rights law provisions that are binding on the PA.

The PA authorities appear to have quickly recognized that their police and other security forces had exceeded the limits of acceptable practice and to have instructed them to pursue a more conciliatory approach during a third demonstration that the same activists called for 3 July, which remained peaceful throughout. Police allowed several hundred demonstrators to march from al-Manara square to the presidential compound, where they voiced their opinions and then dispersed without incident.<sup>55</sup>

In addition to uniformed civil and riot police, other police and security officials who attacked demonstrators at the 30 June and 1 July protests wore plain clothes, possibly to try and conceal their identities and so evade any accountability for their actions. Some, however, were recognized by protesters who identified them as members of the Criminal Investigations Department (CID) of the police, Preventative Security, the Presidential Guard or other security forces. These plain-clothed security officials did not use batons against protesters like the uniformed police but pushed, kicked and beat them with their fists. Amnesty International observers saw at least two plain-clothed officials who were armed with pistols at the 1 July protest, although neither fired any shots from them. According to the published summary of its report, the independent investigation committee confirmed that CID officers had been present together with “other elements not well-trained in dealing with peaceful protests”.

Amnesty International met and corresponded with numerous PA officials about the protests and the authorities’ response to them. While some officials said that the demonstrators had not followed the correct procedure to inform the authorities of the protest in advance, none claimed that the demonstrators had used violence at any point.

## **PA INVESTIGATIONS INTO THE USE OF EXCESSIVE FORCE BY SECURITY FORCES ON 30 JUNE AND 1 JULY 2012**

*“The PA has done nothing to correct what they have done to me or the other protesters; no real step towards justice has been taken. I know the officers who beat and tortured me. I want every one of them, and those who gave them the orders, to be tried.”*

Mohammad Jaradat speaking to Amnesty International a year after he was beaten and arrested by PA security forces and allegedly tortured while in detention<sup>56</sup>

In the wake of the violence on 30 June and 1 July, President Abbas announced on 2 July 2012 that he was appointing an Independent Investigative Committee to examine the conduct of the PA police and other security forces. He appointed a three-member committee, headed by Munib al-Masri, chairperson of the Coalition of Independent Figures, a group involved in promoting reconciliation between the Fatah and Hamas movements.<sup>57</sup>

The committee began its investigations immediately and agreed to meet Amnesty International on 8 July 2012; at that time, however, the committee members did not provide details of their terms of reference and said they did not know whether the PA would implement their recommendations or utilize their findings as evidence in possible future prosecutions. Amnesty International’s subsequent written requests to the PA for clarification of the committee’s mandate have elicited no further details.

The Independent Investigative Committee submitted its findings to President Abbas on 24 July 2012. To date, more than one year later, the PA has yet to publish the committee’s full report, although it released its executive summary through the Ma’an News Agency.<sup>58</sup> According to this summary, the committee concluded that police and security forces used excessive force that was “unnecessary”, “unjustified” and “disproportionate”, and without first using non-violent means against protesters who posed no danger; the committee found that this happened on both days of the demonstrations. It found too that PA police and security forces acted outside the law when they detained demonstrators and journalists, and that officers, including some in plain clothes, had deliberately attacked journalists and others who were present to report on the protests. According to the Ma’an report, the committee noted that Lieutenant-Colonel Abd al-Latif al-Qaddoumi and Major Mohammed Abu Bakr were present

and overseeing policing operations at both the 30 June and 1 July demonstrations, and that they participated directly in the violence on 1 July. However, the investigative committee's report also pointed to "missing links in the chain of command" and said the committee could not determine whether it was these commanders on the spot who instructed the police how to deal with the demonstrators, and particularly to prevent their reaching the presidential compound, or higher level officials. The Council for Palestinian Human Rights Organizations, a co-ordinating group representing local human rights NGOs, carried out its own investigation into the events on 30 June and 1 July 2012. This reached similar conclusions to the Independent Investigative Committee but alleged that the decision to use force against protesters was made by senior people in the President's office rather than by the police and other security force commanders on the spot.<sup>59</sup> The President's office has not responded to this allegation. The executive summary published in the media included the Independent Investigative Committee's main recommendations. In one, the committee recommended that all police and security officers suspected of having participated in the attacks on demonstrators be referred to specialized judicial bodies for questioning and appropriate punishment if they were found to have committed violations. The committee said that the directors of the Ramallah District Police, Ramallah Central Police Station and the Ramallah CID should be questioned about allowing attacks by uniformed and plain-clothes officials on demonstrators and the media, and unlawful arrests, and should face "the necessary measures", without specifying what these should be. The committee also recommended that President Abbas should instruct all PA security forces that they should not permit their officers to participate directly in policing demonstrations unless they wear uniforms, and that the authorities should refrain from making premature judgments or provocative statements concerning peaceful assemblies and marches. The committee said that demonstration organizers should comply with the Law of Public Assembly by informing the authorities in advance of planned public protests.

In addition, the committee recommended that President Abbas instruct the Council of Ministers and the Minister of Interior to amend Executive Ordinance No. 1 of 2000,<sup>60</sup> issued by Yasser Arafat, then President and Minister of Interior. This concerns the implementation of the Law on Public Assemblies and prescribes additional conditions for demonstrations. In particular, the committee urged that Articles 6, 7 and 9 of the ordinance be cancelled. Articles 6 and 7 allow the police to disperse an assembly or demonstration if it exceeds its stated goal, violates conditions imposed by police, results in a violation of public order or security, or includes actions that threaten citizens' security or property. These vague conditions can be used to arbitrarily repress freedom of expression. Article 9 requires organizers of public meetings and demonstrations to abide by Presidential Decree No. 3 of 1998, which prohibits any public assembly that is against "national unity" or damaging to the PA's relationships with other governments.

The PA has not been transparent about any action that it has taken in response to the committee's report. In a letter dated 29 August 2012, Minister of Interior Sa'id Abu Ali told Amnesty International that the PA had instructed the General Director of Police and the heads of other security forces to implement the recommendations of both the Independent Investigative Committee's investigation and the internal investigation conducted by his Ministry. In particular, the Minister indicated that the security forces had been ordered not to allow officers wearing plain clothes to police demonstrations or interfere in public assemblies, but he provided no information about any other steps that the authorities had taken to follow through on the committee's recommendations. The Minister of Interior told Amnesty International in a meeting that 12 officers were disciplined but declined to provide any details.

Amnesty International sought further information in the meeting but none had been received by September 2013.

In addition to the Independent Investigative Committee established by President Abbas, the Interior Ministry conducted a separate internal inquiry into the conduct of police and other security forces on 30 June and 1 July 2012. On August 4, the Ministry of Interior submitted the findings of the report to President Abbas.<sup>62</sup> According to a Ministry spokesperson, the investigation uncovered various wrongdoings by the security forces and recommended that punitive action be taken. He said that President Abbas had instructed the Interior Minister to follow up on the recommendations and with the chairperson of the independent investigative committee, Munib Masri, but since then the Interior Ministry has disclosed little information. Amnesty International is not aware of any efforts by the PA to prosecute police officers or members of other security forces for using unlawful or excessive force against demonstrators, journalists or others on 30 June and 1 July, 2012, or for carrying out unlawful arrests or ill-treating detainees. The two senior officers who oversaw the policing operations on those two days, Lieutenant-Colonel Abd al-Latif al-Qaddoumi and Major Mohammed Abu Bakr, are reported to have been moved to other positions but in the case of the former, at least, this appears to have been a promotion not a demotion. Lieutenant-Colonel al-Qaddoumi was first appointed as the Director of Quality Standards at the Police Central Command and then moved back to front-line operational duties as head of the Hebron District Police.<sup>63</sup> In September 2012, Ramallah Governor Dr Leila Ghanim presented him with an official award marking his police service.

