



OCCUPIED PALESTINIAN TERRITORIES

No News is Good News

Abuses against Journalists by Palestinian Security Forces

HUMAN
RIGHTS
WATCH



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Abuses against Journalists by Palestinian Security Forces

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Summary

Security forces of the Palestinian Authority (PA) have arbitrarily detained scores of West Bank journalists since 2009, and in some cases abused them during interrogation in a manner that amounted to torture. Like other Palestinian victims of abuse by the PA's security services, these journalists confront a virtual wall of impunity when they try to hold their abusers accountable, leaving the victims feeling vulnerable to further harassment and abuse. The combination of abuse and impunity has, according to some journalists, produced an intended "chilling effect" on free expression and led to increasing self-censorship.

This report documents how the PA's Preventive Security and General Intelligence security agencies arbitrarily and repeatedly detained journalists, prevented them from seeing lawyers or family members while in detention, confiscated or damaged their equipment, and in some cases tortured them. In the seven West Bank cases that Human Rights Watch investigated, the harassment and abuse of journalists reflected attempts to prevent free speech and inquiry into matters of public importance, and to punish writers solely because of their statements critical of the PA or their perceived support of its political rivals.

In four cases, the security services targeted journalists whom they perceived as sympathetic to the PA's bitter rival, Hamas (the Islamic Resistance Movement), which controls the Gaza Strip and also counts many supporters among West Bank Palestinians. In three incidents, the PA's security services abused politically independent journalists who had been publicly critical of Hamas but also had criticized the PA. In one case, security forces arrested a journalist on suspicion that he was preparing critical articles about subjects such as corruption among PA officials. The PA has directed its abusive practices against not only Hamas supporters among journalists but also against Islamist-leaning and independent journalists who engage in critical reporting.

Journalists in the Gaza Strip have also faced arbitrary detention, assault, and other forms of harassment from the Hamas authorities there. The focus of this report is on PA abuses in the West Bank, but that focus is not meant to imply an absence of abuses by Hamas in Gaza. Although reported abuses against journalists have been less frequent in Gaza, Human Rights Watch continues to monitor the situation there closely and includes in this report two cases of abuse by Hamas authorities to demonstrate that problems do exist.

Human Rights Watch cannot point to instructions from PA leaders to the security services that they commit these violations, but the utter failure of the PA leadership to address the

prevailing culture of impunity for such abuses suggests that they reflect government policy. Human Rights Watch is aware of only a single case (which did not involve a journalist) in which PA security service officers have stood trial for arbitrarily detaining or abusing detainees, and even in that case, a PA military court acquitted all the accused on charges of torturing a man to death in June 2009. Nor has the PA instituted meaningful long-term reforms, such as subjecting the Preventive Security, General Intelligence Service (GIS), and other security services to the jurisdiction of civilian courts or requiring that all security forces inform a detainee of the reason for detention at the time he is taken into custody, ensuring that the detainee is promptly brought before a judge with the power to order his or her release, and compensating persons who have been arbitrarily detained.

In cases of arrest and detention, the security services typically act on warrants issued by the PA's military judicial authority, including warrants issued by military courts against civilians in defiance of explicit provisions of Palestinian law and numerous Palestinian High Court of Justice rulings. (The military judiciary announced that as of January 16, 2011, it would cease exercising jurisdiction over civilians; as of March 17, at least 25 civilians in military detention had been released, but the Palestinian human rights group Al Haq identified "tens of cases" in which security agencies were still detaining civilians and military courts had issued verdicts against civilians). The security services exert further control over Palestinian journalists by virtue of their role in approving or rejecting journalists' ability to cover certain events based on a review a journalist's political profile; international NGOs report that the security services have rejected dozens of journalists whom they perceive to have Islamist sympathies.

The US and Europe provide a substantial amount of the PA's budget, including the salaries of the security services. The majority of publicly-reported US and European funding for Palestinian security services goes to support the PA's National Security Forces and Civil Police, while other PA security agencies perpetrate the greatest share of abuse. According to reports by security experts and leaked documents, the US and UK have also directly funded the Preventive Security agency and GIS, which are responsible for most alleged arbitrary detention and torture. Human Rights Watch is unaware of any instance in which a foreign donor placed conditions on its aid requiring the PA to hold these abusive security services accountable.

This report also refers to several cases in which journalists in both the West Bank and Gaza have been attacked by the Israel Defense Forces (IDF). Violations by Israeli forces will be the subject of future reporting.

Background

Palestinian and other human rights monitors recorded an increase in incidents of Palestinian security forces harassing journalists in both the PA-controlled West Bank and in Hamas-controlled Gaza in 2009. The 2009 report of the Palestinian Centre for Development and Media Freedoms (MADA), a non-governmental organization headquartered in the West Bank, cited 76 violations in which West Bank and Gaza authorities arbitrarily arrested journalists, assaulted them, arbitrarily prohibited them from covering certain events, and destroyed or confiscated their equipment.¹ The Independent Commission for Human Rights (ICHR), an official Palestinian rights-monitoring agency created in 1993, reported that 35 Palestinian journalists were in PA or Hamas detention facilities as of the end of 2009, and cited an “unprecedented rise” in beatings, arbitrary detentions, and other rights violations by Palestinian authorities against journalists.²

The negative trend of abuses against journalists by Palestinian security forces continued in 2010. MADA’s 2010 annual report cites a 45 percent increase over the previous year of physical attacks, arrests, detentions, arbitrary confiscations of equipment, and other violations of journalists’ rights, with 79 recorded cases of violations by the Palestinian Authority and Hamas and 139 violations by Israeli forces.³ In August 2010 the independent committee created by the PA to report on its implementation of the recommendations of the UN Fact Finding Mission on the Gaza Conflict found that both PA and Hamas security services were responsible for abuses against journalists, and recommended that they “should cease prosecuting, arresting, and interrogating journalists on grounds of their [...] profession.”⁴

Since Hamas’s takeover of the Gaza Strip in June 2007, the majority of abuses against journalists in both the West Bank and Gaza have been related to tensions between the PA and Hamas. Both Hamas in Gaza and the PA in the West Bank have banned newspapers and

¹ Palestinian Centre for Development and Media Freedoms (MADA), *Annual report (2009) of media freedom violations in the Occupied Palestinian Territories*, “Graphics,” available at http://www.madacenter.org/madaeng/index.php?option=com_content&view=article&id=219:annual-report-2009-of-violations-of-media-freedoms-in-the-occupied-palestinian-territories-part1&catid=69:annual-reports&Itemid=82, accessed October 20, 2010.

² Independent Commission for Human Rights (ICHR), *The Status of Human Rights in Palestine, Annual Report No. 15* (2009), pp. 136-154, <http://www.ichr.ps/pdfs/ICHR%20Report15%20-%20Final.pdf>, accessed September 27, 2010.

³ MADA, *Annual Violations Report* (2010), available at <http://www.madacenter.org>. Human Rights Watch also compiled information from MADA monthly reports for 2010, available at <http://www.madacenter.org>.

⁴ “Executive Summary,” *Independent Palestinian Committee of Investigation into the Goldstone Report*, Para. 83, <http://www.alhaq.org/pdfs/Executive%20Summary%20-%20-%20Unofficial%20English%20Translation.pdf>, accessed October 15, 2010.

television stations. The PA banned the pro-Hamas weekly *al-Risala*, the daily *Al-Falastin*, and the *al-Aqsa* television station shortly after Hamas took over the Gaza strip in 2007.⁵ It briefly shut down Al Jazeera's (English and Arabic) bureau in the West Bank in 2009 after a commentator on one of the channel's programs accused PA officials of complicity in Yasser Arafat's death.⁶ Yezid Sayigh, a former Palestinian negotiator and academic expert on Palestinian security matters, noted that the government of Ismail Haniyeh in Gaza "occasionally prevented the distribution of the West Bank and East Jerusalem dailies *al-Ayyam*, *al-Hayat al-Jadida*, and *al-Quds* when it objected to specific content." Israel banned the newspapers from entering Gaza in mid-2009.⁷ In 2010, Israel lifted the ban, but Hamas officials then barred the entry of the newspapers at the border terminal.⁸

The Israel Defense Forces (IDF) have reportedly assaulted, arbitrarily detained, and otherwise harassed Palestinian journalists working for local and international media in the occupied territories on numerous occasions since 2009. In 2009, MADA reported 79 such violations by Israeli forces in the occupied territories.⁹ In 2010, the number rose to 139.¹⁰

⁵ Committee to Protect Journalists, "CPJ condemns journalist's conviction in West Bank," July 30, 2010, <http://cpj.org/2010/07/cpj-condemns-journalists-conviction-in-west-bank.php>, accessed December 10, 2010.

⁶ Human Rights Watch, "Palestinian Authority: Lift the Ban on Al Jazeera," July 17, 2009, <http://www.hrw.org/en/news/2009/07/17/palestinian-authority-lift-ban-al-jazeera>.

⁷ Yezid Sayigh, *Hamas Rule in Gaza: Three Years On*, March 2010, p. 4, Brandeis University Crown Center for Middle East Studies Middle East Brief No. 41.

⁸ MADA, *2010 Annual Report*, p. 14.

⁹ Palestinian Centre for Development and Media Freedoms (MADA), Annual report (2009) of media freedom violations in the Occupied Palestinian Territories, "Graphics," available at http://www.madacenter.org/madaeng/index.php?option=com_content&view=article&id=219:annual-report-2009-of-violations-of-media-freedoms-in-the-occupied-palestinian-territories-part1&catid=69:annual-reports&Itemid=82, accessed October 20, 2010.

¹⁰ For example, in October 2010, in Hebron governorate, Israeli forces arrested Ra'ed Al-Sharif, the host of Manbar Alhuriyeh, as well as Ma'moun Wazwaz, a Reuters photographer, and Hazem Bader, an AP photographer. In the East Jerusalem neighborhood of Silwan, Israeli forces allegedly assaulted Palestinian Public TV correspondent Nader Baybers in two separate incidents, as well as Mahmoud E'lian, a photographer for *Al-Quds* newspaper, and the Pal Media cameraman Hamza Naaji. Other alleged victims of assaults by Israeli forces included Haron Amayreh, a correspondent for Palestinian Public television, and Abbas Momny, an AFP photographer. MADA, "Violations of media freedoms in oPt during October 2010," November 5, 2010, http://www.madacenter.org/madaeng/index.php?option=com_content&view=article&id=281:violations-of-media-freedoms-in-opt-during-october-2010-&catid=63:report2010&Itemid=77, accessed November 10, 2010. Previous months saw similar numbers of cases of alleged abuse of journalists by Israeli military forces. For example, in April 2010, Israeli forces fired at a group of journalists covering a peaceful demonstration in the Al Atatra neighborhood of Beit Lahiya in northern Gaza on April 6; beat AP photographer Mahfouz Abu Turk as he was covering clashes in East Jerusalem on April 9; arrested AFP correspondent and cameraman Hazem Bader in Beit Safa village near Hebron on April 10; shot AFP photographer Abbas Moumni with a rubber-coated bullet in the leg as he covered a demonstration in Bil'in on April 23; arrested Al-Hayat Al-Jadida newspaper correspondent Muheeb Al-Bargouthi as he covered the demonstration in Bil'in on the same day; and detained AP photographer Najeh Hashlamoun as he was covering confrontations over Israeli land confiscations between the IDF and Palestinians in Beit Omar near Hebron. MADA, "Media freedoms violations continued in April," http://www.madacenter.org/madaeng/index.php?option=com_content&view=article&id=225:mada-media-freedoms-violations-continued-in-april&catid=63:report2010&Itemid=77, accessed November 10, 2010.