It appears that the PA has failed to hold any of its police or other security officials to account for the violence perpetrated against peaceful demonstrators on 30 June and 1 July 2012, and failed to implement other recommendations made by its own independent inquiry to amend the regulations relating to assemblies. Instead, it appears to have swept the matter under the carpet once the immediate public furore provoked by the police violence on those two days died down. Its reaction to the police violence, at best, has been one of acquiescence in serious human rights violations and failure to meet its obligations under international law. The PA's complacency in the face of violations committed by its own security forces sends entirely the wrong signal to those forces and serves only to exacerbate the climate of impunity in which they continue to operate.

#### **INTERNATIONAL STANDARDS: ACCOUNTABILITY FOR EXCESSIVE OR UNLAWFUL USE OF FORCE**

The UN Basic Principles on the Use of Force and Firearms stress that whenever excessive or unlawful force is used, and especially when the use of force or firearms by law enforcement officials causes injury or death, the authorities must ensure that the use of force is fully and independently investigated and that officials responsible for any misuse of force are held accountable. Disciplinary measures may be an appropriate means of holding police or security personnel responsible for the unnecessary or excessive use of force accountable in some cases; but the arbitrary or abusive use of force must be punished as a criminal offence.<sup>64</sup>

Furthermore, the Basic Principles emphasize that superior officers should be held responsible if they give unlawful orders (for example, orders to use force against peaceful demonstrators), or if they knew, or should have known, that law enforcement officials under their command were using force unlawfully and failed to take all measures within their power to prevent, suppress, or report such abuse.

## CONTINUED USE OF EXCESSIVE FORCE BY THE PA

“Last year in June/July the PA security forces brutally attacked demonstrators who were protesting negotiations, as well as journalists. The President called for an investigation and various officials made statements condemning the violence. But we do not know of a single act of accountability. Investigations and statements are not enough. Without proper accountability for those individuals who attack journalists and protesters, violations will only continue. And as we can see, they are.”

Ahmad Milhim, a 28 year-old journalist for Wattan Television in Ramallah, speaking to Amnesty International after he was attacked by PA security forces in plain clothes while covering a demonstration on 23 August 2013

The incidents on 30 June and 1 July 2012 were neither the first nor the last occasions on which PA police and other security forces have used unnecessary and excessive force against peaceful demonstrators, and have done so with impunity. Since mid-2012, the ICHR has recorded a series of further cases in which police either refused to permit peaceful protests or used violence to force peaceful demonstrators to disperse. In October 2012, for example, the ICHR reported that the political group Hizb ut-Tahrir had been denied permission to hold public meetings, including public lectures, in Tul Karem and Jenin.<sup>65</sup> The following month, it reported that Preventative Security used force to disperse women who gathered peacefully on 11 November to express solidarity with Ra’ed Hmeidan Sharabati, a prisoner then on hunger strike in a PA prison.<sup>66</sup> Security officials beat and verbally abused some of the demonstrators, and harassed human rights defenders who were present. Ten days later, according to the ICHR, PA security officials attacked three people participating in a demonstration in Ramallah against a visit by US Secretary of State Hillary Clinton.<sup>67</sup>

November 2012 also saw 18 protesters submit complaints to the ICHR in which they alleged that police attacked them as they demonstrated outside the Council of Ministers building in Ramallah to demand equal opportunities in public employment, and a rash of protests across the West Bank against Israel’s military offensive in Gaza from 14 to 21 November. In Hebron demonstrators were subjected to excessive force by both PA security forces and the Israeli army.

Earlier this year, PA security forces attacked peaceful demonstrators who were protesting against the prolonged closure of Shuhada Street, a main thoroughfare in Hebron, by the Israeli army. On 22 February, PA police and other security forces used batons and other equipment to beat protesters as they approached the entrance to Shuhada Street, where the Israeli army had set up station. Two local human rights activists, Hisham Sharabati,<sup>68</sup> a field researcher for Al-Haq, and Issa Amro<sup>69</sup> both told Amnesty International individually that they witnessed police and other security forces attack peaceful demonstrators with batons. Issa Amro said:

*“The PA security forces arrived at around 1.30 pm; there was a large number of anti-riot police and they formed a barrier in front of the protesters. I then saw them attack the protesters with batons and arrest around seven of them.”*

Another witness, Fayza Ayoub Abu Shamsyeh,<sup>70</sup> who filmed the Hebron protest on 22 February, said she saw three buses arrive full of PA police equipped with anti-riot gear, who “beat young men with batons” until tear gas fired by Israelis soldiers forced them to retreat. Emad Abu Shamsyeh, Fayza’s husband, told Amnesty International that when he published a photograph of a PA police officer assaulting a protester on his Facebook page he received a phone call from General Intelligence officials who told him to delete the post.<sup>71</sup> He refused.

More recently, PA security forces violently attacked peaceful demonstrators on at least four occasions in July and August 2013. PA security forces prevented demonstrators from reaching the Israeli military complex in Bet El on 15 July to protest against a plan to forcibly relocate Bedouins. On 28 July, supporters of the Palestinian Front for the Liberation of Palestine (PFLP) and others gathered in Ramallah to protest against the resumption of US-sponsored settlement negotiations between Israel and the PLO. Police beat protesters with batons, striking some on the head, leaving at least four protesters needing hospital treatment. Police then arrested three of the protesters as they were receiving hospital treatment and briefly detained them. **A.H.**, a 28 year-old architect, told Amnesty International:<sup>72</sup>

*"I joined the demonstration on Sunday, 28 July, when it took off from the Orthodox Club in Ramallah at about 1pm. We were hundreds of demonstrators, marching peacefully, calling on the Palestinian Authority not to go back to negotiations, and shouting slogans that included the same message.*

*"At around 1:45 pm we reached close to the Muqata'a, the presidential headquarters. Exactly opposite the Qasr al-Hambra restaurant, we were met by a force of about 25 riot or special police forces. They were wearing heavy anti-riot gear and all were holding batons. There were also other police standing around them in regular uniform.*

*"The riot police were blocking the march, which intended to peacefully reach the Muqata'a to deliver our message to the PA leadership. I was then standing in the third or fourth row of the march. The demonstrators and police were very close. I saw the police start beating people. I saw them hitting with batons an old man and then another older woman, and then they attacked a young woman and pulled her away from the demonstrators to the back of the anti-riot police line. That is when I went forward and cut their lines in order to reach her and get her back. I did not use any kind of force or violence and only managed to slip between the policemen. When I grabbed the hand of the girl and tried to bring her back, around six anti-riot policemen started beating us with their batons. I was hit hard on my arms and then as I was escaping they beat me on the back of my head, causing me a major injury. When I got away from them I was bleeding and my friends took me and the girl, who was also injured, to the hospital. There were no ambulances around. We had to go in a private car.*

*"With me in the car was another injured protester who was also bleeding from the head."*

When they arrived at Ramallah Public Hospital, A.H. said, he and the other injured people encountered an armed "man dressed in military uniform with a tag that read 'Anti Terrorism unit'," who followed them. He also saw three armed police, including one carrying an AK47 assault rifle, outside the operating room. Two other police were present in the operating room when a doctor stitched his head wound. He added:

*"Once I was done, and before the other injured protester received any treatment, and before I got my medical report, we were both, along with my cousin, arrested and put in the police car and driven to the police station near al-Manara Square. In the car there were two policemen in the front and an armed policeman sitting in the back with us. On the way the policemen were threatening us saying that we would be handed big charges, such as planning a coup, and that we might not see the light of day again. They were also making fun of the protests and the protesters, trying to make us answer back, but we did not."*

The police drove them to the police station where they were put in a waiting room and joined there by two other protesters the police had arrested.



*“We were five in total in the room. Then a major from the police came into the room and ordered that the chairs we were sitting on be taken away from us. I tried to tell him that I was injured and felt dizzy and that I needed to be sitting down, but he did not listen, and they left us standing without chairs. Then they started calling us one by one for questioning.*

*“I was called in as the second or third one. In the interrogation room there were three police officers interrogating me. I told them at first that I wanted to exercise my right to make one phone call and also to have my lawyer. But they said that I did not have these rights. Luckily, I had contacted a lawyer while I was in the hospital and so I had him follow up without me needing the phone call from the police station.*

*“The three interrogators were always screaming at me. They accused me of planning a coup, of disturbing the public order. They also tried to scare me by saying that I would be put away for a long time, but I was calm and smiling throughout so as not to give them a reason to use violence. But I also told them that I would not sign anything without my lawyer being present. In the end I did not sign the testimony they took.”*

A.H. submitted a complaint to the ICHR and gave testimony to other human rights organizations. Amnesty International is not aware of any official response to his complaint.

PA forces also used excessive force and without warning against demonstrators, bystanders, and journalists in Hebron on 16 August. A.S., a 21-year-old university student, told Amnesty International that police beat him although he was only a bystander when they attacked demonstrators outside Hebron’s al-Hussein Bin Ali mosque who were protesting against the Egyptian army’s actions against the Muslim Brotherhood in Egypt.<sup>73</sup>

*“When I left the mosque with my 70-year-old father I saw around 500 or more protesters, men and women, who were holding signs and chanting slogans in support of Egyptians. There was a large number of police in anti-riot gear and other security forces waiting for them. I was about 40 metres away from both. I was not participating in the demonstration and I was helping my father enter the car when I heard one policeman order the other to attack and ‘break the bones of everyone’. When the police attacked, the protesters started shouting ‘peaceful, peaceful’, but the police were beating everyone in front of them. I was hit on my right shoulder with a baton. I had to leave my father and run away. Among those who attacked the demonstrators were men in civilian clothes.”*

**Lama Khater,**<sup>74</sup> a political activist and writer who participated in the protest, told Amnesty International:

*“We went out to show solidarity with the Egyptian people and to express our condemnation of the massacres taking place in Egypt. We were holding only flags and signs that relate to the massacres. The demonstration was after the Friday prayer and it set off from al-Hussein Bin Ali mosque in Hebron. The demonstration was led by a group of men and then followed by us women. But right when we exited the mosque we saw a line of the PA security forces standing waiting for the demonstration about 100 metres away. There were maybe a thousand demonstrators and hundreds of police.*

*“When the men started moving, and they had moved around 30 metres, the police ran at them and attacked them. When the police began the attack, the men were shouting ‘peaceful, peaceful’ to make clear that this was a non-violent demonstration. I was standing 10 metres away when they attacked the men. They ran at them and beat them with batons and with their*

*guns. I was standing with the women, but when they started attacking the men I ran there and wanted to take photos or videos but they prevented me. They even tried to take the mobile phone of my daughter, who was also trying to film.*

*“The men dispersed and the PA police chased them; they beat some and arrested others. One man was taken to the hospital.*

*“The women demonstrators stayed for about an hour after. I saw one woman attacked by a police officer who tried to take the flag she was holding away from her. When she refused he hit her, but then that stopped very shortly after. But they kept insulting the women, cursing and saying bad words. They attacked me verbally saying that I was inciting to violence and that I was like a snake who feeds on blood. They even brought my husband to pressure me to pull out of the demonstration, but we both refused.”*

On 23 August, PA security forces in plain clothes attacked and assaulted peaceful demonstrators and journalists outside the Jamal Abd Al Nasser mosque in Ramallah after Friday prayers. They arrested 10 demonstrators and injured at least four. Journalist **Ahmad Milhim**,<sup>75</sup> 28 years old, told Amnesty International what happened to him as he sought to report on the demonstration:

*“I went to cover the demonstration... as part of my job. I was wearing my press card on my chest and had a still camera with me.*

*“After the midday prayer the demonstrators came out and started to chant slogans; they did not move, nor did it seem that they intended to. It was more of a vigil than a demonstration. But after about 10 minutes of chanting security officers in civilian clothes began to attack demonstrators and beat them. I was standing to the left of the mosque gate in a somewhat high place that allowed me to see what was happening and take pictures. Suddenly, I was pulled down by around six men in civilian clothes. One of them hit me on the face while another was trying to take the camera. Others then started also beating me. They did not say anything to me, but it was obvious they wanted the camera. I tried to explain that I was a journalist; I was lifting my card for them to see and I even managed to pull out a press card issued by the Ministry of Information. But they were not listening and they kept trying to take the camera until they eventually succeeded in taking it away from me. Then they started pulling me away. It was as if they were arresting me, but they were very rough in handling me although I was telling them that I was co-operating and that I could walk without the pulling and beating. When we got about 30 metres away from the place where the demonstration took place one of them told me to come to the Preventative Security Centre in Balou’. This was the first time they identified themselves. Then one of them started deleting all the photos on the camera and took the memory card out of it. I was trying to explain to him that this was my work but he did not listen.”*

Ahmad Milhim said that when he went to the Preventative Security Centre in Balou’ he was not ill-treated. An officer there told him that the men who attacked him and seize his equipment came from Preventative Security and three other security forces, General Intelligence, Military Intelligence, and the police Criminal Investigations Department (CID).

Referring to the events of 30 June and 1 July 2012, Ahmad Milhim observed:

*“Last year in June/July the PA security forces brutally attacked demonstrators who were protesting negotiations as well as journalists. The president called for an investigation and various officials made statements condemning the violence. But we do not know of a single*

*act of accountability. Investigations and statements are not enough. Without proper accountability for those individuals who attack journalists and protestors violations will only continue. And as we can see, they are.”*

He said that he had submitted a complaint to the ICHR but that he had received no response as yet.

Another journalist, **Muath Misha'al**, also went to report on the 23 August vigil or protest in Ramallah. He told Amnesty International:<sup>76</sup>

*“I was there before the vigil took place and had set up my position and camera. An officer who identified himself as Preventative Security came up and told me that I was not allowed to take video footage. He asked for my identity card and said that he would take my equipment. I showed him my press card and clarified that I was a journalist and that I was doing my job. I also pointed to the many other journalists who were around and explained that we were all doing our job. He told me that I was not allowed to take pictures or videos of the security officers present and went away.*

*“Feeling that we might be targeted by the security forces we journalists decided to stick together, remain close and make our press cards and other signs visible to show that we were journalists.*

*“After the Friday midday prayer ended the demonstrators came out of the northern gate of the mosque and started chanting slogans to express solidarity with people in Syria and Egypt. That took about ten minutes, but right when one man took the megaphone to give a speech around three or four security officers in civilian clothes came into the crowd and started beating people up without warning.*

*“I was standing across from the gate and then moved to the right of it. So I was very close to where the beating began.*