West Bank

The harassment of journalists by PA security services has created a “phenomenon of self-censorship” in the West Bank, according to Musa Rimawi, the director of the Palestinian Centre for Development and Media Freedoms (MADA), a non-governmental organization based in Ramallah.¹¹ Virtually all the Palestinian journalists interviewed for this report told Human Rights Watch that they shared this assessment. Journalists practice self-censorship by avoiding working on certain topics, they said, for fear that PA officials would otherwise deny them access to PA officials or facilities.¹² Other journalists have told Human Rights Watch that they have refrained from publishing information they possess due to fear that they will be prevented from covering events, or harassed, or even detained and physically abused.¹³

Palestinian journalists, like other Palestinian residents of the West Bank, lack effective redress against violations by PA security services. Civil society organizations that advocate for freedom of expression include human rights organizations and the Palestinian Press Syndicate, established in 1978, which works to protect journalists from abuse from Palestinian and Israeli authorities and to ensure fair treatment by employers.¹⁴ The syndicate does not have legal status to follow up on cases of journalists who have suffered abuse at the hands of PA authorities, but has “signed an MOU with the police about journalists’ rights”, according to Nabhan Khreishi, a syndicate board member. The syndicate has also protested the harassment of journalists. For example, GIS agents in Bethlehem arrested the journalist Mamdouh al-Hamamreh in early October after a Facebook user “tagged” al-Hamamreh’s name on a Facebook page that implicitly criticized PA President Abbas by juxtaposing Abbas’s photograph with the photograph of a character from a television series, called “Bab al Hara,” who was a spy for France in the colonial period in Algeria. “The PA charged al-Hamamreh with ‘demeaning a political leader’, and the syndicate held a protest in front of the GIS offices in Bethlehem to show our support,” Khreishi said, even though many members, including Khreishi, found the Facebook page distasteful.¹⁵ Membership in the syndicate is open to any journalist who works at a registered company or who can show

¹¹ Human Rights Watch interview with Musa Rimawi, Ramallah, April 20, 2010.

¹² Human Rights Watch interview with M., Ramallah, April 19, 2010; Human Rights Watch telephone interview with H., Hebron, May 4, 2010.

¹³ Human Rights Watch telephone interview with H., Hebron, May 4, 2010.

¹⁴ Human Rights Watch interview with Nabhan Khreishi, journalist and board member of the press syndicate, Ramallah, October 14, 2010.

¹⁵ *Id.*

he or she works as a freelance journalist, Khreishi told Human Rights Watch. A court in Bethlehem extended al-Hamamreh's detention in October.¹⁶

Reports of Increased Harassment

In the West Bank, reported incidents of official harassment of journalists by PA security services spiked during Israel's offensive in Gaza in December 2008 and January 2009. PA security services violated the rights of journalists who attempted to report on demonstrations by West Bank residents—some of which apparently occurred in response to calls by Hamas in Gaza—to express anger at Israel's offensive and support for Gaza residents. In January 2009 the ICHR documented nine serious incidents in which Palestinian security agencies assaulted and detained journalists, confiscated their equipment, or prevented them from covering these demonstrations.¹⁷ On January 2, for example, security officers attacked Majdi Mohammed Suleiman Abu Shtayyeh, a journalist who was reporting on the violent repression of a demonstration in Ramallah, “leaving him with bone fractures in the nose.”¹⁸ On January 26 Preventive Security arrested Issam al Rimawi, an Associated Press reporter and Palestine News Agency photographer, and allegedly forced him to stand in painful stress positions (a torture known in Arabic as *shabeh*) for long periods during his detention and interrogation in the town of Beituniya, near Ramallah, until his release on February 10.¹⁹

The number of incidents decreased after January 2009, but PA security agencies continued to unlawfully arrest and detain journalists, according to the ICHR.²⁰ On May 18, for example,

¹⁶ MADA, “Violations of media freedoms in oPt during October 2010,” November 5, 2010.

¹⁷ On January 2, police and other security personnel prevented journalists from covering a Hamas-organized demonstration and clashes with police in Hebron; they assaulted journalists attempting to cover another peaceful demonstration in Ramallah, including Abu Shtayyeh. On January 8, a Palestinian security officer threatened to assault Najeeb Farraj, an *Al Quds* newspaper correspondent, after the daily published his photographs of a demonstration in Bethlehem. On January 9, members of Palestinian security agencies, including the Preventive Security, National Security, General Intelligence, Military Intelligence, and Police, obstructed a demonstration in Ramallah in support of Gaza's residents, fired tear gas, beat and arrested protestors who raised Hamas flags, prevented journalists from filming the demonstration, confiscated cameras, deleted recorded films and images, and assaulted citizens who took photographs. On January 18, the Preventive Security agency in Hebron summoned and detained for three days journalist Khaled Mohammed al 'Amayreh, after he criticized the PA in an interview with the Al Quds satellite television channel during the Israeli offensive on Gaza. On January 24, Preventive Security officers arrested Samer Khuweirah, the Nablus correspondent of Al Quds satellite television, and detained him in Jneid Prison, the Preventive Security headquarters in Nablus. On January 26, Preventive Security officers arrested and detained Associated Press reporter 'Issam Sa'id al Asmar in Ramallah. Also on January 26, Military Intelligence officers summoned and arrested Al Aqsa satellite television correspondent Ahmed 'Ata Mohammed Bikawi in Nablus; and Preventive Security arrested Issam al Rimawi. ICHR, “Monthly Reports on Human Rights Violations,” January 2009, pp. 7, 9; and February 2009, p. 5.

¹⁸ ICHR, “Monthly Report on Human Rights Violations,” January 2009, p. 7.

¹⁹ ICHR, “Monthly Report on Human Rights Violations,” February 2009, p. 5.

²⁰ For example, Preventive Security continued to detain Farid Hammad, an editor at Al Ayyam newspaper, who was arrested in July 2008 and freed in October pursuant to a High Court of Justice ruling that ordered his release, and detained again immediately after his release. ICHR, Monthly Report on Human Rights Violations, February 2009, p. 6. Hammad has since been released. Human Rights Watch telephone call to ICHR, July 12, 2010.

Preventive Security arrested journalist Ossayd Abd al-Majid al-Amarna, a resident of Dheisheh refugee camp south of Bethlehem, because of his work for the *Al-Aqsa* satellite television channel, which broadcasts from the Gaza Strip—this was al-Amarna’s seventh arrest in one year.²¹ The ICHR’s annual report for 2009 highlights 23 cases—among an unspecified number—in which the group received affidavits from journalists who said West Bank security forces had arbitrarily arrested them.²²

In 2010, although no individual event sparked as high a number of complaints of violations as did Israel’s offensive in Gaza in 2008-09, human rights groups reported numerous other incidents of arbitrary arrests and assaults by PA security services against journalists.²³ The majority reportedly involved the PA’s intelligence agencies (Preventive Security and General Intelligence Services), but at least one allegedly involved members of the US-trained-and-equipped National Security Forces, who on March 29 prevented journalists from covering a demonstration in Bethlehem called by various Palestinian political factions to protest the Israeli occupation, and used nightsticks to beat three cameramen: Mohammed Abu Ghannieh (Reuters), Iyad Hamad (AP), and Loai Sabaneh (Ma’an News Agency).²⁴

The Role of PA Security Forces

Human Rights Watch cannot point to instructions from PA political officials to abuse journalists. However, the PA has allowed its security services to commit these abuses with virtual impunity.²⁵ Particularly after the Hamas takeover of the Gaza Strip in June 2007, according to the director of MADA: “officers from the security agencies have turned against some journalists and news outlets, and many times we have seen assaults on journalists

²¹ ICHR, “Monthly Report on Human Rights Violations,” May 2009, p. 5.

²² ICHR, *2009 Annual Report*, pp. 137-39. Another case involved an unwarranted search of the home of Ahmed Suleiman, a journalist in Jenin. Id.p. 143.

²³ For example, on April 10, MADA reported, PA Preventive Security summoned and arrested Al-Najah Press office correspondent Samid Dwikat to the agency’s headquarters in Nablus, and detained him until May 2. According to the Palestinian Centre for Human Rights, at approximately 2 a.m. on Sunday, April 26, Preventive Security arrested writer Walid Ibrahim al-Hodali, 50, from his home in the Teira neighborhood of Ramallah after searching his house and confiscating his personal computer. Preventive Security officers transferred Al-Hodali to the Preventive Security headquarters, interrogated him about his political affiliations for one hour, and returned him to his home. Al-Hodali reported that his computer had not been returned to him. “MADA: media freedoms violations continued in April,” MADA, http://www.madacenter.org/madaeng/index.php?option=com_content&view=article&id=225:mada-media-freedoms-violations-continued-in-april&catid=63:report2010&Itemid=77, accessed May 21, 2010; and Palestinian Center for Human Rights, “PCHR Condemns the Policy of Restrictions Imposed on Writers and Journalsits in the West Bank,” April 28, 2010, http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=6609:pchr-condemns-the-policy-of-restrictions-imposed-on-writers-and-journalists-in-the-west-bank-&catid=36:pchrpressreleases&Itemid=194, accessed May 20, 2010.

²⁴ ICHR, “Monthly Report on Human Rights Violations,” March 2010, p. 6.

²⁵ Under article 39 of the Palestinian Basic Law, the president is the commander-in-chief of all Palestinian security forces.

without orders from the higher command.”²⁶ Human Rights Watch is aware of only one case in which the Palestinian judiciary criminally prosecuted security officers for abusing detainees; a military court acquitted all five of the accused in July 2010.²⁷ The PA stated in 2009 that 43 security officials had been disciplined as a result of torture allegations, including the deaths in custody due to alleged torture of three men that year, but the PA did not publish their names or details of the disciplinary measures imposed, so Human Rights Watch has been unable to verify the claim.²⁸

The basic structure of the PA security forces was established on the basis of peace agreements between Israel and the PLO in the 1990s; some agencies were created unilaterally by the PA, or emerged from later PA reforms.²⁹ In 2005 PA President Mahmoud Abbas reorganized the security services into six main forces.³⁰ Preventive Security, with 4,000 personnel, is responsible for internal counterterrorism and monitors opposition groups, and is under the authority of the minister of interior, who reports to Prime Minister Salam Fayyad. The General Intelligence Service, with 4,000 personnel, largely overlaps with Preventive Security but falls directly under the authority of President Mahmoud Abbas. The National Security Forces (NSF) is a 7,000-man strong gendarmerie, trained and equipped by the US, under Prime Minister Fayyad’s authority.³¹ The NSF nominally includes Military Intelligence, whose 2,000 personnel are responsible for countering threats to the PA from within the security apparatus, and the 2,500-man Presidential Guard, which protects important PA

²⁶ Human Rights Watch interview with Musa Rimawi, Ramallah, April 20, 2010.

²⁷ The men were members of the General Intelligence Service office in Hebron, accused of torturing to death Haitham Amr, 33, a male nurse who politically supported Hamas. Human Rights Watch interviews with ICHR staff, Ramallah; the PA’s response to ‘Amr’s death is the subject of a forthcoming ICHR report.

²⁸ US Department of State, “2009 Human Rights Report: Israel and occupied territories,” <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136070.htm>, accessed September 27, 2010.

²⁹ Annex I of the 1994 Jericho-Gaza Agreement created a Palestinian Directorate of the Police. These organizations included the Civil Police, Public Security, Intelligence, Emergency and Rescue Services (Civil Defense), and the Coastal Police. Annex I of the superseding Israeli-Palestinian Interim Agreement of 1995 confirmed the role of the Palestinian Police and allowed for the creation of the Preventative Security and Presidential Security services. In the late 1990s, President Yasser Arafat added the Special Security services and the Special Forces, which were extraneous to agreements with Israel. These organizations included the Civil Police, Civil Defense, Naval Police, Ariel Police, Military Liaison, Military Intelligence, Presidential Security (Force 17), General Intelligence, Preventative Security, and Special Forces. In 2002, President Arafat announced reforms that created a Higher Council of National Security and unified the Civil Police, Preventative Security, and Civil Defense under the authority of the Ministry of Interior. Presidential Decree No.12 of 2002 Concerning the Attachment of the Police, the Preventative Security and Civil Defense to the Ministry of Interior. In total, from 1994 to 2004, there were seventeen PA security organizations. Crisis Group, *Squaring the Circle*, p. 2.

³⁰ “Law of Service in the Palestinian Security Forces No.8 of 2005 and Presidential Decree Concerning the Unification of Security Forces,” 14 April 2005. The following description comes from Human Rights Watch interviews with Yasser Alawneh and Salah Musa, Ramallah, August 22, 2010, and from Crisis Group, *Squaring the Circle*, pp. 2-3.

³¹ The U.S. Security Coordinator, in cooperation with the U.S. State Department’s Bureau of International Narcotics and Law Enforcement Affairs, provides financial and technical support for the PA’s National Security Forces and the Presidential Guard, including a training section on ethics and human rights. Since its initiation in January 2008, the USSC has trained (in 19-week-long sessions) and equipped (with non-lethal hardware) five gendarmerie-style National Security battalions, each numbering approximately 500 men. Five more battalions are planned. Crisis Group, *Squaring the Circle*, p. 11.

officials and infrastructure, but these security services de facto operate as separate agencies. The Palestinian Civil Police, with 8,000 officers, is supported by a European program (EUPOL COPPS) and is responsible for internal daily policing and crime prevention.³²

The PA security services primarily responsible for harassment of journalists in cases that Human Rights Watch investigated in the West Bank are the Preventive Security agency and the General Intelligence Service (GIS). Under Palestinian law, Preventive Security did not have the right to make arrests or run detention facilities prior to November 20, 2007, when President Abbas issued a decree giving the agency these powers. According to Article 8 of the decree, Preventive Security must respect the rights enshrined in “Palestinian laws and international charters and treaties,” but the decree also limits transparency by stating that “the information, activities, and documents pertaining to the work of the Preventive Security shall be considered confidential and cannot be disclosed to anyone.”³³ In 2005 the PA enacted General Intelligence Law No. 17 to “better regulate a particularly anarchic agency,” but the law “failed to demarcate” the GIS’s jurisdiction.³⁴

Palestinian human rights groups point out that the security services operate virtually independently of the PA’s civil courts, which have repeatedly ruled against the security services for arbitrary detentions and other abuses; in November 2010, for example, the ICHR identified 44 cases in which military authorities continued to detain persons whose release had been ordered by the civilian judiciary.³⁵ The security services frequently arrest civilians, including journalists, based on warrants issued unlawfully by the PA’s Military Justice Authority; the military courts purport to exercise jurisdiction based on the PLO Revolutionary Penal Law of 1979, despite an explicit article in the superseding Palestinian Basic Law (Article 101(2)) and rulings by the Palestinian High Court of Justice affirming that military courts have no jurisdiction beyond military affairs.³⁶ PA security officers compound this violation by frequently failing to present warrants when they arrest or search civilians.³⁷

³² EUPOL COPPS is an EU-led mission, with 53 international staff, that since 2006 has assisted the PA in efforts to strengthen the civil police by providing technical advice and training in areas such as criminal investigation, crime scene management, public order, public policing, administration and internal oversight. EUPOL COPPS supports three police internal oversight bodies, including a Bureau for Grievances and Human Rights. Crisis Group, *Squaring the Circle*, p. 13.

³³ Human Rights Watch, *Internal Fight: Palestinian Abuses in Gaza and the West Bank*, July 2008, “Summary,” <http://www.hrw.org/node/62090/section/3>.

³⁴ Crisis Group, *Squaring the Circle*, p. 2.

³⁵ ICHR, “Monthly Report on Human Rights Violations,” November 2010, <http://ichr.ps/pdfs/ICHR%20Monthly%20Report%20-%20Nov%202010-%20Eng.pdf>, accessed December 19, 2010.

³⁶ See Al-Haq, “Al-Haq letter to Prime Minister Dr. Salam Fayyad Regarding Human Rights Concerns in the West Bank,” February 6, 2010, <http://www.alhaq.org/etemplate.php?id=504>, accessed September 27, 2010.

³⁷ Numerous articles of Palestinian Law of Penal Procedure No. (3) of 2001 require an arrest warrant.

The General Intelligence Service and the head of the Palestinian military judiciary stated that as of January 16, 2011, military arrest warrants would no longer be issued against civilians, and civilians would no longer be tried in military courts, according to the Palestinian human rights organization Al Haq, which advocated the change.³⁸ Al Haq reported that as of March 17 it had secured the release of 25 civilians detained by General Intelligence Services, but that the Preventive Security agency continued to detain “tens of civilians,” military courts continued to sentence civilians who were detained before January 16, and that a third security agency, the Military Intelligence service, continued to obtain arrest warrants against civilians.³⁹ Al Haq has called on President Abbas to issue a decree requiring Palestinian security agencies and military courts to stop exercising jurisdiction over civilians.

Since 2007 foreign donors have increasingly provided funding directly to the PA Interior Ministry, which disburses funds to security agencies, but Preventive Security and the GIS “in particular” also receive “significant direct donor support,” according to an International Crisis Group report.⁴⁰ According to Yezid Sayigh, the CIA and “more modestly” the British Secret Intelligence Service continue to provide funding to Preventive Security, including amounts that were not reported to the PA Ministry of Interior.⁴¹

The US gave about \$392 million from 2007 to 2010 in assistance to the PA security forces.⁴² The US Department of State also requested \$150 million for its programs for fiscal year 2011. The NSF and the EU-supported Civil Police were not responsible for abuses documented in this report, although the Independent Commission for Human Rights has reported incidents in which the NSF has attacked journalists attempting to cover demonstrations.⁴³

³⁸ Human Rights Watch, “Palestinian Authority: No Justice for Torture Death in Custody,” February 16, 2011, <http://www.hrw.org/en/news/2011/02/16/palestinian-authority-no-justice-torture-death-custody>.

³⁹ Email update from Shawan Jabarin, Al-Haq executive director, to Human Rights Watch and others, March 17, 2011, on file with Human Rights Watch.

⁴⁰ Crisis Group, *Squaring the Circle*, p. 14.

⁴¹ Yezid Sayigh, “*Fixing Broken Windows*”: *Security Sector Reform in Palestine, Lebanon and Yemen*, October 2009, Carnegie Endowment for Peace, pp. 23, 14-15, <http://carnegie-mec.org/publications/?fa=24051>, accessed September 27, 2010. According to Sayigh, the CIA began a covert train-and-equip program for the newly-established Preventive Security and General Intelligence Service in 1996. Sayigh cites unnamed “high-ranking intelligence officers and donor officials” who stated that the practice continued even after donors began in 2007 to channel more funds through the Interior Ministry.

⁴² The total amount included \$160 million for training, primarily for the National Security Force (NSF); \$89 million to provide nonlethal equipment; \$99 million to renovate or construct several PA installations; and about \$22 million to build the capacity of the Interior Ministry. US GAO, *Palestinian Authority: U.S. Assistance Is Training and Equipping Security Forces, but the Program Needs to Measure Progress and Faces Logistical Constraints*, May 11, 2010, <http://www.gao.gov/products/GAO-10-505>, accessed September 24, 2010.

⁴³ For example, NSF officers were among the security personnel who “assailed media representatives” and “prevented citizens from filming” a demonstration against Israel’s offensive in the Gaza Strip on January 9, 2009. ICHR, “Monthly Report on Human Rights Violations, January 2009,” <http://www.ichr.ps/pdfs/eMRV-1-09.pdf> (accessed December 3, 2010). In March 2010, NSF personnel reportedly insulted and “attacked a number of journalists by beating them with sticks” and prevented

On May 5, 2010, PA Prime Minister Salam Fayyad inaugurated an award for excellence in reporting by Palestinian journalists, and said that the PA should exert further efforts to defend and protect journalists as well as secure freedom of the press, which “Palestinian citizens should enjoy according to Palestinian law.”⁴⁴

Gaza

In Gaza, the police and the Internal Security Force (*al-Amnu al-Dakhil*), under the authority of the minister of interior, are responsible for most alleged abuses documented by human rights groups. Hamas created the Internal Security Force (ISF) in September 2007 to combat politically motivated crimes, modeling the force on the PA’s Preventive Security agency and staffing it largely with members of the Qassam Brigades, the Hamas militia.⁴⁵ In 2008, for example, among other closures, Hamas authorities closed the Voice of the People radio station operated by the Popular Front for the Liberation of Palestine.⁴⁶

Hamas governmental authorities in Gaza also violated the rights of journalists during the armed conflict with Israel in December 2008 and January 2009, continuing a repressive pattern that Human Rights Watch documented after Hamas took over Gaza in June 2007.⁴⁷ In August 2009 the independent *Ramattan* news agency closed its Gaza offices (which have since re-opened) due to repeated harassment by the Hamas authorities, notably an incident in which Internal Security Force officers broke into the agency’s headquarters to prevent a press conference.⁴⁸

ICHR documented 13 separate incidents in 2009 in which the Hamas government variously expelled journalists, prevented them from leaving Gaza, confiscated their identity cards, seized and destroyed their equipment, or arbitrarily detained and assaulted them.⁴⁹ For

them from covering a demonstration in the Bethlehem governorate. ICHR, “Monthly Reports on Human Rights Violations,” March 2010, <http://www.ichr.ps/pdfs/eMRV-3-10.pdf> (accessed December 3, 2010).