*“I knew they were from the security forces because I had seen them before on a number of occasions. They were from the Preventative Security and the police’s Criminal Investigations Department. There was only one man in police uniform holding a gun who was also beating people; the rest were all in civilian clothes. I managed to record on the camera the first bits of the attack but then one man in civilian clothes came and covered my camera and told me that I was not allowed to take pictures.*

*“I saw one officer in civilian clothes push one man to the ground and jump over him and beat him with punches. I also saw the one officer in official clothes run after people and hit them with his gun.*

*“After dispersing the crowd, where around five were injured and at least 10 arrested, the anti-riot police came in and the security forces in civilian clothes started targeting journalists. This is when I decided to run away. I saw them attack one photographer and beat him hard; another colleague of mine was also hit very hard and his equipment confiscated. I was lucky.”*

Most recently, PA forces attacked largely peaceful demonstrators on 27 August during a protest against the killing of three Palestinians by Israeli soldiers and the killing of another Palestinian by PA forces in Askar refugee camp in Nablus. According to accounts that Amnesty International obtained from eyewitnesses, the demonstrators assembled in the centre of Ramallah and aimed to march towards the presidential headquarters. However, they found their way blocked by PA security forces wearing riot gear. Police first asked the protesters to disperse but when they did not and tried to push their way through the police lines, the police

resorted to violence, and beat protesters with batons, injuring at least three. Men in plain clothes then intervened, forcing their way between the police and the protesters, whom they verbally and physically abused, particularly women.

A woman activist who participated in the demonstration told Amnesty International:<sup>77</sup>

*“When we reached the police blockade, they asked us to move the demonstration somewhere else, but we refused and insisted on continuing to the presidential headquarters. This is when the police attacked some demonstrators. I saw them hit at least three men on the head with batons. One of them started bleeding from his head and another fell to the ground and was carried away. This is when women came to the front of the demonstration. I was among them. The police then started making improper gestures at us and insulting us; one police man was pointing at me and then gesturing towards his genitals. Another police man asked me to go with him; he said he would ‘take care of me’. This happened to other girls on the front line, and it got all of us very angry, so there was some friction with the police, who then started to kick us. This is when around 10 men in civilian clothes, who I know work for the security forces as I have seen them before in previous demonstrations, came in from behind us and started pushing us towards the police, who then used their batons to hit us. I was hit in between my legs with a baton. I saw the policeman. I remember his face very well. He hit me there on purpose.”*

She was not arrested and returned home after the demonstration. Later, she said, a man “who identified himself as an officer from the Preventative Security” telephoned her father and warned him that she should not participate in further demonstrations.

**Fida’a Shihada**, 30 years old, a student and social worker, told Amnesty International that the demonstration was already in progress by the time she arrived and she stayed back until she saw one of her friends carried away bleeding from a head wound:<sup>78</sup>

*“I ran forward to see what was happening and to offer my help if needed. I stood on the first line of the demonstration directly in front of the police and I tried along with other women protesters to break through the police lines. We were not using violence or threatening the heavily armoured police forces in any way. In return the police started beating us; they kicked us on the legs and used batons to hit us on the legs. I was also hit once with a baton on my right arm. We tried to make noise by tapping on the shields the police were holding and they in return hit us back. The police were also insulting us and I even saw one of them send kisses to one of the girl demonstrators, which got her very upset.*

*“Then suddenly a group of men in civilian clothes, some of whom emerged from within the police lines, came and stood between us and the uniformed police. The police did not do anything to them and they also stopped beating us. I saw many of them speaking to the police and it seemed like they were organized as they were taking orders from an older guy who was also in civilian clothes. The men were coming in and out of the police lines. And then one of them started to fight with one of the male protesters. This is when the girls, including myself, pulled back. At around 6pm the demonstration ended.”*

Journalist **Mu’ath Mish’al** was present to cover the demonstration:<sup>79</sup>

*“I was moving around with my camera and even managed to cover events from behind police lines. When the demonstrators reached the police line, one officer in uniform, demanded that the demonstration head to the Nations Square near the southern gate of the presidential headquarters, but the demonstrators wanted to reach the western gate. When the demonstrators tried to cross the police lines they were attacked and a number of them were injured. I saw the police hitting demonstrators on their heads. This is when women came to the front line and continued to try to break through the police lines. But soon after this, men*

*in civilian clothes came in and they started pushing the girls towards the police. I saw both the men and the police insult the women and try to get them angry. Many of these men I know are members of the security forces, and it was obvious that their relationship with the uniformed police was that of colleagues. There was a small fight between one of the men and one protester after which the demonstration ended.”*

## **INTERNATIONAL STANDARDS**

### **Freedom of assembly**

The UDHR guarantees the rights to freedom of opinion and expression (Article 19) and freedom of peaceful assembly and association (Article 20). These rights are also codified in Articles 19 and 21 of the ICCPR. Article 21 stipulates that no restrictions may be placed on the right to peaceful assembly “other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.” The UN Special Rapporteur on the rights to freedom of peaceful assembly and association has emphasized that authorities wishing to restrict these rights must respect all of the conditions outlined in Article 21, and that any such restrictions must be demonstrably necessary and proportionate to a legitimate aim related to one of the limited grounds outlined in the article.<sup>80</sup> Any restrictions must also be applied without discrimination, including on grounds of political opinion, and should be subject to prompt independent judicial review.<sup>81</sup> Furthermore, once an assembly is underway, individuals do not lose their right to freedom of assembly if there is sporadic or isolated violence or other unlawful behaviour by some within the crowd.<sup>82</sup> In such a situation, law enforcement officers should act to protect the peaceful protesters rather than using the violent acts of a few as a pretext to restrict or impede the rights of the majority.

The UN Special Rapporteur on the right to freedom of peaceful assembly and of association has emphasized that officials have a positive obligation to facilitate peaceful assemblies and actively protect those participating in them, including from “agents provocateurs and counter-demonstrators, who aim at disrupting or dispersing such assemblies... [including] those belonging to the State apparatus or working on its behalf.” Officials also have an obligation not to unduly interfere with the right to peaceful assembly, and the exercise of this right “should not be subject to previous authorization by the authorities... but at the most to a prior notification procedure, whose rationale is to allow State authorities to facilitate the exercise of the right to freedom of peaceful assembly.” Finally, human rights defenders – including members of civil society organizations, journalists, bloggers, and representatives of national human rights institutions – must be allowed to operate freely during public assemblies and demonstrations.<sup>83</sup>

### **Standards governing the use of force**

The policing of assemblies (including those that are not completely peaceful or are regarded by a government as illegal) must respect human rights, in particular the rights to life, liberty and security of the person, and the right to be free from torture or other ill-treatment.<sup>84</sup> The role of the security forces should be to protect the rights of people to assemble peacefully and protect the safety of all, including non-participants. A public event can breed hot-spots of violence which may be cordoned off and contained, or which may turn into a riot involving improvised weapons. In all instances, including the decision to disperse a demonstration, the principles of proportionality and necessity apply.

Under the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, police may use force only when strictly necessary and only to the extent required for the performance of their duty. Firearms should not be used except to defend people against the imminent threat of death or serious injury or to prevent a grave threat to life, and only when less extreme means are insufficient.<sup>85</sup> Intentional lethal force should not be used except when strictly unavoidable in order to protect life. Force should never be used to punish the presumed or alleged non-

compliance with an order, nor against those who are simply participating in the assembly. Batons and similar impact equipment should not be used on people who are non-aggressive. Law enforcement officials should be clearly identifiable when policing demonstrations, which means they should be uniformed and wearing clearly visible name or number tags.