⁴⁴ “Fayyad launches Palestinian media award,” Ma’an News Agency, May 5, 2010, <http://www.maannews.net/eng/ViewDetails.aspx?ID=282059>, accessed May 23, 2010.

⁴⁵ Other security forces in Gaza include the civil police and the National Security Force, responsible for security along Gaza’s borders, which Hamas refers to as its army. Human Rights Watch, *Internal Fight*, “IV. Gaza: Abuses against Fatah.”

⁴⁶ Lebanonwire, “Hamas shuts down Gaza radio: station official,” August 2, 2008, <http://www.lebanonwire.com/o8o8MLN/o8o8o212AF.asp>, accessed August 20, 2010.

⁴⁷ Human Rights Watch, *Internal Fight*, “IV. Gaza: Abuses against Fatah.”

⁴⁸ Saed Bannoura, “Due To Repeated Violations Against It, Ramattan Decides To Close Gaza Offices,” November 12, 2009, IMEMC and news agencies, http://www.imemc.org/index.php?obj_id=53&story_id=57097.

⁴⁹ On January 7, Gaza police evicted Wa’el Issam Abdul Qader, an Al Arabiya satellite channel correspondent, from Gaza to Egypt via the Rafah border crossing, without providing any reasons. ICHR Monthly Report on Human Rights Violations, February 2009, p. 5. On March 18, internal security forces summoned, interrogated and seized the identity card and passport of Sakhr Midhat Abu ‘Oun, Secretary General of the Palestinian Journalists Union and correspondent for Agence France-Presse

example, on October 10, police officers in Khan Younis assaulted Ayman Salameh, a 35-year-old correspondent for the Al-Quds satellite television channel, injuring him so badly that residents had to transport him to Nasser Hospital for treatment.⁵⁰ Human Rights Watch is not aware of any official response to the complaint that Salameh filed with the police. In other cases, the Gaza government has for political reasons prevented journalists from holding meetings or press conferences.⁵¹

Human rights groups reported similar incidents in 2010, including the case of Nofouz al-Bakri, described below. According to MADA, Hamas authorities were responsible for 33 violations of journalists' rights that year.⁵²

In January, the ICHR reported, an officer with Hamas's internal security force broke into the home of Ammar Yasir al-Talawi, a cameraman and producer for *Al-Aqsa* satellite television in Khan Younis, threatened him, and confiscated his computer. When al-Talawi went to file a complaint about the incident, police refused to receive it, detained him for an hour, assaulted him, and forced him to sign a pledge that he would "maintain order" before releasing him, the ICHR reported.⁵³ In February Hamas authorities arrested British journalist Paul Martin for 25 days after Martin had entered Gaza to attend the trial, for collaboration, of

(AFP), at the Abu Khadra Governmental Complex in Gaza City. ICHR, *Monthly Report on Human Rights Violations*, March 2009, p. 5. On April 19, Hamas border police at the Rafah border crossing with Egypt prevented journalist Khaled Jamal Balbal, 33, from traveling to a training course in Cairo, claiming that they had to obtain permission from the Internal Security Services. On August 12, Gaza City police detained Mazen el-Bilbisi, a reporter for the al-Itijah satellite channel, and his cameraman, and destroyed their tape, before releasing them. ICHR, *Monthly Report on Human Rights Violations*, August 2009, p. 5. On October 7, police detained 'Atef abu Saif, a member of the General Writers Union, and prohibited him from traveling outside Gaza due to his affiliation with Fateh. ICHR, *Monthly Report on Human Rights Violations*, April 2009, p. 7, and October, p. 4. On October 10, Khan Younis police assaulted Ayman Mohammed Salameh, 35, a correspondent for Al-Quds satellite television channel, while he was working; he was hospitalized for his injuries. ICHR, *Monthly Report on Human Rights Violations*, October 2009, p. 4. Also on October 10, a masked attacker assaulted Al-Ayyam newspaperman Faiz Abu Aoun, 49, as he attempted to cover a sit-in by store-owners whose stores the Gaza municipality had demolished outside Al Aqsa University; police from a nearby police station did not intervene, and according to ICHR, the attacker was never detained despite several promises by the authorities that he would be. ICHR, *2009 Annual Report*, pp. 143-44. On November 1, police arrested writer Sami Fouda, because of his critical articles about the Gaza government. On November 10, internal security confiscated the ID and camera of Ma'an agency journalist Hatem Sa'di Omar, in Rafah, while he was filming the "Miles of Smiles" convoy of international activists attempting to bring humanitarian aid into Gaza via Egypt. Internal security summoned Omar the following day and questioned him about his relations with Ramallah before releasing him. ICHR, "Monthly Report on Human Rights Violations," November 2009, p. 5.

⁵⁰ ICHR, *2009 Annual Report*, p. 143.

⁵¹ On November 10, Gaza security officers broke into the Ramattan News Agency, confiscated video tapes, and prevented the National Work Commission from holding a press conference intended to announce the cancellation of a festival commemorating Yasser Arafat, claiming that they could not obtain a permit. ICHR *Monthly Report on Human Rights Violations*, November 2009, p. 5. On November 9, the public media office in Gaza prevented the International Federation of Journalists from holding a conference – which was supposed to videolink with participants in Ramallah – at the Roots restaurant in Gaza City, claiming that organizers lacked a permit and had not coordinated with the public media office. ICHR *Monthly Report on Human Rights Violations*, November 2009, p. 5

⁵² MADA, *2010 Annual Report*, p. 6.

⁵³ ICHR *Monthly Report on Human Rights Violations*, January 2010, p. 5

a former militant he had previously interviewed. Martin was detained on the order of a military prosecutor in Gaza because he had “tried to recruit a large number of translators and drivers to work for him,” which is not an offense under applicable law. Hamas authorities prohibited him from seeing a lawyer for 10 days and from conversing privately with his lawyer during his entire detention, in violation of his due process rights.⁵⁴ In August, Khan Younis police officers allegedly confiscated equipment from and attacked *Aljazeera.net* reporter Ahmed Moussa Abu Fayadh, causing him to seek medical treatment at a hospital, when he went to cover a concert that included a music festival for children in the Khan Yunis sports complex, according to Reporters Without Borders.⁵⁵ Abu Fayadh was reporting on concert-goers who were angry that the event was overcrowded when policemen attacked him in front of his own children, MADA reported.⁵⁶

In many cases Hamas authorities’ violations of journalists’ rights appeared to result from concerns over Hamas’s legitimacy vis-a-vis the PA as the lawful governing authority. In January the Gaza Information Ministry issued a statement that instructed journalists not to refer to the Hamas government as “the deposed government” (a term Palestinian journalists had used to describe Hamas after the PA dissolved the Hamas/Fatah unity government in 2007) and that “defin[ed] the accurate idioms” for journalists to use, such as “the Palestinian government in Gaza, the Palestinian government of Ismail Haniya ,or the government in Gaza.”⁵⁷ In cases discussed in this report, Hamas authorities threatened journalists with prosecution for allegedly focusing on abuses in Gaza while paying too little attention to PA abuses in the West Bank.

Hamas authorities have not officially recognized the Palestinian Press Syndicate’s presence in Gaza City, and internal security officers briefly closed the office and detained one member, Sami al-Ajrami, in October during a videoconference discussion of the syndicate’s bylaws with members in the West Bank.⁵⁸

⁵⁴ Human Rights Watch, “Journalist’s Detention Violated Due Process,” March 11, 2010, <http://www.hrw.org/news/2010/03/11/hamas-journalists-detention-violated-due-process>.

⁵⁵ Reporters Sans Frontiers, “Political tension continues to take its toll on journalists in Gaza and West Bank,” August 6, 2010, <http://en.rsf.org/palestinian-territories-political-tension-continues-to-06-08-2010,38099.html>, accessed August 25, 2010.

⁵⁶ MADA, “MADA condemns the attack on the journalist Fayyad and the confiscation of transmission device from Radio Mazaj FM,” August 5, 2010, http://www.madacenter.org/madaeng/index.php?option=com_content&view=article&id=261:mada-condemns-the-attack-on-the-journalist-fayyad-and-the-confiscation-of-transmission-device-from-radio-mazaj-fm&catid=54:-2010&Itemid=58, accessed March 14, 2011.

⁵⁷ Fares Akram al-Ghoul, “Gaza journalists caught up in Fatah-Hamas legitimacy argument,” February 9, 2010, Xinhua, http://news.xinhuanet.com/english2010/world/2010-02/09/c_13170007.htm, accessed October 25, 2010.

⁵⁸ Human Rights Watch interview with Nabhan Khreishi, Ramallah, October 14, 2010. See also, e.g., Ma’an News, “Hamas shuts down journalists syndicate in Gaza,” October 12, 2010, <http://www.maannnews.net/eng/ViewDetails.aspx?ID=323514>, accessed November 10, 2010.

Palestinian Authority Abuse of Journalists in the West Bank

In the cases discussed below, Palestinian journalists in the West Bank told Human Rights Watch that they have had their equipment confiscated and been arbitrarily detained, barred from traveling abroad, assaulted, and in one case, tortured, by Palestinian security services.

Muhanad Salahat

The PA's General Intelligence Service (GIS) detained Muhannad Salahat, a freelance journalist and filmmaker, when he was returning to the West Bank from Jordan on the morning of March 28, 2010. He was not notified of the reason for his arrest, but detained for 14 days without charge in Jericho. The GIS, which reports to President Abbas, released Salahat on April 11. Jordanian intelligence officers prevented Salahat from traveling from the West Bank to Jordan on April 19, saying that they required clearance from the PA's GIS before he could travel.

After his first detention Salahat told Human Rights Watch that after GIS arrested him on March 28, authorities denied him access to a lawyer or any contact with family members, apart from one phone call to his parents on his third day of detention. "I could say I was in jail in Jericho, but that was all I was allowed to tell them," he said. "This is the first time I've ever been arrested. I was totally surprised."⁵⁹

Salahat said intelligence officials interrogated him twice daily, from 10 a.m. to noon and from midnight to 5 a.m., about his work making documentaries for Al Jazeera, op-ed articles he published online, and his membership in a Facebook group. "I was asked to sign a paper saying I have a Facebook group, with 2,000 members, and that there are discussions in the group that include PA corruption," Salahat said. "After I signed it they told me that this was the basis of the case that will be brought against me."⁶⁰

During the first four days of interrogation, Salahat said, "They asked me questions about where I got the money for my documentary films, who's going to use them, who am I meeting outside Palestine, and whether I engaged with issues related to the PA, especially anything about corruption." A former PA intelligence official had implicated the chief of staff of PA

⁵⁹ Human Rights Watch interview with Muhannad Salahat, Ramallah, April 14, 2010.

⁶⁰ Human Rights Watch interview with Muhannad Salahat, Ramallah, April 14, 2010.

President Abbas in a corruption scandal in February.⁶¹ “They were concerned because I have worked with Al Jazeera, which had been doing shows about PA corruption,” Salahat said. “But I hadn’t made any films on this topic. The last thing I did was a print article in 2006 or 2007 about corruption in Nablus.”

On the fifth day of his detention, Salahat said, security officials took him to the office of the public prosecutor in Jericho, who, in Salahat’s presence, said that there was no basis for his continued detention.⁶² Security officials nonetheless returned him to jail and held him in solitary confinement for another nine days. After he was released, Salahat said, his parents told him they had called the head of the prison in Jericho but that “he denied that I was there.”

Salahat said that after his release, several friends told him that security officers had told them he was arrested for forging checks.

Salahat was released on April 11, after he had gone on hunger strike to demand to know the charges against him, and after supporters in Rased, a Palestinian human rights group of which he is a member, started a campaign for his release. “They started calling around and doing a campaign for me. And Al Jazeera had started a crawl about me,” Salahat said.⁶³ “When they let me out, they told me to tell Al Jazeera and Rased to stop the campaign.”

Salahat was initially unable to recover two laptops, a video camera, and an external hard disk containing 23 hours of film that authorities confiscated on his arrest. When the GIS finally released his equipment on April 15, Salahat said, they had damaged one of the laptops and the external hard disk and removed the video footage.

On April 26, GIS officials summoned Salahat to appear at their office in Nablus on May 1. He was detained on arrival there that morning and held in Jneid Prison until May 10 when he was released. Upon his second release, Salahat said, he attempted to travel to Jordan on two other occasions, after purchasing an airline ticket to a third country originating in Amman, but Jordanian intelligence officials prevented him from crossing the border; they repeated that Salahat had to provide clearance from the PA’s GIS.⁶⁴

⁶¹ “Abbas suspends chief of staff,” Al Jazeera International, February 14, 2010, <http://english.aljazeera.net/news/middleeast/2010/02/2010214184159247420.html>, accessed May 23, 2010.

⁶² International human rights law requires, e.g., that detainees promptly be taken before a judicial authority, and allowed to challenge their detention in court without delay (Article 9 of the International Covenant on Civil and Political Rights).

⁶³ The “crawl” refers to a line of text with breaking news that moves across the television screen during news broadcasts.

⁶⁴ Human Rights Watch telephone interview with Muhannad Salahat, Ramallah, July 1, 2010.

Mustafa Sabri

In a second case, Preventive Security, which reports to Prime Minister Fayyad, raided the home of freelance journalist Mustafa Sabri in the West Bank town of Qalqilya on March 9, 2010 and detained him. Sabri, who was held without charge or trial until his release on April 13, told Human Rights Watch that the raid on his home came at a time when he was scheduled to be interviewed by Musa'b al-Khasib, a journalist for *Al-Quds* television, a West Bank station, and cameraman Ashraf Abu Shawish. Immediately after the television crew entered his home, Sabri said, "more than 20 military and civilian cars pulled up outside, and about 10 security officials came in, said that the interview was prohibited, and took both of them [the television journalists] to Preventive Security regional headquarters in Qalqilya."⁶⁵ The security officials confiscated the television crew's mobile phones and the tape from the television camera.

Al-Khasib confirmed this version of events to Human Rights Watch.⁶⁶ A Palestinian press freedom organization, MADA, reported an interview with Al-Khasib that also confirmed Sabri's version of events.

In a separate incident Preventive Security officers in Tulkarem detained al-Khasib and Pal Media cameraman Hazim al-Baledi after they interviewed Fathi Qurawi, a Hamas member of the Palestinian Legislative Council, about the possibility of Fatah and Hamas reconciliation, on June 14, according to MADA.⁶⁷ Preventive Security confiscated the videotape of the interview, MADA reported.

Human Rights Watch visited Sabri at his home in Qalqilya on April 24. On April 25 Preventive Security summoned him for interrogation at 9:30 a.m. and allowed him to leave at 2:30 p.m. after questioning him about the political situation in the West Bank and forthcoming municipal elections in July.⁶⁸

Sabri told Human Rights Watch that the scheduled interview with *Al Quds* television was to be about the Palestinian Journalists' Syndicate and freedom of the press. Sabri said he had applied for but been denied membership to the syndicate in 2009 "because I'm seen as an Islamist," someone sympathetic to religious-national movements like Hamas and Islamic

⁶⁵ Human Rights Watch interview with Mustafa Sabri, Qalqilya, April 24, 2010.

⁶⁶ Human Rights Watch telephone interview with Mohammed al-Khasib, April 28, 2010.

⁶⁷ MADA, "MADA condemns the journalist Alkhatib detention, and French broadcasting council decision to stop Aqsa TV broadcasting," June 15, 2010.

⁶⁸ Human Rights Watch telephone interview with Mustafa Sabri, April 26, 2010.

Jihad. “The syndicate gives its seats on the basis of quotas given to members of the PLO factions,” which Fatah dominates, Sabri said. From 2005 to 2009, Sabri was a member and spokesman of the city council of Qalqilya, where the Hamas-linked Reform and Change Bloc had won local elections. Sabri said he had been critical of the PA on several sensitive issues, including its actions during the armed conflict between Israel and Hamas in Gaza in December 2008 and January 2009. “In beginning of 2009 I wrote about the families of those arrested by the PA for protesting the Gaza war for a paper based in Gaza, and for *Al-Mujtama* magazine in Kuwait,” Sabri said.

PA security agencies have detained Sabri on at least five occasions in 2007 and 2008. In August 2007 around 50 security officials broke into his house and detained him for four days. In February 2008, Sabri said, GIS officials arrested him for three days and interrogated him about his journalistic work and his relations with Hamas. The GIS arrested him for four days beginning May 7, 2008, and for one day on July 25.

“Up until then I had decided not to write about my experiences, but after that [arrest on July 25, 2008], I wrote about what had happened. It was on *Jazeera.net*, *Shuruq*, and lots of other sites,” Sabri told Human Rights Watch. “The GIS rearrested me because of that article on July 31,” for 18 days.⁶⁹ According to Sabri, on September 10 the Palestinian High Court of Justice ordered his release. “They let me out of jail after the court case, but as I was leaving the jail, four GIS personnel came in a civilian car, drove me around the city for 15 minutes, then took me back and re-arrested me.” He was released again on September 18.

Sabri’s next arrest was on April 21, 2009, when Preventive Security detained him for more than three months, until July 26, even after a Supreme Court order for his release on June 14.⁷⁰ Sabri told Human Rights Watch that during these three months he was first detained for 43 days at the Preventive Security headquarters in Qalqilya, then transferred to a detention center in Beitunia, near Ramallah, where his jailers severely tortured him for the initial two weeks.

“For the first 18 days [in the Beitunia detention site], I spent most of the time either tied up in a chair, [or] tied up while standing up, and blindfolded,” Sabri told Human Rights Watch. “I

⁶⁹ Human Rights Watch interview with Mustafa Sabri, Qalqilya, April 24, 2010.

⁷⁰ Sabri was not charged in connection with any violent acts, although Qalqilya has been the scene of at least one deadly confrontation between PA security services and Hamas militants. On May 30, 2009, the attempted PA arrest of Hamas operatives in Qalqilya ended in a lengthy gunfight and the deaths of two Hamas militants, three Preventive Security members and a bystander. In a related operation on June 4, two militants and one Preventive Security member were killed. These were the deadliest confrontations between Fatah and Hamas since June 2007. ICHR, “Monthly Report on Human Rights Violations,” May and June, 2009.

was suspended from the ceiling by a rope for an hour with my hands behind my back, five centimeters off the ground. I saw some people tied upside down in a chair, some people three meters off the floor. After those days of torture, I was moved to a bigger cell with a few more people for 35 days and treated decently. But you could hear everything else going on. It was as if you were being tortured yourself.”

Sabri said he was not allowed access to a lawyer or to speak with his family until after authorities transferred him to the detention facility in Beitunia, where they allowed him to see his wife on one occasion but gave him no access to his lawyers.

At 11 a.m. on July 29, three days after his release, Sabri said, a third PA security agency, Military Intelligence, detained and interrogated him. “They wanted to know why Preventive Security had detained me for so long,” he said. He was released the next day after media reported his arrest, he said.

Preventive Security arrested Sabri again on January 4, 2010. Sabri said they brought him before a civilian court and charged him with money laundering and supporting illegal militias. “This was the first time that they actually charged me with something,” he said. They later moved him to various prisons, including regular criminal detention centers and a prison run by Military intelligence, which detained him until March 8, then released him. The money laundering charge was later dropped, but the charge of supporting illegal militias remains pending, Sabri said.

Tariq Abu Zeid

In a third case, a PA military court in Jenin sentenced television journalist Tariq Abu Zeid, 34, to a year and a half in prison despite two civilian court rulings ordering his release. Abu Zeid was the northern West Bank correspondent for the Hamas-affiliated Al Aqsa television station, and had worked for the Gaza-based *Al-Risala* newspaper, also considered to be pro-Hamas.

His father, Abd al-Razzaq Abu Zeid, told Human Rights Watch that GIS agents arrested his son on November 8, 2009, and that the security services ignored an order for his release issued by the Palestinian Supreme Court of Justice on January 12, 2010.⁷¹ Despite the Supreme Court order, a military court convicted and sentenced him on February 16 for “prejudicing the status” and “opposing the public policy” of the Palestinian Authority under

⁷¹ Human Rights Watch interview with Abd al-Razek Abu Zeid, Jenin, April 24, 2010.

Articles 164 (a)(b) and 179 of the Palestine Liberation Organization's Revolutionary Penal Code of 1979. Trying a civilian in a military court violates the Palestinian Basic Law.

According to Abd al-Razzaq Abu Zeid, Tariq moved to the northern West Bank city of Jenin from Jordan in 1999 and studied fine arts at al-Najjah University in nearby Nablus. Tariq began working with Al Aqsa television and *Al-Risala* in 2006, Abd al-Razzaq said. The Palestinian Authority banned both Al Aqsa television and *Al-Risala* after Hamas took control of the Gaza Strip in June 2007.

Israeli authorities arrested Tariq at his home in Nablus on December 15, 2007, and detained him for a year because of his Islamist activism at university in Nablus, Abd al-Razzaq Abu Zeid said. Tariq went into hiding upon his release from Israeli prison in December 2008.