Allegations of killings by law enforcement officials must be investigated independently, promptly and thoroughly, in a manner that conforms to the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. These principles specify that complainants and witnesses (and their families) should be protected from violence or any other forms of intimidation.

**Accountability for excessive or unlawful use of force**

The UN Basic Principles stress that whenever excessive or unlawful force is used, and especially when the use of force or firearms by law enforcement officials causes injury or death, the authorities must ensure that the use of force is fully and independently investigated and that officials responsible for the misuse of force are held accountable. Disciplinary measures may be an appropriate means of holding police or security personnel responsible for the unnecessary or excessive use of force to account in some cases; but the arbitrary or abusive use of force should be punished as a criminal offence.<sup>86</sup> Furthermore, the Basic Principles emphasize that superior officers should be held responsible if they give unlawful orders (for example, orders to use force against peaceful demonstrators), and also if they know, or should have known, that law enforcement officials under their command resorted to the unlawful use of force and did not take all measures in their power to prevent, suppress, or report such abuse.

## **CONCLUSION AND RECOMMENDATIONS**

The events that this report describes highlight serious deficiencies in the policing of peaceful protests by the PA police and other security forces, including their use of officers in plain clothes without identification and the alleged involvement of senior officers in mounting violent attacks on peaceful protesters. There is evidence too of targeting of women demonstrators by security forces and officers in civilian clothes to intimidate them in gender-specific ways. Such actions violate both the domestic laws of the PA and provisions of international human rights law that are binding on the PA. The PA government has failed to ensure accountability for these unlawful acts of its police and other security forces, entrenching a climate of impunity that has existed for far too long in the area administered by the PA.

The present PA government has both an opportunity and an obligation to break this cycle of impunity. The evidence available from witness accounts and the findings of the Independent Investigative Committee into the policing of the peaceful protests on 30 June and 1 July 2012 should provide an adequate basis for the PA authorities to bring to justice those officers responsible for the commission of criminal acts against demonstrators and others. Such prosecutions would serve both the interests of justice and act as a timely deterrent against possible future unlawful actions by the PA police and other security forces. As well, the PA authorities need to amend the law relating to demonstrations in order to more fully protect the rights to freedom of expression and peaceful assembly in the area of the West Bank under their administration, and to radically improve the instruction and training of police and other security forces concerning their obligations under domestic and international human rights law, including the sanctions that they will face for any breach of those obligations.

### **Amnesty International calls on the PA to do the following:**

- Repeal or amend Presidential Decree No. 3 of 1998 concerning the Strengthening of National Unity and the Prohibition of Incitement, and all other laws or decrees which criminalize the peaceful exercise of the rights to freedom of expression, association or peaceful assembly.
- Ensure that police and security forces policing demonstrations or performing other law enforcement duties do not use excessive force and comply fully with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, including by being uniformed and individually identifiable at all times.
- Ensure that peaceful protesters, journalists covering protests, and others are not arbitrarily arrested or detained, nor tortured or otherwise ill-treated, and that no one is deprived of their liberty except in accordance with legally established procedures and on grounds prescribed by law. Ensure that all persons taken into custody are given prompt access to a lawyer and all necessary medical treatment.
- Publish in full the reports of both the Ministry of Interior's investigation and that of the Independent Investigative Committee into the conduct of police and security personnel at peaceful protests in Ramallah on 30 June and 1 July 2012.
- Publish the number, name and rank of any officers that have been disciplined for their use of excessive force or other violations committed during the protests, as well as the details of the offence they committed and the punishment they received. Victims or their families should have access to disciplinary hearings of law enforcement officials accused of human rights violations, and be promptly informed of the results.

- Where officers are subjected to questioning for their involvement in the excessive use of force or other violations, publish details of the judicial bodies the officers are referred to, the time frame for questioning and any accountability measures resulting from the questioning.
- Ensure that all allegations of the use of arbitrary or excessive force against protesters, unlawful or arbitrary arrest and detention, and the use of torture and other or ill-treatment against those in custody – including allegations of the involvement of senior police officers in the attacks on protesters – are investigated promptly, thoroughly and impartially, and that the results of these investigations are made public without delay.
- Pending investigation or prosecution, ensure that all officials about whom there is evidence of serious human rights violations are removed from positions of responsibility where they could repeat such violations or interfere with official investigations. Where there is sufficient admissible evidence, bring suspected perpetrators – including those with command responsibility who committed, ordered, condoned or failed to prevent violations – to justice in proceedings which comply with international fair trial standards and with no possibility of the death penalty. Ensure all members of the police and security forces are made aware that perpetrators of such violations will always be subject to criminal prosecution.
- Provide all victims of human rights violations with full reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Financial compensation and other forms of reparation should be appropriate and proportional to the gravity of the violation, the harm suffered and the circumstances of the case. Ensure that sufficient information and assistance is provided for potential beneficiaries seeking to claim financial compensation.
- Clearly define the legal framework in which the police and other security forces operate, define the responsibilities and powers of the different security forces, and ensure that the laws they enforce and the laws regulating their conduct – including the rules and regulations governing their use of force – are accessible to the public.
- Establish criteria and procedures for the recruitment and training of members of the police and other security forces to ensure that they are free from partisan political control, effective and accountable to the community they serve, operate according to appropriate professional principles and standards to which they are held accountable, and deliver an impartial law enforcement system which conforms to human rights standards.
- Strengthen oversight mechanisms to provide for ongoing independent, impartial and non-partisan review of the police and security forces, and ensure that their recommendations are implemented.
- Establish an independent accountability and oversight body with authority over all aspects of police operations. Such a body should have an independent, effective and impartial complaints mechanism that can deal with complaints about police or security forces' misconduct and human rights violations. The independent complaints mechanism should have independent investigation teams to deal specifically with complaints against or involving the police or security forces.

**Amnesty International calls on the Palestinian Liberation Organization to do the following:**

- Sign and ratify, without reservations, international human rights treaties including the Rome Statute of the International Criminal Court (ICC), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).



**Amnesty International calls on the European Union to do the following:**

- Review aid delivered to the PA police and security forces, in particular through the European Union Co-ordinating Office for Palestinian Police Support (EUPOL COPPS), to ensure that it is not facilitating human rights violations and is meeting its stated goals of strengthening the rule of law and adherence to international standards and promoting accountability within the police and security forces.

**Amnesty International calls on the international community to do the following:**

- Put respect for human rights at the core of the agenda in discussions with all Palestinian parties and hold them all accountable to the same human rights standards.
- Ensure that the threat of withholding emergency assistance essential to fulfilling human rights in areas of PA jurisdiction is never used as a bargaining tool to further political goals such as obstructing access to international justice through the International Criminal Court.
- Ensure that Israel, as the occupying power in the OPT, fulfils its obligations to provide for the protection and welfare of the Palestinian population and refrains from imposing sanctions which violate their human rights.