While Tariq was in hiding, his father said, officers from both the GIS and Preventive Security raided the family's home in Jenin seven or eight times and summoned him, the father, for interrogation 15 times during that period. Preventive Security officers confiscated four computers and 2,500 Jordanian dinars during these raids, he said. These house raids began in September 2008, while Tariq was still in Israeli custody, and escalated after his release in December, at which point security officers began to pressure Abd al-Razzaq Abu Zeid to contact his son and arrange for his arrest. "The questions were all about me, where I got my money, and about Tariq," Abd al-Razzaq Abu Zeid said. "It took four or five hours every time I was interrogated." On August 27, he said, he contacted Tariq and reached an agreement with GIS for Tariq to turn himself in. "They promised me he wouldn't be beaten." He was detained in the GIS prison in Jenin until September 17, 2009, when he was released without being charged.

On November 8, 2009, Tariq responded to a summons issued the previous day by Military Intelligence. Military Intelligence arrested and transferred Tariq to their detention centre in the Jneid compound in Nablus, where he remains in detention.

Tariq's lawyer, Bassam Karajah of the Jerusalem Centre for Legal Aid and Counseling, appealed to the Palestinian High Court against his arrest; the court ordered Tariq's immediate release on January 12, 2010. Military Intelligence ignored the order and continued to detain him, then presented his case to a special military court. The military court in Nablus sentenced him to a year and a half in prison on February 15.

Abd al-Razzaq Abu Zeid told Human Rights Watch that prison authorities sometimes banned Tariq's wife and family from visiting Tariq in prison as a form of punishment. "In March, a

guard shouted at him, and he answered back, and we weren't allowed to see him for a month," Abd al-Razzaq Abu Zeid said.

Lawyer and human rights defender Anas Bargouthi, from the Adammeer Association for Prisoners Support, regularly visited the Jnied prison where Tariq was detained. Bargouthi told Human Rights Watch that there are 30 to 35 civilian detainees there who had been tried by special military courts. The military courts use a "set of vaguely defined default charges against civilians," Bargouthi said, "including 'working against the mainstream policies of the Palestinian Authority,' 'harming the Palestinian Authority,' 'belonging to illegal groups,' and 'supporting illegal groups.'" Bargouthi noted that Palestinian human rights lawyers were boycotting the military courts by refusing to represent detainees before them, in protest of the courts' "arbitrary, unstructured, and rushed procedures, which are illegal and should not be acknowledged."⁷²

The director of the PA's military judiciary, Lt.-Gen. Ahmad al-Mubayyid, announced that Tariq Abu Zeid was released, along with other prisoners, on the eve of the Muslim holiday Eid al-Adha on November 14, 2010, in accordance with a presidential decree. According to al-Mubayyid's statement, Abu Zeid had originally been arrested and detained for resisting PA security and not because he was a journalist.⁷³

Lieutenant-General Al-Mubayyid told Human Rights Watch that the military judiciary had asserted jurisdiction over Abu Zeid because the latter had been armed at the time of his arrest.⁷⁴ Al-Mubayyid further asserted that the Palestinian civil judiciary had exceeded its authority by "intervening" in Abu Zeid's case after the military judiciary had begun to prosecute him. According to al-Mubayyid, the civilian court may intervene only in cases where a person is in military custody but the military judiciary has not yet begun to prosecute him, or where a convict appeals the final verdict of the highest military court to the Palestinian Supreme Court.

International human rights law is clear that military courts may not exercise jurisdiction over civilians, including journalists.⁷⁵

⁷² Human Rights Watch interview with Anas Bargouthi, Ramallah, April 22, 2010.

⁷³ Maan News, "PA releases prisoners for Eid al-Adha," November 14, 2010, <http://www.maannews.net/eng/ViewDetails.aspx?ID=333727>, accessed November 22, 2010.

⁷⁴ Human Rights Watch interview with Ahmad al-Mubayyid, Ramallah, November 24, 2010.

⁷⁵ See, e.g., Human Rights Committee, General Comment 32, at para 22.

Khalid Amayreh

PA security services have repeatedly harassed and detained freelance journalist Khalid Amayreh, 53, who writes for Al Jazeera and other media and contributes a regular column to the Egyptian English-language weekly *Al-Ahram*. Amayreh has been harshly critical of the PA, including President Mahmoud Abbas.⁷⁶

Preventative Security first arrested Amayreh in 1998 and detained him for several days in Jericho for a report he wrote about torture in PA prisons. Since then, Amayreh told Human Rights Watch, PA security agencies summoned him for “interviews,” which have included threats to arrest him if he continued to publish critical statements about the PA. These summonses resulted in his arrest on several occasions.⁷⁷

Preventative Security officers in Hebron arrested him in January 2009 and detained him for two days after he criticized the PA for suppressing West Bank protests against Israel’s military offensive in Gaza during an interview with Al Quds satellite television station.⁷⁸ During his detention, Amayreh said, “I was put in solitary confinement inside a filthy cell, and forced to sleep next to a toilet,” an experience he described to Human Rights Watch as one of “deliberate humiliation.” Amayreh said that security and prison officials shoved him roughly, but did not physically torture him. He added that during his periods in detention, “I have seen people tortured by being tied to a chair.”⁷⁹

In August 2009, GIS officers detained Amayreh as he attempted to cover Fatah’s Sixth General Conference, in Bethlehem. They arrested him outside the area where the conference was being held, “and GIS handed me over to the Preventative Security in Hebron, who threatened me not to enter Bethlehem,” Amayreh said.

⁷⁶ See, e.g., Khalid Amayreh, “Abbas must resign now,” November 10, 2007, Maan News, <http://www.maannews.net/eng/ViewDetails.aspx?ID=199681>, accessed September 25, 2010.

⁷⁷ Human Rights Watch interview with Khalid Amayreh, Hebron, June 15, 2010. In February 2000, for example, Amayreh was summoned twice by the PA General Intelligence Service and the Israeli military’s District Coordination Office in Hebron for questioning after he published an article criticizing the PA’s willingness to negotiate over the return of Palestinian refugees as part of a peace agreement with Israel. See “Palestinian and Israeli intelligence cooperate to silence journalist,” February 11, 2000, Palestinian Human Rights Monitoring Group, <http://www.phrmg.org/pressrelease/2000/21feb2000.htm>, accessed September 25, 2010.

⁷⁸ Human Rights Watch interview with Khalid Amayreh, Hebron, June 15, 2010. For other accounts of Amayreh’s detention in January 2009, including an article that Amayreh wrote and published on the Islam Online website, see Shirine Bahaa, “Details on the arrest of Khalid Amayreh,” January 25, 2009, Palestine Think Tank, <http://palestinethinktank.com/2009/01/25/details-on-the-arrest-of-khalid-amayreh/>, accessed September 24, 2010.

⁷⁹ Human Rights Watch interview with Khalid Amayreh, Hebron, June 15, 2010.

Most recently, Amayreh was summoned for an “interview” at the Preventive Security agency’s headquarters in Hebron on June 12, 2010. Amayreh told Human Rights Watch that an interrogator questioned him about a lecture he had given to visiting university students and professors from Denmark in the village of Dura, near Hebron, “about the Middle East and the possibilities of peace.” “The agency had just learned about [the lecture], which I gave in English, so they didn’t understand it and wanted to know what it was about. The interrogator told me that I was required to get advance permission to give lectures.”⁸⁰ Amayreh said he had resorted to writing more frequently in English rather than in Arabic in order to avoid censorship.⁸¹

Although Amayreh is a member of the Palestinian Journalists Syndicate and holds Bachelor’s and Master’s degrees in journalism from US universities, “I am not recognized as a journalist by the PA,” because “in the West Bank you must have a paper from the security agencies,” Amayreh said, referring to the security checks conducted by the intelligence services whose approval is required for journalists to work and to cover specific events – similar to the “good conduct” certificates provided by the PA Interior Ministry for public employees such as school teachers.⁸² According to the International Crisis Group, “since 2007, dozens of applications from journalists with Islamist sympathies have been turned down.”⁸³

Amayreh noted that his harassment by PA security services was exacerbated by the Israeli military’s arbitrary imposition of a travel ban that prevented him from leaving the West Bank or entering East Jerusalem (he is otherwise able to travel within the West Bank). “I receive numerous invitations every year to attend events, but I do not get a permit, and the fact that I cannot access Jerusalem affects my work tremendously,” Amayreh told Human Rights Watch.⁸⁴

Other journalists told Human Rights Watch that they had also received intimidating summonses from security services after they had published articles critical of the PA. For example, Walid al-’Awad, a correspondent for the London-based Arabic-language newspaper *Al Quds Al Arabi*, published an article on September 29, 2010 entitled, “Preventive Security

⁸⁰ Id.

⁸¹ Id.

⁸² Id.

⁸³ Id. The General Intelligence Services and Preventive Security both conduct checks and provide information to an Interior Ministry office that provides a security clearance, “in the form of a good conduct certification [husn al-suluk].” Crisis Group, *Squaring the Circle*, notes 155-56, p. 29.

⁸⁴ Human Rights Watch interview with Khaled Amayreh, Hebron, June 15, 201.

and General Intelligence Compete over the Number of Arrests.”⁸⁵ The article harshly criticizes the PA’s security services and calls the PA leadership “agents of Israel.” At 10:59 a.m. on the day the article was published, al-’Awad told Human Rights Watch, someone who identified himself as “Major Abu Ala” but did not say which security agency he was from called and said, “We saw your article and we’re going to pursue you by law for publishing it.”⁸⁶ Al-’Awad told Human Rights Watch that he immediately asked an operator to trace the call, which originated from the Preventive Security headquarters in Ramallah. A military jeep later delivered a summons to his home, requiring him to meet an official identified as “Officer K.” on October 18 at 9 a.m. at the Preventive Security offices in Bethlehem. Al-’Awad informed Human Rights Watch that the interview lasted several hours and was “polite,” that he was questioned about his sources, and invited to discuss “how the media can work together with the security agencies to improve their image.”⁸⁷

Samer Rweeshid

In a fifth case, GIS officers arrested Sawt al-Aqsa radio correspondent Samer Rweeshid, 27, at his home in Hebron on May 6, 2010, and detained him for 45 days before releasing him. Rweeshid, who joined the radio station in 2007, told Human Rights Watch that security officers confiscated his computer at the time of his arrest and had not returned it.

Rweeshid spent 14 days in solitary confinement during his detention, including 11 consecutive days, he told Human Rights Watch. “Many times I was barred from leaving [my cell] when the other prisoners were allowed out to get some air, and I was twice prevented from praying on Fridays.”