- <sup>1</sup> Meeting with the Minister of Interior on 18 June 2013.
- <sup>2</sup> Ma'an News Agency, "*The full text of the report of the Presidential Commission of Inquiry into the events of Ramallah*" (in Arabic), issued on 25 July 2012 (<http://www.maannews.net/arb/ViewDetails.aspx?ID=507554>).
- <sup>3</sup> Ma'an News, "*President receives the report of the security committee charged with investigating the Ramallah events*" (in Arabic), issued on 4 August 2012 (<http://www.maannews.net/arb/ViewDetails.aspx?ID=509887>).
- <sup>4</sup> Ma'an News Agency, "*Hundreds protest return to negotiations in Ramallah*", issued on 28 July 2013 (<http://www.maannews.net/eng/ViewDetails.aspx?ID=617445>).
- <sup>5</sup> Zamnpress, "*Security services repressing Hamas demonstration in support of 'the Muslim Brotherhood in Egypt' in Hebron*" (in Arabic), issued 16 August 2013 (<http://zamnpress.com/ar/content/29870>).
- <sup>6</sup> PCHR Gaza, "*PCHR Condemns Dispersion of Peaceful Assembly and Attacks on Journalists by Security Forces in al-Bireh*", issued on 25 August 2013 ([http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=9739:pchr-condemns-dispersion-of-peaceful-assembly-and-attacks-on-journalists-by-security-forces-in-al-bireh&catid=36:pchrpressreleases&Itemid=194](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=9739:pchr-condemns-dispersion-of-peaceful-assembly-and-attacks-on-journalists-by-security-forces-in-al-bireh&catid=36:pchrpressreleases&Itemid=194)).
- <sup>7</sup> Wattan TV, "*Security services to prevent march against the negotiations*" (in Arabic), issued on 28 August 2013 ([http://www.wattan.tv/new\\_index\\_hp\\_details.cfm?id=a5023887a8557003&c\\_id=1](http://www.wattan.tv/new_index_hp_details.cfm?id=a5023887a8557003&c_id=1)).
- <sup>8</sup> PCHR Gaza, "*PCHR Calls for Attorney General to open an investigation into the circumstances of death of a citizen at the hands of police in the town of Se'ir*", (in Arabic), issued on 12 May 2013 ([http://www.pchrgaza.org/portal/ar/index.php?option=com\\_content&view=article&id=11137:2013-05-12-11-36-43&catid=39:2009-11-24-06-31-29&Itemid=194#](http://www.pchrgaza.org/portal/ar/index.php?option=com_content&view=article&id=11137:2013-05-12-11-36-43&catid=39:2009-11-24-06-31-29&Itemid=194#)).
- <sup>9</sup> Al-Hayat, "*Police open an investigation into the death of a citizen Se'ir*" (in Arabic), issued on 9 May 2013 (<http://www.alhayat-j.com/newsite/details.php?opt=3&id=204792&cid=2942>).
- <sup>10</sup> Ma'an News Agency, "*Man shot dead by Palestinian security forces*", issued on 27 August 2013 (<http://www.maannews.net/eng/ViewDetails.aspx?ID=624700>).
- <sup>11</sup> Wafa, "*Al-Dmieri: Investigation into the killing of young man Odeh in old Askar refugee camp*" (in Arabic), issued on 27 August 2013 (<http://www.wafa.ps/arabic/index.php?action=detail&id=159099>).
- <sup>12</sup> On 19 July 2013, Hamas de facto administration security forces violently dispersed tens of demonstrators in Gaza City who were protesting against Israeli plans to forcibly transfer Bedouins. See Amnesty International, "*Israel: Demolitions of Bedouin homes in the Negev desert must end immediately*", issued on 18 July 2013 (<http://www.amnesty.org/en/news/israel-demolitions-bedouin-homes-negev-desert-must-end-immediately-2013-07-18>). For previous examples see Amnesty International, "*Land Day protests: stop excessive force against demonstrators*", issued on 30 March 2012 (<http://www.amnesty.org/en/for-media/press-releases/land-day-protests-stop-excessive-force-against-demonstrators-2012-03-30>); and "*Hamas authorities must guarantee safety of human rights activist*", issued on 18 January 2012 (<http://www.amnesty.org/en/news/hamas-authorities-must-investigate-attacks-human-rights-defender-gaza-2012-01-18-0>).
- <sup>13</sup> For a summary of concerns about Israel's system of military investigations, see "*Amnesty International's updated assessment of Israeli and Palestinian investigations into the Gaza conflict*" (Index: MDE 15/018/2011), issued on 18 March 2011 (<http://www.amnesty.org/en/library/info/MDE15/018/2011/en>); and "*Israel's military investigations into Gaza conflict violations strengthen impunity*", issued on 17 April 2013 (<http://amnesty.org/en/news/israel-s-military-investigations-gaza-conflict-violations-strengthen-impunity-2013-04-17>).
- <sup>14</sup> The European Union Co-ordinating Office for Palestinian Police Support (EUPOL-COPPS) was established in 2006 with the mandate to "contribute to the establishment of sustainable and effective policing arrangements and to advise Palestinian counterparts on criminal justice and rule of law related aspects under Palestinian ownership, in accordance with the best international standards and in co-operation with the EU institution-building programmes conducted by the European Commission and with other international efforts in the wider context of the security sector, including criminal justice reform." In 2005, the United States of America (USA) set up a body for security training, the United States Security Coordinator (USSC), which includes staff from eight countries and provides training including crowd control and a section on human rights. Canada is a major contributor of aid to the PA security sector including to the USSC.
- <sup>15</sup> The two main agreements were the Gaza-Jericho Autonomy Agreement, signed on 4 May 1994, and the Interim Agreement on the West Bank and the Gaza Strip, signed on 28 September 1995.
- <sup>16</sup> Israel has maintained a military blockade of Gaza since June 2007 further curtailing Palestinian movement between the West Bank and Gaza.
- <sup>17</sup> See Amnesty International, "*Occupied Palestinian Territories: Torn apart by factional strife*" (Index: MDE 21/020/2007), issued 24 October 2007 (<http://www.amnesty.org/en/library/asset/MDE21/020/2007/en/642b5fe4-d363-11dd-a329-2f46302a8cc6/mde210202007en.pdf>).

<sup>19</sup>Israeli forces have frequently used excessive and unnecessary force, including lethal force, in response to largely non-violent demonstrations by Palestinians in the West Bank. Between 1 January and 31 August 2013, Israeli security forces killed 13 civilians, including at least two children, during such protests and injured thousands of others, including journalists, medics, and human rights defenders. See Amnesty International, “*Accountability needed for killings in Israeli raid on West Bank refugee camp*”, issued on 27 August 2013 (<http://www.amnesty.org/en/news/israelopt-accountability-needed-unlawful-force-raid-west-bank-refugee-camp-2013-08-27>); and “*Israel/OPT: Stop use of excessive force against Palestinian civilians in the West Bank*”, issued on 4 April 2013 (<http://www.amnesty.org/en/news/israelopt-stop-use-excessive-force-against-palestinian-civilians-west-bank-2013-04-04>).

<sup>20</sup> See Amnesty International, “*Hamas must halt post-Eid executions planned in Gaza*”, issued on 8 August 2013 (<http://www.amnesty.org/en/news/hamas-must-halt-post-eid-executions-planned-gaza-2013-08-08>).

<sup>21</sup> Of UNESCO's 194 members, 173 participated in the vote: 107 states voted in favour, 52 abstained and 14 voted against the motion to accord Palestine full membership status. The opposing states included the USA, which announced after the vote that it would cease its financial support to UNESCO. See UNESCO “*General Conference admits Palestine as UNESCO Member*”, issued on 31 October 2011 ([http://www.unesco.org/new/en/media-services/single-view/news/general\\_conference\\_admits\\_palestine\\_as\\_unesco\\_member\\_state/#.Uifzcn99uu1](http://www.unesco.org/new/en/media-services/single-view/news/general_conference_admits_palestine_as_unesco_member_state/#.Uifzcn99uu1)).

<sup>22</sup> See Article 48 of the ICCPR and Article 26 of the ICESCR. Among other treaties, Palestine could also accede to the Rome Statute and join the International Criminal Court. See also Amnesty International, “*Palestine UN status upgrade should open door to justice*” issued on 30 November 2012 (<http://www.amnesty.org/en/news/palestine-UN-status-upgrade-should-open-door-to-justice-2012-11-30>); and “*Palestinian non-member state observer recognition at the UN: Questions and answers*” (MDE 21/005/2012), issued on 12 December 2012 (<http://www.amnesty.org/en/library/info/MDE21/005/2012/en>). Palestine could also accede to the 1969 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

<sup>23</sup> The League of Arab States (LAS) approved the Charter at its 26<sup>th</sup> Summit on 24 May 2004. The treaty took effect after obtaining its seventh ratification in 2008. By June 2013, in addition to Palestine, 12 LAS member states had ratified the Charter and four others had signed but not yet ratified the treaty. See The International Center for Not-for-profit Law (<http://www.icnl.org/research/monitor/las.html>).

<sup>24</sup> Available in Arabic at <http://muqtafi.birzeit.edu/Legislation/GetLegFT.aspx?LegPath=2003&MID=14138>, and in English at <http://muqtafi.birzeit.edu/en/Legislation/GetLegFT.aspx?LegPath=2003&MID=14138>. Articles of the Basic Law pertaining to the terms of the Presidency and members of the Palestinian Legislative Council were amended in 2005; the amendments are available at <http://muqtafi.birzeit.edu/Legislation/GetLegFT.aspx?LegPath=2005&MID=14860> (in Arabic) and <http://muqtafi.birzeit.edu/en/Legislation/GetLegFT.aspx?LegPath=2005&MID=14860> (in English).

<sup>25</sup> Available in Arabic at <http://muqtafi.birzeit.edu/Legislation/GetLegFT.aspx?LegPath=1998&MID=13000>. An unofficial English translation is available at <http://muqtafi.birzeit.edu/en/Legislation/GetLegFT.aspx?LegPath=1998&MID=13000>.

<sup>26</sup> Available in Arabic at <http://muqtafi.birzeit.edu/Legislation/getLeg.aspx?pid=35334&Ed=1>.

<sup>27</sup> See Amnesty International, *Palestinian Authority: Silencing dissent* (Index: MDE 21/016/2000), issued on 4 September 2000 (<http://amnesty.org/en/library/info/MDE21/016/2000/en>) pp. 4 and 14.

<sup>28</sup> Law No. 8 of 2005, Service in the Palestinian Security Forces, Article 3, available at <http://muqtafi.birzeit.edu/Legislation/GetLegFT.aspx?LegPath=2005&MID=14853> (in Arabic), <http://muqtafi.birzeit.edu/en/Legislation/GetLegFT.aspx?LegPath=2005&MID=14853> (in English).

<sup>29</sup> See Law No. 8 of 2005, Articles 10, 11, and 12. The Internal Security is headed by a General Director appointed by the President.

<sup>30</sup> These include the Civil Police, Guards Administration, Criminal Investigations Department, Border Crossings Administration, Tourism and Antiquities Police, Traffic Police, Drugs Police, Prisons Administration, and Special Forces among others. See [http://www.palpolice.ps/ar/?page\\_id=11](http://www.palpolice.ps/ar/?page_id=11) for Arabic descriptions of most of the different PA police forces and administrative divisions in the West Bank. Note that since 2007 the Gaza police operate separately under the Hamas de facto administration, in particular its Ministry of Interior. See <http://www.police.ps/ar/index.htm> for Gaza police website (in Arabic).

<sup>31</sup> Law No. 8 of 2005, Service in the Palestinian Security Forces, contains very few provisions specific to the police.

<sup>32</sup> Available in Arabic at <http://muqtafi.birzeit.edu/Legislation/GetLegFT.aspx?LegPath=1965&MID=8839>.

<sup>33</sup> On several occasions in late January and early February 2011, PA police and security forces beat and detained peaceful demonstrators who had gathered to express their solidarity with uprisings in Arab countries, and their criticisms of the PA. On 15 March 2011, men believed to be plain-clothes PA security forces also beat peaceful protesters who were calling for national unity in Ramallah, arbitrarily detained at least two protesters, and targeted journalists and human rights defenders. See Human Rights Watch, “*Palestinian Authority: Thugs, Police Abuse Peaceful Protesters*”, issued on 16 February 2011 (<http://www.hrw.org/news/2011/02/16/palestinian-authority-thugs-police-abuse-peaceful-protesters>).

<sup>34</sup> On 15 March Hamas de facto administration security forces attacked demonstrators calling for national unity in Gaza. See Human Rights Watch, “*Gaza: Stop Suppressing Peaceful Protests*”, issued on 19 March 2011 (<http://www.hrw.org/news/2011/03/19/gaza-stop-suppressing-peaceful-protests>).

- <sup>35</sup> For more information on Israel's use of administrative detention see Amnesty International, "*Israel and the Occupied Palestinian Territories: Starved of justice - Palestinians detained without trial by Israel*" (Index: MDE15/026/2012), issued on 6 June 2102 (<http://www.amnesty.org/en/library/info/MDE15/026/2012/en>).
- <sup>36</sup> Similar harassment is carried out by the Hamas authorities in Gaza. On 25 July 2013 the Hamas de-facto administration closed down the media offices of Ma'an News and Al-Arabiya TV bureaux in Gaza City. See Reporters Without Borders, "*Hamas closes Ma'an News and Al-Arabiya TV bureaux in Gaza Strip*", issued on 31 July 2013 (<http://en.rsf.org/palestine-hamas-closes-ma-an-news-and-al-31-07-2013.45000.html>). As of the writing of this report, the offices have not been allowed to reopen.
- <sup>37</sup> Journalists covering Palestinian protests against the Israeli fence/wall and settlement expansion in the OPT are frequently injured by the Israeli military, and the Israeli authorities regularly detain Palestinian journalists, sometimes holding them for long periods without charge or trial as administrative detainees. For example, on 8 April 2013 Israeli forces shot Palestinian photographer Mohammad al-Azza in the face with a rubber-coated steel bullet in Aida refugee camp. See Reporters Without Borders, "*IDF urged to punish soldier who deliberately shot, wounded photographer*", issued on 11 April 2013 (<http://en.rsf.org/palestine-idf-urged-to-punish-soldier-who-10-04-2013.44356.html>). Israeli forces have also raided and closed Palestinian media outlets. On 29 February 2012 the Israeli army raided two TV stations in Ramallah and a Palestinian media centre in East Jerusalem on 2 April 2012.
- <sup>38</sup> For example, PA security forces arrested Mamdouh Hamamreh on 19 October for posting a satirical picture of Palestinian President Mahmoud Abbas on his personal Facebook page. See Reporters Without Borders, "*Journalist pardoned, but jail term highlights need for legislative reform*", issued on 29 March 2013 (<http://en.rsf.org/palestine-journalist-pardoned-but-jail-term-29-03-2013.44277.html>).
- <sup>39</sup> Interviewed on 30 June 2012 in Ramallah.
- <sup>40</sup> Interviewed on 1 July 2012 in Ramallah.
- <sup>41</sup> Amnesty International delegates were present at the time in the OPT to research human rights violations against detainees. The organization's delegates were therefore able to interview injured protesters in Ramallah on 30 June and to observe the demonstration the following day.
- <sup>42</sup> Interviewed on 1 July 2012. Identity withheld to protect her security.
- <sup>43</sup> Interviewed on 1 July 2012 in Ramallah.
- <sup>44</sup> Interviewed on 1 July 2012 in Ramallah.
- <sup>45</sup> Interviewed on 1 July 2012 in Ramallah. Identity withheld to protect her security.
- <sup>46</sup> Interviewed on 10 July 2012 in Ramallah.
- <sup>47</sup> Tareq Bilal Khamees also described other incidents of harassment by PA security forces for his work as a journalist, including arbitrary arrest and ill-treatment.
- <sup>48</sup> Formerly known as the Palestinian Independent Commission for Citizens' Rights (PICCR), the ICHR was established in 1993 in accordance with a decree issued by the Palestinian President Yasser Arafat with a mandate "to follow-up and ensure that different Palestinian laws, by-laws and regulations, and the work of various departments, agencies and institutions of the State of Palestine and the Palestine Liberation Organization meet the requirements for safeguarding human rights." (<http://www.ichr.ps/>).
- <sup>49</sup> See CAT, Article 1; ICCPR, Article 7; UDHR, Article 5; the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 6.
- <sup>50</sup> See CAT, Articles 4-7.
- <sup>51</sup> Human Rights Committee, General Comment No. 31 on The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add. 13, 26 May 2004, para. 18 (<http://www.unhcr.ch/tbs/doc.nsf/0/58f5d4646e861359c1256ff600533f5f>).
- <sup>52</sup> CAT, Articles 12, 13 and 16; Human Rights Committee, General Comment No. 31, para. 15 (<http://www.unhcr.ch/tbs/doc.nsf/0/58f5d4646e861359c1256ff600533f5f>).
- <sup>53</sup> CAT, Article 2; Human Rights Committee, General Comment No. 31, para. 18 (<http://www.unhcr.ch/tbs/doc.nsf/0/58f5d4646e861359c1256ff600533f5f>); Human Rights Committee, General Comment No. 20 concerning the prohibition of torture and cruel treatment or punishment, October 1992, para. 3 (<http://www1.umn.edu/humanrts/gencomm/hrcom20.htm>).
- <sup>54</sup> CAT, Article 14; ICCPR, Article 2(3); see also Human Rights Committee, General Comment No. 31, para. 16 on the right to reparation, including compensation (<http://www.unhcr.ch/tbs/doc.nsf/0/58f5d4646e861359c1256ff600533f5f>).
- <sup>55</sup> Ma'an News Agency, "*Hundreds protest negotiations in Ramallah*", issued on 3 July 2012 (<http://www.maannews.net/eng/ViewDetails.aspx?ID=501119>); and "*Ramallah protests: How the day unfolded*", issued on 3 July 2012 (<http://www.maannews.net/eng/ViewDetails.aspx?ID=501059>).