General Intelligence officials questioned Rweeshid about his journalistic work “and about other journalists I know,” and not about any security or other criminal offenses, he said.⁸⁸ During the first days of his interrogation, GIS officers offered to release him if he signed a pledge to work under their supervision. “I wrote out the promise as they asked, but then they dropped [the subject]. They withdrew the offer and started to threaten me again,” Rweeshid said. “They threatened me with 10 years in prison, and at one point an agent said that he would shoot me. They ordered me not to touch on the PA in my work.”⁸⁹

⁸⁵ Walid al-’Awad, “منافسة بين المخابرات الفلسطينية والامن الوقائي في عدد المعتقلين لدى الجهازين”, Al Quds al-Arabi, September 29, 2010, <http://alquds.co.uk/index.asp?fname=data\2010\09\09-29\29qpt93.htm> (accessed March 2, 2011).

⁸⁶ Human Rights Watch telephone interview with Walid al-’Awad, Ramallah, October 17, 2010.

⁸⁷ Human Rights Watch telephone interview with Walid al-’Awad, Ramallah, October 19, 2010.

⁸⁸ Human Rights Watch telephone interview with Samer Rweeshid, July 1, 2010.

⁸⁹ Human Rights Watch telephone interview with Samer Rweeshid, July 1, 2010.

Authorities presented Rweeshid to a military court on May 12 and charged him with “working against the PA;” his arrest was extended for purposes of interrogation for another week. He was not certain of the legal basis for his continued detention after that point, but presumed that military courts had extended his detention for the same reason. Rweeshid said his parents had wanted to hire a lawyer to appeal his detention to the Palestinian Supreme Court of Justice, but he rejected the idea because he considered it futile.

Watan Television: Assaults on Journalists and Raids on Station

Watan Television is an independent, liberal-leaning station headquartered in Ramallah; according to station head Mu’ammam Orabi, it is one of the most popular stations in the West Bank.⁹⁰

On August 25, 2010, Palestinian politicians, including independent politicians not affiliated with Hamas or other Islamist groups, organized a press conference to discuss their opposition to the PA’s resumption of peace negotiations with Israel at the Protestant Hall in downtown Ramallah. Watan television reporter Aysar Barghouthi and cameraman Khaled Milham went to the hall and had set up their camera, waiting for the conference to begin, “when we were surprised by a large number of GIS agents” in plain clothes whose faces he recognized, Barghouthi told Human Rights Watch. A panel on stage had begun the conference “and the camera was rolling when the GIS guys started chanting for Abu Mazen and Yasir Arafat, and a group of them got up on the stage and disrupted the panel.”⁹¹ As Barghouthi went outside to call the TV station, a GIS agent followed him, showed him his GIS credentials, and asked for his ID card. “He asked me what we were doing there and he wrote a summons for me to be interviewed at the GIS headquarters in Ramallah, and then we left,” said Barghouthi, who did not respond to the summons. Meanwhile, GIS agents demanded that Milham, the Watan cameraman who had remained inside the hall, surrender the videotape in his camera. When he refused, they forcibly removed the tape, damaging the camera, Barghouthi said.⁹²

The station director of Watan television, Mu’ammam Urabi, interviewed separately, confirmed that GIS agents assaulted Khaled Milham and damaged his camera. Urabi noted that

⁹⁰ According to Urabi, 14.7 percent of the West Bank’s viewing audience watches Watan television. Human Rights Watch interview with Mu’ammam Urabi, Ramallah, October 14, 2010.

⁹¹ Human Rights Watch interview with Aysar Barghouthi, Ramallah, October 19, 2010.

⁹² Barghouthi’s description of the GIS disruption of the conference is generally corroborated by the Palestinian human rights organization Al-Haq, which sent two staff members to observe the disturbance. Plainclothes security services identified as GIS agents assaulted both Al-Haq members, confiscating the camera of one and stomping on the feet of the other, requiring her to go to hospital for treatment. Human Rights Watch interviews with Al-Haq staff members, Ramallah, September 4, 2010.

President Abbas had called for an inquiry into the Protestant Hall incident, but that no results had yet been announced. “We later met with Adnan al-Damiri, the spokesman for the police, to ask him about the incident and about the president’s inquiry, and he said, it’s not within my responsibility, you should talk to the president’s office. We received an oral apology from [Prime Minister] Salam Fayyad about what happened,” Urabi told Human Rights Watch.⁹³

On October 11, Barghouthi received a second summons, which Human Rights Watch viewed.⁹⁴ According to Barghouthi, he appeared as required on October 14 at the GIS offices in Ramallah, and was interviewed “on and off for an hour at a time for four hours about how they could improve the image of the security services in the media.”⁹⁵

Palestinian security services have repeatedly raided Watan’s main offices in Ramallah. According to Urabi, PA security services closed the station six times from 1996 to 2002, at which point the IDF completely destroyed the station in the course of an offensive in Ramallah during the second Intifada. After the station re-opened, Urabi told Human Rights Watch, he was “attacked violently, along with three other crew members, and had our tapes confiscated” while filming protests against the Annapolis peace conference in 2005. Detectives from the PA civil police raided the television station in April 2009, Urabi said. “Seven or eight armed detectives in civilian clothes raided us and wanted to confiscate anything dealing with our coverage of Hamas or Hizb al-Tahrir [a non-violent Islamist movement]. They demanded that we sign a paper that we would not cover such activities.” The detectives took Urabi to the police station and detained him when he refused to sign, but did not mistreat him and allowed him to leave later that day.

Most recently, on July 13, 2010, at around 6 p.m., according to Aysar Barghouthi and Mu’ammur Urabi, detectives (*mabahith*) from the PA civil police raided the offices of Watan television. The station’s offices are on the fourth floor of the Palestinian Agricultural Relief Committees building, which overlooks a Ramallah high school. “There was a meeting of Hezb al-Tahrir taking place in the outside yard of the high school at the time,” said Barghouthi, who was working at the station when it was raided. “Two armed men in civilian clothes came into the station and identified themselves as detectives. They were aggressive and wanted to confiscate all the tapes from the cameras.” Barghouthi saw from the window

⁹³ Human Rights Watch interview with Mu’ammur Urabi, Ramallah, October 14, 2010.

⁹⁴ The summons stated: “To Mr. Aysar, you must be present on October 14, at 9 a.m., at the directorate of GIS in Ramallah, bringing an ID card and four personal photographs. If you fail to appear at the time and place indicated a warrant will be issued to bring you in according to law. Signed, Director of GIS of Ramallah [no name].”

⁹⁵ Human Rights Watch interview with Aysar Barghouthi, Ramallah, October 14, 2010.

that another 15 men in plain clothes had been stationed downstairs outside the building. The three journalists who were present, including Barghouthi, refused to surrender any videotapes, but “the detectives said it was prohibited to have media coverage of gatherings or activities of illegal groups, especially Hezb al-Tahrir. We said we weren’t aware of any such law, and asked that they present us with a paper that said so.” The detectives left after the journalists convinced them that they had not filmed the rally.

Urabi, interviewed separately, corroborated Barghouthi’s version of events. Urabi speculated that the detectives may have presumed that the station had already filmed the Hezb al-Tahrir rally going on outside its offices and planned to broadcast it during the 6 o’clock news, and timed their raid to prevent the footage from being aired. “It seems to me that security agents are not trained at all to respect the freedom of the press,” Urabi said.

Gaza

This report focuses on the treatment of journalists in the West Bank by PA security services. The following cases of treatment of journalists in Gaza by Hamas authorities are illustrative examples intended to indicate the ongoing nature of violations in Gaza. Human Rights Watch has previously documented repeated incidents in which Hamas security officials have harassed, threatened and assaulted journalists.⁹⁶

Security services under the Hamas government in Gaza have violated journalists' freedom from arbitrary interference with their work, and have chilled freedom of expression in Gaza. For example, Hamas internal security agents have summoned critical journalists for questioning, which the journalists interpreted as a form of intimidation. On November 11, 2010, officers from Hamas's internal security service issued a summons to Dr. Ibrahim Abrash, a prominent commentator, to appear at Internal Security headquarters to pledge not to report negatively about Hamas. He refused to make such pledge and was summoned to return four days later. A former minister of culture in PA Prime Minister Fayyad's government, Abrash had resigned that post and returned to Gaza to protest continuing disagreements between Hamas and the PA in the West Bank.⁹⁷

Human Rights Watch discussed press freedom issues with a human rights defender in the Gaza Strip in May, who recalled several recent incidents in which government officials had called journalists to warn them that their coverage was "slanted" or "biased." "There's a lot of self-censorship because of light pressure like that," the defender told Human Rights Watch.⁹⁸

Nofouz al-Bakri

Nofouz Al-Bakri, a Gaza-based journalist for the pro-Fatah *Al-Hayat al-Jadida* newspaper, published in the West Bank, has written articles critical of Hamas's governance of the Gaza

⁹⁶ E.g., see Human Rights Watch, "Journalist's Detention Violated Due Process," March 11, 2010, <http://www.hrw.org/en/news/2010/03/11/hamas-journalists-detention-violated-due-process>; description of Asma'a al-Ghoul, "Banned, Censored, Harassed and Jailed," August 4, 2010, <http://www.hrw.org/en/news/2010/08/04/banned-censored-harassed-and-jailed>; "Lift Restrictions on Books, Newspapers," March 4, 2011, <http://www.hrw.org/en/news/2011/03/07/gaza-lift-restrictions-books-newspapers>; "Gaza: Stop Suppressing Peaceful Protests," March 19, 2011, <http://www.hrw.org/en/news/2011/03/19/gaza-stop-suppressing-peaceful-protests>.

⁹⁷ Human Rights Watch phone conversation with Ibrahim Abrash, November 20, 2010.

⁹⁸ Human Rights Watch interview with M. A., Gaza City, May 14, 2010.

Strip, including articles criticizing women's rights violations. She told Human Rights Watch that Hamas security services repeatedly harassed her in March, February and April of 2010.⁹⁹

On March 4, a man who identified himself as Khaled Qahman and said that he worked for the Interior Ministry arrived at al-Bakri's apartment and "asked what I was doing," al-Bakri said. "I closed the door on him, and he said, 'I knew I would get information about you,'" apparently as a threat.¹⁰⁰ On March 7, at 2 p.m., she said, two men in civilian clothes who said they were from the Interior Ministry "knocked on my door and said, 'We came to arrest you.' They accused me of chairing suspicious meetings. I shut the door on them, and they banged on the door for about 15 minutes. I told them I wouldn't open it unless the owner of the building comes, and they quickly returned with him." Al-Bakri said she called Hamas Interior Ministry spokesman Ihab Al-Ghoussein and several members of the Palestinian Legislative Council, with whom she had professional contacts. "The men left and said they would send the police the next day to arrest me." The next day, according to al-Bakri, she received a phone call from Huda Naim, a Hamas member of the Palestinian parliament (the Palestinian Legislative Council), who said that she had checked with the Internal Security Forces, which denied sending the men.