- <sup>56</sup> Interviewed via Skype on 30 August 2013.
- <sup>57</sup> The two other members appointed to the committee were Dr Ahmed Harb, General Commissioner of the ICHR, and Dr Wael Yousef, a PLO Executive Committee member.
- <sup>58</sup> Ma'an News, "*The full text of the report of the Presidential Investigative Committee into the Ramallah events*" (in Arabic), issued on 25 July 2012 (<http://www.maannews.net/arb/ViewDetails.aspx?ID=507554>). In fact the text published was only selections from the report. This was acknowledged publicly by committee member Ahmad Harb, see: Ma'an News, "*Ramallah investigative committee: Recommendations need time for implementation and the full report has not been published*" (in Arabic), issued on 29 July 2012 (<http://www.maannews.net/arb/ViewDetails.aspx?ID=508437>).
- <sup>59</sup> Wattan TV, "*Involvement of influential politicians in the events during anti Mofaz-visit demonstrations*" (in Arabic), issued on 27 August 2012 ([http://wattan.tv/new\\_index\\_hp\\_details.cfm?id=a2919859a166611&c\\_id=1](http://wattan.tv/new_index_hp_details.cfm?id=a2919859a166611&c_id=1)).
- <sup>60</sup> Available (<http://muqtafi.birzeit.edu/Legislation/GetLegFT.aspx?LegPath=2000&MID=13474>) (in Arabic).
- <sup>61</sup> Meeting with Minister of Interior on 18 June 2013.
- <sup>62</sup> Ma'an News Agency, "*President receives the report of the security committee tasked with investigating the events of Ramallah*" (in Arabic), issued on 4 August 2012 (<http://www.maannews.net/arb/ViewDetails.aspx?ID=509887>).
- <sup>63</sup> Palestine Now, "*Transfers and appointments in the police leadership in the West Bank*" (in Arabic), issued on 30 April 2013 (<http://tinyurl.com/ny5g67u>).
- <sup>64</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 7 (<http://www.unrol.org/doc.aspx?d=2246>).
- <sup>65</sup> ICHR, 2012 Annual Report (in Arabic) (<http://tinyurl.com/n7sp3nb>).
- <sup>66</sup> ICHR, "*The Commission condemns the use of violence and dispersal by force of women in Hebron*" (in Arabic), issued on 14 November 2012 (<http://tinyurl.com/ky56kr9>).
- <sup>67</sup> ICHR, 2012 Annual Report (in Arabic), issued on 26 May 2013 (<http://tinyurl.com/n7sp3nb>).
- <sup>68</sup> Interviewed on 12 March 2013 in Hebron.
- <sup>69</sup> Interviewed on 12 March 2013 in Hebron.
- <sup>70</sup> Interviewed on 12 March 2013 in Hebron.
- <sup>71</sup> Interviewed on 12 March 2013 in Hebron.
- <sup>72</sup> Interviewed by phone on 30 August 2013. His identity is being withheld to protect his security.
- <sup>73</sup> Interviewed by phone on 20 August 2013. His identity is being withheld to protect his security.
- <sup>74</sup> Interviewed by phone on 16 September 2013.
- <sup>75</sup> Interviewed by phone on 2 September 2013.
- <sup>76</sup> Interviewed by phone on 2 September 2013.
- <sup>77</sup> Interviewed by email on 2 September 2013. Her identity is being withheld to protect her security.
- <sup>78</sup> Interviewed by phone on 2 September 2013.
- <sup>79</sup> Interviewed by phone on 2 September 2013.
- <sup>80</sup> See Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27, paras. 15-17, 39-40, 84, issued on 21 May 2012 ([http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf)); Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/17/28, issued on 23 May March 2011, paras. 34 and 37 (<http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-28.pdf>); Human Rights Committee, General Comment No. 34 on Freedoms of Opinion and Expression, CCPR/C/GC34, issued 12 September 2011, paras. 21-36 (<http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>).
- <sup>81</sup> On non-discrimination, see Articles 2(1) and 26 of the ICCPR and Human Rights Committee, General Comment No. 29, para. 8, issued in 2001 (<http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/71eba4be3974b4f7c1256ae200517361?Opendocument>). On independent judicial review, see Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, May 2012, paras. 42 and 84; Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, May 2011, para. 37 ([http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf)).
- <sup>82</sup> Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, May 2011, para. 42 (<http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-28.pdf>).
- <sup>83</sup> Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, May 2012, paras. 33, 39, 28, 48

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf)).

<sup>84</sup> Articles 3 and 5 of the UDHR, and Articles 6, 7 and 9 of the ICCPR.

<sup>85</sup> Principle 9 of the Basic Principles prohibits the use of firearms by law enforcement officials except as a last resort, when strictly necessary to defend themselves or others against the imminent threat of death or serious injury. Intentional use of lethal force is permitted only when strictly unavoidable in order to protect life (<http://www.unrol.org/doc.aspx?d=2246>).

<sup>86</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 7 (<http://www.unrol.org/doc.aspx?d=2246>).