On April 25, two men who identified themselves as officials from the Hamas Ministry of Information came to her apartment and told her that because she worked from home, she was required to apply for a license to register her residence as a "media office" with the ministry. Al-Bakri acknowledged to the officials that she did work from home, because her newspaper had closed its Gaza office after Israel suspended imports of copies of the paper into Gaza, and the men left.¹⁰¹

According to MADA, Al-Bakri called an official from the Information Ministry, but he denied that he had sent anyone to her home, because "he was on vacation" at the time.¹⁰²

Al-Bakri told Human Rights Watch that she had filed complaints to the PLC and to the police, without result.¹⁰³

⁹⁹ See, e.g., Reporters Without Borders press statements on searches of al-Bakri's home by interior ministry security officials on March 7 and by ministry of information officials on April 25. RSF, "Security forces raid journalist's home just hours after his release," March 11, 2010, <http://en.rsf.org/palestinian-territories-security-forces-raid-journalist-s-11-03-2010,36693.html>, and "Political tension between Hamas and Fatah still takes its toll on journalists," May 10, 2010, <http://en.rsf.org/territoires-palestiniens-political-tension-between-hamas-10-05-2010,37425.html>.

¹⁰⁰ Human Rights Watch telephone with Nofouz al-Bakri, Gaza, April 23, 2010.

¹⁰¹ Human Rights Watch telephone interview with Nofouz al Bakri, Gaza, April 25, 2010.

¹⁰² MADA, "MADA: media freedoms violations continued in April," op. cit.

Hamza Beheesi

Hamza Beheesi, 25, is a Gaza-based journalist for the Elaph online newspaper and a photographer with the Target news agency, who has also contributed reporting to Orient TV, a television news channel. Beheesi told Human Rights Watch that the Hamas Ministry of Interior summoned him after he published an article on torture by Hamas authorities in secret detention facilities, threatened to take legal action against him if he did not publish an apology for the article, and warned him to correct his “biased” reporting.

Beheesi wrote the article, he said, after attending an ICHR discussion earlier in October on the problem of torture in Gaza. According to Beheesi, his article followed from claims that Hamas security services have tortured detainees in detention centers that are closed and in some cases whose locations not known, and that the judicial system in Gaza tends to allow a defendant’s confession to be used as evidence against him during trials, even in cases where there is reason to suspect the confession was given under torture.¹⁰⁴ Beheesi said he interviewed the Hamas General Prosecutor, Ihab Al-Darawi, who responded to his questions and asked me to send him a draft of the article. According to Beheesi,

Al-Darawi added many comments and several new sections [to the draft], and asked me to change the title, which had been, “Between the Claims of Lawyers and the Procedures of Courts and Judges Are Victims of Torture.” So I incorporated his comments and sent another draft of the article to Elaph. My editors, of course, changed the language again, including the title, which became “Unknown Detention Centers and 16 Forms of Torture in the Gaza Strip.”¹⁰⁵

The day his article was published on Elaph’s website, Beheesi told Human Rights Watch, an official who said he was from the Interior Ministry “called and said that [spokesperson] Ihab Al Ghussein wants to meet me.” At 8:30 a.m. on October 26, Beheesi went to Al-Ghoussein’s office. Al-Ghoussein had printed out Beheesi’s article and highlighted sections of it, and immediately began to criticize it and Beheesi “in a very sharp and aggressive tone,” said Beheesi.

¹⁰³ Human Rights Watch interview with Nofouz al-Bakri, Gaza, April 25, 2010.

¹⁰⁴ Human Rights Watch telephone interview with Hamza Beheesi, Gaza, October 26, 2010.

¹⁰⁵ Hamza Beheesi, “Unknown Detention Centers and 16 Forms of Torture in the Gaza Strip,” October 2010, Elaph website, <http://www.elaph.com/Web/news/2010/10/606146.html>.

He said that I was not balanced, that I was out of line, and that I focused only on Gaza and not on the West Bank. He then showed me a paper that he said was signed by the minister of interior, which states that those responsible for the article should be punished, and warned me that they will take legal action against me unless I published an apology on the Elaph website. He also said that he wanted me to write [for the Interior Ministry] a report with the full details of my work on the article, how I investigated it, who I met, who said what, the editor's changes to my original draft, and how things proceeded from there. I refused to publish an apology for something that was investigated objectively and presented in a balanced matter, but said that I could interview officials if they wanted to deny the report. He did not agree and said that he would give me time to think. He showed me that he had printed out many of my other articles and he said that many of those were also problematic, but that until now they had decided not to do anything about them. But this new article he said was a big issue.

Beheesi told Human Rights Watch that he believed “the whole episode was essentially meant to tell me that from now on I will be under their watch and subject to summoning and questioning.” Beheesi said he told Ihab Al-Darawi about the meeting, and that Al-Darawi had reassured him that his own office would deal appropriately with Beheesi's case and that he would discuss the matter with Al-Ghussein. “I am not sure what I will do now,” Beheesi said.

Legal Standards

The Basic Law of the Palestinian Authority, as amended in 2003, guarantees freedom of the press. Article 19 states, “Every person shall have the right to express his opinion and to circulate it orally, in writing or in any form of expression or art, with due consideration to the provisions of the law.” According to article 27,

1. Establishment of newspapers and all media means is a right for all, guaranteed by this Basic Law. Their financing resources shall be subject to the scrutiny of the law.
2. Freedom of audio, visual, and written media, as well as freedom to print, publish, distribute and transmit, together with the freedom of individuals working in this field, shall be guaranteed by this Basic Law and other related laws.
3. Censorship of the media shall be prohibited. No warning, suspension, confiscation, cancellation or restriction shall be imposed upon the media except by law, and pursuant to a judicial ruling.

The Basic Law also prohibits arrest, detention and other violations of personal freedom except by judicial order (article 11), requires that a detained person be promptly informed of the reasons for his arrest or detention (article 12), and prohibits torture (article 13).

The PA and the Hamas authorities do not have the standing under international law to sign or ratify international human rights treaties, but each have repeatedly pledged to uphold human rights in the areas under their respective authority.

The International Covenant on Civil and Political Rights (ICCPR) holds that “everyone shall have the right to freedom of expression ... to seek, receive and impart information and ideas of all kinds.” While the PA is not a party to the ICCPR, it constitutes an authoritative source and guideline reflecting international best practice.

The Johannesburg Principles on National Security, Freedom of Expression and Access to Information (1995), which articulate best practices based on international human rights law and standards, provide: “No one may be punished for criticizing or insulting the nation, the state or its symbols, the government, its agencies, or public officials [...]”

The European Court of Human Rights has established particularly strong protections for press freedoms and for journalists and others working in the media. It reviews sanctions against the press in the light of what it calls “the pre-eminent role of the press in a State governed by the rule of law,” and the right of the public to receive information and ideas.¹⁰⁶

¹⁰⁶ Castells v. Spain, Judgment of April 23, 1992, Series A no. 236, para. 43.

Recommendations

To the Palestinian Authority

- Punish any security officials found responsible for the abuse of journalists;
- Publish the names of any security officials disciplined and the disciplinary measures taken against them for abuses against detainees, including journalists;
- Enact legislation, consistent with the Palestinian Basic Law and international human rights law, clearly granting civilian courts jurisdiction to investigate and prosecute alleged violations by security agencies against civilians, including journalists, in particular but not limited to cases of arbitrary and/or unlawful arrest and abuse of persons in custody;
- Remove the de facto authority of military courts to issue arrest warrants against civilians, including journalists, and punish appropriately military judicial officials who issue warrants exceeding their jurisdiction;
- Ensure all detainees are brought promptly before a judge with the power to order their release;
- Require all security services to inform a person of the reason for his detention at the time;
- Compensate all persons who have been arbitrarily detained;
- Punish any official, military or civilian, who fails to comply with court orders for a detainees' release;
- Revoke any requirement that journalists be approved by or receive permission to cover events from the Preventive Security agency or the General Intelligence Services, or any other security services; and
- Extend open invitations to the UN special rapporteur on the promotion and protection of the right to freedom of opinion and expression, the special rapporteur on torture, the special rapporteur on the independence of the judiciary, and the UN Working Group on Arbitrary Detention to study relevant abuses in PA-administered areas.

To the United States and the EU

- Condition support for all Palestinian Authority security agencies, which are allegedly responsible for systematic, serious abuses including torture, on the PA taking effective steps to investigate, prosecute, and punish security officers responsible for torture and other serious abuses, and publicly report the PA's compliance with these conditions and US and EU funding decisions taken accordingly.

To Hamas

- Punish any security officials found responsible for the abuse of journalists in pursuit of their profession;
- Publish the names of any security officials disciplined and the disciplinary measures taken against them for abuses against detainees, including journalists.

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No News is Good News

Abuses against Journalists by Palestinian Security Forces

Severe harassment by Palestinian Authority and Hamas security forces of Palestinian journalists in the West Bank and Gaza has had a pronounced chilling effect on freedom of expression. This report documents cases in which Palestinian security forces tortured, beat, and arbitrarily detained journalists, and subjected them to other forms of harassment.

The report, based on interviews with Palestinian journalists, journalist syndicate representatives, and Palestinian Authority officials, focuses on seven cases in which Palestinian Authority (PA) security forces abused journalists, and documents two cases of abuse by Hamas security forces in Gaza, where the situation for journalists is also dire.

Violations of journalists' rights by Palestinian security forces are a worsening trend, both in the West Bank and Gaza. Incidents of abuse in 2010 increased by 45 percent over the previous year, according to one Palestinian rights group.

Since Hamas's takeover of the Gaza Strip in June 2007, the majority of abuses against journalists in both the West Bank and Gaza have been related to tensions between the PA and Hamas. In the West Bank, the primary targets are journalists suspected of working for television, radio, websites and newspapers seen as favoring Hamas or other Islamist groups. PA security services have also targeted independent journalists suspected of working on critical reports. Human Rights Watch cannot point to instructions from PA leaders to the security services directing them to commit these violations, but the utter failure of the PA leadership to address the prevailing culture of impunity for such abuses suggests that they reflect government policy.

In Gaza, Hamas internal security agents and government officials have intimidated journalists by summoning them for questioning and warning them that their coverage was "biased." Shortly before this report was published, Hamas internal security services raided news agency offices, smashed equipment, and beat and threatened journalists. A more in-depth focus on abuses by Hamas in Gaza as well as by Israeli military forces throughout the occupied Palestinian territories will be the subject of future reporting.

Overall, the alleged abuses against journalists take place in the context of impunity for serious human rights violations generally by PA security service officials. The report calls on the PA and Hamas to hold their security forces to account for abuses. Because of the systematic nature of gross abuses by security forces, it calls on the US and the EU, which provide hundreds of millions of dollars in aid to the PA annually, including direct security assistance, to condition support for PA security agencies on the PA taking effective steps toward accountability.

A member of the Palestinian Authority's security forces reads a newspaper in the West Bank, October 2010. Abuses by Palestinian security forces in the West Bank and Gaza against journalists critical of the PA and Hamas authorities have chilled freedom of expression.

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